To help local educational agencies replace zero-tolerance disciplinary policies and punitive discipline in elementary and secondary schools with restorative practices.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To help local educational agencies replace zero-tolerance disciplinary policies and punitive discipline in elementary and secondary schools with restorative practices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restorative Practices in Schools Act of 2022”.

SEC. 2. PURPOSE.

The purpose of this Act is to help local educational agencies replace zero-tolerance disciplinary policies and
punitive discipline in elementary and secondary schools with restorative practices that—

(1) provide an intentional approach to school safety and student well-being that address the needs of the whole child;

(2) recognize student behavior as a result of underlying need, and childhood emotional and behavioral development;

(3) build community and repair relationships while developing students’ proactive skills for conflict resolution, communication, problem-solving, and empathy;

(4) reduce undesirable behavior; and

(5) promote relationship-centered schools and safe, inclusive learning environments with positive school climates.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA TERMS.—The terms “elementary school”, “evidence-based”, “local educational agency”, “parent”, “professional development”, “school leader”, “secondary school”, “Secretary”, “specialized instructional support personnel”, and “other staff” have the meaning given those terms in section

(2) PROGRAM PERSONNEL.—The term “program personnel” means—

(A) any agent of an local educational agency, including an individual who is employed by an local educational agency, or who performs services for an local educational agency on a contractual basis, including—

(i) school leaders;

(ii) educators;

(iii) specialized instructional support personnel;

(iv) paraprofessionals; or

(v) other staff; and

(B) a school-based law enforcement officer.

(3) RESTORATIVE PRACTICES.—The term “restorative practices” means evidence-based practices that—

(A) acknowledge and honor the dignity of students;

(B) are proactive approaches that teach and build community, empathy, and accountability school-wide to reduce and discourage undesirable student behavior;
(C) improve school climate, elevate students’ voices, and strengthen all relationships in a school community;

(D) may include—

(i) strategies such as restorative dialogue, informal conferencing, proactive circles, and responsive circles;

(ii) reactive strategies that address conflicts, individual incidents, and classroom-wide issues; and

(iii) formal conferences, reintegration circles, and circles of support and accountability to cultivate empathy and repair harm; and

(E) do not include mediation or school-based mediation to address bullying, harassment, or other forms of discrimination.

(4) **School-based law enforcement officer.**—The term “school-based law enforcement officer” means any person, sworn or unsworn, who—

(A) is assigned by the employing law enforcement agency to a local educational agency or school, who is contracting with a local educational agency or school, or who is employed by a local educational agency or school;
(B)(i) has the power to detain, arrest, issue a citation, perform a custodial investigation, or refer a person to criminal or juvenile court; or

(ii) is considered under State law to meet the definition of law enforcement; and

(C) includes an individual referred to as a “school resource officer”, “school safety agent”, or a “school police officer”, if that individual meets the definition in subparagraphs (A) and (B).

(5) SCHOOL TO PRISON PIPELINE.—The term “school to prison pipeline” means the use of discipline practices such as zero-tolerance policies that funnel students out of school and toward the juvenile legal and criminal legal systems.

(6) SUBGROUP OF STUDENTS.—The term subgroup of students has the meaning given that term in section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)).

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Education shall award grants, on a competitive basis, to local educational agencies to enable those local educational agencies to im-
plement and sustain restorative practices for elementary and secondary schools and to replace existing punitive models, in accordance with subsection (d).

(b) Applications.—

(1) In general.—Local educational agencies desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(A) information about—

(i) the number of students served by that local educational agency who are in contact with the juvenile legal system at the time the application is submitted;

(ii) the percentage of residents living in the area served by the local educational agency who are in contact with the legal justice system at the time the application is submitted;

(iii) the percentage and number of residents living in the area served by the local educational agency who are admitted to correctional facilities each year;

(iv) the percentage and number of residents living in the area served by the
local educational agency who are on probation, parole, or any other form of community-based supervision at the time of the application; and

(v) the percentage or number of students served by the local educational agency who—

(I) received one or more in-school suspensions;

(II) received one or more out-of-school suspensions;

(III) were expelled because of zero-tolerance policies;

(IV) were referred to a law enforcement agency or official;

(V) were arrested for school-related activity; or

(VI) received corporal punishment;

(B) demographic information that shows evidence that the community served by the local educational agency is disproportionately impacted by the legal justice system or that marginalized subgroups in that community are
disproportionally impacted by the legal justice system;

(C) documentation of meaningful community engagement and stakeholder interest in establishing or expanding restorative practices at the local educational agency or schools served by the local educational agency, including engagement and interest of teachers’ unions and organizations, school leadership parent-teacher associations, student councils, and not less than 1 advocacy organization for each subgroup of students, and which may include other relevant groups;

(D) a plan to implement evidence-based, restorative, equitable, and non-discriminatory school discipline practices that improve the climate of the local educational agency and that meet the requirements of subsection (c);

