

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE EDUCATION, ENERGY, and the ENVIRONMENT
SENATE BILL 917: Public Schools- Restorative Practices Schools- Establishment
DATE: March 6, 2024

POSITION: Letter of Information

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students. CRSD has been a vocal advocate of Restorative Practices and decreasing our state's dependence on punitive discipline for the last 10 years. While **CRSD strongly supports the goal of SB 917 to expand Restorative Practices in Maryland, we do not believe the legislation as written will be able to successfully scale Restorative Practices statewide, and achieve the shifts in school culture and disciplinary outcomes needed.** Here are some of our key concerns:

- **Bill places a significant financial burden on the local education agencies (LEA) to adequately cover the costs of implementing Restorative Practices in the schools.** The fiscal note states that Montgomery County expects the bill would cost the district an additional \$18 million annually. There are also significant costs for training all school employees, both initially and ongoing, that LEAs will have to cover.
- **Bill provides insufficient funds for Maryland State Department of Education (MSDE) to provide the guidance necessary to enable a paradigm shift in how we address school culture and discipline practices.** Training and technical assistance for LEAs and school staff is necessary to make needed changes to policies and support local schools in implementing the strategy.
- **Bill does not adequately address the scaling-up challenges of state-wide implementation.** Scaling any reform from a few selected schools to more than 1,400 schools across the State is likely to encounter many unanticipated challenges that must be addressed before implementation. These range from generating broad local support for the program (e.g., local district and staff buy-in and ownership) to the institutional and structural changes that are required for successful implementation (e.g., sufficient resources, trade-offs in establishing spending and program priorities, developing a Restorative Practices support infrastructure). Currently, there is insufficient buy-in to implement a state-wide strategy and gain sufficient community buy-in to the approach outlined in the bill.
- **Rushed or poorly communicated roll-out will harm the goal of a more restorative Maryland.** Unfortunately, Maryland already has a history of poor implementation of restorative practices due to insufficient training and poor community engagement.^{1 2 3} A rushed or poorly

¹ <https://www.washingtonpost.com/education/2023/07/15/restorative-justice-montgomery-county-schools/>

² <https://www.washingtonpost.com/opinions/2023/02/16/antisemitism-walt-whitman-high-school-opaque-social-justice-jargon/>

³ <https://www.baltimoresun.com/2023/10/19/howard-superintendent-and-union-end-years-of-collaboration-to-train-educators-in-restorative-justice/?clearUserState=true>

communicated roll-out could cause schools and districts to revert to the status quo and favor more punitive discipline policies, resulting in poor student and teacher disciplinary outcomes.⁴

- **Bill must be rooted in a framework that centers cultural responsiveness and racial equity.** If school staff are not trained in culturally responsive practice, students' behavior can be misinterpreted and the root causes of misbehavior can go unaddressed. MSDE and school districts have made progress in establishing Restorative Practices in public schools throughout the state over recent years. However, the practice is still in its infancy and there is much to gain from ensuring that Restorative Practices is life-affirming and responsive to the needs of Black students, Latinx and other students of color, and students who identify as LGBTQ+. Many studies have shown that racial bias is prevalent among teachers and school staff.^{5 6}
- **The Restorative Practices Coach model is highly promising and worth considering, however, it has not yet been validated.**⁷ CRSD is concerned about the significant cost of this measure, as the state is simultaneously trying to fund the Blueprint for Maryland's Future. In light of the current educator and clinician shortage, there are likely insufficient high-quality candidates to fill a Restorative Coach position in each of our more than 1,400 public schools. It is possible that greater harm could be caused by placing individuals who are ill-equipped or ill-suited for the Restorative Coach role, than not having a designated coach at all.
- **Insufficient Restorative Practices experts to provide the "intensive training"** described in the bill. Districts currently implementing Restorative Practices on a limited basis have exhausted the availability of trained practitioners, even after recruiting from surrounding states. To be effective, the school-based Restorative Coaches will need extensive technical assistance and coaching from either these Restorative Practices consultants or new hires at the district level. It is questionable whether the state has the human capital, let alone funds, to provide this extensive support.

CRSD recommends:

- **Convening of a commission or a workgroup to study scaling-up Restorative Practices based on research.** This work includes developing an implementation plan that identifies strategies that will increase the chances of success state-wide and institute a paradigm shift in how we address school culture and discipline practices. A well-defined and articulate plan is needed before requiring statewide implementation.
- **Expand the bill's implementation window, providing additional interim goals that include LEA and MSDE office staff.** Educators, districts, and communities will require significant time to shift to a restorative approach. Restorative Practices, as defined by the 2019 Governor's Commission is a combination of "relationship-focused mindset and distinctive tools".⁸ While there are evidence-based classroom and school-wide strategies, the mindset of adult educators and staff is essential. Unfortunately, mindset can not be quickly changed by an act of legislation. Without sufficient time, buy-in, and a restorative approach adopted by school and district leadership, scaling up Restorative Practices will not be effective. We would also encourage districts and MSDE to create pipelines to train and support restorative coaches.

