

HOUSE BILL 1257

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4lr1279
CF SB 917

By: ~~Delegates Pasteur and Addison,~~ Addison, Atterbeary, Ebersole, Fair,
Feldmark, Grossman, Henson, R. Long, Mireku-North, Patterson, Roberts,
Vogel, Wilkins, Wims, and Wu

Introduced and read first time: February 8, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Restorative Practices Schools – ~~Establishment~~ Comprehensive**
3 **Plan**

4 FOR the purpose of ~~altering the duties of behavioral health services coordinators and the~~
5 ~~Maryland Consortium on Coordinated Community Supports regarding duties~~
6 ~~related to implementing Restorative Practices Schools throughout the State;~~
7 requiring the State Department of Education to develop a comprehensive plan to
8 implement requirements for the establishment of Restorative Practices Schools;
9 requiring a county board of education to use the comprehensive plan if the county
10 board chooses to establish a Restorative Practices School; and generally relating to
11 Restorative Practices Schools.

12 ~~BY repealing and reenacting, without amendments,~~
13 ~~Article – Education~~
14 ~~Section 7–447(a)(1) and (2) and (b) and 7–447.1(a)(1) and (b)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2022 Replacement Volume and 2023 Supplement)~~

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–306
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY adding to

Article – Education

Section ~~7-447(a)(4) and (5), 7-447.1(a)(8), and 7-452~~ 7-306.1

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 7-447(c) and 7-447.1(c) and (k)~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2023 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

~~7-447.~~

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

~~(2) “Behavioral health services” means trauma informed prevention, intervention, and treatment services for the social emotional, psychological, and behavioral health of students, including mental health and substance use disorders.~~

~~(4) (i) “RESTORATIVE PRACTICES” MEANS EVIDENCE BASED CLASSROOM AND SCHOOLWIDE STRATEGIES DESIGNED TO STRENGTHEN RELATIONSHIPS BETWEEN INDIVIDUALS AND BUILD SOCIAL CONNECTIONS WITHIN A COMMUNITY TO FOSTER STUDENT ACCOUNTABILITY FOR BEHAVIOR.~~

~~(ii) “RESTORATIVE PRACTICES” INCLUDE:~~

~~1. CONFLICT RESOLUTION;~~

~~2. MEDIATION;~~

~~3. PEER MEDIATION;~~

~~4. CIRCLE PROCESSES;~~

~~5. RESTORATIVE CONFERENCES;~~

~~6. SOCIAL EMOTIONAL LEARNING;~~

~~7. TRAUMA INFORMED CARE;~~

~~8. POSITIVE BEHAVIORAL INTERVENTION SUPPORTS;~~

~~AND~~

~~9. REHABILITATION.~~

~~(5) "RESTORATIVE PRACTICES SCHOOL" HAS THE MEANING STATED IN § 7-452 OF THIS SUBTITLE.~~

~~(b) Each local school system shall appoint a behavioral health services coordinator.~~

~~(c) In addition to the requirements under Subtitle 15 of this title, each behavioral health services coordinator shall:~~

~~(1) Coordinate existing behavioral health services and referral procedures for behavioral health services within the local school system, including through a coordinated community supports partnership;~~

~~(2) Working in collaboration with the local health department, the local department of social services, and other local entities that provide behavioral health services, including a community supports partnership, ensure that a student who is referred for behavioral health services obtains the necessary services in a timely manner;~~

~~(3) COORDINATE THE DEVELOPMENT OF RESTORATIVE PRACTICES PROGRAMS FOR USE IN SCHOOLS AND THE ANNUAL TRAINING FOR SCHOOL PERSONNEL IN RESTORATIVE PRACTICES WITHIN THE LOCAL SCHOOL SYSTEM, INCLUDING THE USE OF TRAINING PROGRAMS IDENTIFIED BY THE MARYLAND CONSORTIUM OF COORDINATED COMMUNITY SUPPORTS;~~

~~(4) ASSIST THE RESTORATIVE PRACTICES COACH IN EACH RESTORATIVE PRACTICES SCHOOL WITH MONITORING AND IMPROVING THE INTEGRATION OF A SCHOOLWIDE RESTORATIVE PRACTICES PROGRAM INTO THE DAILY PRACTICES AND ACTIVITIES OF THE SCHOOL;~~

~~[(3)] (5) Maximize external funding for behavioral health, RESTORATIVE PRACTICES TRAINING, and wraparound services;~~

~~[(4)] (6) Have at a minimum a master's degree and behavioral health training experience in schools;~~

~~[(5)] (7) Provide the required behavioral health training under § 6-122 of this article; and~~

