

With Sufficient Resources, Restorative Practices Can Foster School Environments Conducive to Learning

Position Statement in Support of House Bill 202

Given before the House Ways and Means Committee

Great public schools are part of the foundation of a thriving community. Our investments in education reflect our understanding that every child has something to contribute, and their success depends on fostering a safe, positive learning environment. However, Maryland schools have historically relied too much on reactive, punitive disciplinary approaches that hold back many students from academic success—and ultimately fail to create a positive school climate. Growing research shows that restorative approaches can be a more effective and more equitable approach to school discipline. A reliable funding source will enable schools to train staff and implement these approaches effectively, and will ultimately put them in a better position to deliver a world-class education. For these reasons, the Maryland Center on Economic Policy supports House Bill 202.

The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices compiled extensive research on effective restorative practices and made recommendations for implementing these practices successfully in Maryland schools.ⁱ The commission characterized restorative approaches to school discipline as relationship-focused, racially equitable, and preventive rather than reactive. Restorative approaches ensure all stakeholders have a voice in decision making, teach healthy responses to interpersonal conflict, and address harmful actions with input from affected parties and a focus on accountability. The commission documented credible evidence that restorative approaches can reduce disciplinary incidents and improve school climate.

While Maryland schools have begun taking steps to implement restorative approaches, school discipline still relies too much on reaction rather than prevention and punishment rather than accountability. These ineffective approaches disproportionately harm students of color and students with disabilities:ⁱⁱ

- In the 2018–2019 school year, 37 percent of Maryland public school students were white, but they accounted for only 22 percent of students who received one or more out-of-school suspensions or were expelled. Thirty-four percent of students were Black, but they constituted 59 percent of students with a suspension or expulsion. Latinx, American Indian/Alaska Native, and multiracial students were also more likely to be suspended or expelled than their white peers.
- While 12 percent of students were identified as having a disability, they accounted for 26 percent of all students who were suspended or expelled. Black students with disabilities were suspended or expelled at three times the overall rate.
- Federal data from the 2015–2016 school year (the most recent available) show that expulsions are more lopsided than suspensions. In that year, Latinx and American Indian/Alaska Native students were nearly five times as likely as their white peers to be expelled, while Black students were more than nine times as likely to be expelled as their white peers.

- In the 2012–2013 school year (the most recent for which data are available), 60 percent of students who were arrested in school were Black (compared to 36 percent of all students), while 33 percent had a disability (compared to 14 percent of all students).

Moving away from reactive, punitive approaches to school discipline has the potential to improve school climate, make schools more equitable, and ultimately lay the groundwork for a world-class education system. This process can only succeed if school administrators, teachers, and other staff have the training, time, and resources to implement restorative practices effectively. Creating a restorative schools fund is the first step to ensure those resources are available.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the House Ways and Means Committee make a favorable report on House Bill 202.

Equity Impact Analysis: House Bill 202

Bill summary

House Bill 202 would create a restorative schools fund for the purpose of making grants to Maryland public schools and school systems to train staff and take other steps to effectively implement restorative disciplinary practices.

Background

The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices compiled extensive research on effective restorative practices and made recommendations for implementing these practices successfully. The commission documented credible evidence that restorative approaches can reduce disciplinary incidents and improve school climate. As one of its recommendations, the commission called for the creation of a state special fund to award grants that would enable school systems to effectively implement its recommendations.

The Commission on Innovation and Excellence in Education has recommended incorporating restorative practices into staff training and school discipline.

While Maryland schools have begun taking steps to move toward restorative practices, there is still significant reliance on reactive, punitive approaches, such as out-of-school suspension, expulsion, and arrests.

Equity Implications

Reactive, punitive approaches to school discipline disproportionately harm students who already face barriers in the classroom because of a disability or the legacy of a web of historical and ongoing racist policies. Black, Latinx, and American Indian/Alaska Native students as well as students with disabilities are more likely to be suspended, expelled, or arrested than their white and nondisabled peers. This disproportionate treatment removes students from the learning environment and can push them into the criminal legal system.

Impact

House Bill 202 would likely **improve racial and disability equity** in Maryland.

ⁱ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan, 2018, <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

ⁱⁱ MDCEP analysis of enrollment, school discipline, and arrest data from the Maryland State Department of Education and the United States Department of Education Civil Rights Data Collection.