

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

HOUSE WAYS AND MEANS COMMITTEE HOUSE BILL 202: RESTORATIVE SCHOOLS FUND AND GRANTS - ESTABLISHMENT

January 30, 2020

POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline practices within Maryland's public-school systems. We are committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep students on track to graduate. **CRSD strongly supports HB 202**, which would establish a state-level Restorative Schools Fund and Grants program to support local school systems' implementation of restorative approaches to student discipline in schools as a means of preventing and addressing student behavioral concerns.

In its December 2018 *Final Report and Collaborative Action Plan*, the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices – a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and student discipline experts – made clear that the school-to-prison pipeline continues to operate in full force in our state. Most Maryland schools continue to respond to student conflicts or behavior incidents by reflexively removing students from school through suspension and expulsion, rather than utilizing preventative and holistic approaches to school discipline.¹ While the Maryland State Department of Education enacted regulations in 2014 that eliminated zero tolerance disciplinary policies,² these exclusionary consequences persist today and continue to be imposed disproportionately on Black students and students with disabilities.

Suspensions and expulsions are harmful punishments that disrupt and negatively alter the lives of students and their families, both in the short- and long-term. As the Commission explained, the rate of use of suspensions and expulsions in our schools typically leads to an intricate web of stigma and isolation, academic failure (e.g., falling behind academically or repeating a grade), separation from school (e.g., increased absenteeism or dropping out), and, ultimately, entanglement in the juvenile and criminal justice systems.³ Thus, suspensions and expulsions derail students' educational trajectories and negatively impact their professional and personal

¹ MARYLAND COMMISSION ON THE SCHOOL-TO-PRISON PIPELINE AND RESTORATIVE PRACTICES, FINAL REPORT AND COLLABORATIVE ACTION PLAN 19-20 (December, 20, 2018), <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf> (hereafter, FINAL REPORT AND COLLABORATIVE ACTION PLAN).

² CODE OF MARYLAND REGS., 13A.08.01.11 (Amendments Effective, September 24, 2018).

³ See FINAL REPORT AND COLLABORATIVE ACTION PLAN, *supra* note 1, at 20-22 (citing several studies). See also Thalia González, *Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline*, 41 J.L. & EDUC. 281, 294 (2012) (“Once removed from schools, students experience decreased academic achievement, further fueling negative attitudes and leading to increased dropout rates.”).

futures. Moreover, heavy reliance on suspension and expulsion has a consistently deleterious impact on overall school climate and student achievement.⁴

Restorative approaches provide a far more effective alternative. As defined by the Commission, “[a] restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate that is inherently just, racially equitable, and conducive to learning for all students.”⁵ Thus, these approaches are a continuum of “proactive and preventative”⁶ interventions that build strong relationships within the school community and repair those relationships in the event that they break down. They include but are not limited to Positive Behavior Interventions and Supports (PBIS), trauma-informed and -responsive pedagogy, restorative conferences, peer- and community mediation, and conflict resolution. Schools that have *successfully* implemented restorative approaches report a range of impressive outcomes. These outcomes include reductions in student misbehavior and classroom disruptions, dramatic decreases in suspension, improved academic outcomes, improved school climates, reduced absenteeism and, ultimately, safer schools. In its Report, the Commission details successes that restorative approaches have brought to schools throughout the United States and internationally.⁷

CRSD is comprised of organizations and members who work with children who have been suspended, expelled, or otherwise excluded from school for disciplinary reasons inappropriately. In many cases, the exclusion is unlawful, seriously harming the student by causing them to miss days, weeks, or months of their education and to become disengaged from school. In nearly all cases, the behavior prompting the disciplinary action could have been prevented, de-escalated, or more effectively addressed through a non-exclusionary restorative approach.

HB 202 seeks to strengthen school communities by establishing a state-level fund to support the implementation and evaluation of restorative approaches. If passed and fully funded, the Restorative Schools Fund and Grants program would lead to more welcoming and positive school communities for students, staff, and families.

For these reasons, the CRSD strongly supports House Bill 202.

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CRSD Members

Organizations

Advocates for Children and Youth
ACLU- Maryland
The Arc Maryland

⁴ FINAL REPORT AND COLLABORATIVE ACTION PLAN, *supra* note 1 at 20-21.

⁵ *Id.* At 45.

⁶ *Id.*

⁷ *Id.* At 37-42.

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Community Law in Action (CLIA)
Disability Rights Maryland
Family League of Baltimore
Meyerhoff Center for Families, Children and the Courts
NARAL- Pro-Choice Maryland
Office of the Public Defender
Positive Schools Center
Project HEAL at Kennedy Krieger Institute
Public Justice Center
Sayra & Neil Meyerhoff Center for Families,
Children and the Courts, University of Baltimore School of Law
University of Maryland, Baltimore County,
CHOICE Program
University of Maryland Francis King Carey
School of Law - Youth, Education, and Justice Clinic

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