~~[(6)] (8) Develop and implement a standardized screening to identify students with behavioral health services needs using an evidence-based measurement approach.~~

~~7-447.1.~~

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

~~(8) "RESTORATIVE PRACTICES" HAS THE MEANING STATED IN § 7-447 OF THIS SUBTITLE.~~

~~(b) (1) There is a Maryland Consortium on Coordinated Community Supports in the Commission.~~

~~(2) The Commission shall provide staff to the Consortium.~~

~~(3) Four additional staff shall be added to the Commission to staff the Consortium.~~

~~(c) The purposes of the Consortium are to:~~

~~(1) Support the development of coordinated community supports partnerships to meet student behavioral health needs and other related challenges in a holistic, nonstigmatized, and coordinated manner;~~

~~(2) Provide expertise for the development of best practices in the delivery of student behavioral health services, supports, and wraparound services; and~~

~~(3) Provide technical assistance to local school systems to support positive classroom environments THROUGH THE USE OF RESTORATIVE PRACTICES and the closing of achievement gaps so that all students can succeed.~~

~~(k) The Consortium shall:~~

~~(1) Develop a statewide framework for the creation of coordinated community supports partnerships;~~

~~(2) Ensure that community supports partnerships are structured in a manner that provides community services and supports in a holistic and nonstigmatized manner that meets behavioral health and other wraparound needs of students and is coordinated with any other youth-serving government agencies interacting with the students;~~

~~(3) Develop a model for expanding available behavioral health services and supports to all students in each local school system through:~~

~~(i) The maximization of public funding through the Maryland Medical Assistance Program, including billing for Program administrative costs, or other public sources;~~

~~(ii) Commercial insurance participation;~~

~~(iii) The implementation of a sliding scale for services based on family income; and~~

~~(iv) The participation of nonprofit hospitals through community benefit requirements;~~

~~(4) Provide guidance and support to the Commission for the purpose of developing and implementing a grant program to award grants to coordinated community supports partnerships with funding necessary to deliver services and supports to meet the holistic behavioral health needs and other related challenges facing the students proposed to be served by the coordinated community supports partnership and that sets reasonable administrative costs for the coordinated community supports partnership;~~

~~(5) Evaluate how a reimbursement system could be developed through the Maryland Department of Health or a private contractor to reimburse providers participating in a coordinated community supports partnership and providing services and supports to students who are uninsured and for the difference in commercial insurance payments and Maryland Medical Assistance Program fee for service payments;~~

~~(6) In consultation with the Department, develop best practices for the implementation of and related to the creation of a positive classroom environment for all students using evidence-based methods that recognize the disproportionality of classroom management referrals, including by:~~

~~(i) Creating a list of programs and classroom management practices that are evidence-based best practices to address student behavioral health issues in a classroom environment;~~

~~(ii) CREATING A LIST OF TRAINING PROGRAMS FOR SCHOOL PERSONNEL TO IMPLEMENT SCHOOLWIDE RESTORATIVE PRACTICES DESIGNED TO STRENGTHEN AND IMPROVE THE SCHOOL CLIMATE TO PROMOTE POSITIVE STUDENT ACADEMIC OUTCOMES AND CONDUCT;~~

~~(iii) MONITORING AND DISSEMINATING UPDATED RESEARCH REGARDING THE MOST EFFECTIVE RESTORATIVE PRACTICES AND BEST PRACTICES ON IMPLEMENTATION AND TRAINING;~~

~~(iv) Evaluating relevant regulations and making recommendations for any necessary clarifications, as well as developing a plan to provide technical assistance~~

~~in the implementation of the regulations by local school systems to create a positive classroom environment; and~~

~~[(iii)] (v) Developing a mechanism to ensure that all local school systems implement relevant regulations in a consistent manner; and~~

~~(7) Develop a geographically diverse plan that uses both school-based behavioral health services and coordinated community supports partnerships to ensure that each student in each local school system has access to services and supports that meet the student's behavioral health needs and related challenges within a 1-hour drive of a student's residence.~~

7-306.

(a) (1) In this section, “restorative [approaches] PRACTICES” means a COMMUNALLY AND CULTURALLY RESPONSIVE, relationship-focused student discipline model that:

(i) Is preventive and proactive;

(ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;

(iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and

(iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

(2) “Restorative [approaches] PRACTICES” may include:

(i) Conflict resolution;

(ii) Mediation;

(iii) Peer mediation;

(iv) Circle processes;

(v) Restorative conferences;

(vi) Social emotional learning;

(vii) Trauma-informed care;

(viii) Positive behavioral intervention supports; and

(ix) [Rehabilitation] **PERSONAL ACCOUNTABILITY.**

(b) Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

(c) The State Board shall:

(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;

(2) On request, provide technical assistance and training to county boards regarding the use of restorative [approaches] **PRACTICES, INCLUDING TECHNICAL ASSISTANCE IN BECOMING A RESTORATIVE PRACTICES SCHOOL IN ACCORDANCE WITH § 7-306.1 OF THIS SUBTITLE;** and

(3) Assist each county board with the implementation of the guidelines.

