

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

FINAL REPORT AND  
COLLABORATIVE ACTION PLAN



**Report to the Maryland Governor and General  
Assembly pursuant to House Bill 1287 (2017)**

December 20, 2018



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# ACKNOWLEDGEMENTS

The Commission worked collaboratively to analyze disciplinary practices in Maryland schools, study relevant empirical literature, gather information from the Maryland State Department of Education (MSDE) and local school districts, and develop recommendations for restorative approaches that foster positive school climate and culture most conducive to learning.

The primary authors of the final report were Professor Deborah Thompson Eisenberg and Barbara Sugarman Grochal, Director of the School Conflict Resolution Education Program, of the Center for Dispute Resolution, University of Maryland Francis King Carey School of Law, and Dr. Gail Sunderman of the Maryland Equity Project at the University of Maryland, College Park. Dr. Phil Leaf, Professor, Johns Hopkins Bloomberg School of Public Health, drafted portions related to youth engagement and mindfulness; Dr. Rhonda Richetta, Principal of City Springs Elementary Schools, provided sections focused on school level implementation at City Springs; and Michael Bunitsky, designee for the Maryland Association of Boards of Education, drafted portions relating to community engagement.

The Commission extends gratitude to the many individuals who assisted in our work. In addition to the individuals who testified and agreed to be interviewed, we thank Marty McGowan, Legislative Aide in the Office of Delegate Alonzo T. Washington; Jennifer Williams of Mid Shore Community Mediation; Tina Dove of the Maryland State Education Association; Pat Marks of the Baltimore Washington Conference United Methodist Women; Emily Ames-Messenger of the Positive School Center; research assistants Aarti Sidhu and Alexander Bezek; and a number of University of Maryland Carey School of Law students who offered assistance at meetings.

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# EXECUTIVE SUMMARY

Pursuant to House Bill 1287 (2017), the Maryland General Assembly established the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices to study current disciplinary practices in Maryland public schools and recommend best practices with respect to restorative approaches that foster positive school climates and disciplinary practices most conducive to learning.

The Commission spent eighteen months studying disciplinary policies and practices in Maryland, reviewing empirical literature, and gathering testimony and information from experts, educators, students, and other stakeholders across the State.

The Commission found that the Maryland State Department of Education (MSDE) and many local school districts have started to implement restorative strategies that reform school disciplinary policies and promote inclusive and equitable learning environments. Substantial work remains to align disciplinary practices with Maryland's goal of providing world class education that supports all children in graduating from high school college and career ready.

Maryland school discipline and arrest data demonstrate an overreliance on "zero tolerance" exclusionary discipline, such as suspensions. The empirical literature shows that exclusionary discipline fails to reduce misbehavior or make schools safer. To the contrary, overly punitive discipline negatively impacts school learning climates and may harm children. Exclusionary discipline has a discriminatory impact on students of color and students with disabilities. This impairs Maryland's ability to close the achievement gap. Exclusionary discipline can also contribute to what is known as the "school-to-prison pipeline," pushing too many students out of school and into the criminal justice system.

Too many schools still focus on punitive disciplinary consequences, rather than investing in preventative and holistic strategies that will foster positive learning climates, reduce student misbehavior, and promote academic achievement. Empirical and qualitative evidence from Maryland schools show that children thrive academically, behaviorally, and socially when they are part of inclusive and supportive school communities and have strong relationships with their teachers.

In addition to studying discipline practices in Maryland schools, the enabling legislation instructed the Commission to "investigate potential implementation options regarding incorporating restorative practices, including strategies that prioritize prevention and consider overall school climate." The Commission found that many schools in Maryland have started to move in that direction.

The Commission urges Maryland schools to transition to what we broadly define as "restorative approaches to building and sustaining positive learning environments." A restorative approach combines high behavioral expectations and accountability with a range of preventative, conflict resolution, and rehabilitative strategies to promote

positive behavior and engaged student learning. The Commission recommends the following definition and guiding principles of a restorative approach:

A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students.

The guiding principles of a restorative approach include the following:

- A restorative approach is primarily proactive and preventative rather than a reactive discipline model, with 80% focused on building strong relationships and setting clear behavioral norms for the school community.
- Restorative interventions:
  - develop healthy, productive responses to conflict that increase connections between and among members of the school community;
  - give all stakeholders (students, parents, teachers, staff, and community partners) a voice and influence in decision-making. Its practices involve every stakeholder in the process to build and maintain a sense of belonging, safety and social responsibility in the school community; and
  - prevent and repair harm through dialogue that addresses behavioral consequences in the form of individual and/or collective accountability to promote trauma-responsive and physically and emotionally safe school environments for students, staff and families.

The Commission's recommendations focus on five areas: 1) the development of restorative schools; 2) teacher education; 3) discipline data transparency; 4) state support and evaluation; and 5) leveraging of resources.

With respect to the **Development of Restorative Schools**, the Commission recommends:

1. That Maryland law be amended to codify a restorative approach to positive school climate and rehabilitative discipline.
2. The establishment of a Maryland Restorative Schools Fund.
3. That every school district in Maryland must adopt restorative approaches to positive school climate and rehabilitative discipline.
4. The immediate adoption of the Kirwan Commission's recommendations that promote educational equity.

With respect to **Teacher Education**, the Commission recommends:

5. That pre-service training for teachers and other professionals working in schools include instruction in restorative approaches, implicit bias, cultural competency, and culturally relevant pedagogy.
6. That local school districts provide training to all individuals who work with children in the topics of restorative approaches, implicit bias, and cultural competency and culturally relevant pedagogy

With respect to **Discipline Data Collection and Transparency**, the Commission recommends:

7. Accessible and transparent data reporting and on-going analysis.

With respect to **State Support and Evaluation**, the Commission recommends:

8. That the State provide adequate support for the development and implementation of restorative approaches.
9. On-going analysis of student outcomes and evaluation of restorative approaches.

With respect to **Leveraging Resources**, the Commission recommends:

10. That schools engage community partners and families in the work of building restorative schools.
11. The expansion of AmeriCorps funds to support restorative approaches in schools.
12. The integration of efforts across state and local systems for dismantling the school-to-prison pipeline and systematically supporting educational equity in Maryland schools.

In conclusion, the Commission found that Maryland has a strong community of educators and community partners dedicated to the well-being and academic success of our children. With support from the Governor and Maryland General Assembly, the Commission believes that Maryland can lead the nation in eliminating the school-to-prison pipeline and ensuring inclusive, racially equitable, and engaging learning environments for all children.



# I. CHARGE AND WORK OF THE COMMISSION

## LEGISLATIVE CHARGE – HOUSE BILL 1287 (2017)

Pursuant to House Bill 1287, Chapter 762, Acts of 2017, the Maryland General Assembly established this *Commission on the School-to-Prison Pipeline and Restorative Practices*. The legislation appointed an interdisciplinary group of educators, representatives from the Maryland State Department of Education (MSDE) and Department of Juvenile Services, stakeholders, and experts to study current disciplinary practices in Maryland public schools and recommend best practices with respect to restorative approaches to school discipline that foster school climates most conducive to learning.

Specifically, the legislature and Governor charged the Commission with the following:

- (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.

Furthermore, the legislature charged the Commission to recommend:

- (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.

The legislation directed the Commission to report its final findings and recommendations to the Governor and Maryland General Assembly by January 1, 2019. The legislation authorizes the Commission to continue work until June 30, 2019, at which time it will expire without further action by the legislature.

## SUMMARY OF COMMISSION'S WORK

The full Commission met eleven times from October 2017 through December 2018. The Commission received testimony and presentations from the following individuals:

September 25, 2017

- Walter Sallee, Director of Student Services and Strategic Planning, MSDE, led a preliminary discussion about discipline data.

November 13, 2017

- Dwanna Nicole, Director of Policy and Stakeholder Outreach of the Advancement Project, presented an overview of the school-to-prison pipeline based on national and Maryland data.
- Dr. Lisa Williams, Executive Director of the Office of Equity and Cultural Proficiency of Baltimore County Public Schools, presented "Implicit Bias as it exists in Our Schools and Communities."

January 22, 2018

- Barbara Grochal, Director of the School Conflict Resolution Program, Center for Dispute Resolution, moderated a panel of local school experts who have been implementing restorative practices models in various Maryland school districts:

- Rhonda Richetta, Principal, City Springs Elementary School, Baltimore City Public Schools
  - Jenn Williams, Youth Programs Director of Mid Shore Mediation Center (community partner with Dorchester County Public Schools)
  - Tiffany Nace, Teacher, Worcester County Public Schools
  - Robin McNair, Restorative Practices Coordinator, Prince George's County Public Schools
  - Suzanne McMurray, Principal, Homewood Center (alternative school), Howard County Public Schools
- Walter Sallee shared MSDE's 2015-2016 school arrest data for local school systems.

March 5, 2018

- Keith Hickman, Director of Continuing Education with the International Institute of Restorative Practices, shared an overview of recent research and best practices regarding implementation of restorative practices.
- Karen Webber, Director of Education and Youth Development, Open Society Institute, provided an overview of restorative practices implementation in Baltimore City Public Schools.

April 23, 2018

- Dr. Victoria Hammer, United States Department of Education, Acting Director of Policy and Program Studies in the Office of Planning, Evaluation and Policy Development, summarized current empirical research about restorative practices.
- Nancy Riestenberg, Minnesota Department of Education, School Climate Specialist and national restorative practices expert and author, shared best practices and lessons learned regarding restorative practices implementation in Minnesota Public Schools.
- Lorig Charkoudian, Executive Director of Community Mediation Maryland, provided an overview of the youth engagement event conducted in Dorchester County Public Schools.

June 4, 2018

- Jon Carrier, President of the Maryland Association of School Resource Officers (SROs), together with Ed Clarke, Executive Director of the Maryland Center for School Safety, gave an update on the Maryland Safe to Learn Act, and future plans to incorporate restorative practices training for SROs.

- Akil Hamm, Chief of Baltimore City Public Schools Police, described extensive reforms he has implemented in Baltimore City SRO policies and practices.

August 14, 2018

- Margaret Thorsborne, Australian author and expert in restorative practices, and national expert expert Lee Rush, Director of Just Community, Inc., offered international perspectives on rolling out restorative practices.
- Linda McLaughlin, Charles County Maryland State Education Association and Sean Heyl, teacher, discussed increased challenges teachers face in managing discipline without adequate tools, training, and support.

September 17, 2018

- A panel of local Maryland leaders implementing restorative practices at the district level offered insights into strategies and challenges:
  - Kathy Rockefeller, Anne Arundel County Public Schools, School Climate Specialist
  - Ruschelle Reuben, Montgomery County Public Schools, Director, Restorative Justice, School Counseling and Student Leadership
  - Kevin F. Gilbert, Howard County Public Schools, Director of Diversity, Equity and Inclusion, and Colleen Morris, President of the Howard County Education Association

The Commission received input from youth at North Dorchester High School on April 5, 2018. Commission members observed restorative class meetings or circles and attended focus groups with students to receive their input about school climate, restorative approaches, and discipline. A video of the event was shared with Commission members who could not attend in person. Commission members also spoke with Principal Lynn Sorrells and several staff members facilitating restorative circles to discuss their views about traditional discipline and the positive impact of restorative approaches at the school.

A summary of the Youth Engagement event is included as Appendix 3.

## CONNECTION TO KIRWAN COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION

Members of this Commission presented to the Commission on Innovation and Excellence in Education (commonly called the "Kirwan Commission"). Because school climate, discipline policies and practices, and academic success are inextricably linked with educational innovation and excellence, the work of these two commissions is closely

related. This report took into account the feedback received from some members of the Kirwan Commission during our presentation to them and the Kirwan Commission's draft report as of December 1, 2018.

The Kirwan Commission's analysis for improving Maryland pre-K through grade 12 education includes preliminary recommendations formulated around five areas, four of which are applicable to our recommendations for dismantling the school-to-prison pipeline and building positive and equitable school climates that serve the educational needs of all students: Early Childhood Education, High Quality Teachers and School Leaders, College and Career Readiness Pathways, and Resources for At-risk Students. Specifically, training in restorative approaches, as broadly defined in Section IV of this report, should be integrated into each of these areas.

This Commission also fully supports the Kirwan Commission's recommendations related to race equity and education. In particular, this Commission urges the incorporation of revisions to each of the aforementioned work group recommendations as outlined in a report to the Kirwan Commission by Dr. Ivory A. Toldson dated December 3, 2018.



## II.

# DISCIPLINE PRACTICES IN MARYLAND PUBLIC SCHOOLS

### MARYLAND LAW REGARDING SCHOOL DISCIPLINE

Current Maryland law grants broad discretion regarding disciplinary practices to the Maryland State Board of Education (MSDE) and local school districts. Maryland law permits principals to suspend students “for cause, for not more than 10 school days.” Md. Code Ann., Educ. § 7-305(a). The statute does not define “for cause,” investing principals with significant discretion.

Maryland law prohibits some disciplinary practices, including suspension or expulsion for attendance-related offenses, Md. Code Ann., Educ. § 7-305(b) and corporal punishment, § 7-306. Schools may not suspend or expel children in pre-K through second grade unless required by federal law or in the case of an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports, § 7-305.1.

Md. Code Ann., Educ. § 7-306(b) directs MSDE to:

- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards; and
- (2) Assist each county board with the implementation of the guidelines.

State law requires every county board of education to “adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.” Md. Code Ann., Educ. § 7-306(c). State law does not define how local school districts should accomplish this “atmosphere of order and discipline,” but instructs that the county codes:

- (i) Shall provide for educational and behavioral interventions, counseling, and student and parent conferencing; and

- (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate.

Maryland law requires “each county board of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.” Md. Code Ann., Educ. § 7-304.

State law also requires elementary schools that have suspension rates that exceed 10% of its enrollment, and schools that have truancy rates that exceed 1% of enrollment, to implement a Positive Behavioral Interventions and Support (PBIS) program, or alternative behavior modification program, in collaboration with MSDE. Md. Code Ann., Educ. § 7-304.1(b).

## MSDE SCHOOL DISCIPLINE POLICY AND REGULATIONS

In 2009, MSDE began an extensive process of school discipline reform. After several years of examining empirical research and discipline data and receiving input from diverse stakeholders, together with thousands of public comments, MSDE issued a report entitled *School Discipline and Academic Success: Related Parts of Maryland's Education Reform*. Based on its extensive review of research, data, and public comments, the Board found that the common presumption that exclusionary punishments like suspensions make schools safer is unsupported and contradicted by extensive evidence (American Psychological Association Zero Tolerance Task Force [APA Task Force], 2008; Fabelo et al., 2011; Losen, 2011; Losen & Skiba, 2010; MSDE, 2012; Darensbourg, 2010).

Based on this evidence, MSDE concluded that the goal of school discipline should be “rehabilitative.” On January 28, 2014, the MSDE Board adopted a regulation grounded in a rehabilitative approach to discipline that requires each local school system to have codes of conduct that:

- (1) Reflect a rehabilitative discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
- (2) Are designed to keep students in school so they may graduate college and career ready;
- (3) Prohibit disciplinary policies that trigger automatic discipline without the use of discretion; and
- (4) Explain why and how long-term suspensions or expulsions are last resort options.

(Code of Maryland Regulations (COMAR) § 13A.08.01.11(C)).

MSDE appointed a workgroup to update the *Guidelines for a State Code of Conduct*, which set forth behavioral guidelines for all members of the school community and recommended prevention, intervention, restorative and positive incentive-based strategies to address student conduct. The Board adopted these Guidelines on July 22, 2014. In response to this regulation and state guidelines, most local school districts amended their codes of conduct.

MSDE also has been working to address the problem of the disproportionate application of harsher discipline on certain students, particularly students of color and students with disabilities. A report entitled *Reducing and Eliminating Disproportionality in School Discipline* found that "8.1% of African American students and 10.1% of students with disabilities received an out-of-school suspension or expulsion, compared to 2.3% of White students and 3.6% of students without disabilities" (MSDE, 2012).

Maryland regulations require local school systems to reduce and eliminate any disproportionate impact of discipline on minority students. COMAR 13A.08.01.21 states:

- A. The Department [MSDE] shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.
- B. The Department may use the discrepancy model to assess the impact of discipline on special education students.
- C. If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.
- D. The local school system will report its progress annually to the State Board.

Local jurisdictions must prepare action plans for any schools identified as having out-of-school suspension and expulsion rates that disproportionately impact students of color and students with disabilities. As described by MSDE, "[t]he action plan is a component of a state effort to reform school discipline and ensures that policies and practices related to student conduct foster appropriate behavior, create a positive school climate, and enhance safe environments." (MSDE, 2018c, at 4). The action plans must reduce the impact within one year and eliminate it within three years.

## DETERMINING DISPROPORTIONATE IMPACT IN MARYLAND SCHOOLS

To determine whether a school's disciplinary practices have a disproportionate impact, MSDE has adopted a model that uses two measures of disproportionality. The first is the

*risk ratio*, which compares the removal rate of each student group (i.e., race/ethnicity, etc.) to the removal rate of all other students in the school (e.g., number of Black students removed/total number of students removed). MSDE defines removal rate as out-of-school suspensions and expulsion combined. The second is a *State comparison measure*, which compares the removal rate of each student group in a school to a statewide removal rate of all students in the state.

MSDE set the threshold for identifying a school's disciplinary process as having a disproportional impact on students at 3.0. Schools must be above this threshold on *both* measures to be identified as having a high removal rate. This model is based on *unduplicated* student counts, that is, the number of students that receive one or more out-of-school suspension or expulsion, not the number of times a student has been removed from school. The model also includes only public elementary (excluding pre-k) and secondary schools.

There are two problems with the current MSDE process. First, the risk ratio threshold for identifying significant disproportionality is set too high and will not capture the extent of disproportionality. In addition, risk ratios can produce unreliable or volatile numbers when applied to small populations. Second, because risk ratios are a statistical measure of removals, both the risk ratio and state comparison measure will vary with the existing distribution of removals. For example, if removal rates are high, an individual school can remove a high number of students in any one group and still have a low risk ratio.

The Commission recommends that MSDE lower the risk ratio from 3.0 to 2.0 for identifying a school as "high suspending." MSDE should also include alternative schools/programs, public separate day schools, and Juvenile Services Education System (JSES) schools in the calculations, as these schools should be held accountable for disproportionate disciplinary practices.

We strongly recommend that MSDE adopt an additional measure of disproportionality based on the following criteria:

- For elementary schools, any school that removes 10% or more of students in any of the major subgroups (i.e., race/ethnicity, socioeconomic, disability, and English language status) is identified as high suspending. This is consistent with existing state law (Md. Code Ann., Educ. § 7-304.1(b)).
- For secondary schools (including middle schools), any school that removes 25% or more of students in any of the major subgroups is identified as high suspending. These criteria should be extended to the district level.

Using the proposed criteria would provide a substantive measure of removals – it commits the state to identifying a removal rate that it deems too high. This approach uses a removal rate that compares the removal rate of students in a particular subgroup to the enrollment of students in that subgroup. As such it is not subject to over or under estimating disproportionality because the base removal rate is low or high. Finally, this measure will help schools because it provides information that they can use to review

their practices and develop a corrective action plan if rates approach or surpass the threshold.

## COMPARING DISCIPLINE POLICY ACROSS DISTRICTS

MSDE's disciplinary guidelines set forth a five-tier framework for evaluating the severity of a student's behavior and developing appropriate responses, with minor infractions at level 1 through the most serious infractions at level 5.

Dr. Chris Curran of the University of Maryland Baltimore County and Dr. Maida Finch of Salisbury University compared the discipline codes of each of the Maryland's local school districts both in 2013-14, prior to the deployment of MSDE's discipline regulation, and 2015-16, a year after the promulgation of the regulation (Curran & Finch, 2018). They contrasted the variety of responses available for 27 different student misbehaviors along with the actual options schools most often used.

The study revealed that most local school districts responded to the 2014 regulation by revising their codes of conduct to increase the variety of response options for every type of conduct. This included the addition of non-exclusionary options such as mediation and restorative practices. The study found that because the state guidelines were so broad, many local codes recommended nearly every response as appropriate for nearly every infraction (Curran & Finch, 2018, at 40). The study found that after the state regulation, local codes of conduct "averaged almost 15 response options per infraction, ranging from about 5 response options for firearm infractions to almost 19 response options for harassment" (Curran & Finch, 2018, at 7).

Nevertheless, the study found that exclusionary suspension remained an option for about as many misbehaviors as it did before the 2014 regulation. In addition, districts increased the use of in-school suspension as an option for many types of conduct. School administrators became significantly more likely to utilize these new options as a behavioral consequence rather than outright suspend a student from school. However, some schools simply shifted from out-of-school suspensions to in-school suspensions, which still remove students from class and may neither adequately address the root causes of the conduct nor prevent reoccurrence.

The study also found that the discipline codes of districts with majority White and majority Black and Hispanic students were equally likely to provide a range of options for dealing with student misbehavior. However, there was little consistency in how schools actually responded to specific behaviors. While schools responded to problems like alcohol use or assault with less exclusionary discipline on average in 2015-16, they responded to minor infractions like tardiness and dress code violations more severely.

The study suggests that MSDE may have granted local schools inadequate guidance about how to match misconduct with rehabilitative responses. Further, district implementation of the State guidelines and codes of conduct did not appear to create any meaningful difference between suspension rates or racial disparities in discipline practices, because exclusionary discipline practices remain as responsive options for many types of behaviors. The researchers concluded that choices made at the school and classroom level have a greater impact on disciplinary outcomes than broad statewide policy.