(E) the number and percentage of exclusionary discipline practices implemented by the local educational agency, including suspensions and expulsions, as a whole and disaggregated by student subgroup, students experiencing homelessness, and students who are children and youth in foster care;
(F) an assurance that the local educational agency will meet the requirements described in subsection (c); and

(G) a description of whether the local educational agency meets the criteria described in subparagraph (A) or (B) of paragraph (3).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that—

(A) serve communities that have been disproportionately impacted by the juvenile and criminal legal systems;

(B) have disproportionately high rates of grade retention, suspensions, and expulsions for certain subgroups of students;

(C) serve students in an area that has a high concentration of residents in poverty, including local educational agencies that are in the highest quartile of local educational agencies in a ranking of all qualified local educational agencies in the State ranked in descending order by the number or percentage of children in each agency counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or
(D) serve students in a rural community and need additional staff to support the implementation of restorative practices.

(3) Grant Applicant Pools.—In awarding grants under this section, the Secretary shall evaluate applicants according to the following two distinct applicant pools:

(A) Applicants seeking to implement restorative practices in one or more schools served by the local educational agency for the first time.

(B) Applicants seeking to expand and sustain existing restorative practice programs in one or more schools served by the local educational agency or improve data collection systems under subsection (d)(4), as the case may be.

(c) Requirements for Grant Recipients.—In order to receive a grant under this section an local educational agency shall submit an assurance to the Secretary as part of the application described in subsection (b) that the local educational agency will agree to—

(1) hire a full-time employee (who shall not have academic teaching or administrative duties distinct from the responsibilities described in this para-
graph and shall not be a law enforcement officer or a retired law enforcement officer) whose primary responsibility is to provide training, professional development, coaching, and oversight for restorative practices implementation in the local educational agency or schools served by the local educational agency;

(2) fund ongoing restorative practices training, professional development, and on-site coaching for all program personnel, students, and interested parents;

(3) eliminate—

(A) zero-tolerance disciplinary policies at the local educational agency or at all elementary and secondary schools served by the local educational agency; or

(B) the application of these policies to undesirable behavior to the greatest extent possible under State law;

(4) adopt safety and discipline policies or codes of conduct that—

(A) emphasize ways of maintaining safety that minimize the involvement of law enforcement (including school-based law enforcement officers and including U.S. Immigration and Customs Enforcement), to the greatest extent
that is practicable and permitted under applicable Federal, State, and local laws; and

(B) eliminate the use of exclusionary discipline policies, including suspensions and expulsions for undesirable student behavior to the greatest extent permitted by Federal, State, and local laws;

(5) implement implicit bias, cultural competence, and anti-racist training for program personnel;

(6) establish policies that limit when law enforcement can be called into schools, including by—

(A) recognizing the local educational agency as the primary authority responsible for school climate and safety;

(B) requiring that school discipline issues be handled by program personnel who are not school-based law enforcement officers, police, security officers, or other law enforcement, unless there is a real, immediate, specific, and credible threat of serious physical injury to a student, teacher, or other member of the school community; and

(C) establishing that school administrators shall have final responsibility and jurisdiction
over the building, the grounds, and all members
of the school community, to the greatest extent
permitted by law;

(7) prohibit the issuance of tickets, summonses,
and referrals of students to the juvenile or criminal
legal systems for all school disciplinary matters and
school status offenses;

(8) provide proper notice and a right of action
or appeals procedures for students, parents, and
guardians involved in school discipline;

(9) prohibit the use of metal detectors, facial
recognition software, and other surveillance tech-
nology and approaches; and

(10) prohibit the sharing of student data (per-
sonal and academic) with Federal, State, or local
law enforcement, U.S. Immigration and Customs
Enforcement, or other law enforcement, except as
required by law.

(d) USES OF GRANT FUNDS.—An local educational
agency shall use grant funds received under this section
to support the implementation of restorative practices in
elementary and secondary schools served by the local edu-
cational agency. Funds may be used to carry out one or
more of the following activities:
(1) Hiring additional full-time and part-time employees (including students and parents) to lead evidence-based, restorative practices at the district or school-level.

(2) Providing antiracist, culturally competent, and linguistically responsive curriculum and material development and training to program personnel.

(3) Providing trauma-informed or healing-centered engagement practice training.

(4) If not already in place, developing data collection systems to accurately document behavior incidents as well as school responses to those incidents, such as restorative circles to support implementation of restorative practices.

(5) Offering robust integrated student supports, such as wraparound services and social services necessary to address the underlying causes of undesirable student behavior, including hiring specialized instructional support personnel and related service providers such as psychologists, counselors, nurses, social workers, paraprofessionals, conflict resolution staff, and advisors, in a manner that is in accordance with—

(A) evidence-based student-educator ratios; and
(B) individual education plan requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(6) Promoting partnerships and local liaisons in order to coordinate with existing social and community-based services and providers to connect youth with trusted and established resources.

