

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 725
Ways and Means

(Delegate Charkoudian, *et al.*)

Public Schools - Student Discipline - Restorative Approaches

This bill requires each local board of education to develop a multiyear plan for the adoption, implementation, and continued monitoring of the use of restorative approaches for student discipline. The bill defines “restorative approaches” and specifies what the multiyear plan must include. With specified exceptions, before a principal may suspend a student in grade 3 or above for more than 10 days or request and expulsion of a student, the principal must demonstrate that restorative approaches, rehabilitative, special education, or other supportive service interventions were implemented. Accordingly, the local superintendent cannot approve a request from the school principal unless the principal meets these requirements. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None.

Local Effect: Beginning in FY 2020, local school system training and personnel costs increase to the extent that adoption, implementation, and continued monitoring of restorative approaches is not consistent with current practice. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Small businesses that provide training on restorative practices may benefit.

Analysis

Bill Summary: “Restorative approaches” means a relationship-focused student discipline model that:

- is primarily proactive and preventative;
- emphasizes building strong relationships and setting clear behavioral expectations that contribute to the school community well-being;
- in response to behavior that violates clear behavioral expectations, focuses on accountability for any harm done by the problem behavior; and
- addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

A principal may suspend a student in grade 3 or above for up to 10 days, or may request a suspension of more than 10 days or an expulsion, if the student’s presence in the school poses an imminent threat of serious harm to other students or staff and the circumstance require the immediate removal of the student. The principal or a school administrator must promptly contact the parent or guardian of a student who is suspended or expelled.

The local board multiyear plan must include (1) a list of the specific restorative approaches available in the county; (2) methods used by the local board to communicate the plan to faculty, staff, students, and parents; (3) guidelines for incorporating the use of restorative approaches during a conference regarding suspension or expulsion; and (4) a professional development plan for training faculty and staff. Local school board regulations related to discipline must provide for restorative practices and state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

Current Law:

Suspension and Expulsion in General

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student’s parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parent or guardian.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher's classroom. Any conference before or after the suspension or expulsion must incorporate use of restorative approaches.

Suspension and Expulsion of Young Children

Chapters 843 and 844 of 2017 prohibit students in public prekindergarten, kindergarten, or first or second grades from being suspended or expelled, except that:

- a student in those grades may be expelled if required by federal law (generally, for bringing a firearm to school); and
- a student in those grades may be suspended for up to five days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

For students in prekindergarten through grade 2 who are suspended or who commit an act that would otherwise be grounds for suspension, local school systems must provide intervention and support to address the student's behavior. Intervention and support include (1) positive behavior interventions and supports; (2) a behavior intervention plan; (3) a referral to a student support team; (4) a referral to an individualized education program; and (5) a referral for appropriate community-based services.

Restorative Practices

The school system must remedy the effect of a student's behavior through appropriate intervention methods including restorative practices. Restorative practices are practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

- are conducted by trained staff;
- focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
- help build a sense of belonging, safety, and social responsibility in the school community.

Background: During the 2017-2018 school year, 8,139 students (0.9% of total enrollment) were suspended *in school* a total of 12,091 times. In addition, 38,502 students (4.5%) were subject to *out-of-school suspension or expulsion* a total of 63,606 times.

Local Expenditures: To the extent that local school systems do not have the multiyear plan or engage in the type of restorative approaches required under the bill, local school system expenditures will increase. Anne Arundel County Public Schools advises that its expenditures will increase to provide training regarding implementation of the various restorative approaches models and on new procedures that must be followed prior to a student's suspension. Montgomery County Public Schools also anticipates a need for increased school system expenditures.

Baltimore City Public Schools (BCPS) advises that in 2017, its current policy on Behavioral Interventions and Student Discipline were revised to reflect its commitment to using restorative approaches to create a positive school climate, with limited use of removal from the classroom being a cornerstone of the policy. Though BCPS finds that the bill largely aligns with existing and ongoing efforts to implement restorative approaches district-wide by 2023, it estimates that additional expenditures amounting to approximately \$2 million annually to hire and train 16 new staff will be required by the bill. Because this estimate includes 4 additional staff at the district level, the Department of Legislative Services assumes that BCPS could implement the bill's requirements in a considerably less costly manner.

Additional Information

Prior Introductions: None.

Cross File: SB 766 (Senator Smith) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County Public Schools, Baltimore City Public Schools, Montgomery County Public Schools, Maryland Association of Counties; Maryland State Department of Education; Department of Legislative Services

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