## THE FAILURE AND HARMFUL IMPACT OF EXCLUSIONARY DISCIPLINE

Based on our review of the research, the Commission agrees with MSDE's conclusion that exclusionary discipline such as suspensions fail to prevent or reduce misbehavior, keep schools safer, or improve the overall school learning climate (APA Task Force, 2008; Skiba, Shure, & Williams, 2012). Although there may be circumstances in which a student must be removed due to an imminent safety threat or serious criminal behavior (e.g., firearms or drug violations, physically harmful or threatening behavior), too many schools default to the use of suspension or harsh punishments when not warranted.

Beginning in the 1990s, many school districts nationwide adopted a "zero tolerance" approach to school discipline modeled after state and federal drug enforcement policies (Skiba & Peterson, 1999). School-based zero tolerance policies typically punish offenses harshly, often without regard to the type or severity of the problem behaviors, with exclusionary punishments such as suspensions or expulsions.

The American Psychological Association Zero Tolerance Task Force (APA Task Force) reviewed ten years of research and concluded that zero tolerance discipline policies not only fail to make schools safer, but actually **increase** behavioral issues and dropout rates. The APA Task Force found that "many incidents that result in disciplinary action happen because of an adolescent's or child's poor judgment, not due to an intention to harm" (APA Task Force, 2008). Indeed, "zero tolerance policies may exacerbate the normal challenges of adolescence and possibly punish a teenager more severely than warranted."

The APA Task Force report debunked many myths surrounding zero tolerance policies. One common assumption is that zero tolerance policies make schools safer and improve learning climates. The APA Task Force found that simply is false:

[D]ata on a number of indicators of school climate have shown the opposite effect, that is, schools with higher rates of school suspension and expulsion appear to have less satisfactory ratings of school climate, to have less satisfactory school governance structures, and to spend a disproportionate amount of time on disciplinary matters. Perhaps more

important, **recent research indicates a negative relationship between the use of school suspension and expulsion and school-wide academic achievement, even when controlling for demographics such as socioeconomic status.** Although such findings do not demonstrate causality, it becomes difficult to argue that zero tolerance creates more positive school climates when its use is associated with more negative achievement outcomes.

(APA Task Force, 2008, pp. 4-5, emphasis added).

Since the APA Task Force report, a large and growing body of research has established a relationship between the use of exclusionary discipline and short- and long-term negative outcomes for students and for overall school climate and academic indicators. The use of exclusionary discipline is consistently linked to negative educational outcomes for students, including lower academic achievement, greater risk of dropping out of school, and lower graduation rates (Gregory, Skiba, & Noguera, 2010; Hwang, 2018; Losen, 2015; Noltemeyer, Ward, & Mcloughlin, 2015). A study examining the racial achievement gap found that school suspensions accounted for approximately one-fifth of the Black-White achievement gap (Morris & Perry, 2016). Another study using longitudinal data from New York City found that suspended students had weaker attendance, course completion rates, and standardized test scores and were more likely to drop out and less likely to graduate within four to six years (Chu & Ready, 2018).

Zero tolerance and exclusionary discipline typically focus on simply removing disruptive students from the learning environments, without addressing the underlying causes of the behavior. Because suspensions remove students from the classroom, suspended students miss many days of instruction, falling behind academically and perhaps exacerbating behavioral issues (Losen, Sun, & Keith II, 2017). While students can miss school for many reasons, research has found a relationship between absenteeism and detrimental effects on student outcomes (Ginsburg, Jordan, & Chang, 2014). For instance, a study of students in Baltimore City Public Schools found that being suspended three or more days in sixth grade was an early indicator of not graduating from high school (Baltimore Education Research Consortium, 2011).

## THE SCHOOL-TO-PRISON PIPELINE

Exclusionary discipline has been associated with increased risk of involvement with the criminal justice system, both as students and as adults (Fabelo et al., 2011; Skiba, Arredondo, & Williams, 2014; Wolf & Kupchik, 2014). This contributes to what is known as the “school-to-prison pipeline.”

The school-to-prison pipeline is best understood as a chain of policies and practices that push a student out of school and into the juvenile or criminal justice system (Bouchein, 2015; Wald & Losen, 2003). The school-to-prison pipeline is facilitated through a combination of factors: overly harsh "zero tolerance" discipline policies and practices; consequential and biased disciplinary decisions by teachers and administrators; increased police presence in schools, the criminalization of trivial code of conduct infractions; and segregated and under resourced schools.

Zero tolerance discipline policies call for automatic punitive consequences for every case of the specified behavior, with limited discretion by administrators. Typically zero tolerance policies rely on exclusionary consequences such as out-of-school or in-school suspensions or other removals from class or school. The move to zero tolerance policies started in response to the federal Gun Free Zone Act in 1994, and expanded to permit suspension for other relatively minor behaviors that have nothing to do with safety, such as dress code or cell phone violations, disrespect, or defiance (Nellis, 2015, at 95). As one scholar who has studied the long-term consequences of harsh school punishment has put it: "most suspensions are avoidable" (Kupchik, 2016, at 25).

Although the harmful impact of suspensions and other exclusionary discipline has been known for decades (Children's Defense Fund, 1975), the U.S. Department of Education's Civil Rights and Data Collection ("CRDC") called for action in 2014 (U.S. Department of Education Office for Civil Rights, 2014). The CRDC highlighted the dramatic and troubling increase in suspensions nationwide. During the 2011-12 academic year, approximately 3.45 million students were suspended at least one time, and about 130,000 students were expelled. Most of these resulted from relatively trivial adolescent behaviors (Fabelo et al., 2011). For example, adolescent "insubordination" accounted for 42.5% of serious discipline cases. Among students suspended for more than five days, only about 1% involved serious offenses like firearms or explosives (National Center for Education Statistics, 2013, p. 253 table 233.10).

Exclusionary discipline can lead to a "downward spiral of academic failure, disengagement from school, and anti-social behaviors" (Stavenjord, 2012, at 9). Students who are suspended are more likely to drop out of school. After controlling for a range of other factors, one study found that each suspension decreases the odds that a student will graduate by twenty percent (Losen, 2015, at 22). Another study in Texas found that students who received exclusionary discipline were 23.5% more likely to drop out of school after controlling for other factors (Losen, 2015, at 64). This study also found that the likelihood of being involved in the juvenile justice system increased significantly in the year after a student is suspended or expelled.

Most troubling, exclusionary discipline has a disparate impact on students of color and students with disabilities. Black students in kindergarten through 12th grade nationwide were 3.8 times as likely to receive one or more out-of-school suspensions as White students (CRDC, 2018). Students with disabilities were also twice as likely to be suspended as other students (CRDC, 2018). Although Black boys were more likely than any other group to get suspended, Black girls were six times more likely than White girls to receive

suspensions, often for perceived “attitude” or disrespect (Crenshaw, 2015). And the racial disparities in discipline begin in *preschool*, with Black preschoolers 3.6 times more likely to be suspended (CRDC, 2018). The next section analyzes disproportionality in Maryland school discipline specifically.

## DISPROPORTIONALITY IN MARYLAND SCHOOL DISCIPLINE

Maryland needs transparent and accessible school discipline data, which currently is not widely reported or easily available. Discipline data is not included on the Maryland Report Card and state discipline reports are difficult to find and interpret. MDSE discipline reports are posted in .pdf format, which makes the data difficult to manipulate for research and analysis. The Maryland Report Card website provides data downloads in accessible formats for other education related data, but not for discipline data. As a result of the inaccessibility of discipline data, there is no precise understanding of the extent of the discipline problem in Maryland public schools. While, as described below, the data shows disproportionate application of school discipline for certain subgroups of students, the lack of student level data prevents systemic analysis of relationships between exclusionary discipline and specific student outcomes. The Commission recommends that this data be made available to the Maryland Longitudinal Data System Center and other independent researchers for analysis to inform policy decisions.

Nevertheless, extensive evidence exists about disproportionality in student discipline practices in Maryland. Given the unavailability of student level data, the Commission analyzed this question based on available reports and data on disparities at the state, district, and school level to show the extent of disproportionality in Maryland school discipline practices.

As described above, Maryland adopted new disciplinary guidelines in 2014 aimed at reducing the use of exclusionary disciplinary (MSDE, 2014). While initially the overall suspension rate in Maryland fell<sup>1</sup>, schools continued to suspend Black students and students with disabilities (SWD) at rates significantly higher than other students (Henry, 2015). In fact, disparities between Black students and other racial groups increased (Henry, 2015), with Black students receiving higher rates of out-of-school suspension or expulsion than Latino and White students *for the same type of infraction* (Porowski, O’Conner, & Passa, 2014). This suggests that simply reducing the overall number of suspensions does not necessarily translate into less disproportionality.

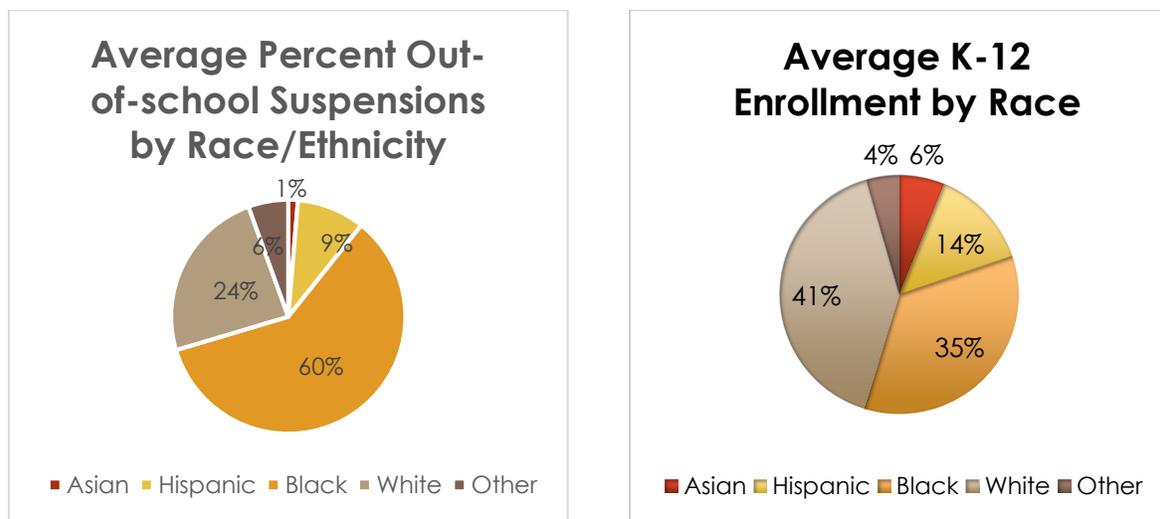
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<sup>1</sup> The percent of students suspended or expelled fell in 2014-15, but increased in each subsequent year (MSDE, 2018b).

To show disproportionality in out-of-school suspensions, the Commission draws from a report from the Maryland Equity Project (Sunderman & Croninger, 2018). This report analyzed school-level data on out-of-school suspensions (OSS) in Maryland using data from the U.S. Department of Education's Civil Rights Data Collection (CRDC). The data was averaged across three years (2011, 2013, and 2015).<sup>2</sup> This approach provides a conservative estimate of OSS since averaging adjusts for the variability in suspensions across different years. That means that high suspension rates in one year can be offset by lower rates in another year.

The analysis found that Maryland public schools suspended, on average, 5.2% of students out-of-school. As shown in Figure 1, Black students represented the largest share of OSS by race—60% of all OSS were Black students.

**Figure 1: Average out-of-school suspensions and enrollment by race/ethnicity.**



Data source: Civil Rights Data Collection. Analysis: Sunderman & Croninger (2018).

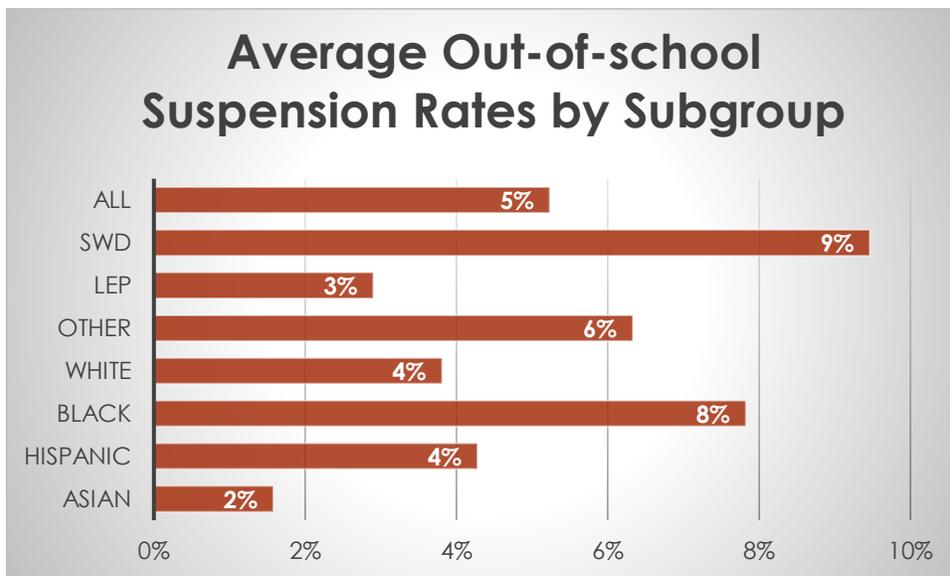
The study also found that Black students and students with disabilities (SWD) were disproportionately suspended. Black students represented 35% of student enrollment in Maryland but 60% of students suspended out of school. Students with disabilities represented 13% of enrollment but 25% of OSS on average. In contrast, other racial/ethnic groups, with the exception of 'other,' are underrepresented given their share of enrollment. For example, White students represent 41% of enrollment but 24% of OSS.

Another way of understanding disproportionality is to look at the suspension rate, or the probability that students from a particular subgroup are suspended out-of-school. Since

<sup>2</sup> CRDC was used in this analysis because data collected by MSDE is reported in pdf reports, rendering the data difficult to manipulate for analysis.

the suspension rate does not vary with the district's underlying racial distribution, the rate allows a comparison of the average OSS rate of one subgroup to another. As shown in Figure 2, students with disabilities had the highest OSS rate, with schools suspending on average 9.5% of SWD. The second highest OSS rate was among Black students, with schools suspending 7.8% of their Black students. This was followed by students classified as "other" race/ethnicity, with 6.3% of students suspended on average.

**Figure 2: Average school out-of-school suspension rates by subgroup, 2011, 2013, 2015**



Data source: Civil Rights Data Collection. Analysis: Sunderman & Croninger (2018).

Finally, approximately 196 public schools in Maryland, or about 14%, suspend out-of-school 25% or more of students in one or more of seven subgroups: race/ethnicity (Asian, Hispanic, Black, White, and other race), English learners, and students with disabilities (Sunderman & Croninger, 2018). These high suspending schools are located in 22 of the 24 school districts in Maryland and have high enrollments of Black students, students with disabilities and low-income students, pointing to both the magnitude and extent of discipline disproportionality in Maryland.

Although Maryland does not have specific data with respect to disciplinary actions for Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) and Gender Nonconforming (GNC) students, national studies have shown that school can be an especially hostile and unsafe environment for them (Redfield & Nance, 2016). A longitudinal pediatric study found that non-heterosexual youth were disproportionately subjected to sanctions such as expulsion, police stops and arrest, and juvenile charges, with girls more likely to experience such differences (Himmelstein & Brukner, 2011). Additional research should be conducted about disciplinary disparities for LGBTQ and GNC students in Maryland.

School discipline has been increasingly criminalized (Theriot, 2009). The CRDC reported that during the 2011-12 school year, schools referred approximately 260,000 students to law enforcement and approximately 92,000 students were arrested at school (CRDC, 2014). This increase in the criminalization of common adolescent behaviors coincided with the influx of funding for school resources officers (SROs) in the wake of fears about school shootings.

SROs can serve as mentors for students, assist with health and law-related education (e.g., drug, alcohol, and gang prevention), coach sports teams, and respond in the event of a rare emergency. But in too many schools, SROs inappropriately have become heavy-handed enforcers of basic school discipline, causing arrests of children for minor incidents that should be handled by a teacher or principal.

The use of SROs is linked to increased rates of exclusionary discipline (Fisher & Hennessy, 2016) and the criminalization of relatively trivial student behavior. The most common arrests in schools are simple assault (which might be a minor fistfight or something far less serious) and the vague category of “disorderly conduct,” which could be a temper tantrum, cursing, or talking back to a teacher (Wolf, 2013). In other words, “children develop arrest records for acting like children” (Kupchik, 2016, at 31). The increased police presence in schools has over policed and criminalized many children, especially youth of color, and contributed to the school-to-prison pipeline.

Security measures such as SRO school staffing are expensive to implement and lack any robust evidence of effectiveness (Kupchik, 2016, at 28-31). A recent rigorous study examining a program, passed by the North Carolina General Assembly, that provided substantial grants to schools districts to hire or train SROs in elementary and middle schools found that increasing investments in SROs does not lead to safer schools (Anderson, 2018).

Increased presence of SROs can be harmful for some students. Schools with SROs are more likely to refer children for arrest for lower-level offenses (Nance 2016; Theriot, 2009). Some studies have found that youth may feel demeaned, fearful, or criminalized by overpolicing in schools, and may act out in response to aggressive SRO tactics (Rios, 2011; Nolan 2011).

Disturbing nationwide videos of SROs mishandling or being physically abusive with students abound: putting students in chokeholds, slamming them to the floor, assaulting students—even putting an eight-year-old in handcuffs above the elbows behind his back (Keierleber, 2015). SROs are not trained as educators, but as sworn law enforcement officers with the authority to arrest people. This mindset can have devastating life consequences for students arrested for school discipline matters that do not constitute serious crimes. As one U.S. Department of Justice investigation in Missouri found:

SROs' propensity for arresting students demonstrates a lack of understanding of the negative consequences associated with such arrests. In fact, SROs told us that they viewed increased arrests in schools as a positive result of their work. This perspective suggests a failure of training (including training in mental health, counseling, and the development of the teenage brain); a lack of priority given to de-escalation and conflict resolution; and insufficient appreciation for the negative educational and long-term outcomes that can result from treating disciplinary concerns as crimes and using force on students.

(U.S. Dept. of Justice, 2015, at 37-38).

Given the disparities in the implementation of discipline and school-based arrests at the school level, many Commission members are concerned that the Maryland Safe to Learn Act, Md. Code Ann., Educ. § 7-1508, which requires local school systems to identify either an assigned SRO or other law enforcement coverage for each school, may exacerbate these disparities. Increasing the presence of law enforcement in schools, without proper training and coordination with school personnel about the limits of their roles, could harm school climate, over criminalize adolescent behavior, and fuel the school-to-prison pipeline.

To the extent a school has an SRO, that officer must have explicit guidelines about his/her responsibilities, with the role clearly limited to keeping school property and the people in the school safe from serious criminal activity. These parameters must be understood by administrators and other school staff. SROs never should be involved in student discipline or behavioral control of schoolchildren.

The Commission heard testimony from Akil Hamm, who became Chief of the Baltimore City School Police Force in 2016, after high profile instances of inappropriate behavior by SROs, including the slapping and kicking of a child. Chief Hamm has issued extensive reforms, clarifying that SROs must not be involved in routine disciplinary matters which should be handled by school administration. Rather, SROs should focus on actual serious criminal activity on school property. To the extent SROs interact with children, they should be serving as mentors, not arresting them for adolescent behaviors that do not rise to the level of serious criminal activity.

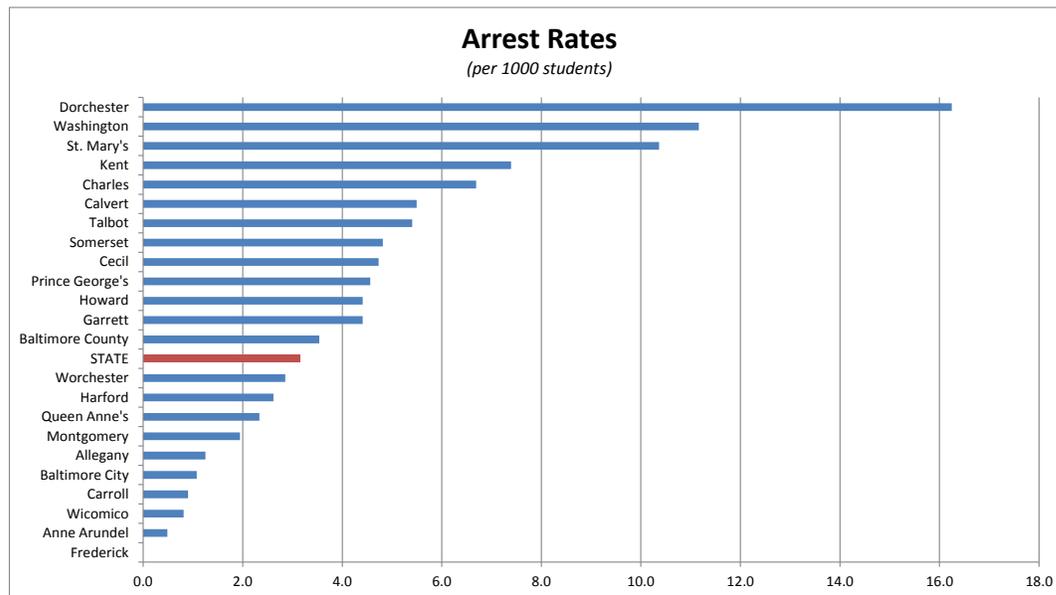
SROs must have extensive training in adolescent development, trauma-informed conflict de-escalation, implicit bias, cultural competency, and restorative practices. Starting in 2019, all SROs in Maryland will be required to attend a standardized 40-hour training program that covers some of these topics. The impact of this training should be closely monitored.