(d) (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative [approaches] **PRACTICES**, counseling, and student and parent conferencing;

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

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

(e) (1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative [approaches] **PRACTICES** in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

(i) The State;

(ii) Each local school system; and

(iii) Each public school.

(3) Special education–related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) (1) In this subsection, “alternative school discipline practice” means a discipline practice used in a public school that is not an in–school suspension or an out–of–school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

(i) The types of alternative school discipline practices that are used in a local school system; and

(ii) The type of misconduct for which an alternative discipline practice is used.

~~7-452~~ 7-306.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “RESTORATIVE PRACTICES” HAS THE MEANING STATED IN ~~§ 7-447~~ § 7-306 OF THIS SUBTITLE.

(3) “RESTORATIVE PRACTICES SCHOOL” MEANS A PUBLIC SCHOOL THAT INTEGRATES RESTORATIVE PRACTICES INTO DAILY PRACTICES AND ACTIVITIES OF THE WHOLE SCHOOL.

(B) (1) ~~THE ON OR BEFORE JULY 1, 2025, THE DEPARTMENT SHALL DEVELOP A COMPREHENSIVE PLAN TO IMPLEMENT THE REQUIREMENTS FOR THE ESTABLISHMENT OF RESTORATIVE PRACTICES SCHOOLS, CONSIDERING ANY INPUT PROVIDED BY INTERESTED STAKEHOLDERS IN THE STATE.~~

(2) IN DEVELOPING A COMPREHENSIVE PLAN, THE DEPARTMENT SHALL CONSULT WITH AND SEEK INSIGHT FROM:

(I) EDUCATORS AND ADMINISTRATORS WHO HAVE EFFECTIVELY ESTABLISHED AND OPERATED SCHOOLS THAT INTEGRATE

RESTORATIVE PRACTICES INTO THE DAILY PRACTICES AND ACTIVITIES OF THE
WHOLE SCHOOL; AND

(II) STATE AND NATIONAL ORGANIZATIONS THAT HAVE
STUDIED THE EFFECTIVE USE OF RESTORATIVE PRACTICES AND HAVE
ESTABLISHED THE MOST APPROPRIATE METHODS OF INTEGRATING RESTORATIVE
PRACTICES IN THE SCHOOL SETTING.

~~(2) (C)~~ THE COMPREHENSIVE PLAN REQUIRED UNDER
~~PARAGRAPH (1) OF THIS SUBSECTION~~ SUBSECTION (B) OF THIS SECTION SHALL:

~~(H) (1) IN CONJUNCTION WITH THE MARYLAND
CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS, IDENTIFY PERSONS
PROVIDE A FRAMEWORK FOR LOCAL SCHOOL SYSTEMS TO IDENTIFY SCHOOL
PERSONNEL QUALIFIED TO PROVIDE INITIAL RESTORATIVE PRACTICES TRAINING
AS RESTORATIVE PRACTICE COACHES TO RESTORATIVE PRACTICES COACHES AND
OTHER SCHOOL PERSONNEL STAFF;~~

~~(H) ESTABLISH TIMELINES FOR THE COMPLETION OF TRAINING
FOR RESTORATIVE PRACTICES COACHES, LOCAL SCHOOL SYSTEM BEHAVIORAL
HEALTH COORDINATORS, AND SCHOOL PERSONNEL;~~

~~1. IN 50 SCHOOLS ON OR BEFORE JUNE 30, 2026; AND~~

~~2. IN ALL PUBLIC SCHOOLS IN THE STATE ON OR
BEFORE JUNE 30, 2036;~~

(2) ESTABLISH MODEL TRAINING MATERIAL IN RESTORATIVE
PRACTICES FOR PERSONNEL IDENTIFIED UNDER ITEM (1) OF THIS SUBSECTION TO
USE IN TRAINING OTHER SCHOOL STAFF IN A MANNER THAT RESULTS IN
RESTORATIVE PRACTICES BEING INTEGRATED INTO SCHOOLWIDE PRACTICES AND
ACTIVITIES;