(7) Developing and implementing diversion programs for young people in their communities, such as—

(A) truancy diversion;

(B) truancy boards;

(C) peer mediation;

(D) alternative dispute resolution to reduce referrals to a court-designated worker; and

(E) relationship-centered schools that support strong family and community engagement.

(8) Providing training and professional development for program personnel to identify, de-escalate, and otherwise appropriately respond to student trauma and harm.

(e) REPORTING.—

(1) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—Not later than 1 year after receiving a grant under this section, and each year thereafter,
each local educational agency that receives a grant under this section shall provide to the Secretary—

(A) a written assurance that—

(i) the local educational agency or schools served by the local educational agency have been notified of and are in compliance with the requirements described under subsection (c);

(ii) all program personnel of the local educational agency have received training with respect to such requirements;

(iii) parents of students enrolled in the local educational agency or served by such local educational agency have been notified of those requirements with respect to the local educational agency based on receipt of the grant; and

(iv) the notification required under clause (iii) is publicly available on the website of the local educational agency; and

(B) a school climate report, which shall be publicly available in an easily accessible format on a school or district website, that includes a description of—
(i) the policies and procedures of the local educational agency with respect exclusionary and aversive discipline practices or interventions in the local educational agency or schools served by the local educational agency;

(ii) how the local educational agency plans to implement, is implementing, or has implemented restorative practices and other models to address student behavior and reduce the use of exclusionary and aversive discipline practices or interventions in the local educational agency or schools served by the local educational agency;

(iii) efforts of the local educational agency to ensure all program personnel receive the supports and training necessary to implement restorative practices;

(iv) efforts of the local educational agency to ensure program personnel are implementing practices of anti-racism, cultural competence, and anti-bias to ensure the school environment is free from racial and other forms of harassment;
(v) how the local educational agency has taken steps to ensure its restorative practices have centered on the needs of those who have been harmed by zero-tolerance disciplinary policies and punitive disciplinary practices;

(vi) the number of students that are served by the local educational agency who engaged in some form of restorative practice during the reporting period and the kinds of restorative practices that were used, disaggregated and cross-tabulated based on race, gender, and disability status, and by category described under subsection (b)(1)(A)(v);

(vii) the number of students that are served by the local educational agency that were subject to exclusionary discipline during the reporting period, which shall be disaggregated and cross-tabulated based on race, gender, and disability status;

(viii) a demonstration of continued engagement among students, parents, and other stakeholders; and
(ix) a plan that articulates how the
local educational agency will sustain the
use of restorative practices after the grant
period is concluded.

(2) REPORT.—The Secretary shall study data
collected from the grant program under this section
and other relevant programs and use such data to
submit, not later than 3 years after the date of the
enactment of this Act, and not less than once every
1 year thereafter, to the Committee on Education
and Labor of the House of Representatives and the
Committee on Health, Education, Labor, and Pen-
sions of the Senate, and make publicly available, a
report—

(A) summarizing the information from
grantees as described under paragraph (1);

(B) highlighting strong examples of restor-
ative practices in schools;

(C) informing guidance on school discipline
that can dramatically reduce the number of
children who are funneled into the school to
prison pipeline; and

(D) containing recommendations about
how schools can strengthen compliance with
Federal civil rights laws.
(f) **ACCOUNTABILITY.**—If the Secretary determines than an entity has misused funds or failed to comply with program requirements, the Secretary may withhold funds until an entity comes into compliance, in accordance with part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

**SEC. 5. STUDY OF RESTORATIVE PRACTICES.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study on the school to prison pipeline for the purposes of—

(1) identifying evidence-based interventions to improve student well-being and improve school climate, including restorative practices; and

(2) examining the role of State and local legal, and education systems in exacerbating disparities among students (based on race, sex (including sexual orientation and gender identity), socioeconomic status, and disability status), including the disproportionate involvement of certain students in the legal system.

(b) **DUTIES.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall initiate the study under subsection (a), which may in-clude—
(1) examining school discipline policies that are alternatives to exclusionary discipline practices, that include—

(A) the models for professional development and family engagement in local educational agencies or States that have adopted and effectively implemented such policies;

(B) a review of the research on the impact that such policies may have on student achievement, disproportionate discipline rates, and student well-being; and

(C) the measurement tools used to collect, analyze, and respond to data related to student discipline, school climate, and student well-being after such polices have been implemented;

(2) examining the consequences that disparities in school discipline policies may have on affected students, including impacts on learning loss and school completion rates, families, and local communities, including increasing trauma and other risk factors associated with the school to prison pipeline;

(3) identifying harmful education and public safety policies that direct more students into the justice system and examples of efforts to disrupt such policies; and
(4) elevating public health oriented approaches to improving student well-being and school climate.

(c) REPORT.—Upon the conclusion of the study under subsection (a), the Comptroller General of the United States shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the Department of Education a report regarding the study and the conclusions and recommendations generated from the study.