Both Chief Hamm and Jon Carrier, President of the Maryland Association of School Resource Officers, emphasized that it is critical that SROs and school personnel work together as a team to foster positive and welcoming school climates.

## MARYLAND SCHOOL ARREST DATA

In 2018, MSDE released data on school related arrests for the first time (MSDE, 2018a). Analysis of this data shows that Maryland reported 2,759 school-related arrests in the 2015-16 school year. With a statewide enrollment of 879,196, the arrest rate was 3.1 arrests for every 1,000 Maryland K-12 public school students (Sunderman & Janulis, 2018). Comparatively, in 2015-16 the national school-related arrest rate was 1.2 per 1,000 students (United States Department of Education Office for Civil Rights, 2018). As shown in Figure 3, arrests rates varied by district.

**Figure 3: School-related arrests by school district, 2015**

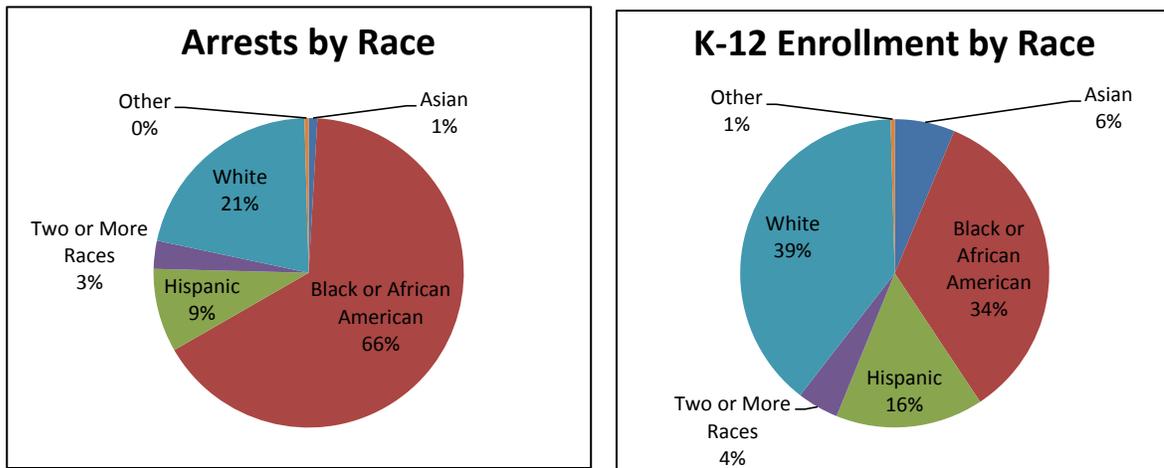


Data source: Maryland State Department of Education, *Student Arrest Data Collection, 2015-16*. Analysis: Sunderman & Janulis (2018).

Black students were the only racial group arrested at a higher rate than their proportion of school enrollment at the state level and across districts. Black students represented 66% of 2015-16 school-related arrests while comprising 34.6% of the K-12 public school population (Figure 4). Students with disabilities (SWD) were also disproportionately arrested. SWD represented 11% of the student population but comprised 22% of school-related arrests and were 2.45 times as likely to be arrested at school than students without disabilities (Sunderman & Janulis, 2018).

The data from Baltimore City demonstrates that having a large number of Black students does not equate to high rates of student arrests. As reported by the Baltimore City Public Schools, over the past two years, rates of arrests by SROs have decreased further, potentially related to intensive training of SROs and the expanded use of restorative practices and social emotional learning.

**Figure 4: School-related arrests and enrollment by race, 2015-16**



Data source: Maryland State Department of Education, *Student Arrest Data Collection*, 2015-16; Maryland State Department of Education, *State Report Card*, 2015-16. Analysis: Sunderman & Janulis (2018).

Taken together, these data clearly show that Maryland public schools disproportionately discipline Black students and students with disabilities. The numbers are consistent with more than forty years of research identifying disparities in suspension rates based on race, income, gender, and disability status (Children's Defense Fund, 1975; Skiba et al., 2012). The data show that, given the broad implementation discretion given to school personnel, exclusionary discipline is applied inconsistently and inequitably across schools.

## DISPELLING MYTHS ABOUT DISCIPLINE DISPARITIES

A common (and incorrect) explanation for disparities is that there are true differences in behavior between different groups of students that are not attributable to discriminatory practices by schools. Research examining this premise has failed to find racial differences in student behavior (Barrett, McEachin, Mills, & Valant, 2017; Skiba & Williams, 2014). For example, a study that examined discipline disparities by race and family income found that Black and poor students were disciplined more often and more harshly than their peers (Barrett et al., 2017). In other words, discipline disparities result from *inconsistent adult responses* to various behaviors, not to different conduct by the students themselves.

Research has found significant bias in the identification of student "problems" when compared with systematic observations. Evidence shows that disproportionality starts in

the classroom, with teachers more likely to refer certain students to the office for disciplinary action despite relatively similar kinds of behavior. This is known as *differential selection*. Reasons for this differential selection may include the insufficient classroom management skills of the referring teacher, instruction that is not engaging for certain types of learners, implicit bias or explicit prejudice, stereotypes, and cultural mismatch between teachers and the students in the classroom.

There is also evidence that *differential processing* in the administration of consequences contributes to disparities in outcomes, with Black students, for example, receiving more severe consequences for the same or similar infractions than White students (Anderson & Ritter, 2017; Skiba et al., 2011). For example, research found that schools serving larger proportions of non-White students administered longer punishments than schools serving mostly White, non-poor students, suggesting that racial disparities are related to different disciplinary practices used in schools serving different racial compositions of students (K. P. Anderson & Ritter, 2017). In Maryland, the racial composition of the school also mattered, with schools serving Black students, students with disabilities, and low-income students suspending students at higher rates (Sunderman & Croninger, 2018).

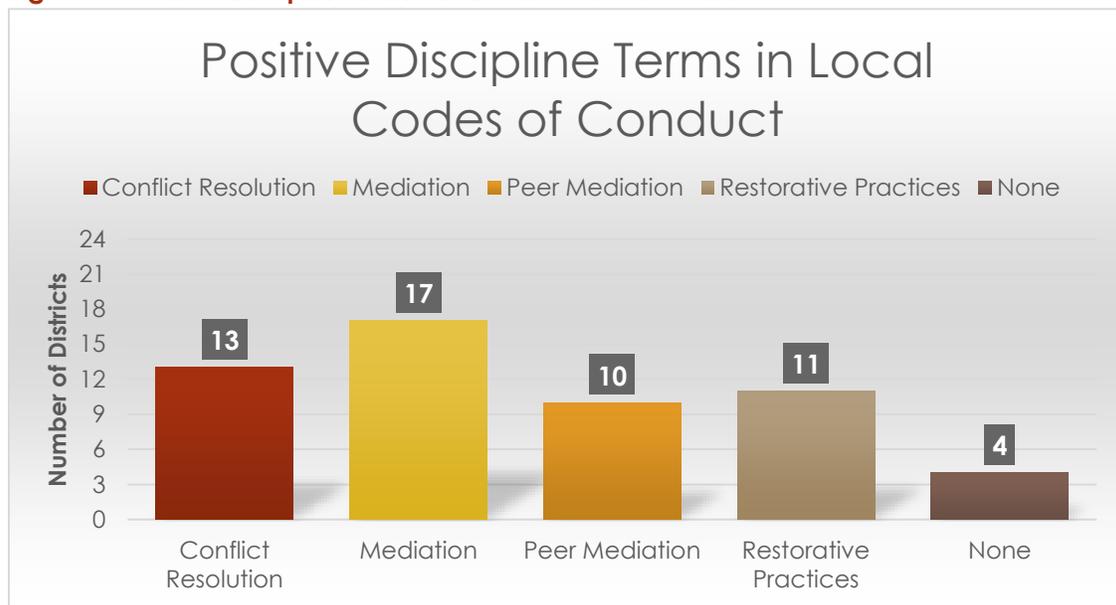
The disparities in discipline for certain groups of students do not necessarily mean that educators are *explicitly* prejudiced against particular students. Studies have shown that educators may *unconsciously* expect more disruption from Black students, even when they exhibit conduct similar to other students in the room. For example, the racial disparities in discipline begin in *preschool*, with Black preschoolers 3.6 times more likely to be suspended as compared to their White peers (Gilliam, 2016). A study by the Yale University Child Study Center found that preschool teachers expecting challenging behavior focus more attention on Black children, especially Black boys. The researchers concluded that the study demonstrated that preschool teachers have an implicit assumption or bias that Black boys will be more disruptive (Gilliam, 2016).

Unconscious stereotypes can also lead to disciplinary disparities. As early as 1975, a report by the Children's Defense Fund found "pervasive intolerance" among school officials for children who were "different" from the norm, especially minority students and students with disabilities (Children's Defense Fund, 1975, at 9). In a related context, studies also have found that police officers perceive Black boys as young as 10 to be older and more responsible, than they really are (Goff, et al., 2014). While White boys of similar young ages may benefit from the assumption of childhood innocence and not receive harsh consequences for their behavior, Black boys will be perceived as more responsible for their behavior (Goff, et al., 2014). These studies suggest the need for training for educators in cultural competence and implicit bias, as research has shown that greater self-awareness about the potential for implicit bias can help to minimize the problem in a variety of contexts.

In July 2018, the Commission reviewed the latest publicly available student codes of conduct for each Maryland school jurisdiction to determine the extent to which they incorporate positive discipline alternatives, such as conflict resolution, mediation, peer mediation, or restorative practices/restorative justice. Figure 5 reflects the results.

A chart that contains links to all of the local codes of conduct and a summary of whether and how they incorporate these programs in their codes is attached to the report as Appendix 1. The Commission could not assess the extent to which districts actually use these processes, the quality of the processes, or the fidelity with schools follow them.

**Figure 5. Positive Discipline Terms in Local Codes of Conduct**



### CONFLICT RESOLUTION

Out of the twenty-four school districts in Maryland, thirteen list “conflict resolution” as a disciplinary intervention: Anne Arundel, Baltimore City, Baltimore County, Charles, Dorchester, Frederick, Howard, Kent, Montgomery, Queen Anne’s, Talbot, Wicomico, and Worcester. *The Maryland Guidelines for a State Code of Discipline* defines conflict

resolution as: “using strategies to assist students in taking responsibility for peacefully resolving conflicts.”

## MEDIATION

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Seventeen districts mention the term mediation in their codes, including: Anne Arundel, Baltimore City, Baltimore County, Caroline, Carroll, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Somerset, Talbot, Washington, and Worcester. Ten districts specifically mention peer mediation: Anne Arundel, Baltimore City, Baltimore County, Garrett, Howard, Kent, Montgomery, Prince George's, Talbot and Worcester. Only three districts (Montgomery, Queen Anne's, and Talbot) incorporate the state definition of peer mediation in their codes, which is: “employment of a form of conflict resolution in which students serve as mediators and help their peers deal with and develop solutions to conflicts.”

The other seven districts simply list a referral to mediation as a possible disciplinary consequence, without defining the practice. Some districts are mislabeling an administrator or teacher conversation with a student as “mediation,” when the process should have a neutral third party (rather than the disciplinarian) facilitating the process. Dorchester County does not list peer mediation as a conflict resolution tool but lists mediation as an effective decision-making tool in a section titled “Philosophy Regarding the Student Code of Conduct.”

## RESTORATIVE PRACTICES

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While twelve jurisdictions mention restorative practices in their codes (Anne Arundel, Baltimore City, Charles, Dorchester, Garrett, Kent, Montgomery, Prince George's, Queen Anne's, Talbot, Wicomico, and Worcester), only ten codes of conduct define the term (Anne Arundel, Baltimore City, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Talbot, Wicomico, and Worcester). Four districts (Montgomery, Queen Anne's, Talbot, and Wicomico) use the state definition of “restorative justice practices,” which is “employing interventions, responses, and practices designed to identify and address the harm caused by an incident, and to develop a plan to heal and correct the situation with the student who caused the harm.” Other jurisdictions have developed their own definitions.

Four districts—Allegany, Calvert, Cecil and St. Mary's—do not include any of the four positive discipline terms in their local codes of conduct. The Commission is aware, however, that Cecil County recently received a grant to begin restorative practices work and some Calvert County schools have received restorative practices training.

## THE NEED TO SHIFT FROM “CONSEQUENCES” TO PREVENTION AND ACCOUNTABILITY

The integration of disciplinary alternatives that focus on problem solving and rehabilitation in local codes of conduct is a first step to creating a positive learning climate and interrupting the school-to-prison pipeline. The Commission found that local jurisdictions need additional guidance, training, and supportive infrastructures to implement quality positive discipline models with fidelity. Most schools have not been trained in these alternatives, although interest is growing in districts throughout the state, as described Section IV.

Existing research has shown that “harsh school punishment and invasive security often result in a negative school social climate, which in turn is connected to relatively high rates of school misbehavior” (Kupchik, 2016, at 27). As described above, suspensions simply fail to promote positive behavior. Students who receive a suspension are more likely to misbehave in the future (Hemphill, et al., 2006), and schools with higher suspension rates tend to have higher crime rates (Chen, 2008).

The Commission recommends that schools move away from a focus on disciplinary *consequences* (i.e., what is the right punishment for this conduct). Instead, schools should use proactive *learning* approaches to discipline that build strong relationships, foster inclusive and positive learning environments, and hold students accountable for misconduct in rehabilitative ways that improve future behavior. Schools should be mindful that the purpose of discipline is teaching, not simply punishing. The Latin roots for discipline include *discipulus* which means pupil or student and *disciplina* which means teaching or learning.

As described in the next section, empirical research has shown that a switch to restorative and rehabilitative approaches to discipline have been found to improve school climate, dramatically reduce disruption and misbehavior, and improve student learning outcomes.



### III.

## RESEARCH ABOUT THE EFFECTIVENESS OF RESTORATIVE PRACTICES

House Bill 1287 directed the Commission to “investigate potential implementation options regarding incorporating restorative practices, including strategies that prioritize prevention and consider overall school climate.” A growing body of research shows that schools and districts that have implemented restorative strategies report a range of impressive outcomes (Fronius et al, 2016). These include reductions in student misbehavior and classroom disruptions and dramatic decreases in suspensions (Suvall, 2009; Gonzalez, 2012; Armour, 2013; Baker, 2009; Sumner et al, 2010, Lewis, 2009; McCold, 2008; Riestenberg, 2003), improved academic outcomes (Gonzalez, 2012; McMorris et al, 2013; Jain et al, 2014), improved school climate indicators (Mirsky, 2007; Mirsky & Watchel, 2007; Gonzalez, 2012), and reduced absenteeism (Baker, 2009; McMorris et al, 2013; Jain et al, 2014).

### **Restorative Practices**

The Commission heard testimony from the principal at The Homewood Center, an alternative school in Howard County, which has implemented restorative practices since the 2011-12 academic year. As shown in Figure 6, Homewood's data shows that since the implementation of restorative practices, attendance at the school increased by 15%, office referrals for classroom misconduct decreased by 74%, out-of-school suspensions decreased by 48%, and dropouts decreased by 48%.

**Figure 6: Data from Homewood Center, Howard County, Maryland**

Homewood Center: Before & After Restorative Practices  
 Comparing Data from 2011-2012 to 2016-2017



Similar to the experience of the Homewood Center, studies have found restorative practices associated with decreases in out-of-school suspensions and expulsions and lowered recidivism (i.e., repeat misbehavior by the same student) (Lewis, 2009; Porter, 2007). In Michigan, a restorative pilot project at a middle school resulted in a 15% drop in suspensions, while suspension rates at the district's other non-program middle schools increased (Porter, 2007). On a student survey, roughly 93% of the 292 students reported using nonviolent, restorative practices to resolve their conflicts. Finally, 86% of students reported that they not only learned new skills, but also used the restorative practices to avert future conflicts, following an intervention.

A two-year, randomized controlled trial in Pittsburgh schools by the Rand Corporation compared twenty-two treatment schools that implemented restorative practices, and twenty-two control schools that did not. The study found that suspension rates dropped twice as much in the restorative schools as compared to the non-restorative schools. Racial disparities in discipline dropped slightly. At the time of this report's completion, the results of the Pittsburgh study were under peer review (Behrman, 2018).

**Mediation**

Similarly, research has found that peer mediation can have substantial benefits for schools at all levels, from elementary to high school. This has included dramatic

reductions in suspensions (Bell, 2000; Schellenberg, 2007) and in physically aggressive behavior among students (Cunningham et al., 1998). Mediation enables students and school personnel to identify the root causes of conflicts and work towards effective and sustainable solutions. For the peer mediators and students involved, the mediation process itself teaches self-efficacy (how to talk through and resolve conflicts productively) and promotes empathy and socio-emotional skills. This can have positive ripple effects on overall school climate.

## **Mindfulness**

Problems with self-regulation stemming from stress exposure are a critical factor contributing to school problems for adolescents growing up in resource-poor communities with high rates of crime, violence and/or substance abuse. Chronic stress and trauma exposure have harmful effects on the developing brain and stress response systems (Lupien, McEwen, Gunnar, & Heim, 2009), negatively impacting brain regions associated with self-regulatory capacities such as executive functioning and emotion regulation (Compas, 2006; McEwen, 2005). The result is impaired ability to respond effectively to stress (Compas, 2006), increasing risk for emotional and behavioral problems (Romeo, 2010). Emotional and behavioral problems can precipitate and exacerbate academic difficulties, and vice versa (Bradshaw et al., 2008; Breslau et al., 2009), whereas emotional wellbeing and reduced distress have been linked with improved education outcomes (Suldo, Thalji, & Ferron, 2011). Unaddressed emotional problems have been associated with academic difficulties (Hinshaw, 1992; Needham, Crosnoe, & Muller, 2004; Reid, Gonzalez, Nordness, Trout, & Epstein, 2004). Students who experience chronic stress and trauma generally come to school tense and “on edge” and often lack skills for identifying and regulating difficult emotions. They are likely to have trouble paying attention in class, learning and remembering course material, and communicating their needs effectively.

Mindfulness strategies encourage present-focused awareness, through experiential practices like observing the breath (Brown & Ryan, 2003). Mindfulness has been demonstrated to improve regulation of thoughts and emotions, reducing stress, anxiety, and depression (Chiesa & Serretti, 2009; de Vibe et al., 2012; Hofmann, Sawyer, Witt, & Oh, 2010; Khoury et al., 2013; Lutz, Slagter, Dunne, & Davidson, 2008; Tang et al., 2009). Reviews of the emerging research on mindfulness with youth indicates that mindfulness-based interventions were found to reduce youth psychological symptoms (Zoogman et al., 2015), including depressive symptoms (Chi, Bo, Liu, Zhang, & Chi, 2018). Research conducted in Baltimore City suggests that mindfulness interventions are feasible and acceptable to deliver in the context of Baltimore City Public Schools and serve to strengthen resilience by enhancing healthy stress management (Mendelson et al., 2010;

Dariotis et al., 2016) and by improving self-awareness (Kerrigan et al., 2011) and reducing anxiety (Sibinga et al., 2013), depressive symptoms, negative coping, rumination, self-hostility, and posttraumatic symptom severity (Sibinga, Webb, Ghazarian, & Ellen, 2016).

Studies about the impact of restorative approaches in other states include the following:

### CALIFORNIA

A two-year observation study of a restorative pilot program at a middle school in West Oakland found the program associated with positive results, including an 8% decrease in the average suspension rate and zero expulsions after implementation of the restorative program (Sumner, 2011, p. 3). Students reported that the program helped to reduce problematic behaviors, such as arguments and fighting, and supported relationship building among students (pp. 3, 12). Researchers attributed these results to the idea that restorative programs encourage students to assume greater responsibility for their actions.

A comparison of schools that implemented restorative justice in Oakland, California to non-restorative schools found positive outcomes in the restorative schools (Jain, 2014), including the following:

- the restorative schools experienced a 40% decline in suspensions of African American students for “willful defiance.” (p. vi).
- chronic absenteeism in middle schools using restorative justice decreased 24.4%, while it increased by 62.3% in non-restorative schools in the district. (p. v).
- ninth graders reading at grade level jumped from 14% to 33% (a 128% increase) in restorative schools, while non-restorative schools experienced only an 11% increase in this metric. (p. 50).
- restorative schools experienced a 60% increase in high school graduation rates, while non-restorative schools experienced a 7% increase. (p. 51).

Other California schools have reported favorable results from the implementation of restorative programs. In one study of three Los Angeles middle and high schools, researchers found several positive trends within the first six months of the restorative justice program (Franklin, 2014). At two schools, suspensions decreased by almost 20% from previous years and incidents of school discipline were almost cut in half (Franklin, 2014, p. 2). Students reported more willingness to mend broken relationships between some of their peers. One 11<sup>th</sup> grade student explained the impact of restorative circles: “[The] circle helps us get to know each other and really open up. [Restorative practices] can stop bullying and it can stop disrespect.” (Franklin, 2014, p. 3).

