

Testimony in Support of SB917 – FAVORABLE

Public Schools-Restorative Practices Schools-Establishment

Before the Maryland Senate Energy, Education and Environment Committee – March 6, 2024

To: Hon. Benjamin Brooks, Chair, and Members of the EEE Committee

Position: Favorable

Why SB917

SB917 is an important step in Maryland’s evolution toward restorative schools. It provides funds for one MSDE staff position to establish a process and shepherd educators toward embracing and integrating restorative approaches into their learning communities. It also calls for additional staffing, training, and accountability measures at the local level to further restorative practices throughout Maryland public schools. This ambitious and optimistic approach could help realize the promise and vision developed over a decade of school discipline reform designed to establish learning environments for all students to succeed.

Maryland’s Legacy of School Discipline Reform

In 2009, the Maryland State Board of Education (State Board) began an extensive process of school discipline reform and research. That research, and the work of researchers nationally, found unambiguous evidence that exclusionary punishments, such as suspensions, fail to make schools safer^{1,2} and can actually endanger students.

¹ American Psychological Association Zero Tolerance Task Force [APA Task Force], 2008; Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement. Justice Center of the Council of State Governments & Public Policy Research Institute. https://csgjusticecenter.org/wp-content/uploads/2020/01/Breaking_Schools_Rules_Report_Final.pdf;
Losen, D. J. (2011). Discipline policies, successful schools, and racial justice. National Education Policy Center. http://www.greatlakescenter.org/docs/Policy_Briefs/Losen_Discipline_PB.pdf;
Losen, D. J., & Skiba, R. J. (2010). Suspended education: Urban middle schools in crisis. <http://www.splcenter.org/get-informed/publications/suspended-education>;

In 2017, the Maryland General Assembly charged the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices (Maryland Commission) with recommending best practices for fostering positive school climates and eliminating the school-to-prison pipeline. In 2018, MSDE convened a Task Force on Student Discipline Regulation to examine the impact of state policies, guidelines, and discipline regulations on students, teachers, classrooms, and learning environments. These efforts resulted in recommendations for proactive approaches to building safe, equitable and positive learning climates for all students and “that the State provide adequate support for the development and implementation of restorative approaches.”³ It also recommended that the Governor and Legislators establish a Restorative Schools Fund to provide grants supporting the training, implementation, and evaluation of restorative approaches to building and sustaining positive learning communities.”⁴

Maryland Adopts Restorative Approaches for Student Discipline

In 2019, the General Assembly amended the Maryland Education Code to incorporate restorative approaches. Maryland law defines “restorative approaches” as “a relationship-focused student discipline model” that is:

- (i) Preventive and proactive;
- (ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;
- (iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and
- (iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed (Md. Code Ann., Educ. § 7-306(a)(1) (2019).

Maryland State Department of Education. (2012). School discipline and academic success: Related parts of Maryland's education reform.

<https://marylandpublicschools.org/stateboard/Documents/StudentDiscipline/SchoolDisciplineReport02272012.pdf>; Darenbourg, A., Perez, E., & Blake, J. (2010). Overrepresentation of African American males in exclusionary discipline: The role of school-based mental health professionals in dismantling the school to prison pipeline. *Journal of African American Males in Education*, 1(3), 196-211.

² For more detail about Maryland's history regarding restorative discipline prior to 2019, see the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report (2018, pp. 16–17).

³Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. (2018). *Final Report*, p. 9

<https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

⁴ Ibid. p.80

Maryland law provides that “restorative approaches” may include “conflict resolution, mediation, peer mediation, circle processes, restorative conferences, social emotional learning, trauma-informed care, positive behavioral intervention supports, and rehabilitation.” *Id.* § 7-306(a)(2). The law requires that the State Board establish guidelines, provide technical assistance and training, and assist each county board with the implementation of the guidelines. It did not allocate funding to support schools in developing proactive approaches to building safe, equitable and positive learning climates for all students as the Maryland Commission had recommended.