⁴<https://www.wypr.org/wypr-news/2024-02-12/suspensions-are-increasing-in-baltimore-city-schools-is-that-a-solution-or-another-problem>

⁵ Starck, Jordan, et al. Teachers are people too: May 2020. Examining the Racial Bias of Teachers Compared to Other American Adults. Educational Researcher.
https://journals.sagepub.com/doi/pdf/10.3102/0013189X20912758?casa_token=Y2RAU9sDmvgAAAAA:ncmagk0D8VVLBg5x9hJ6WfVI_Qgk9nrWqxUUMFwFp4myKTmlU4mQ1YGQz3t-GgDNYLTjwAJsxkKpQ

⁶ Teachers are people too: Racial bias among American educators. July 2020. The Brookings Institution.
<https://www.brookings.edu/articles/teachers-are-people-too-racial-bias-among-american-educators/#:~:text=Our%20most%20precise%20raw%20estimates,white%2Fanti%2DBlack%20bias.>

⁷ <https://www.tandfonline.com/doi/full/10.1080/0145935X.2023.2191943>

⁸ <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>

- **Work first with teachers, administrators, and district staff to create a restorative culture and practices among adults.**⁹ To ensure a restorative mindset in Maryland, the MSDE and LEAs must do more than create reporting standards. They must also build a supportive infrastructure across the state, develop a restorative culture among adults, and revise disciplinary and human capital policies to support the implementation of Restorative Practices.
- **Focus on implementing Restorative Practices in place of Punitive Discipline Practices in Maryland codes of conduct.** Districts and states that have successfully implemented Restorative Practices, also revise their discipline strategies, school climate initiatives, school behavioral support, and special education processes to reflect a Restorative mindset.^{10 11 12} MSDE and LEAs should be required to revise policies to reflect a restorative approach.
- **Increase the capacity of the Maryland Consortium for Coordinated Community Supports to effectively evaluate this effort.** The research on Restorative Practices already lags behind implementation. Maryland districts that have been implementing Restorative Practices for more than five years are still struggling to effectively and efficiently evaluate school practice. CRSD also recommends including parent and Restorative Practices professionals in this body to ensure that schools are being held accountable to the restorative process, not just suspension data. The current bill needs to address the scale of this challenge.
- **The implementation plan needs to include strategies and training that will help teachers and school staff become aware of their own biases and how to mitigate them.** Beyond resolving disputes among students, Restorative Practices must also be about creating a social environment where students can learn about each other's lived experiences and culture, and how to empathize and develop positive relationships with each other. And the practice must be about helping Black and Brown children, and those in the LGBTQ+ community, to critically think about their place in the world and help them develop strong identities and self-worth to ameliorate the negative societal messages that they often internalize.

In summary, CRSD supports the expansion of Restorative Practices in Maryland Schools. We have concerns about the scale and strategy of the current bill. Poorly implementing Restorative Practices at too many schools will challenge the long-term success of the initiative. CRSD recommends that lawmakers consider a longer implementation window, allocating additional resources for training and evaluation, and increasing the resources within MSDE and LEAs to support school principals, communities, and Restorative Coaches.

For more information contact: Maryland Coalition to Reform School Discipline
CRSDMaryland@gmail.com

CRSD Members

Progressive Maryland
 The Choice Program at UMBC
 FreeState Justice
 League of Women Voters of Maryland
 ACLU of Maryland
 Project HEAL at the Kennedy Krieger Institute

⁹ <https://rjpartnership.org/wp-content/uploads/Implementation-Guide-FINAL.pdf>

¹⁰ Michigan Code 380.1310c US Dept of Ed Compilation of MI School Discipline Laws and Codes:
<https://safesupportivelearning.ed.gov/sites/default/files/discipline-compendium/Michigan%20School%20Discipline%20Laws%20and%20Regulations.pdf>

¹¹ <https://www.schools.nyc.gov/docs/default-source/default-document-library/discipline-code-grade-6-12-english.pdf>

¹² https://www.cps.edu/globalassets/cps-pages/about-cps/policies/student-code-of-conduct/for-print_cps_srr_2023_brochure_eng_06.16.23.pdf