### MINNESOTA

A statewide pilot restorative project implemented in Minneapolis Public Schools found

promising results (McMorris et al., 2013). Since 2008, Minnesota has offered restorative services to students referred for expulsion due to behavioral incidents through the Family and Youth Restorative Conference Program. In 2010, the University of Minnesota conducted an external, multi-year evaluation to assess the program's effectiveness. The restorative practice model included strong accountability for serious misbehavior, reasonable discretion in enforcing school transfers and out-of-school suspensions, and intentional work with the family unit via family-group conferencing to repair harm, restore good-standing in their school relationships, and re-engage in school after any required time in an alternative educational setting (McMorris et al., 2013, p.10). This approach focused on youth development, with school administrators providing additional resources as part of the intervention (McMorris, 2013, p. 14).

Data collection included pre- and post-conference surveys of students and one participating parent/guardian, and school data regarding attendance, suspensions, and indicators of academic achievement, during the year prior, year of the disciplinary intervention, and year following the intervention. Surveys assessed student outcomes related to program satisfaction, awareness of community supports, positive communication with family members, increased levels of problem solving and connection to school, and reduced levels of problematic behavior at school. Parent/guardian surveys rated satisfaction with the program, awareness of community and school supports, and communication with their child.

After a three-year evaluation, both students and parents/guardians reported high levels of program satisfaction. From pre- to post-conference behavior, students reported positive, significant increases in their ability to make good choices about how to behave generally, even when they were upset. Students also reported significantly less fighting and truancy. Both students and their family members reported positive improvements in family communication. Parents/guardians reported significantly higher levels of connection to their child's school, in addition to greater awareness of community resources available to help them support their child to do better at school (McMorris, 2013, p. 2).

Following implementation of the program, attendance rates sharply increased for students actively attending Minnesota Public Schools; and the rate of suspensions, expulsions, and serious behavioral incidents significantly declined. Notably, the proportion of students identified as being on track to graduate increased the year after restorative interventions.

As a one-group, pre- and post-test study design, the Minnesota study had no comparison group, limiting any conclusions about causality or generalizability to other schools (McMorris, 2013, p. 40). In addition, only a small number of students remained in the

school system during the entire three years of implementation of the restorative program. Some students were not enrolled in the district during the year prior to their program participation. Similarly, approximately 50% of students left the school district sometime during the school year after they began participating in the program.

Despite these limitations, the researchers found that the Minnesota restorative program was associated with positive outcomes for at-risk students. The results showed positive changes in behavior, attitudes, and opinions for both students and family members who participated. Notably, the program appeared to help troubled students return to a path of academic progress (McMorris, 2013, p. 30).

## DENVER AND SANTA FE

A study of restorative programs in Denver Public Schools and Santa Fe Public Schools analyzed whether the disparity in the percentage of suspensions for Black as compared to White students was reduced in schools that implemented restorative programs as compared to non-restorative schools (Simson, 2012). The two school districts were selected because they had the largest concentrations of schools utilizing restorative methods in their school discipline procedures in the United States at the time (Simson, 2012, p. 18-19). Data was collected from 143 elementary, middle, and schools across the two districts. One hundred thirteen of those schools were “non-restorative justice” schools, and 30 of them had implemented restorative measures into their disciplinary practices between the 2005-06 and 2009-10 school years.

The study found the implementation of restorative programs positively associated with substantial reductions in school reliance on punitive disciplinary measures and decreases in racial disproportionality for suspensions. Schools that had restorative programs reduced their existing Black student suspension percentage disparity by about 4.6%, while the disparity increased by slightly less than 1% in non-restorative schools (Simson, 2012, p. 35). Even after controlling for variables that might influence these percentages, such as fluctuating student enrollment, the results did not change.

The Denver Public Schools system also reported significant improvements in school culture after implementation of restorative practices (Baker, 2009). Although the program’s elements varied by school, most schools used one or all of the following: restorative circles, coordinators and paraprofessionals, conferences, and mediation. Regardless of the nuances between programs, the 2008-09 school year showed positive results. A sample of 311 students who participated in at least three restorative interventions over the course of the school year was used to assess the impact of involvement in multiple instances of restorative interventions on measuring school

discipline, attendance, social skills, and other relevant categories (Baker, 2009, p. 9.) Thirty percent of the sample dramatically improved in school attendance. Overall, there was a 50% reduction in absences and 60% reduction in tardiness. In-school suspensions decreased by 30% across schools. Out-of-school suspension rates varied by institution, with a downward trajectory ranging from 6% to 44% (Baker, 2009, pp. 10, 15). Expulsions also reflected a downward trend across restorative schools, ranging from a 32% to 75% decrease (Baker, 2009, p. 16).

Finally, one of the most important findings in the Denver study was improvement in students' social skills competencies. Nearly half of all students who participated in the restorative program reported increased self-efficacy in dealing with daily social emotional demands and overall positive mood (Baker, 2009, p. 12). Importantly, more than 50% reported that they improved their stress management.

## PENNSYLVANIA

The International Institute for Restorative Practices (IIRP) found encouraging outcomes at six Pennsylvania schools after the implementation of restorative programs, including reductions in detentions, suspensions, expulsions, and frequency of disruptive behavior over different time spans (Lewis, 2009, p. 4). At two schools, incidents of fighting, detentions, and suspensions were reduced by nearly half (pp. 14-18).

At Springfield Township High School, teachers reported that after implementation of the restorative program, classroom misconduct decreased significantly and mutual respect and the mending broken relationships among students increased. The Assistant Principal from Newtown Middle School reported the following:

Restorative practices have changed the feeling and culture here. Now it's like a family setting. Everyone asks for help and helps others. This has come about through a conscious effort on our part to build community. Out of 900 kids we suspended only five this year. We used to have two days a week of detention, now we have only one. This has been a financial boon. Our school is no different than any other. *Kids are far more likely to behave due to relationships than out of fear.*

(Lewis, 2009, p. 11, emphasis added).

## INTERNATIONAL STUDIES

### Canada

Two schools districts in Ontario, Canada reported that suspensions and incidents of misbehavior significantly declined each year since the start of their restorative program, and that overall school environment became healthier and students were more productive (Lewis, 2009, at 22). Most notably, a school board member from one of the districts reported that the board was receiving increased support from parents because restorative practices had also helped to transform students' behavior at home (at 25).

### United Kingdom

In the United Kingdom, restorative practices have been effectively used to reduce incidents of theft, bullying, aggression, and other incidents of misconduct (Porter, 2007, pp. 1-3; Lewis, 2009, pp. 27-31). Between 2001 and 2004, the Youth Justice Board of England and Wales evaluated restorative programs in six primary schools and 20 secondary schools (Porter, 2007, p. 2). Using surveys and school disciplinary data, the study evaluated factors such as participant satisfaction and the process' impact on victimization. Restorative secondary schools were compared to similar schools that did not have a restorative program ("non-program schools").

The results were most striking for schools that implemented restorative practices using a whole-school approach. Among the key positive findings, 23% fewer students thought that bullying was a serious problem at restorative schools, compared to only a 3% reduction at the non-program schools. Ten percent more students at restorative schools thought their school was doing a good job at putting an end to bullying; but only 1% fewer students at non-program schools felt their school was doing a good job at ending bullying. Few students at restorative schools (approximately an 11% decrease) reported that they had been called a racist name, compared to a 3% increase at non-program schools. Finally, staff surveys indicated a significant improvement in students' behavior in the program schools, while behavior had declined in the non-program schools.

A recent three-year randomized trial on the use of a bullying and violence prevention intervention, Learning Together, in 40 secondary schools in the United Kingdom (20 schools using restorative practices and 20 control schools) found small but significant effects on bullying with no effect on aggression (Bonnell, C. et al., 2018).

### Hong Kong

Whole-school restorative approaches have been effective in anti-bullying efforts in Hong

Kong (Wong, 2011). In a two-year longitudinal (pre–post) investigation of restorative programs in four different middle and high schools in Hong Kong, schools that fully implemented the restorative program were compared to one school that partially implemented a restorative practices program, and one that had no program at all. The investigators recorded disciplinary data, and distributed surveys to assess student and staff perceptions of school environment prior to, and following, implementation of the program.

After fifteen months, investigators found that students at the non-restorative schools tended to exhibit more bullying behavior and negative attitudes (e.g., hurting others, lacking empathy) and less positive behaviors/attitude (e.g., caring behavior, positive perspective to teachers, harmony in school, sense of belonging) (Wong, 2011, p. 853). Actual incidents of bullying (physical and verbal) dropped significantly in restorative schools, but bullying at the non-program schools increased. The study found that almost half (49.9%) of students who had bullied others at the program schools had reduced their bullying behaviors. In contrast, 51% of students at the non-program school had increased their bullying behaviors.

In sum, a growing body of research supports the promising and powerful impact of restorative strategies for Maryland schools.



# IV.

## RESTORATIVE APPROACHES FOR CREATING AND SUSTAINING POSITIVE LEARNING COMMUNITIES

Based on our study, the Commission strongly recommends that Maryland support all schools in adopting restorative approaches for creating and sustaining positive learning communities. The Commission emphasizes that a restorative approach is not simply one “program” but a range of measures and strategies that focus on building strong relationships and using responsive interventions that focus on learning, problem solving, and rehabilitation. The Commission believes that each jurisdiction should adopt the restorative approach best suited to the needs of its particular school communities. A range of strategies and tools are described in this section.

There is no single universally-recognized definition of “restorative practices” or “restorative justice” (Fronius, Persson, Guckenbug, Hurley & Petrosino, 2016). The Commission deliberately choose to use the term “restorative approaches”—rather than “restorative justice” or “restorative practices”—to emphasize that a broad range of programs and strategies may accomplish the desired goal of positive learning climates and a preventative, rehabilitative or “learning” approach to discipline.

This Commission characterizes this preventative and rehabilitative goal as a **restorative approach for creating and sustaining positive learning communities**. Research confirms that schools that have inclusive social climates and strong relationships among students, among staff, and between students and staff have lower rates of student misbehavior and improved academic indicators (Kupchik, 2016, at 26; Cook, Gottfredson & Na, 2010).

As one researcher found based on extensive review of the empirical evidence, *fostering an inclusive climate is perhaps the most consistently verified strategy for reducing student misbehavior*:

[Schools with inclusive social climates] are schools where students feel respected and listened to—where students believe they are treated fairly, and that they are valued members of a community. Inclusive schools activity try to strengthen bonds between students and the school or the school staff. Kids who attend schools like this are less likely than others to lash out at a community that embraces them, or to hurt others within it. If they feel respected and treated fairly by teachers and administrators, they are less likely to disrupt class or rebel against the school's authority.

(Kupchik, 2016, at 26).

Empirical evidence validates what the best teachers already know: teacher-student relationships are one of the strongest predictors for student academic achievement (Hattie, 2009). Students are more likely to learn when there is a strong bond of trust in the classroom and they have positive relationships with their teachers (Olson, 2014; Fryer, 2018; Battistich, et al, 2004).

Based on the Commission's extensive study, we find that restorative approaches to building positive school climate are mostly likely to reduce student misbehavior, create engaging learning environments, and support academic achievement for all students.

This section begins by defining a "restorative approach" to creating and sustaining positive learning communities, followed by examples of how restorative approaches can be used to support social-emotional learning and students exposed to adverse childhood experiences. Since MSDE has adopted PBIS as a statewide initiative, it next discusses how restorative approaches are compatible with PBIS. The section then summarizes examples of local Maryland jurisdictions and schools that have started to adopt a variety of restorative models. Some have committed to districtwide implementation of restorative practices. Other districts have established community partnerships with non-profit or university programs.

## DEFINITION OF A RESTORATIVE APPROACH

The Commission has developed the following broad definition of a restorative approach to positive school climate and school discipline:

**A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students.**

The guiding principles of a restorative approach include the following:

- A restorative approach is primarily a proactive and preventative rather than a reactive discipline model, with 80% focused on building strong relationships and setting clear behavioral norms for the school community.
- Restorative interventions:
  - develop healthy, productive responses to conflict that increase connections between and among members of the school community;
  - give all stakeholders (students, parents, teachers, staff, and community partners) a voice and influence in decision-making. Its practices involve every stakeholder in the process to build and maintain a sense of belonging, safety and social responsibility in the school community; and
  - prevent and repair harm through dialogue that addresses behavioral consequences in the form of individual and/or collective accountability to promote trauma-responsive and physically and emotionally safe school environments for students, staff and families.

Based on our study, the Commission concludes that restorative strategies and tools can build and sustain positive school climate, dismantle the school-to-prison pipeline, and provide a relationship-based approach to discipline that optimizes learning for all students. Restorative approaches are most compatible with Maryland's articulated goal of creating positive, safe, and equitable learning environments and preparing all students to graduate college and career ready.

A restorative approach to discipline is *not* a permissive approach—students are held directly accountable for their actions. Accountability in a restorative framework means “taking responsibility and taking action to repair the harm and to prevent it from happening again. This is in contrast to a definition of accountability in our (current) systems as: taking your punishment” (Boyes-Watson & Pranis, 2018). Maryland schools that have implemented what has been called “restorative practices” or “restorative justice” have found this shift improves school climate, reduces student misbehavior and disruption, and decreases the need for exclusionary discipline.

Restorative approaches do not fully replace traditional methods of school discipline, but rather shift the focus to interventions that will foster social emotional skill development, problem solving, and prevention. Teachers and administrators learn to use a broader variety of informal and formal tools to address various types of behavior. In a restorative classroom and school, educators have a greater continuum of process options and techniques at their disposal, which may be more effective than simply sending a student out of class or suspending the student.

## CONTINUUM OF RESTORATIVE APPROACHES AND TOOLS

The Commission considered a broad array of restorative strategies that can foster positive learning climates and respond to disciplinary incidents in rehabilitative ways. Many of these tools focus on primary prevention through building strong communities and relationships. Other tools offer a continuum of responsive interventions designed to reinforce community behavioral norms and resolve conflicts in supportive ways. The Commission does not recommend any particular approach for all districts, but rather a shift away from punitive to restorative approaches. For example, some Maryland jurisdictions combine restorative approaches with Positive Behavioral Interventions and Support (PBIS) programs.

Figure 7, meant to be illustrative and not exhaustive or prescriptive, provides examples of restorative approaches and strategies used in schools.

**Figure 7: Continuum of Restorative Approaches and Strategies**

Restorative Strategy	Definition
<b>Affective Statements</b>	Expression related to feelings and emotions that can be used for specific positive and negative feedback. This classroom management tool can be critically helpful in strengthening relationships while encouraging positive behavior and redirecting

negative behavior. At the same time, it offers students feedback in an instant about how their actions affect others and helps them correct behavior immediately without further intervention.

For example, used proactively, when a student does something well, instead of saying "good job", the feedback could be "I am impressed by the thought that you put into last night's homework." Responsively, when a student keeps interrupting the class, instead of saying "I told you to raise your hand!" a teacher could say, "I am frustrated that you keep interrupting me. Are you able to hold your thought and raise your hand next time?"

**Affective Questions**

Informal, scripted dialogue framework applied in response to conflict or harm that provides an opportunity for those affected to communicate what happened (from multiple perspectives), identify what can be done to correct the problem, and collaboratively work together to develop a plan to fix the problem, repair any harmful impact, and prevent reoccurrence. These questions are powerful tools for providing a way for people in conflict (students, parents and teachers alike) to rely on language to build a stronger understanding of what others are thinking and feeling, increasing empathy and redirecting behavior positively.

Examples of affective questions, commonly called restorative questions, used by International Institute of Restorative Practices include:

- What happened?
- What were you thinking at the time?
- Who has been affected? In what way?
- What impact has this had on you and others?
- What do you think needs to happen to make things right?

Some schools have these questions printed on small cards or wall posters to help guide problem-solving conversations by school personnel, students, and others throughout the school at any time.

**Circles**

Circles foster communication and connection. They can proactively strengthen communities, engage student learning, and address conflict. A facilitator or "circle keeper" (who can be an educator or student) offers a question or "circle prompt" to those in the circle who may choose to answer, pass and just listen, or request a chance to reflect before answering (by saying "come back to me"). The facilitator also responds as a member of the circle community. Sometimes the facilitator uses a talking piece (which can be any object) to help regulate the conversation and promote listening among those not holding the talking piece.

Circles literally and figuratively remove barriers between participants and foster relationship-building and collaborative processes. Circles may be used in a wide variety of applications including community building, conflict resolution, problem-solving, and academic discussions.

<b>Restorative Circle or Dialogue Circle</b>	Problem-solving process used for lower to mid-tier misbehavior or conflicts in which the individuals involved gather to talk about what happened, listen to how everyone was affected, and determine ways to resolve the conflict moving forward. Here, the circle keeper poses a question to encourage reflection and often uses a talking piece to move the dialogue along around the circle with one person speaking at a time. A circle can be held with larger or smaller groups and would not require parents or guardians to take part. Restorative questions can be used to structure the conversation.
<b>Conflict Management Training</b>	Education-based intervention with the purpose of helping youth develop the necessary skills and awareness to deal with conflict in their lives. Trainings are also adapted and expanded to help school staff and all youth service providers better serve students.
<b>Mediation</b>	Voluntary and confidential process in which a neutral third party mediator, <i>who lacks authority to impose a solution or discipline</i> , helps the individuals involved in a dispute to have a conversation and reach their own mutually agreeable solution.
<b>Community Mediation</b>	Evidence-based process in which highly trained co-mediators support dialogue between all those involved in a conflict, brainstorm solutions, and produce agreements to repair any harm caused and prevent future conflict. Mediations are conducted in schools to resolve conflicts between students.
<b>Attendance Mediation</b>	Mediation process centered around a particular student or sibling group identified as having a pattern of unexcused absences or tardiness. It is a collaborative process that generally involves the parent(s) or guardian(s), a school representative who knows the student well (such as a teacher), and a mediator who facilitates the conversation. It is designed to identify and resolve the issues that are leading to the student's absenteeism and increase future attendance.
<b>Peer Mediation</b>	Process in which trained students (typically between grades 4-12) serve as mediators for minor disputes between other students.
<b>Peer Led Restorative Practices</b>	Dialogue circles led by trained students to resolve interpersonal conflicts without violence and bullying. Youth are empowered to develop leadership skills and approach conflict constructively, practice active listening skills, and model problem-solving behavior in their community.
<b>Restorative Conferences</b>	Structured, facilitated meetings that bring together all individuals involved in an incident, together with any supporters (including parents or guardians) or relevant school staff. A trained facilitator leads the discussion about what happened, how everyone has been affected, and how best to repair any harm and hold people accountable. These may be conducted with small groups as an impromptu gathering, or they may involve a more formal scheduled event that requires prior preparation with participants.

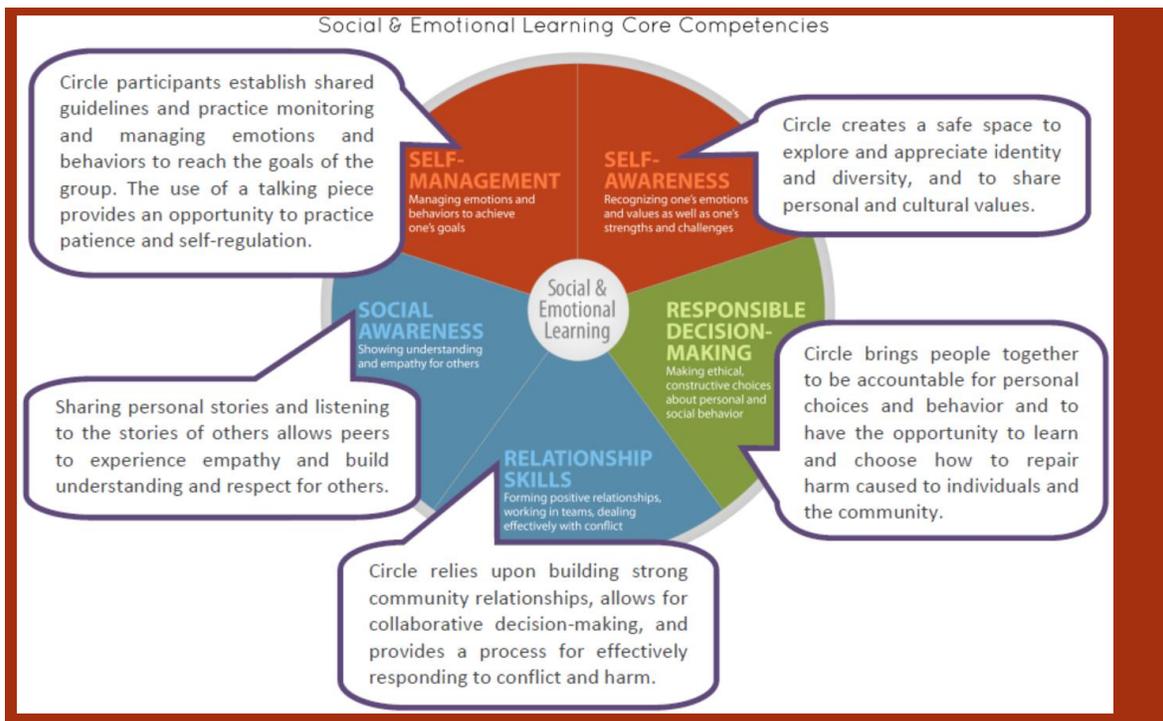
<b>Community Conferencing</b>	Voluntary process that includes everyone involved in an offense or conflict, and their respective support networks. A trained facilitator brings everyone together, providing the space for all to have a voice and collectively decide how to make things right. Participants have a chance to heal and learn from the incident, and everyone decides how to be accountable to one another.
<b>Reintegration Conferences or Circles</b>	Circles or conferences used to reintegrate a student after suspension, expulsion or detention in a juvenile justice facility. Both are designed to provide support for the student returning, clearly communicate support to the student and family to prevent reoccurrence of problematic behavior, and foster successful outcomes in school. Some use the term 'Circle of Support and Accountability' in these situations.
<b>Mindfulness Exercises</b>	Meditation practice that involves tuning into the present moment rather than the past or future. Exercises may involve breathing or guided imagery in order to relax the mind and body and help reduce stresses that may prevent learning. Mindfulness concepts have been introduced to students and staff at some schools, sometimes in circle.
<b>Social Emotional Learning Curriculum</b>	Age-appropriate curriculum that focuses on teaching social and emotional skills for cultivating relationships, managing emotions, and resolving conflicts. Evidence-based curricula include the Collaborative for Academic Social Emotional Learning and Second Step.