Existing Laws are Not Enough

The 2019 law requires the State Board to provide these services to local school systems but did not provide sufficient funding to assist with implementing the guidelines. Along the same lines, the Code of Maryland Regulations (COMAR) only mentions restorative practices in one section, 13A.08.01.11 B. (8). Schools look to COMAR for guidance in establishing policies and procedures, not the aspirational language built into legislation—especially laws that amount to unfunded mandates.

This limited application of restorative approaches falls short of achieving the Maryland Commission’s vision of Maryland schools as safe, equitable and positive learning climates for all students. SB917 seeks to address this shortcoming.

SB 917 Establishes Dedicated Personnel

A main barrier to further growth and implementation of restorative approaches is funding and staffing. SB917 begins to address this challenge by supporting an education program specialist position at MSDE to establish a comprehensive approach to integrating restorative practices. Dedicating a position at the state level responsible for managing the implementation and coordination of statewide efforts of restorative practices in schools could demonstrate the state’s commitment to restorative approaches. While one person is not sufficient for full statewide implementation, SB917 takes an intentional approach of starting with a single person at the state level.

SB917 also recognizes the vital role of local educators in implementation of restorative approaches. Becoming a restorative school, as SB917 calls for, would be impossible without countless educators embracing the restorative philosophy and integrating restorative practices into their school culture and daily interactions. To this end, the bill calls for schools to appoint a restorative practices coach and expand the responsibilities of the school system's behavioral health coordinator to include restorative approaches-related duties. Unfortunately, SB917 is silent on funding for this at the local level.

SB917 Addresses Barriers to Implementation

A related barrier to successful implementation of restorative approaches is training and data collection. In addition to limited training budgets and precious time available for professional development, school environments experience a great deal of staffing transitions year over year. This results in a constant need for training, which a dedicated restorative practices coach could provide or coordinate at the school level. Further, SB917 requires collection of school-level data and reports to determine performance measures. This can help schools and the state determine where additional resources and reforms are needed if they are to achieve the Maryland Commission's vision of restorative learning communities. Unfortunately, just as with previous legislation, SB917 provides no funding to support these vital efforts which could have high price tags for local school systems.

SB917 Adopts a Whole-School Approach to Improve School Cultures and Student Lives

Many restorative education experts consider a school-wide approach, as advocated in SB917, essential for the sustainability and success of implementation efforts,⁵ and there is research to support that conclusion.⁶ A school-wide approach supports the many elements

⁵ Guckenburg, S., Hurley, N., Persson, H., Fronius, T., & Petrosino, A. (2015). *Restorative justice in U.S. schools: Summary findings from interviews with experts*. WestEd Justice & Prevention Research Center, p.7. <https://jprc.wested.org/wp-content/uploads/2015/11/1447101213resourcejusticainusschoolsummaryfindingsfrominterviewswithexperts.pdf>

⁶ Fronius, T., Darling-Hammond, S., Persson, H., Guckenburg, S., Hurley, N., & Petrosino, A. (2019). *Restorative justice in U.S. schools: An updated research review*. WestEd Justice and Prevention Research

needed for the shift to a restorative school culture, including the consistent use of restorative language, the alignment of school policies to a coherent restorative framework, and the creation of coaching and support systems for all school staff.

Several large school systems or state departments of education in the United States have adopted this school-wide approach, among them the Baltimore City Public Schools (2018),⁷ Minnesota Department of Education⁸ (1998), the San Francisco Unified School District (2017), the Oakland Unified School District⁹ (2018), and Denver Public Schools¹⁰ (2017). They have reaped benefits such as improved student behavior,¹¹ reduced drop-out rates, increased graduation rates and diminished disparities in achievement between white students and students of color¹².

