

Chapter 762

(House Bill 1287)

AN ACT concerning

Commission on the School-to-Prison Pipeline and Restorative Practices

FOR the purpose of establishing the Commission on the School-to-Prison Pipeline and Restorative Practices; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the Commission on the School-to-Prison Pipeline and Restorative Practices.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Restorative practices” means a whole-school ethos or culture comprising principles and practices that:

(i) support peacemaking and solve conflict by building a community and addressing harm in a school setting;

(ii) are conducted by trained staff; and

(iii) focus on repairing the harm to the community through dialogue that emphasizes individual accountability and helps build a sense of belonging, safety, and social responsibility in the school community.

(3) “School-to-prison pipeline” means the relationship between racial disparities in the availability of school resources, disparities in educational outcomes, and the overrepresentation of minorities in the criminal justice system.

(b) There is a Commission on the School-to-Prison Pipeline and Restorative Practices.

(c) The Commission consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

- (2) one member of the House of Delegates, appointed by the Speaker of the House;
- (3) the State Superintendent of Schools, or the State Superintendent's designee;
- (4) the President of the State Board of Education, or the President's designee;
- (5) the Secretary of Juvenile Services, or the Secretary's designee;
- (6) the President of the Maryland Association of Boards of Education, or the President's designee;
- (7) the President of the Maryland State Education Association, or the President's designee;
- (8) the President of the Maryland Association of Student Councils, or the President's designee;
- (9) one representative of the Maryland Association of School Resource Officers, appointed by the President of the Maryland Association of School Resource Officers;
- (10) one representative of the Maryland PTA, appointed by the President of the Maryland PTA;
- ~~(10)~~ (11) the Executive Director of the Maryland Equity Project at the University of Maryland, College Park, College of Education, or the Executive Director's designee;
- ~~(11)~~ (12) the Director of the Center for Dispute Resolution at the University of Maryland School of Law, or the Director's designee;
- ~~(12)~~ (13) the Director of the Positive Schools Center at the University of Maryland School of Social Work, or the Director's designee;
- ~~(13)~~ (14) one principal of a public school in Maryland that utilizes restorative practices, appointed by the State Superintendent;
- ~~(14)~~ (15) the President of the American Civil Liberties Union of Maryland, or the President's designee;
- ~~(15)~~ (16) the Maryland Public Defender, or the Public Defender's designee;

~~(16)~~ (17) the Executive Director of the Advocates for Children and Youth, or the Executive Director's designee;

~~(17)~~ (18) the Executive Director of Community Mediation Maryland, or the Executive Director's designee;

~~(18)~~ (19) the Executive Director of Community Conferencing Center, or the Executive Director's designee;

~~(19)~~ (20) the Executive Director of the Arc of Maryland, or the Executive Director's designee;

~~(20)~~ (21) one representative of the Youth Leadership and Advocacy Network; and

~~(21)~~ (22) one teacher of a public school in Maryland that utilizes restorative practices, appointed by the State Superintendent.

(d) The Director of the Center for Dispute Resolution at the University of Maryland School of Law shall be the chair of the Commission.

(e) The Center for Dispute Resolution at the University of Maryland School of Law shall provide staff for the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Commission shall:

(1) study and analyze the current disciplinary practices in Maryland public schools;

(2) investigate potential implementation options regarding incorporating restorative practices, including strategies that prioritize prevention and consider overall school climate;

(3) document the relationships between educational histories of Maryland students, including suspensions, expulsions, retention rates, and dropout rates and their involvement in the criminal justice system;

(4) examine national best practices for training of administrators, teachers, principals, and other personnel in restorative practices and eliminating the school-to-prison pipeline; and

(5) examine national best practices for engaging parents in restorative practices and eliminating the school-to-prison pipeline.

(h) On or before October 1, 2017, the State Department of Education shall brief the Commission on:

(1) two years of data on the number and distribution by the local school system of school-based arrests, referrals to law enforcement, including referrals to the Maryland Department of Juvenile Services, offenses with which students were charged, and incidents in which force has been used against a student, disaggregated by a student's age, race, gender, grade level, disability status, free or reduced price meals eligibility, and English language learner status;

(2) the behaviors, designated by codes of the Maryland Student Records Systems Manual, for which students were disciplined and the consequences used for each response, referencing Section II of the Maryland Guidelines for a State Code of Discipline document adopted July 22, 2014, by the State Board of Education, including, as appropriate, the length of suspension or expulsion, and whether a student is returned to the student's regular school program after the conclusion of the suspension or expulsion; and

(3) each local school system's Code of Conduct and discipline policies, how closely aligned those policies are to the Maryland Guidelines for a State Code of Discipline, and to what extent each local school system utilizes alternatives to suspension, exclusion, and arrest, including restorative practices.

(i) The Commission shall make recommendations on:

(1) the establishment of a Collaborative Action Plan, which could create a statewide framework for redesigning public school discipline practices around restorative justice practices and eliminating the school-to-prison pipeline in Maryland;

(2) legislative and policy initiatives that can be utilized to enact a Collaborative Action Plan; and

(3) any additional findings of the Commission.

(j) On or before January 1, 2019, the Commission shall report its final findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 25, 2017.