## SOCIAL EMOTIONAL LEARNING AND PROBLEM SOLVING

Restorative approaches to positive school climate and discipline are often used to foster students' social emotional development and problem solving skills. An extensive body of literature links children's social emotional development to both success in school and later life outcomes (Taylor, Oberle et. al, 2017) Many educators use restorative approaches to develop students' social emotional competencies, including self-management, self-awareness, social awareness, relationship skills, and responsible decision making.

Figure 8, developed by the Oakland Unified School District in California, highlights the social and emotional learning core competencies that are developed in restorative circles.

**Figure 8. Social and emotional learning core competencies.**



Source: Peer Restorative Justice Program Guide Second Edition, Oakland Unified School District 2012, p. 27.

A restorative approach combines high behavioral expectations and limit setting with adequate nurturing and support. This can help students develop behavioral self-control and self-efficacy. Because restorative approaches emphasize relationships and connectedness in the school community, students learn that their behavior affects others in the classroom. Students also learn to talk through and resolve incidents so they do not occur again the future, teaching them self agency and problem solving.

Studies have shown that school discipline that combines both structure and support can reduce bullying and victimization and improve school safety (Gregory, 2010). In a Rutgers University study of four diverse urban middle and high schools, based on the California Healthy Kids Survey, students who reported participating in more community building circles reported higher levels of empathy, emotional regulation, behavioral self-control and self-awareness (Gregory & Gaines, 2016).

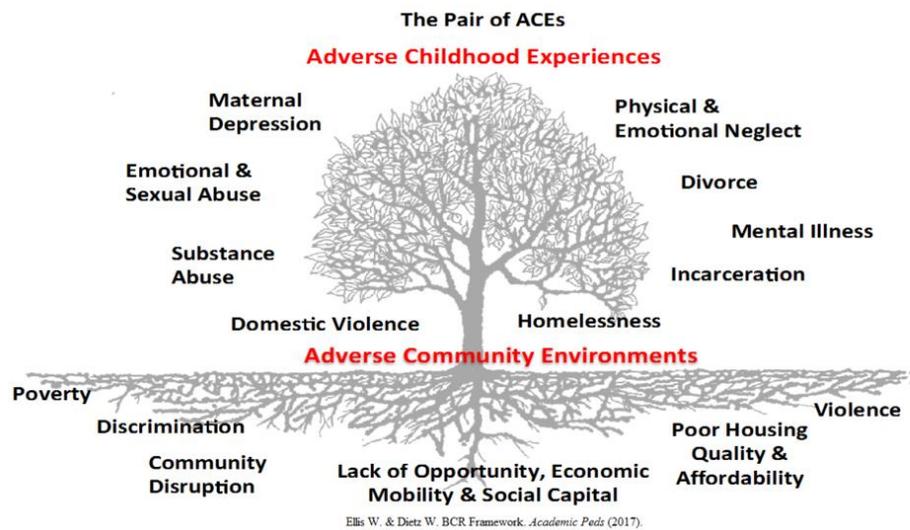
Restorative approaches are "authoritative" (combining accountability for clear behavioral norms with nurturing and support) rather than "authoritarian" (focused on punitive measures). In a related context, studies about parenting styles have found that punitive or "get tough" approaches that enforce strict rules with threats of punishment

lead to worse behavior and outcomes for children (Trinkner, et al., 2011). Controlling children with fear and punishment deprives kids of the opportunity to internalize self-discipline and responsibility, and teaches them to bully others, lie (to avoid punishment), and rebel against a culture they perceive to be oppressive or unfair (Trinkner, et al., 2011).

## RESTORATIVE APPROACHES AND ADVERSE CHILDHOOD EXPERIENCES

Restorative approaches can support students who have been exposed to adverse childhood experiences (or “ACEs”) or trauma. Adverse community environments may affect student learning and behavior. According to the *New Framework for Addressing Adverse Childhood and Community Experiences: The Building Community Resilience (BCR Model)*, these factors may include: poverty; discrimination; community disruption; lack of opportunity, economic mobility and social capital; poor housing quality and affordability, and violence (Ellis & Dietz, 2017). Figure 9 reflects various adverse childhood experiences that some children may bring to school.

**Figure 9: Adverse Childhood Experiences**



Children may exhibit anxiety and trauma through a range of behaviors, such as anger, defiance, lack of focus, avoidance, negativity, and tantrums. Trauma experiences may include witnessing and experiencing violence, abuse, drug addiction, effects of poverty, and feeling discrimination based on race or ethnicity. Children in foster care may also

feel especially vulnerable. For many youth, school is the place they feel safest, especially when restorative school communities are established.

It is critical that schools not only use a screening tool to identify students showing symptomatic signs of trauma but also provide training focused on trauma-responsive support for all those who work with students. Some school systems, including Baltimore City, have provided training to school psychologists, social workers, and other mental health clinicians working in schools, so that clinicians use trauma-responsive interventions. (Black, Woodworth, Tremblay & Carpenter, 2012).

Restorative approaches can help create a school climate conducive to learning for children exposed to adverse experiences. For example, the use of thoughtfully facilitated circles may create a sense of safety and community for students who have been exposed to the trauma. Sometimes talking about experiences can begin to interrupt the chain of generational trauma experiences.

Using restorative questions with a student who is reacting to a trauma-triggered experience can help an educator get to the root cause underneath of the behavior. Instead of jumping right to punishing behavior or demanding to know why a student did something, a teacher who asks "what happened?" conveys an interest in listening and hearing what is going on without judgment or blame. This can help identify students who need additional educational, social work, counseling, or other wraparound services.

## POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT (PBIS)

Restorative approaches are compatible with Positive Behavior Interventions and Support (PBIS). The Maryland State Board of Education adopted PBIS to: (a) build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn; and (b) improve the link between research validated practices and the environments in which teaching and learning occur (COMAR § 13A.08.06 .01).

PBIS is a collaboration between MSDE, Sheppard Pratt Health System, and the Johns Hopkins Bloomberg School of Public Health. This partnership, known as PBIS Maryland, provides training and technical assistance to the local school systems with the implementation and management of PBIS. Each of the 24 local school systems is a partner in the PBIS Maryland Initiative and provides leadership and coaching to support participating schools within its jurisdiction. In addition, ongoing technical assistance has

been consistently provided to Maryland through the National Technical Assistance Center for PBIS.

The implementation of PBIS is built upon the public health model of three-tiered prevention. PBIS focuses on creating and sustaining primary (schoolwide), secondary (targeted/small group), and tertiary (individual) systems of support that improve the outcomes for all children by reducing problem behaviors and making schools more effective, efficient, and positive work environments for both students and staff.

According to the *Resource Guide of Maryland School Discipline Practices* (2017), the framework for implementing PBIS includes four key components:

1. Data to support decision-making;
2. Measurable outcomes supported and evaluated by data;
3. Practices which provide evidence that outcomes are achievable and support students and staff; and
4. Systems that efficiently and effectively support implementation of these practices by staff.

Successful implementation can be demonstrated by reduced office discipline referrals, decreased suspensions, and improved academic achievement. Since 1999, Maryland has implemented PBIS through a multifaceted strategy that included weekly and then monthly meetings of a management team consisting of personnel from MSDE, Sheppard Pratt Hospital and the Mid-Atlantic PBIS Technical Assistance Center, and Johns Hopkins Bloomberg School of Public Health; regular meetings of points of contact from every local school systems; mechanisms for monitoring school readiness, fidelity of program implementation, and student outcomes as measured by student referrals to the principal's office; and annual orientations of potential PBIS schools and training of school teams including school leadership. These procedures led to about 80% of all schools in Maryland receiving some training related to PBIS on a voluntary basis.

## EXAMPLES OF DISTRICTS IMPLEMENTING RESTORATIVE APPROACHES

The Commission heard testimony from and interviewed local school districts in Maryland that have started to integrate restorative approaches, typically in coordination with existing PBIS models. The Commission found tremendous enthusiasm among local school districts for restorative practices. Some districts already have committed to districtwide implementation of restorative models (Anne Arundel, Baltimore City, Montgomery, and Prince George's) and have started to roll out training and implementation in pilot schools with the support of grant funding. Other districts have long-standing community

partnerships with non-profit community mediation centers,<sup>3</sup> restorative justice programs,<sup>4</sup> or mindfulness providers.<sup>5</sup> Some have worked with universities, including the Center for Dispute Resolution and Mediation Clinic at Maryland Carey Law<sup>6</sup> and the Positive Schools Center at the University of Maryland School of Social Work.<sup>7</sup> In other districts, schools have pursued restorative practices on their own.

Note that districts use varying terminology (restorative justice, restorative practices) and a wide range of practices that would fall within this Commission's broader definition of restorative approaches. District examples include the following:

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## MONTGOMERY COUNTY

Montgomery County Public Schools (Montgomery) has committed to district-wide implementation of "restorative justice." Montgomery received a grant of \$1.2 million through the National Institute of Justice to infuse restorative practices throughout the district and empirically test results.

Montgomery has the most extensive district-level team assisting with an eventual roll out of restorative justice to all schools in the districts, including a Director of Restorative Justice and two instructional specialists to develop training and implementation plans for schools. The district worries that these positions will disappear when the grant funding expires.

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<sup>3</sup> Community Mediation Maryland has a network of local centers throughout the state to provide mediation, restorative practices, police-youth dialogues and other services to schools and the surrounding community. See [www.mdmediation.org](http://www.mdmediation.org).

<sup>4</sup> Restorative Response Baltimore provides restorative conferencing and other services to schools. See [www.restorativeresponse.org](http://www.restorativeresponse.org).

<sup>5</sup> For example, the Holistic Life Foundation teaches yoga, mindfulness and self-care practices in schools. See [www.hlfinc.org](http://www.hlfinc.org).

<sup>6</sup> The Center for Dispute Resolution at the University of Maryland Carey School of Law (C-DRUM) provides training and consultation in restorative practices, peer mediation, and other conflict resolution education curriculum and maintains a Conflict Resolution in Education listserv for educators. See [www.cdsum.org](http://www.cdsum.org).

<sup>7</sup> The Positive Schools Center (PSC), as part of the Social Work Community Outreach Service (SWCOS) at the University of Maryland School of Social Work, provides trainings, staff and leader coaching, and strategic planning and accountability. The PSC addresses school climate issues through focusing on the five foundational components: restorative and healing practices; trauma-responsive educational practices; racial justice and implicit bias; social-emotional character development; and development of student, family, and community voice. See [www.ssw.umaryland.edu/positiveschools](http://www.ssw.umaryland.edu/positiveschools).

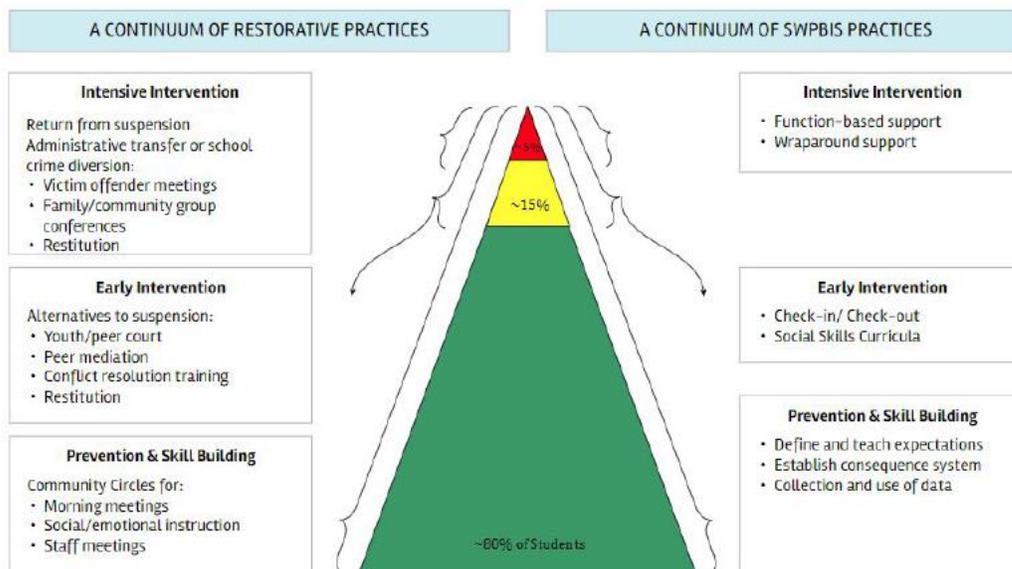
Montgomery defines restorative justice as “a mindset, philosophy, and a set of mindful/peacemaking practices adapted to the school setting, which build relational trust and offer alternatives to punitive discipline.” Montgomery uses restorative practices to encourage students to:

- actively engage and problem-solve physical, psychological, social, and disciplinary issues that affect their lives and the community at large.
- take responsibility for their actions and work with those affected to restore the community and members who were harmed because of those actions.

Montgomery considers restorative justice as a “whole school” model to change the environment of schools and create better conditions needed for learning. The program is based on the mindset that stronger relationships between educators and students improve school climate and promote academic success. The program connects to the district's strategic priority of making students available to learn.

As seen in the graphic below, Montgomery aligns restorative justice processes with its three-tiered PBIS model, with 80% focused on primary prevention and community building.

**Figure 10: Montgomery County Public Schools Continuum of Restorative Practices**



The program launched with fourteen pilot schools. The program includes relationship-building or community circles, as well as restorative circles (conflict circles, reintegration circles after students are suspended, and dialogue circles). Montgomery held a three-day training for all fourteen pilot schools with 3-5 people from each school in attendance. Each school implements restorative justice in ways best suited to its needs. Some schools use circles as a means of conflict resolution, while others use daily classroom community-building circles.

Montgomery reports a 70% decline in office referrals for misconduct in its pilot schools that implemented restorative justice. In addition, student climate surveys showed improvements in how students feel about safety and relationships at school. Montgomery plans to introduce restorative justice to 80 schools in the 2018-19 school year and eventually integrate it into all schools.

Montgomery also has collaborated with the Conflict Resolution Center of Montgomery County (CRCMC). CRCMC provides various mediation and restorative services. CRCMC utilizes AmeriCorps volunteers, who are placed in partner schools to assist with restorative (dialogue) circles, in-school community mediation, attendance mediation, conflict management trainings, and restorative practices/circle facilitation training (to school staff and community organizations).

In some schools, CRCMC also supports the Youth Ambassador Program, a youth-led restorative program in which students conduct peer mediation and facilitate restorative circles. Youth develop leadership skills and in turn learn to identify conflict, and introduce their peers to the in-school mediation program offered at their school. As youth ambassadors, students learn how to approach conflict constructively, practice active listening skills, and model this behavior in their community.

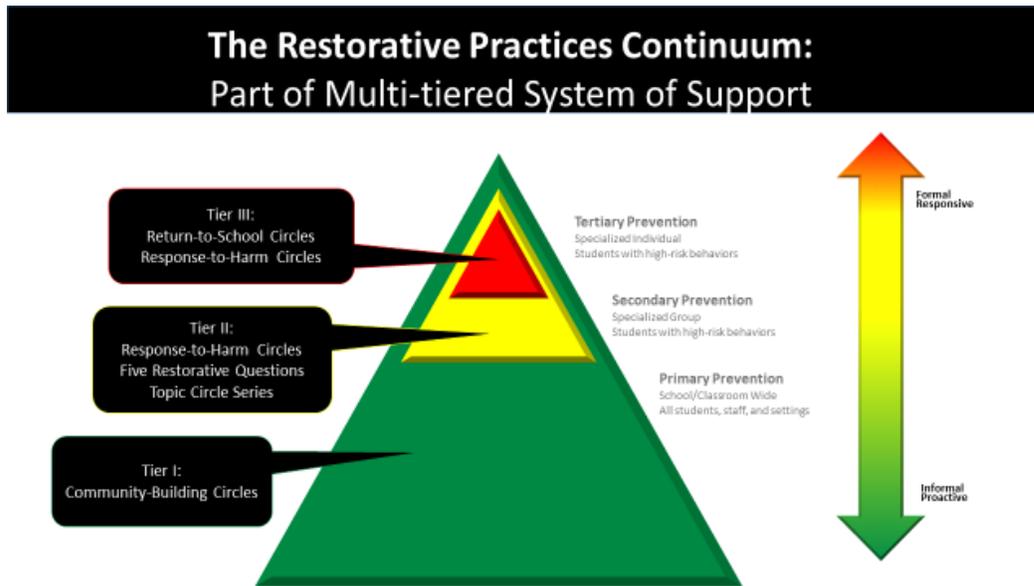
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## ANNE ARUNDEL COUNTY

Anne Arundel County Public Schools (Arundel) is in the third year of a five-year plan to implement restorative practices. Arundel created a full-time, district-level position in September 2016. Year One (2016-17) was spent training and supporting a staff from twelve secondary schools selected for participation in the initial rollout of the program. That summer, the district formed a Countywide Restorative Practices Team, which provide community-building circles to staff at other schools at least annually.

As of the start of Year Three (2018-19), approximately 80 Arundel schools have been introduced to restorative practices, including elementary schools. Participation is encouraged but not required. Like Montgomery, Arundel situates restorative practices within the multi-tiered system of support in its PBIS model:

**Figure 11: Anne Arundel County Public Schools Restorative Practices Continuum**



Tier I focuses on primary prevention and the use of community-building circles. Tier II is secondary prevention and includes on response-to-harm circles. As part of Tier II, five restorative questions are used:

1. What happened?
2. What were you thinking?
3. What have you been thinking since?
4. Who was affected by your actions?
5. What can you do to make things better?

Tier III targets individual students with high-risk behaviors and focuses on response-to-harm circles and return-to-school (after suspension) circles. Arundel has created implementation tracking tools that produce an implementation “score” that schools can use to monitor their whole-school implementation. The following chart is a fidelity tool schools use to evaluate their community circles:

Element	<b>0 = Not in Place</b> <b>1 = Partially in Place</b> <b>2 = In Place</b>
Circle formation, no table	
Talking piece used	

Talking piece passed sequentially	
Keeper tells participants they may pass	
Circle keeper is equal partner	
Contributions are freely shared and openly accepted	
<b>Point Earned</b>	
<b>Possible Points</b>	

Restorative approaches in Arundel elementary schools are mostly limited to community-building circles, which have been very well received by teachers and require relatively little continuing support. The middle schools have experienced the most success in implementing both proactive and responsive practices, which they attribute to the size of schools and responsiveness of the children. Implementation in high schools has been the most difficult due to the greater number of students and time challenges associated with the academic pressures of college preparation and Advanced Placement courses. The district needs funding to help collect and track data and establish a correlation between restorative practices and outcomes.

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#### BALTIMORE CITY

Baltimore City Public Schools (Baltimore City) has received restorative practices training from the International Institute of Restorative Practices (IIRP). Baltimore City has trained and certified twenty-two trainers and ten Student Support Liaisons who are deployed throughout the district. Staff at sixty-eight schools have received some training in restorative practices.

The CEO of City Schools and Baltimore City Board of School Commissioners have pledged to create a restorative practices district over the next five years. Baltimore City defines restorative practices as a “set of tools and strategies that draws on the belief that

open, respectful communication helps reduce conflict.”<sup>8</sup> When conflict occurs, “restorative practices encourage students to focus on the harm caused and on ways to repair relationships.”<sup>9</sup> Baltimore City focuses on whole-school implementation, which means all school staff attend intensive restorative practices training to gain specific skills on building positive relationships with students and one another. The goal is an overall positive school community.

Starting in August 2018, fifteen schools were selected as intense learning sites that will integrate restorative practices. The Baltimore City Public Schools Office of Prevention and Intervention, along with Open Society Institute – Baltimore, created a Restorative Practices Lesson Guide. The guide includes lesson plans, activities, supplemental materials, and circle starters to complement restorative practices training.

In addition to work through the school district office, the Baltimore Community Mediation Center conducts youth-police dialogue circles in more than twenty schools. Last year the center had approximately 200 officers and 200 students participate. The center is building a new partnership with Waverly Elementary-Middle School that involves both material support (school supplies) and support for restorative practices and conflict management skills. The center offers workshops for students and families, training in restorative practices, and attendance mediation to any school in Baltimore as requested. It is actively supporting whole-school adoption of restorative practices at two schools.

In addition to community mediation, the Mediation Clinic at Maryland Carey Law School annually supports peer mediation programs in four to five schools in Baltimore City. The law school also will be launching a new initiative, the Erin Levitas Initiative for the Prevention of Sexual Assault, that will combine sexual assault prevention training with restorative dialogue in middle schools to prevent behaviors and attitudes that can later lead to sexual assault.