In Maryland restorative approaches implementation varies for a number of reasons,¹³ including in no small part, a lack of consistent funding and guidance toward full integration. SB 917 can move our schools toward that goal.

Center, p.14. <https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>

⁷ Baltimore schools that adopted restorative practices in 2018, saw suspensions dropped by 44% in one year. Beyond that drop, 64% of school staff reported improved student respect for staff, 69% of school staff reported improved student respect for one another, and 72% of school staff reported improved school climate ([OSI Baltimore Restorative Justice Report, Sept. 29, 2020](#)).

⁸ From 1998-2001, the Minnesota Dept. of Ed evaluated RA in four districts, revealing 30%-50% drops in suspensions and reductions in behavior referrals (C-DRUM testimony in favor of HB 1287, March 3, 2017) Original source: Porter, A. *Restorative Practices in Schools: Research Reveals Power of Restorative Approach, Part II*, International Institute for Restorative Practices (June 6, 2007).

⁹ In California, Oakland Unified School District began using restorative approaches at one middle school in 2006. Within three years, that school enjoyed an 87 percent decrease in suspensions, and a decrease in violence that corresponded (We Are Teachers website, Sept. 2, 2022 [What Is Restorative Justice in Schools? \(weareteachers.com\)](#)

¹⁰ Denver Public Schools saw their suspension rate fall from 10.58% to 5.63% and their graduation rates and academic scores rise significantly over their seven-year integration period ([Promising Pathways from School Restorative Practices to Educational Equity, Journal of Moral Education, August 4, 2020](#)).

¹¹ A WestEd analysis of the California Healthy Kids Survey reported that students with the highest levels of exposure to restorative practices saw less exposure to exclusionary discipline, smaller racial disparities in discipline, and improved academic achievement across races ([Can Restorative Practices Bridge Racial Disparities in Schools?, WestEd, July 2021](#)).

¹² Denver Public Schools has reduced their suspension disparity gap between white students and students of color over their seven years of implementing restorative practices district-wide ([Promising Pathways from School Restorative Practices to Educational Equity, Journal of Moral Education, August 4, 2020](#)).

¹³Guckenburg, S., Hurley, N., Persson, H., Fronius, T., & Petrosino, A. (2016). *Restorative justice in U.S. schools: Practitioners' perspectives*. WestEd Justice & Prevention Research Center, p. 9. <https://www.wested.org/wp-content/uploads/2016/11/1453742980resourcerestorativejusticeinusschoolspractitionersperspectives-3.pdf>

SB917 Is a Starting Point

SB917 establishes many of the necessary foundations for Maryland to move its school discipline reform forward. Beyond that, it can help schools realize the Maryland Commission's vision of schools building safe, equitable and positive learning climates for all students. Establishing and funding a coordinator at MSDE to develop a comprehensive plan is a great first step. Requiring the establishment of key positions at the district and school level, demanding training and local data-collection by schools can foster school-wide restorative implementation. To fully achieve its lofty goals, however, SB917 should also include some form of financial support for the various positions and programs. Without the financial support at the state-level, the burden will shift to the local school systems, resulting in continued varied integration and failure to achieve the promise previous legislation offered.

Conclusion

Overall, Maryland school systems are moving toward the goal of a statewide disciplinary approach which is "rehabilitative, restorative, and educational." Every local school system has taken at least some initial steps in restorative approaches implementation, typically through limited trainings around disciplinary practices, but school systems vary widely in their levels and depth of restorative approaches integration. Ultimately the goal of SB917 is to establish true restorative practices schools across our state. To achieve this, we will need to go beyond the current focus on restorative discipline. Restorative schools will integrate the restorative philosophy and informal practices at every level of their learning communities—including educators, students, families and community. C-DRUM supports this goal and hopes to work with MSDE and educators across Maryland to achieve it.

This written testimony is being submitted by the faculty and staff of the Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law based on our professional experiences and not on behalf of the University of Maryland System or University of Maryland Baltimore.