~~(HH) (3)~~ ESTABLISH STANDARDS FOR WHEN A SCHOOL MAY BE
DESIGNATED A RESTORATIVE PRACTICES SCHOOL; AND

~~(IV) (4)~~ DEVELOP THE INTENDED OUTCOMES AND PERFORMANCE
METRICS THAT THE USE OF RESTORATIVE PRACTICES ~~WILL~~ ARE DESIGNED TO
ACHIEVE, INCLUDING IMPROVEMENTS IN THE FOLLOWING AREAS:

~~1. (I)~~ DISCIPLINARY STUDENT CONDUCT, INCLUDING STUDENT
OFFICE REFERRALS, SUSPENSIONS, EXPULSIONS, AND SCHOOL ARRESTS;

~~2. (II)~~ STUDENT ABSENTEEISM AND TRUANCY;

1 ~~3.~~ (III) RATES OF TEACHER TURNOVER AND ABSENTEEISM;

2 ~~4.~~ (IV) RELEVANT MENTAL HEALTH INDICATORS; AND

3 ~~5.~~ (V) SCHOOL CLIMATE INDICATORS; AND

4 (V) ~~ESTABLISH SCHOOL LEVEL AND LOCAL SCHOOL~~
5 ~~SYSTEM LEVEL DATA COLLECTION AND REPORTING STANDARDS AND~~
6 ~~REQUIREMENTS, INCLUDING REQUIRING THE DISAGGREGATION OF REPORTED~~
7 ~~DATA BY RACE, ETHNICITY, GENDER, AND DISABILITY STATUS.~~

8 (C) (1) ~~IN ACCORDANCE WITH THE COMPREHENSIVE PLAN ADOPTED BY~~
9 ~~THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION, EACH PUBLIC SCHOOL~~
10 ~~SHALL APPOINT A RESTORATIVE PRACTICES COACH.~~

11 (2) ~~THE RESTORATIVE PRACTICES COACH SHALL:~~

12 (I) ~~BE A FULL TIME POSITION THAT REPORTS DIRECTLY TO~~
13 ~~THE SCHOOL PRINCIPAL;~~

14 (II) ~~RECEIVE INTENSIVE TRAINING ON EFFECTIVE~~
15 ~~RESTORATIVE PRACTICES AND DEVELOPING AND INTEGRATING RESTORATIVE~~
16 ~~PRACTICES INTO SCHOOLWIDE DAILY PRACTICES AND ACTIVITIES;~~

17 (III) ~~COORDINATE WITH THE DEPARTMENT, BEHAVIORAL~~
18 ~~HEALTH SERVICES COORDINATOR FOR THE LOCAL SCHOOL SYSTEM, AND THE~~
19 ~~MARYLAND CONSORTIUM FOR COORDINATED COMMUNITY SUPPORTS ON~~
20 ~~TRAINING FOR SCHOOL PERSONNEL, RELATED BEST PRACTICES, AND UPDATED~~
21 ~~RESEARCH REGARDING RESTORATIVE PRACTICES;~~

22 (IV) ~~IN CONJUNCTION WITH THE SCHOOL PRINCIPAL, OVERSEE~~
23 ~~AND MONITOR THE INTEGRATION OF RESTORATIVE PRACTICES INTO SCHOOLWIDE~~
24 ~~DAILY PRACTICES AND ACTIVITIES;~~

25 (V) ~~LEAD THE ANNUAL RESTORATIVE PRACTICES TRAINING~~
26 ~~FOR ALL SCHOOL PERSONNEL;~~

27 (VI) ~~LEAD AND MODEL RESTORATIVE PRACTICES IN THE~~
28 ~~SCHOOL; AND~~

29 (VII) ~~COLLECT SCHOOL LEVEL DATA AND SUBMIT ANY~~
30 ~~REQUIRED REPORTS ON THE PERFORMANCE METRICS ESTABLISHED IN THE~~
31 ~~COMPREHENSIVE PLAN.~~

~~(D) ON OR BEFORE DECEMBER 1, 2026, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON IMPLEMENTATION OF RESTORATIVE PRACTICES SCHOOLS IN THE STATE.~~

(D) IF A COUNTY BOARD CHOOSES TO ESTABLISH A RESTORATIVE PRACTICES SCHOOL WITHIN THE LOCAL SCHOOL SYSTEM, THE COUNTY BOARD SHALL USE THE COMPREHENSIVE PLAN DEVELOPED BY THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2025, the State Department of Education shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on its comprehensive plan for the establishment of Restorative Practices Schools required by § 7-306.1 of the Education Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain in effect for a period of 2 years and, at the end of June 30, 2026, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.