#### EXAMPLE OF RESTORATIVE SCHOOL: CITY SPRINGS ELEMENTARY/MIDDLE

City Springs Elementary/Middle School in Baltimore City provides a longstanding, strong model of a schoolwide restorative Pre-K – 8<sup>th</sup> grade program in an area of concentrated

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<sup>8</sup> <https://www.baltimorecityschools.org/restorativepractices>

<sup>9</sup> <https://www.baltimorecityschools.org/restorativepractices>

poverty. Dr. Rhonda Richetta, a Commission member, is in her twelfth year serving as principal of City Springs, which has approximately 770 students.

The initial implementation of restorative practices was funded through a grant from the Open Society Institute in 2007. All teachers and staff received training from the IIRP. Over the years, staff continued to receive training and consultative services from IIRP and Akoben.

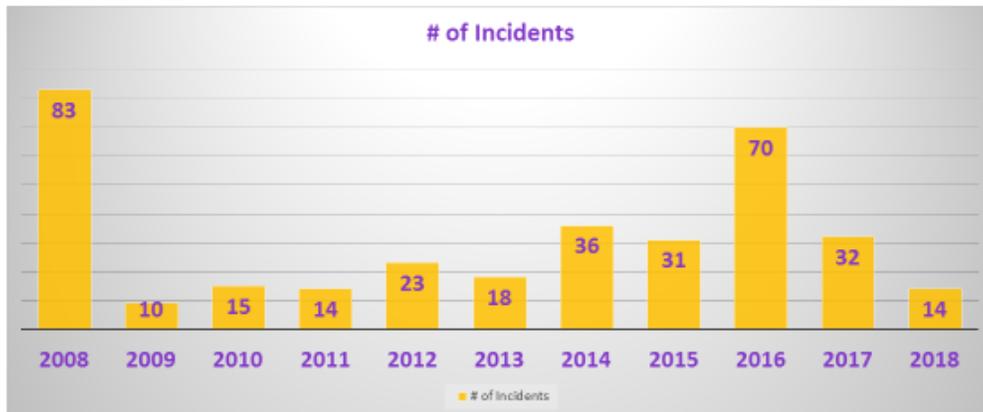
Dr. Richetta acknowledges that the work to build a restorative school is constant and time-consuming, but transformational: "When teachers and administrators give students voice, a culture develops that is conducive for learning." She added:

Some mistake student voice for permissiveness or lack of accountability when, in fact, giving students "voice" enables educators to teach replacement behavior and gain insights into the struggles that our children are facing. In such an environment, students thrive and adults thrive as well. I believe there is a moral imperative to create school environments where children can thrive, emotionally, socially and academically. This is especially pertinent in a school in which the overwhelming majority of children suffer from direct and indirect trauma, which has become an all too common side effect of urban poverty.

The chart below indicates the significant reduction in suspensions over the years since implementation. Dr. Richetta believes the 2016 uptick in suspensions occurred because of an increase in the student population that year combined with her decision to focus summer training on mathematics to the exclusion of restorative practices training for new teachers. She now makes certain that all new staff receive restorative practices training prior to the academic year.

**Figure 12: City Springs Elementary/Middle School Suspensions**

## City Springs Elementary/Middle School Suspensions (Implemented RP in 2007)

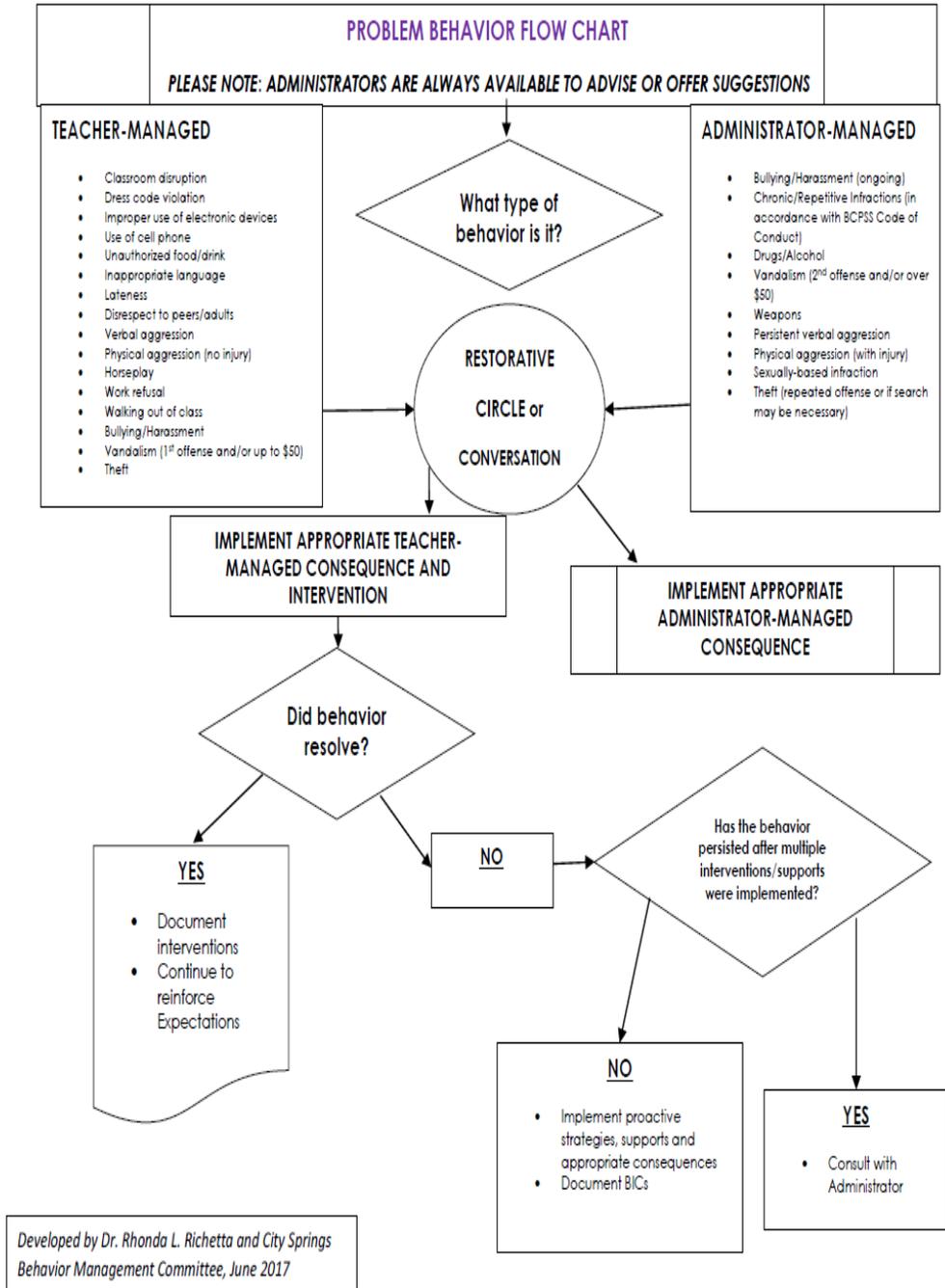


City Springs also uses mindfulness practices for staff and students. Teachers participate in a program called Destress Monday, which sends them a weekly email that has guided meditation, breathing exercises, and other mindfulness practices. City Springs has a mindfulness room staffed by Holistic Life Foundation. Holistic Life staff lead classes in breathing breaks throughout the day, teach breathing techniques to all students and staff, see a caseload of students identified by teachers, and train students to lead breathing exercises at the start and/or end of circles.

City Springs has developed a shared Google document that teachers use to record all disciplinary incidents throughout the school, the interventions used to address the situation, and any resolution or consequence that resulted. The principal reports that this data collective system is inexpensive and not very time-consuming for teachers. The principal reviews weekly reports of the disciplinary data to identify teachers or students who may need additional supports, services, or training.

Together with the school Behavioral Management Committee, the City Springs principal developed a flow chart, reflected in Figure 13, that helps teachers and administrators determine the appropriate restorative intervention for various problematic behaviors and identify when matters need to be escalated to the office. The principal sends students referred to the office back to class if the teacher has not yet attempted other restorative interventions.

**Figure 13. City Springs Problem Behavior Flowchart**



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## PRINCE GEORGE'S COUNTY

Prince George's County Public Schools (Prince George's) started implementation of restorative practices in 2017. The Department of Special Education received a grant to create a Coordinating Early Intervention Services (CEIS) program to offer a research-based intervention to improve social-emotional competencies and assist in reducing the disproportionality of suspensions among the special education population at thirty-two schools with high suspension rates.

Prince George's hired and trained Crisis Intervention Teachers (CRT) in restorative practices to work with a focus group of students at each school. Mid-year, the district hired a program coordinator to support a small-scale, schoolwide restorative practices pilot program. Prince George's currently has six schools participating in whole school restorative practices: four middle schools, one high school and one specialty high school. All four middle schools are part of the special education restorative practices program. Educators attend a four-day training that consists of a one-day exploratory training followed up by a three-day circle training. Along with a CRT in the four middle schools, each pilot site has a Restorative Practices Coordinator to support teachers in their buildings and address issues that happen outside of the classroom. Whole school restorative practices includes the implementation of affective statements, restorative questioning, community circles and circles to repair harm.

Each school develops an implementation plan based on their individual school's needs. Many of the participating schools are also PBIS schools. As of December 2018, schools were in the early stages of implementation, but the available data looks promising as suspension rates have dropped in the schools using restorative practices. Teachers have reported a positive change in their classroom climates due to community building circles.

Prince George's plans to expand the pilot program with an additional seven to eight schools in the 2019-2020 school year. These schools will be chosen based on feeder patterns to the current pilot sites, leadership interest, and a commitment to the process. Prince George's received a Safe Schools grant to support expansion of the pilot programs.

In addition to restorative practices, Prince George's collaborates with the Key Bridge Center for Conflict Resolution to provide attendance mediation in two schools. A pending MOU will open the attendance mediation services countywide. In addition, the center offers community conferencing and receives mediation referrals from schools.

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## DORCHESTER COUNTY

Dorchester County Public Schools (Dorchester) has collaborated with Mid Shore Community Mediation Center (MSCMC) to provide restorative practices services and training since 2011. On-site conflict resolution programs provide mediation and restorative conferences at four schools. Training and interventions are available to every school in the district upon request. Staff at three elementary practices and dialogue circles.

During the 2011-2012 school year, MSCMC developed a pilot program providing mediation services for students, staff and families at Mace's Lane Middle School. The pilot was successful and expanded to a comprehensive approach district wide. The long-standing partnership between Dorchester and MSCMC has fostered relationship development that results in regular requests for support and services in both proactive and reactive approaches to discipline and school climate.

Through partnership with MSCMC, Dorchester has been able to leverage available resources to maximize the variety, accessibility, and quality of the restorative services. AmeriCorps volunteers conduct mediations, conferences, trainings, and provide other restorative practices to students, staff and families throughout the school year. Additionally, a partnership with Salisbury University allows social work students to complete their required field experience with MSCMC's school-based programs.

Dorchester's Strategic Plan for 2018-2023 addresses the need for improved school climate and culture. Intensive efforts are underway to provide professional growth and diversity training for all employees; provide developmentally appropriate instruction on social and emotional safety and well-being, respect for peers, empathy, and personal strengths; and strengthen staff collaboration to support students' social and emotional safety and well-being.

Additional funds are needed to develop data tracking systems and provide professional development for staff, as well as expand the size of community mediation school-based team to meet the growing demand for services. Revised in July 2018, the Dorchester Code of Conduct identifies conferencing, conflict resolution, and restorative justice practices as appropriate behavioral interventions at all five-tiered levels of infractions.

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## BALTIMORE COUNTY

Baltimore County Public Schools (Baltimore County) has utilized a Maryland AWARE Grant to support restorative practices since 2017. The primary goal of the AWARE grant is to build an awareness of interventions to mitigate circumstances and prevent a crisis. The restorative practices work is closely integrated into the multi-tiered systems of support (MTSS) and involves MTSS staffing at the district level.

Of its 174 schools, nineteen are identified as part of the restorative practices initiative. Primarily educators from the nineteen schools were trained by IIRP trainers and C-DRUM using the IIRP curriculum. The restorative tools being implemented at the school level include affective statements, impromptu restorative dialogue, circles (check-in, community-building and problem-solving, and formal conferencing).

While there is no staff fully dedicated to restorative practices at the district level, a team of educators (including some MTSS resource teachers) have become certified IIRP trainers and are offering additional trainings to schools in the 2018-19 school year. Districtwide planning efforts are supported through outside consultants, including C-DRUM, who assist in developing the district's broad plan for implementation, which includes creating a training guide, developing model schools and videos for training, and building community engagement.

In addition to the growth of internal restorative practices capacity, the Conflict Resolution Center of Baltimore County receives referrals for community conferencing and restorative circles from four schools. The center provides coaching and mentoring to school staff and administrators related to community conferencing. In addition, the center facilitates community-building circles based on topics identified by the school.

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#### FREDERICK COUNTY

Frederick County Public Schools (Frederick) views restorative practices as a philosophy and set of practices that seeks to build community and involve students in a proactive and positive manner to promote their social, emotional, and behavioral health. The focus of Frederick's early development involves working with schools and school leaders that are interested and willing to adopt restorative approaches. Of the 66 public schools in Frederick, fifteen schools are participating in some level of implementation. C-DRUM has provided multiple overview trainings for school teams comprised of school leaders, counselors and staff. The restorative tools primarily used in Frederick schools are circles, check-in and check-out circles, along with PBIS, mindfulness and yoga, and Project Wisdom (a character education and social emotional development program). Several schools are utilizing restorative conferencing. Frederick currently has no district level staff support for restorative practices.

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#### WORCESTER COUNTY

Worcester County Public Schools (Worcester) began implementing restorative practices in 2016-2017. For two consecutive years, C-DRUM provided training sessions to small

school teams using IIRP two-day curriculum and provided limited coaching to some of the schools most actively implementing restorative practices. Administrators have been charged with creating school teams to support restorative practices. The teams at each school that received restorative practices training continue to meet with their teachers to discuss and share strategies, including the use of restorative classroom circles.

Worcester recognizes restorative practices, including PBIS and peer mediation, as positive ways to communicate with students and families and redirect and de-escalate student misbehavior. Limited funds, however, have resulted in the inability to train all staff members.

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## CHARLES COUNTY

Charles County Public Schools (Charles) is collaborating with the Education Association of Charles County (EACC) to bring restorative practices to all schools. Charles has utilized grant funding to support training through IIRP. Charles provided seventeen restorative practices classes between March 2017-August 2018, training 480 personnel (72 administrators, 318 teachers, and 100 other school staff).

Charles has a twelve-person trainer cadre including both teacher and administrator members (trained using the IIRP train-the-trainer module). Charles would like to provide training to staff in facilitating restorative conferences.

Charles has made a concerted effort to dovetail restorative practices with existing PBIS programs. Other community outreach between Charles and the Tri-County services has also rendered some support for educators and students. Measures that place students in an alternative setting within the school where they receive academic as well as behavioral instruction instead of suspension are being piloted in some schools at all levels.

Charles has seen promising outcomes but struggles with limited funding to sustain them. Charles seeks more support and training for the expansion of restorative practices and additional counselors to support trauma-informed instruction and alternative programs.

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## GARRETT COUNTY

Garrett County Public Schools (Garrett) was introduced to restorative practices in 2014 with a four-hour overview provided by C-DRUM to counselors, psychologists and social workers. Today Garrett views restorative practices primarily in terms of conflict resolution. Since school conflict is highest at the middle school level, restorative practices (primarily

problem-solving circles) are used predominantly in middle schools. In some schools, social workers developed their own trainings and shared it with others. Related restorative approaches include PBIS, character education, Rachel's Challenge (an anti-bullying initiative), and Project Aim. While the Supervisor of Student Services views the potential use of restorative practices as positive, administrators and teachers have received little to no training. Limited funding and training has hampered the ability for broader implementation.

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## CECIL COUNTY

Over the course of the next three years, Cecil County Public Schools (Cecil) will apply a National Institute of Justice grant to focus on reducing suspension, arrests, and other harsh disciplinary consequences. Intensive training for all school-based employees will provide social and emotional supports for students at all grade levels. These interventions include Life Space Crisis Intervention, Adolescent Mental Health Training for SROs, School-Based Diversion Initiative, and Support for Students Exposed to Trauma/Bounce Back. These interventions are intended to reduce behavioral incidents; decrease disproportionality of behavioral incidents; increase positive school climate; enhance SRO engagement; increase and expand the use of community mental health resources; and provide trauma-based supports for Tier II/III students.

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## HARFORD COUNTY

Harford County Community Mediation Program is working in three schools, providing attendance mediation, conflict management training, peer mediation and restorative circles with on-site staff and AmeriCorps volunteers several days a week. Other schools also can refer matters to the center. A pending MOU will expand community mediation programs in Harford County schools.

## LESSONS AND GUIDANCE FROM MARYLAND DISTRICTS

Maryland local school districts shared their insights about the impact, challenges, and best practices of restorative approaches.

### POSITIVE IMPACT

Overall, districts credit restorative strategies with improved school climate and student conflict resolution skills. Restorative approaches emphasize proactive community building, which districts report foster student engagement in class, decreasing disruptive behavior.

Districts credit restorative approaches with decreasing the need for suspensions. Baltimore City noted that schools using restorative practices demonstrated an increase in attendance rates. Montgomery County noted that mental health has generally improved for students and staff in schools using restorative approaches, and they have seen increased class participation and improved grades in restorative schools. Garrett County noted that restorative practices provide great conflict resolution tools and address students' behavioral issues.

Dorchester County shared how a restorative approach that engaged student leaders to address disruptions in the classroom helped to refocus learning. At North Dorchester High School, one class had frequent conflict among students. A series of large group mediations helped to build community among students in the class, followed by regular class meetings. Students in this class reported an improvement in how they were getting along. They began to work together, even helping each other study for the Maryland High School Assessment tests.

### TRAINING AND SUPPORT

Districts that have implemented restorative approaches have had a variety of training structures. Some have used training curriculum developed by IIRP, C-DRUM, or the Positive Schools Center. Other districts have educated themselves and created their own modified trainings. Montgomery, Prince George's and Anne Arundel have developed their own training programs. Some districts work with their local community mediation centers or restorative conferencing providers, which offer training, as well as

direct services in mediation, conflict management skills, circles, and community conferencing to both students and their families.

Local jurisdictions expressed tremendous interest and need for additional training and resources to support the development of restorative approaches. At the present time, there is no statewide MSDE support for restorative practices similar to that provided for efforts to initiate and sustain PBIS. This means that expertise for training, coaching and mentoring in school systems is not readily available to school leaders and staff. Each school system has to independently create strategies and structures for training, implementation support, and monitoring of outcomes from interventions. Although independent implementation allows for district flexibility, it also results in inconsistent approaches to training, implementation, evaluation, and quality assurance.

## CHALLENGES AND RECOMMENDATIONS

All districts interviewed reported significant administrative and resource challenges in their attempts to implement restorative approaches. The most significant barrier has been a lack of funding for adequate training, coaching, and technical support. Districts expressed a need for dedicated leadership at the state, district, and school level to provide adequate infrastructure to support restorative approaches. Districts report that it requires approximately 3-5 years to change the disciplinary mindset of the school to a proactive, restorative approach.

Some districts have leveraged the expertise of community partners, such as community mediation and restorative conferencing centers and university programs. In these circumstances, schools need to develop protocols surrounding student referrals and confidentiality that will facilitate partnerships. In some districts that have formed partnerships with community mediation centers, schools send a letter to parents and guardians explaining the partnership and the restorative and mediation services available. The letter requests that parents opt out if they do not want their children to be referred to the program throughout the year. This can ensure timely interventions, rather than waiting long periods of time after a situation for parental consent for a mediation or restorative dialogue.

Multiple districts noted the lack of a statewide infrastructure for restorative approaches similar to that which MSDE and partners have created for PBIS means that districts are responsible for researching and finding their own methods of training, coaching, and mentoring for their schools, monitoring fidelity of program implementation, and monitoring outcomes. Since existing trainings may not fit the needs of a school district, districts are patching together what they can to support restorative programs. However,

funding is inadequate for whole school training of all administrators, teachers, and school staff.

Another significant challenge is the lack of adequate professional development time to provide educator training. Even after initial training, schools require follow-up support to oversee and assist schools with implementation, ensure goals are being met with fidelity, and train new teachers. In addition, restorative practices have not been incorporated into performance reviews.

Districts emphasized the need for support and “buy-in” from administration, staff, and parents. While most districts have found their communities to be generally supportive of restorative approaches, they found it difficult to implement restorative interventions effectively without buy-in from staff and administrators.

A number of schools partner with external providers for many in-school activities, particularly before and after school programming. These individuals receive little to no training in encouraging positive behavior. This results in a disconnect between the restorative experiences of students during the school day and their experiences at other times within the same school building. The staff of afterschool programs should also be educated about the restorative values of the school and resources available to address misbehavior.

## BEST PRACTICES

Districts that have been implementing restorative approaches recommend a number of essential elements and best practices they believe a school district should have when implementing restorative strategies. These include:

- **Administrator Support:** Districts recommend that administrators have an understanding and a willingness to implement restorative approaches before training any school staff. With approval, encouragement, and modelling from administrators, staff will be more willing and enthusiastic to be involved.
- **Training and Follow-up Support:** Multiple districts stated that all schools should have consistent trainings and train-the-trainer models so that schools have the on-going capacity to train all staff. One county expressed the importance of having an implementation group or team at each school.
- **Oversight and Evaluation:** Districts that plan to introduce restorative approaches districtwide emphasized the need for oversight and monitoring plans to evaluate implementation, ensure program fidelity, and identify where coaching and support is needed.

## PRACTICE RECOMMENDATIONS

Based on district challenges identified above, there are a number of recommendations compiled and inferred from districts.

- **Funding:** There is a clear need for state funding to support restorative approaches. It is difficult to gauge the needs of various districts because they vary in size; but even the smallest districts indicated a need for additional resources and support. Also important is the opportunity for local school districts and the State to braid together funding from multiple sources—governmental and non-governmental—to ensure that opportunities are maximized and programs are synergistic rather than overlapping or conflicting. Districts also may leverage expertise and resources by collaborating with non-profit conflict resolution providers or university programs.
- **Adequate Staff:** Most districts do not yet have a person at the district level overseeing restorative programs for the entire jurisdiction. Those that have a district level employee in charge of restorative programs frequently have multiple other important responsibilities. This is insufficient to scale implementation districtwide. Districts and schools need adequate staff dedicated to support the implementation of restorative approaches and link opportunities with other organizations, agencies, and community partners. There are multiple streams of funding that can be leveraged to support training, coaching, and mentoring of school staff and persons providing services within schools or to students.
- **Structured Training, Coaching, and Mentoring:** There needs to be a structured approach to the training, implementation, and sustaining of restorative approaches. Coaching and mentoring is critical to implement restorative approaches with fidelity. Schools also need to build internal capacity to teach from within, requiring access to train-the-trainer programs that fit their needs.
- **Implementation Plan and Oversight:** Beyond training, schools, school districts, and agencies and organizations collaborating with local school districts need a plan of action for implementation, sustainment and oversight. During implementation, the district should be able to provide technical assistance and support to their schools to ensure program fidelity. After implementation, schools need assessment tools and a means of data collection to track progress and ensure that program goals are being achieved as well as opportunities for continued professional development, student engagement, and family and community engagement. *A Guide for the Implementation Stages of Restorative Approaches* is attached as Appendix 4.

- **Community Partnerships:** Schools should explore potential partnerships with community organizations, such as community mediation and restorative justice centers, non-profit organizations, university programs, and government agencies. These partnerships may alleviate burdens on school staff by providing expertise, training, mentorship and direct services in the school as well as in the community.

## SUMMARY

Given the clear evidence about the harmful and discriminatory effects of zero tolerance exclusionary discipline, and the growing body of evidence about the positive impacts of restorative models, Maryland schools should adopt restorative approaches that focus on building and sustaining positive learning environments and using disciplinary interventions aimed at prevention, problem solving, and rehabilitation.

# V.

## YOUTH AND COMMUNITY ENGAGEMENT

### YOUTH VOICE

Federal and state agencies, researchers, and those working to promote youth outcomes have recognized the need to incorporate affected youth and their insights in efforts to develop programs and identify societal, organizational and social determinants of issues such as children and youth engaging in violence (Blasé et al. 2005; Bridgeland & Mason-Elder, 2012; Minkler & Wallerstein, 2008; Nemoj & Miles, 2018; White House Council 2012).

The concept of youth engagement is central to the youth development field and involves young people as active agents in their own growth and development, rather than passive recipients of programs or services provided by others. Increasingly, youth-serving programs and systems are recognizing that they cannot effectively develop and implement programming without youth involvement. The Aspen Institute's Forum for Community Solutions' Opportunity Youth Incentive Fund (OYIF) communities have made youth engagement a central pillar of their work with a strong commitment to the concept of "nothing about us without us" and an abiding belief that young people have the right to represent their own interests, identify their challenges and design their own solutions" (Nemoj & Miles, 2018:1).

The federal government has established a website to help organizations and individuals access youth solutions regarding violence, juvenile justice services, and other aspects of the school-to-prison pipeline.<sup>10</sup> Maryland should support a similar effort so that local school districts, jurisdictions, organizations and agencies, community advocates and youth themselves can more effectively be involved in Maryland's efforts to reduce the number of youth involved with violence, the juvenile justice, and failing to graduate to success.

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<sup>10</sup> See <https://youth.gov/youth-voices>.

Governor Hogan, the Children's Cabinet, and the Governor's Office for Children have recognized many of the challenges identified in this report and prioritized creating pathways for success for all of Maryland's students. (Children's Cabinet, 2015). There is a need to better coordinate these efforts and funding with the activities that focus both on universal efforts and targeted efforts of local jurisdictions and local school districts. Greater resources also are needed for the training, coaching, mentoring, and monitoring activities although better braiding existing funding and activities would also create significant synergy and expanded outcomes.

## INPUT FROM YOUTH

The Commission sought input from youth about discipline and restorative approaches at a Youth Engagement event in Dorchester County. The event was organized by Community Mediation Maryland and Mid Shore Community Mediation Center. The students shared their experiences with both exclusionary discipline and more restorative approaches, such as mediation and restorative class meetings and circles. A summary of the event is attached as Appendix 3.

A few highlights of the perspectives shared by youth at the Dorchester event included the following:

### POSITIVE IMPACT OF RESTORATIVE CIRCLES AND CLASS MEETINGS

Students shared that restorative class meetings and circles allow students to understand the experiences of others and provide an opportunity to bond. Students talked about the value of the opportunity to understand what their peers were going through, especially if it is someone they would not otherwise know well. A student pointed out that it is an important opportunity to "relate to each other and bond over that, whether we are friends at the end of the school year or we just learn to tolerate each other." Another student highlighted the fact that high schoolers often do not realize that they are hurting other people, but the circle helps students learn about the experiences of others and may help them be more thoughtful about how they affect other people.

A class of students that engaged in regular restorative class meetings and circles reported how the circles and class meetings taught them to resolve conflicts. The students said the interventions helped them work together, even making different groups more willing to study together for the Maryland High School Assessments.

Students reported that the restorative class meetings with the "Peace Team" are very important to the students as a "period of stress relief." The students believe that every

class should have circle time where they have space to address things going on between the students and teacher. As one student put it, "Class meetings help you realize that the teachers care, and you want to feel safe and like your teachers care."

### STUDENT THOUGHTS ABOUT DISCIPLINE

When the subject of discipline arose, students talked about varying perceptions of suspensions and in school suspensions as a mechanism for discipline. One student who had experiences with in school suspension expressed feeling stuck and trapped because students spend the day in one of the trailer classrooms and clean the cafeteria after lunch. Some students view it as an opportunity to miss class. Generally, students said they do not see this as an effective tool for changing behavior. Although some individuals may be encouraged to make better choices to avoid missing class, the students explained that most "just shrug it off." Some students view suspensions as an "escape from school," especially those who already have a hard time with motivation in school. Some students felt confused around why in school suspension was the response to tardiness when it punishes students for missing class by removing them from class.

Students talked about out-of-school suspension as unhelpful for improving behavior in school. Students do not mind having time off school, but do not believe suspension helps to solve the problem that led to the suspension in the first place. One student felt that suspensions were often administered unfairly. Another student mentioned falling behind on her schoolwork during her suspension. A third student expressed a belief that suspension should be a last resort because it does not make sense to remove someone from school for something small or something that might have been misunderstood by the faculty or administrators. Other students felt that certain students were targeted. A teacher pointed out that it would be helpful to pay attention to a child's circumstances to consider what will help that student learn from a situation rather than enforcing very general discipline policies.

The students said that suspensions give them the opportunity to stew over the conflict rather than resolving it. They commented that sometimes parents get involved with discipline, which may escalate rather than resolve the situation. Students expressed a desire for teachers to be open to using mediation with students and a hope that teachers will talk to students instead of making assumptions about them. Students in one of the focus groups suggested that middle school students should be exposed to circles and class meetings before they come to high school.

## SCHOOL SAFETY AND POLICE

When the discussion turned to school safety, generally students said they felt safe in their building. Some students felt stressed about the idea of adding more School Resource Officers on the campus. Students shared different feelings of connectedness with the SRO. Most students agreed that having additional armed officers was not the solution to school safety, and they also believe that teachers want to keep them safe and may need more tools to do so.

Some students shared having negative interactions with police officers in their community and feeling uneasy around law enforcement. Several students discussed how their race might be a factor in relationships with law enforcement and other adults. Students shared that they felt the presence of racism in their school and stressed the importance of more diversity among school staff and sensitivity to the way race is handled.

## FAMILY AND COMMUNITY ENGAGEMENT

Family attitudes about school and their children's experiences have the potential to have a huge impact on their children's experience in the education system. It is important that educators at all levels work together to create a system that engages not only all students equitably but also engages and empowers families in similar fashion. All stakeholders need to be trained, coached, and mentored to facilitate their efforts to improve the lives of our students and school environments.

To support whole-school change to more restorative approaches, schools should educate and engage families and community partners. In addition to using the outreach and communications methods already established with families (websites, newsletters, back-to-school nights, open houses, student activities and sporting events which parents typically attend) each local jurisdiction might consider the following:

- Host multiple information meetings on restorative approaches at different locations and times. These provide opportunities for parents to learn about restorative approaches and offer their ideas prior to systemic implementation.
- Offer parent workshops in restorative approaches, so parents can reinforce the same communication and problem solving techniques at home.
- Design a social media campaign, website information, and Frequently Asked Questions documents.

- Invite parent leaders to participate in the developmental planning and implementation process. This group can develop information packets about the program to inform parents of the benefits of restorative practices.
- Work with community partners providing similar services so that families can access these services as needed, reinforcing the approaches being used in the schools.
- Hire consultants to provide the expertise necessary to assist in creating a solid foundation.

(Modified from Rick Philips, February 15, 2017, International Institute for Restorative Practices, <https://www.iirp.edu/news-from-iirp/five-keys-for-gaining-parent-and-family-buy-in-for-restorative-practices>).



# VI.

## RECOMMENDATIONS

Maryland must take action at the state and local level to dismantle the school-to-prison pipeline and promote whole school restorative approaches to building and sustaining positive learning communities.

As defined above in Section IV, the recommendations below incorporate the Commission's broad definition of "restorative approaches," permitting maximum flexibility for local jurisdictions to adopt the strategies most appropriate for their schools:

A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students.

The guiding principles of a restorative approach include the following:

- A restorative approach is primarily proactive and preventative rather than a reactive discipline model, with 80% focused on building strong relationships and setting clear behavioral norms for the school community.
- Restorative interventions:
  - develop healthy, productive responses to conflict that increase connections between and among members of the school community;
  - give all stakeholders (students, parents, teachers, staff, and community partners) a voice and influence in decision-making. Its practices involve every stakeholder in the process to build and maintain a sense of belonging, safety and social responsibility in the school community; and
  - prevent and repair harm through dialogue that addresses behavioral consequences in the form of individual and/or collective accountability to promote trauma-responsive and physically and emotionally safe school environments for students, staff and families.

The Commission recommends action in the following five areas: development of restorative schools; teacher education; discipline data collection and transparency; state support and evaluation; and the leveraging of resources.

## DEVELOPMENT OF RESTORATIVE SCHOOLS

1. The Commission recommends that Maryland law be amended to codify a restorative approach to positive school climate and rehabilitative discipline.

**To promote consistency with MSDE's efforts to reform school discipline, the Maryland General Assembly must pass a law clarifying that school discipline shall be proactive, restorative, and rehabilitative in nature.**

The Maryland General Assembly should pass legislation that:

- Amends Md. Code Ann., Educ. § 7-306(c), to clarify that the purpose of discipline in an educational environment is rehabilitative and restorative, not punitive, in nature;
- Requires local school districts to develop multi-year plans for the adoption, implementation, and continual monitoring of proactive and restorative approaches to building and sustaining positive school climate and equitable discipline. To avoid duplication and burden, these plans can be integrated with other plans schools must develop under federal and state law to improve school climate, promote equity and inclusion, or address disproportionate discipline. These restorative approaches could be a continuum of strategies, as described in this report, to best fit the needs of each district and school;
- Amends Md. Code Ann., Educ. § 7-305 to permit exclusionary discipline only as a last resort, after the school has exhausted other conflict resolution, rehabilitative, or supportive services interventions to address the causes of the underlying behavior, or when the student has committed serious criminal activity or presents an imminent safety threat;
- Requires schools to address disproportionate application of discipline through proactive restorative approaches that are equitable and conducive to learning for all students;

- Provides adequate resources to MSDE and local school districts to develop, implement, monitor, and sustain restorative approaches to positive school climate and rehabilitative discipline;
- Clarifies that School Resource Officers shall not be used for routine school discipline and can arrest children only in the event of serious criminal activity.

2. The Commission recommends the establishment of a Maryland Restorative Schools Fund.

**To support the adoption and implementation of restorative approaches, the Governor and General Assembly should establish a Restorative Schools Fund. This Fund would provide grants to local districts and individual schools to support the training, implementation, and evaluation of restorative approaches to building and sustaining positive learning communities.**

- Funds to districts could be used to develop and support a broad array of restorative approaches, as defined in this report. These funds could, for example:
  - Support district-level staff to provide technical assistance and supports to schools implementing restorative approaches;
  - Establish teacher and administrative leadership tracks to promote competency in restorative approaches;
  - Conduct annual districtwide training for all school personnel on restorative approaches (including all adults who interact with children, from teachers and administrators, to SROs, cafeteria workers, office staff, and other aides and volunteers);
  - Support the development of local practitioners internal to the district and schools who are qualified to offer training in restorative approaches;
  - Gather and analyze school discipline data and conduct a root cause analysis, assist schools in analyzing the relationships between student behavior and disciplinary consequences, and develop incentives for schools to improve their student outcomes;
  - Identify additional funding sources that schools can use for training, coaching, and mentoring in support of implementation and evaluation;
  - Oversee school level plans to promote restorative approaches to positive school climate and discipline;
  - Train all school personnel on implicit bias and cultural competency;

- Address disproportionate application of discipline and promote racially equitable practices;
  - Develop community partnerships that will support restorative approaches; and
  - Support student and family engagement in restorative approaches.
- Funds to schools shall be used to:
    - Develop multi-year plans based on root cause analysis to identify the restorative strategies the school will use, the training and on-going support it will provide to staff, and the outcome measures it will use to evaluate its use of restorative approaches;
    - Provide for the compensation of staff to support the training, implementation, evaluation, and sustainability of restorative approaches;
    - Cover the costs of professional development and training, coaching, and mentoring on restorative approaches;
    - Address racially disproportionate application of discipline through training in implicit bias, culturally relevant pedagogy, cultural competency, and restorative approaches to discipline; and
    - Promote youth and family engagement in restorative approaches.

3. The Commission recommends that every school district in Maryland must adopt restorative approaches to positive school climate and rehabilitative discipline.

**We recommend that every local school district implement restorative approaches to positive school climate and discipline in all schools. Specifically, local districts should:**

- Gather and analyze school discipline data and assist schools in using restorative strategies to promote positive school climate conducive to learning for all students and ensure racially equitable disciplinary interventions;
- Oversee school-level plans to build and sustain restorative approaches to positive school climate and ensure equitable application of discipline;
- Provide a continuum of rehabilitative, restorative, or conflict resolution options to address problematic student behavior;
- Provide funding for training, implementation support, and evaluation of restorative approaches;
- Explore federal and private grant opportunities and offer support to schools to seek funds and qualified trainers;
- Develop internal infrastructure to provide training, coaching, mentoring, and monitoring to schools implementing restorative approaches; and
- Facilitate community partnerships to implement restorative approaches.

4. The Commission recommends the immediate adoption of the Kirwan Commission's recommendations that promote educational equity.

**We encourage the immediate adoption of the Kirwan Commission recommendations that will help to promote educational equity and dismantle the school-to-prison pipeline.**

This Commission supports the recommendations by the Maryland Commission on Innovation and Excellence in Education (known as the "Kirwan Commission") to incorporate restorative practices into early childhood education and teacher and school leader training. Restorative approaches to building positive school climate and equitable disciplinary practices are inextricably linked with the Kirwan Commission's goals.

This Commission also supports the Kirwan Commission's recommendations to provide resources to reduce risk factors for students and ensure that all students have access to quality early childhood education, competent and compassionate teachers, and resources to help them become college and career-ready. The Commission urges the adoption of Dr. Ivory Toldson's recommendations to the Kirwan Commission relating to cultural competency for teachers and principals. In particular, this Commission endorses Dr. Toldson's recommendations to Kirwan's Working Group 2 to: 1) identify and eliminate any potential biases in licensing standards and 2) "underscore the role of principals in cultivating an environment for teachers to develop cultural competence and enhance empathy and respect, eliminate biases, stereotypes and misinformation from school staff, and operate under the philosophy that all students of color are capable of the highest levels of academic achievement."

## TEACHER EDUCATION

5. The Commission recommends that pre-service training for teachers and other professionals working in schools include instruction in restorative approaches, implicit bias, cultural competency, and culturally relevant pedagogy.

**To maintain high quality teachers and system leaders, pre-service training for teachers and other professionals working in schools must include training in restorative approaches, implicit bias, cultural competency, and culturally relevant**

**pedagogy. Maryland institutions of higher education must include such training in their teaching degree programs.**

6. The Commission recommends that all local schools districts provide all individuals who work with children training in restorative approaches, implicit bias, and cultural competency.

**All individuals who work with students in school (teachers, administrators, School Resource Officers and police, other school staff, etc.) must be required by their districts to attend ongoing training in restorative approaches, implicit bias, and cultural competency to support positive and equitable learning communities and sustain efforts to dismantle the school-to-prison pipeline. The State must ensure adequate funding and resources for such trainings.**

## DISCIPLINE DATA COLLECTION AND TRANSPARENCY

7. The Commission recommends accessible and transparent data reporting and on-going analysis.

**The Commission recommends specific changes to ensure that school discipline data is transparent and publicly available, while protecting individual student privacy. This includes the following:**

### DATA ACCESSIBILITY AND TRANSPARENCY

- o The General Assembly should direct MSDE to make public, in an accessible and disaggregated format (such excel, cis, or other accessible electronic file format) all data related to disproportional disciplinary practices of individual schools and districts.
- o MSDE should disaggregate information on student discipline by commonly used subgroups (i.e., race/ethnicity, disability status, English language proficiency, gender, and socioeconomic status) for the State, each local school district, and each public school.
- o MSDE should include disaggregated discipline data on the on-line Maryland Report Card at the State, district, and school level.
- o MSDE should publicly report the disproportionality data of schools that are high suspending (see following recommendation on method of identifying high suspending schools).

## DISPROPORTIONATE IMPACT OF SCHOOL DISCIPLINARY PRACTICES

- To determine whether a school's disciplinary practices have a disproportionate impact, we recommend that MSDE lower the risk ratio for identifying high suspending schools from 3.0 to 2.0 for identifying a school as "high suspending." MSDE should also include alternative schools/programs, public separate day schools and Juvenile Services Education System (JSES) schools in the calculations, as these schools should be held accountable for disproportionate disciplinary practices.
- We recommend that MSDE adopt an additional measure of disproportionality based on the following criteria: For elementary schools, any school that removes 10% or more of students in any of the major subgroups (i.e., race/ethnicity, socioeconomic, disability, and English language status) is identified as high suspending. This is consistent with existing state law (Md. Code Ann., Educ. §7-304.1(b)). For secondary schools (including middle schools), any school that removes 25% or more of students in any of the major subgroups is identified as high suspending. These criteria can be extended to the district.

## CLASSROOM LEVEL DISCIPLINE DATA

- Districts and local schools need some form of discipline data collection system that school leaders can review regularly (e.g., once a week) and that provides an in-depth look at all disciplinary incidents, restorative interventions, and consequences. This can assist schools in identifying teachers or other staff that need additional support, mentoring, or training in restorative interventions.
- The data collection system should include information on what happened for each disciplinary event, when and where the disciplinary event happened, which student, teacher, staff or others were involved, which restorative interventions were attempted prior to any office referral, and what if any rehabilitative plan of action or consequences resulted.

## STATE SUPPORT AND EVALUATION

8. The Commission recommends that the State provide adequate support for the development and implementation of restorative approaches.

**We recommend that MSDE develop guidelines on restorative approaches and facilitate the training, implementation, monitoring, and sustainability of restorative approaches in districts and schools. The Governor should ensure that MSDE has**

**adequate budgetary resources to support the development, implementation, and monitoring of restorative approaches in all Maryland schools.**

The Commission recommends that MSDE:

- Contract with third-party vendors to provide training, coaching and mentoring to MSDE and local schools on restorative approaches until such time as MSDE has sufficient internal capacity and expertise to support the work.
- Hire a Restorative Coordinator and staff at MSDE to support local districts in the development, implementation, and monitoring of restorative approaches, including assisting with local data analysis to determine root causes with regard to school climate and disproportionality.
- Develop restorative approaches guidelines and a resource manual that includes information about best practices, training models, the kind of support that is needed for implementation, and information about how to sustain a program over time.
- Assist local districts to identify additional funding sources and implementation training resources for district and school staff.
- Assist local districts in addressing the priorities identified in their restorative plans (described in Recommendation #1).
- Provide technical assistance and training to districts and schools to support the adoption and implementation of restorative approaches.
- Facilitate the collaboration of local districts with community partners that may be able to provide restorative services in schools and work to develop protocols that will support such collaborations.
- Provide assistance in the establishment of a statewide consortium so that local school districts can share ideas, resources, and best practices about restorative approaches.

9. The Commission recommends on-going analysis of student outcomes and evaluation of restorative approaches.

**The Maryland Longitudinal Data System Center (MLDSC), a state agency, should be charged with analysis of the relationship between exclusionary discipline practices, disproportionality impact, and *student* outcomes. The data required for MLDSC to conduct such on-going analysis must be made available to them under Maryland law.**

**In addition, we recommend an analysis of school discipline and restorative approaches in Maryland by an independent researcher or research organization such as the University of Maryland's Maryland Equity Project or a collaboration**

**among higher education institutions in Maryland, including historically black colleges and universities. This research should include the following two studies:**

- An analysis of the relationship between exclusionary discipline practices, disproportional impact, and student outcomes. This includes examining the relationships between suspensions and expulsions and student outcomes, such as the likelihood of dropping out of school, graduation rates, transition to college and the workforce, and involvement in the criminal justice system.
- An evaluation of the training, implementation, and impact of restorative approaches on school and student outcomes in Maryland.
- Student discipline data, currently legislatively prohibited under Md. Code Ann., Educ. § 24-701 (f)(3)(iv), must be included in the Maryland Longitudinal Data System to facilitate on-going analysis and research to better inform policies and practices.

## LEVERAGING RESOURCES

10. The Commission recommends that schools engage community partners and families.

**Every local school district must prepare an action plan to educate their families and communities about any restorative approaches being implemented in schools. This community action plan should be part of the local plan for implementation and may include collaboration with community partners (such as non-profit organizations, community mediation and restorative conferencing programs, universities, and agencies), who may also be able to provide similar services to families in the community.**

11. The Commission recommends the expansion of AmeriCorps funds to support restorative approaches in schools.

**As AmeriCorps programs have supported restorative practices service provision in a number of school systems, we recommend that the Governor's Office of Service and Volunteerism recognize restorative practices as a priority area when distributing federal AmeriCorps funds from the Corporation for National and Community Services to Maryland programs.**

12. The Commission recommends the integration of efforts across state and local systems.

**All Maryland executive agencies (coordinated by the Governor's Office of Children) should work to integrate efforts of state agencies, local jurisdictions, and local school systems so that the multiple funding streams being used to dismantle the school-to-prison pipeline and promote educational equity result in synergy and maximum collective impact. This should include facilitation and linkage of efforts to ensure that development and monitoring activities have youth voices and that the existing youth advisory boards in the state are effectively engaged.**

## APPENDIX 1:

### SUMMARY OF LOCAL DISCIPLINE CODES THAT MENTION POSITIVE DISCIPLINE APPROACHES

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**Key:**

Level 1 - Classroom, Support, or Teacher-led Response

Level 2 - Classroom, Support, or Removal Response

Level 3 - Support, Removal, Administrative Response

Level 4 - Support, Removal, Administrative, and Out-of-School Suspension Response

Level 5 - Long-Term Suspension or Referral Response

#### Local Codes of Discipline

<a href="#">Allegany County Public Schools</a> 2014-2015	MSDE resource guide says county participates in peer mediation but those words are not in their code of conduct
<a href="#">Anne Arundel County Public Schools</a> 2017-2018	use of community building circles and responsive circles RP listed as appropriate response to a level 1, 2, 3, 4, or 5 intervention peer mediation listed as appropriate response to a level 2 conflict resolution listed under 2, 3, and 4
<a href="#">Baltimore City Public Schools</a> 2017-2018	codes states recognition of effectiveness RP and mediation as a discipline policy RP listed as an appropriate response to level 1, 2, ,3 ,4 and 5 (by a trained adult) peer mediation listed under level 1 and 2
<a href="#">Baltimore County Public Schools</a> 2017-2018	peer mediation and conflict resolution listed as a possible response to a category I offense (such as academic dishonesty, attendance issues, etc.) a category II offense may be referred to the Conflict Resolution Center of Baltimore County

<a href="#">Calvert County Public Schools</a> 2016-2017	MSDE resource guide lists this county as using peer mediation but nothing in their code suggests it
<a href="#">Caroline County Public Schools</a> 2016-2017	mediation or referral to a mediation service listed as a possible response to a level 3 offense
<a href="#">Carroll County Public Schools</a> 2017-2018	referral to mediation and conflict resolution listed under "progressive discipline" methods
<a href="#">Cecil County Public Schools</a> 2015-2016	N/A
<a href="#">Charles County Public Schools</a> 2017-2018	RP and conflict resolution listed as a response to a level 1 intervention (level 1 only includes attendance related issues)
<a href="#">Dorchester County Public Schools</a> 2015-2016	mentions mediation in philosophical part of code conflict resolution and RP listed as an appropriate response to a tier 1 conflict resolution referral listed under tier 2
<a href="#">Frederick County Public Schools</a> 2017-2018	conflict resolution and peer mediation listed under tier 1 intervention
<a href="#">Garrett County Public Schools</a> 2017-2018	RP mentioned as a way to avoid suspensions RP listed as a response for a level 3 or 4 offense peer mediation listed under level 2
<a href="#">Harford County Public Schools</a> 2017-2018	referral to a mediation service listed as a possible disciplinary consequence
<a href="#">Howard County Public Schools</a> 2017-2018	peer mediation listed as a level 2 response teach an education program on conflict resolution

<p><a href="#">Kent County Public Schools</a></p> <p>no year provided*</p>	<p>RP listed as level 1, 2, 3, 4, or 5 response</p> <p>peer mediation listed under level 2</p> <p>“student court” listed under levels 3 and 4</p>
<p><a href="#">Montgomery County Public Schools</a></p> <p>2017-2018</p>	<p>state their continued effort to implement RP into their schools (provide their own definition of RP)</p> <p>RP by a specialist listed as a level 2, 3, 4, and 5</p> <p>peer mediation listed under levels 1 and 2</p> <p>conflict resolution listed under level 1, 2, and 3</p>
<p><a href="#">Prince George's County Public Schools</a></p> <p>2017-2018</p>	<p>code mentions both peer mediation and teen court (but not when they are utilized)</p> <p>RP a level 2 response</p> <p>community mediation listed as a level 4 response</p>
<p><a href="#">Queen Anne's County Public Schools</a></p> <p>2014-2015</p>	<p>provide definitions of peer mediation, restorative justice and conflict resolution in code (but not when they are utilized)</p>
<p><a href="#">St. Mary's County Public Schools</a></p> <p>2015-2016</p>	<p>N/A</p>
<p><a href="#">Somerset County Public Schools</a></p> <p>2017-2018</p>	<p>mediation listed as a possible dispute resolution option</p>
<p><a href="#">Talbot County Public Schools</a></p> <p>2015-2016</p>	<p>RP defined and listed as a level 1, 2, 3, 4, and 5 response</p> <p>peer mediation defined and listed as a level 1 and 2</p> <p>conflict resolution defined as listed as a level 1, 2, and 3 response</p>
<p><a href="#">Washington County Public Schools</a></p> <p>2017-2018</p>	<p>mentions mediation as a possible corrective action for discipline</p>

<p><a href="#">Wicomico County Public Schools</a></p> <p>2017-2018</p>	<p>RP defined and listed as a level 1, 2, 3, 4, and 5 response</p> <p>conflict resolution defined and listed as a level 1, 2, and 3 response</p>
<p><a href="#">Worcester County Public Schools</a></p> <p>2017-2018</p>	<p>mentions RP, mediation and conflict resolution as alternative methods for discipline that can be used</p>

## APPENDIX 2: INTERVIEW GUIDE FOR LOCAL DISTRICTS USING RESTORATIVE APPROACHES

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*The Commission used this survey instrument to conduct telephone interviews with a sampling of districts that had codes of conduct that reflected use of restorative practices.*

Introduction:

We understand your district has been using restorative practices in some schools. The School-to-Prison Pipeline and Restorative Justice Commission was appointed by the Maryland General Assembly to study discipline practices in schools throughout the state and recommend positive discipline models, such as restorative practices or peer mediation.

We'd like to get the benefit of your experiences and feedback as we think about the recommendations for our report.

Person Interviewed (name, title, district)

What is your role in the district?

What does restorative practices mean in your district? (or, read the definition of RP from their local code – is that their basic understanding of what RP means in their district)

How is your district using restorative practices?

How would you describe the implementation of restorative practices in your district? (explore: overall structure; what type of support – are there district-wide or school restorative practices coordinators; timeline for wider implementation in the district)

How does restorative practices work on the ground in the school (explore: are teachers required to do community-building circles – how often? Are teachers using instructional circles? Are restorative conferences used? When?)

What type of restorative practices training has been used in your district (explore: who has been trained; who provided training; how many days is the training; how are new staff trained; any training for parents or students)

What challenges has the district/schools encountered as restorative practices have been implemented?

What has been the general reaction to RP in the district

-How have students reacted to RP?

-How have teachers and administrators reacted to RP?

-How have parents reacted to RP?

What impact has restorative practices had in schools:

Positive impacts?

Negative impacts?

Ongoing challenges?

Based on your experiences with RP so far, what would you recommend as essential elements or "best practices" for any school or district thinking about implementing RP?

Do you use other positive discipline or conflict resolution programs in conjunction with RP, like peer mediation, Positive Behavioral Improvement System (PBIS), peer juries/teen court, or others? (Describe each program)

Do you have any other thoughts or recommendations about RP that you think might be helpful for the Commission?

Thank you very much for your time and feedback!

### **APPENDIX 3: SUMMARY OF YOUTH ENGAGEMENT EVENT AT NORTH DORCHESTER HIGH SCHOOL**

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Community Mediation Maryland and Mid Shore Community Mediation Center coordinated a visit to North Dorchester High School (NDHS) for members of the Commission on the School-to-Prison Pipeline and Restorative Practices to observe a Restorative Class Meeting and meet with students and staff to discuss their experiences and thoughts.

Mid Shore Community Mediation Center's "Peace Team" provides students and staff at NDHS with access to mediation and other restorative practices (RP). Members of the Commission had the chance to connect with students who have experienced a variety of Restorative Practices at NDHS, including mediation, restorative class meetings, conflict management skills training, and restorative circles to repair harm.

The visit began with a class meeting of about fifteen students and their social studies teacher, Mr. Kohl. These weekly meetings are facilitated by professionally trained members of the "Peace Team", directed by Jennifer Williams. The students then split into two focus groups with Commission members to share their perspectives on RP, traditional discipline, and school climate at NDHS. Commission members also spoke with Principal Lynn Sorrells, Mr. Kahl, and other school staff to discuss the progress and impact of RP at North. This is a summary of the dialogue from the Youth Engagement Day.

The Class Meeting began with a review of the "Participant Expectations" and the "Facilitator Expectation" guidelines the group developed collaboratively during an earlier meeting. During the first round of sharing, everyone introduced themselves, their grade, and their favorite television show. There was lots of laughter and listening. The conversation then turned towards the more serious topic, "Dealing with Labels and Stereotypes." It quickly became apparent that students view the class meetings as a trusting and empathetic space that helps them overcome assumptions and build authentic relationships

The students discussed that labels are often out of the students' control and have a chilling effect on communication and empathy. During the class meeting, students talked about labels based on family reputations, educational accommodations, physical appearances, race, gender, faith, disabilities and health conditions, friend groups, and more. One student mentioned that he is sometimes called "a Jamal," as a way of saying that he looks like a troublemaker, because he is a young Black man. Some of the students felt they had difficulty overcoming past mistakes because people assume that those mistakes represent who they are. Another student shared that her parent encouraged her to get braces after being judged for the way her teeth look. Some

students felt shocked that a parent would feed into the criticisms of others while other students seemed to understand it as protective. This revealed some disagreement around the subjective experience of bullying and how people learn to respond to labels and judgements.

Students expressed a belief that they can overcome certain labels with time, attitude, and participation in class meetings. Students talked about a variety of experiences with overcoming labels, from focusing on self-confidence to allowing time to pass. One student mentioned that participation in class meetings helps give a perspective of what others have gone through. One student agreed with this and said that even though he felt he could overcome some assumptions based on his ideologies at school, he still felt very judged by his family for his beliefs. Some students felt that a focus on self-confidence helps to keep labels from affecting them, but another student pointed out that sometimes it's not about self-confidence: "Sometimes people just want other people to like them so they have more people behind them, and they don't have to feel gamed all the time." A staff member who participated in the class meeting suggested that students should take advantage of all the resources available to them at the school. However, a student mentioned that sometimes there is a fear that reaching out to the school will make the problem worse or more difficult to manage.

Students shared that class meetings and circles allow students to understand the experiences of others and provide an opportunity to bond. Students talked about the value of the opportunity to understand what their peers were going through, especially if it is someone they wouldn't otherwise get to know. A student pointed out that it is an important opportunity to "relate to each other and bond over that, whether we are friends at the end of the school year or we just learn to tolerate each other." Another student highlighted the fact that high schoolers often don't realize that they are hurting other people, but the circle helps students learn about the experiences of others and may help them be more thoughtful about how they affect other people.

During the focus groups, students discussed the importance of the school's Peace Team for learning how to resolve conflict. Many students mentioned that they often look to their families to learn how to resolve conflict, but different families may have different ideas and values when it comes to resolving conflict. Students explained that the Peace Team will talk to you when you are having a problem in the school, either individually or in a group. Some of the tools that students talked about using in the school are circles, mediation, and one on one conversations.

For the students in Mr. Kahl's class, a mediation involving the whole class was necessary before they were able to participate in regular class meetings. There was a lot of conflict and fighting before Mr. Kahl decided to bring in the Peace Team. The many different groups in the class all sat separately and didn't communicate well. Mr. Kahl reached out

to the Peace Team to request their support. The Peace Team provided a series of large group mediations and then began providing regular class meetings. The students have noticed a huge improvement in how the class gets along, noting that they can get through a class period without arguing or being mean to each other. Students seemed to feel that because of the Peace Team interventions, the class is better able to work together, and students from different groups are willing to help each other learn and study for the Maryland High School Assessment.

Students talked a lot about Mr. Kahl's class as a particularly safe and supportive environment, and that they would rate the climate in that class more highly than the school in general. They explained Mr. Kahl is one of the few teachers at the school who has made a serious commitment to keeping weekly class meetings. One student said, "I feel safe in Mr. Kahl's class, and I can talk to him. He was willing to bring the Peace Team in, so I know he cares." Another student said, "Not everyone is able to experience the Peace Team, so not everyone has the same bond and connection." The meetings are very important to the students as a "period of stress relief." Even when they have a test, students work together to get through all the material so that they don't have to miss meetings because they don't want to start having conflict in class again. Previously, the students report, entire class periods were spent feeling distracted from the material because of the tension. The students believe that every class should have circle time where they have space to address things going on between the students and teacher. As one student put it, "Class meetings help you realize that the teachers care, and you want to feel safe and like your teachers care."

When the subject of discipline arose, students talked about varying perceptions of suspensions and DBI (in school suspensions) as a mechanism for discipline. One student who had experiences with DBI expressed feeling stuck and trapped because students spend the day in one of the trailer classrooms and clean the cafeteria after lunch. Some students view it as an opportunity to miss class. Generally, students said they do not see this as an effective tool for changing behavior. Although some individuals may be encouraged to make better choices to avoid missing class, the students explained that most "just shrug it off." Suspensions are often viewed as an "escape from school," especially for those who are already having a hard time with motivation in school. Some students felt confused around why DBI was the response to tardiness when it punishes students for missing class by removing them from class.

Students also talked about out-of-school suspension as unhelpful for improving behavior in school. Students don't mind having time off school, but they do not feel suspension helps to solve the problem that led to the suspension in the first place. One student felt that suspensions were often administered unfairly. Another student mentioned falling behind on her school work during her suspension. A third student expressed a belief that suspension should be a last resort because it doesn't make sense to remove someone

from school for something small or something that might have been misunderstood by the faculty or administrators. Other students expressed that they felt certain students were targeted. A teacher pointed out that it would be helpful to pay attention to a child's circumstances to consider what will help that student learn from a situation rather than enforcing very general discipline policies.

The administration at NDHS has begun collaborating with parents, teachers, and the Peace Team to offer mediation as an option for students to reduce their suspension time. In one of the focus groups, there were a few students who were usually very close but had been suspended after getting into a fight with each other. The students would have been suspended for ten days, but they were able to participate in mediation in exchange for a reduction in their suspension time. The students were grateful that the school gave them this option because it allowed them to address the conflict that led to disciplinary action. The students were not only able to return to school sooner, they were able to restore relationships that they highly value.

The students said that, in the case of conflict, suspensions only give you the opportunity to stew over the conflict rather than resolving it. Sometimes parents get involved with discipline which occasionally has the effect of escalating a situation rather than resolving it. Mediation is helpful and a better alternative to missing school. Students expressed a desire for teachers to be open to using mediation with students and a hope that teachers will talk to students instead of making assumptions about them. Students in one of the focus groups suggested that it would also be a good idea to expose middle school students to circles and class meetings before they come to high school.

When the discussion turned to school safety, generally students felt safe in their building. Some students felt stressed about the idea of adding more School Resource Officers on the campus. Students shared different feelings of connectedness with the School Resource Officer. Most students agreed that having additional armed officers wasn't the solution to school safety, and they also believe that teachers want to keep them safe and may need more tools to do so.

Some students shared having negative interactions with police officers in their community and feeling uneasy around law enforcement. Several students discussed how their race may be a factor in relationships with law enforcement and other adults. Students shared that they felt the presence of racism in their school and expressed the importance of more diversity in members of the school staff and sensitivity to the way race is handled.

*Summary drafted by Emma Evans and Jennifer Williams, Mid Shore Community Mediation Center*

## **APPENDIX 4: Guide for the Implementation of Restorative Approaches**

Schools that want to implement restorative approaches must be committed to “whole-school” change, meaning that everyone focuses on strengthening and repairing relationships in their classrooms and across the school community (M. Thorsborne & P. Blood, 2013). Restorative approaches can be implemented successfully using educational change theory and implementation science.

The following implementation framework is a basic guide to help schools think about what is needed to organize and develop their own detailed plan. The process of implementation may be planned in the following four stages:

- 1) Assessment and Exploration**
- 2) Installation and Capacity Building**
- 3) Initial Implementation**
- 4) Full Implementation and Sustainability**

### **Stage 1 - Assessment and Exploration**

- Assess the school's current culture and climate, including how people treat one another and respond to change for readiness.
- Create a vision.
- Identify initiatives already in place, such as PBIS, social emotional learning, trauma-informed care, etc. and how they can align with RP.
- Examine existing disciplinary data and determine if any student group is disproportionately disciplined.
- Communicate vision and purpose to staff.
- Provide a restorative approach overview to staff/stakeholders.
- Identify community partners who can support implementation with ongoing training and direct services and supports, including community mediation and restorative conferencing centers, non-profit organizations, and university programs.
- Seek conversation for coordination with relevant state agencies.

### **Stage 2 - Installation and Capacity Building**

- Commit to learning as much about restorative approaches and implementation science
- Identify motivated staff ready to initiate the shift to a restorative climate to become change agents and lead the implementation process.

- Establish a core restorative planning team comprised of staff, administrators, parents, students, and community members.
- Draft a strategic plan that includes a logic model for change, an annual budget, implementation procedures, timeline, formative evaluation, outcome measures, and training.
- Conduct monthly team meetings
- Create foundational structures to support implementation of restorative approaches.
- Rewrite discipline policies and student codes of conduct to reflect restorative disciplinary interventions.
- Train all staff in Tier I practices. (Universal & School Wide)
- Train selected staff in Tier II (Targeted interventions) and Tier III (Intensive interventions).
- Employ community partners as needed for services and training.
- Establish an evaluation team.

### **Stage 3 - Initial Implementation**

- Dedicate the first year to building and repairing relationships among adults in the school.
- Schedule professional development for all staff.
- Create a welcoming school environment.
- Staff uses the agreed upon behaviors.
- Proactive initiatives and practices are put in place.
- Classroom circles are established.
- On-going coaching.
- Create and post staff values.
- Track and monitor fidelity of restorative chats and classroom circles.
- Track and disaggregate data.
- Develop referral forms, agreement forms, and guidelines that clearly and collectively communicate the processes and procedures.
- Inform family and students of the shift to restorative approaches.
- Consider use of community partners for assistance.

### **Stage 4- Full Implementation and Sustainability**

- Provide adequate and ongoing training and support for all school personnel including the training and support of newly hired employees and students transferring into a school or school district.

- Continually collect and analyze data based on predetermined outcomes.
- Revisit and revise discipline policy for effectiveness.
- Continually monitor and evaluate progress according to strategic plan.
- Address issues impacting implementation fidelity.
- Employ community partners as needed to sustain full implementation.

(Drafted by Robin McNair based on the following sources: Adapted from the National Association of Community and Restorative Justice (2018); Implementations and Management Guidelines Addendum to NACRJ Policy Statement on Restorative Practices in K-12 Education; Denver Public Schools Implementation Guide (2017) School-Wide Restorative Practices: Step by Step)

### **Trainer Qualifications**

Schools need to ensure that those who provide training in restorative approaches are well qualified to do so. Some questions that can be helpful when selecting trainers include:

What experience do you have providing this training?

Who trained you to provide this training? How long was your apprenticeship?

In the past two years, what continuing education/professional development experiences have you attended?

How do you ensure the quality of your training?

Are you available for on-going consultation?

Trainers should have real world experience relevant to the subject matter, experience providing the training to others, and on-going continuing education activities in the subject.



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