

ASSEMBLY, No. 1350

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

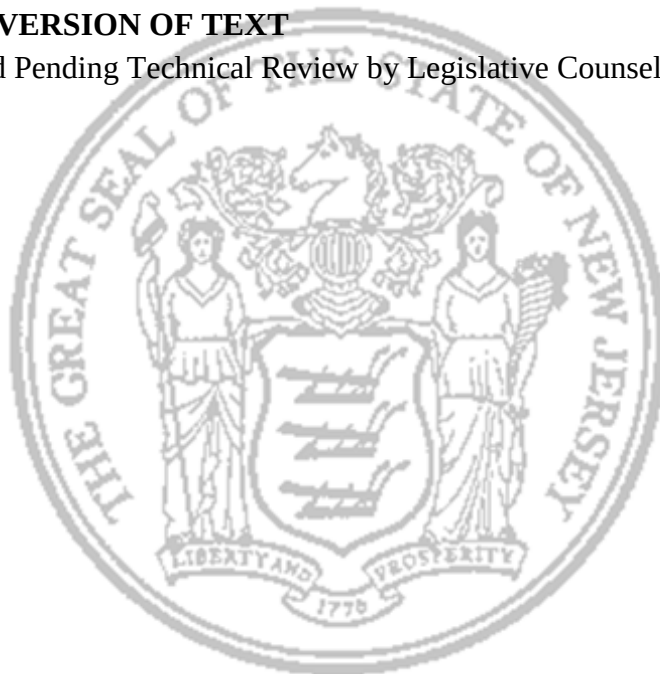
Assemblyman Zwicker, Assemblywomen Reynolds-Jackson, Speight and Vainieri Huttie

SYNOPSIS

Establishes “Restorative Justice in Education Pilot Program” in Department of Education.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning restorative justice in the public schools and
2 supplementing chapter 37 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Adverse childhood experiences” means severe childhood
10 stressors that, when experienced prenatal to three years old, affect
11 brain development and which are proven to be powerful
12 determinants of physical, mental, social, and behavioral health
13 across a lifespan. Adverse childhood experiences may include, but
14 are not limited to, child physical or sexual abuse, child emotional
15 abuse, child physical or emotional neglect, alcohol or other
16 substance abuse in the home, mental illness or suicidal behaviors in
17 the home, incarceration of a family member, exposure to violence in
18 the home or community, and parental divorce or separation.

19 “Restorative justice” means a system of dispute resolution tools
20 that allow all parties of a dispute to be involved in defining the
21 harm and devising remedies while giving the necessary attention to
22 community safety, victims’ needs, and the need for offender
23 accountability. Restorative justice practices shall include, but need
24 not be limited to, student or community court, restorative circles,
25 mediation, and conferencing.

26 “Trauma-informed approach” means an approach that recognizes
27 the signs and symptoms of trauma in students, families, staff, and
28 others, and which responds by fully integrating knowledge about
29 trauma into policies, procedures, and practices for the purposes of
30 promoting resiliency and healing, resisting the recurrence of
31 trauma, and improving educational outcomes.

32

33 2. Within six months of the effective date of this act, the
34 Commissioner of Education shall establish a three-year “Restorative
35 Justice in Education Pilot Program” to implement restorative justice
36 practices in the public schools. The program shall address school
37 discipline issues through the implementation of restorative justice
38 practices that include a trauma-informed approach. The goals of the
39 pilot program shall be to:

40 a. reduce racial disparities in school discipline which result in an
41 inequitable loss of classroom time among certain student groups,
42 thereby boosting the academic outcomes of these students;

43 b. improve the socioemotional and behavioral responses of
44 students through the use of more appropriate, and less punitive,
45 interventions, thereby establishing a more supportive and inclusive
46 school culture; and

1 c. reduce recidivism rates among students who violate the school
2 district code of conduct through the use of more effective and targeted
3 restorative justice interventions.
4

5 3. A school district that wants to participate in the pilot
6 program shall submit an application to the commissioner. The
7 application shall identify one school within the school district to
8 implement the restorative justice model under the pilot program.
9 The application shall include:

10 a. a description of the school including the number of enrolled
11 students; the in-school and out-of-school student suspension rates,
12 and any other relevant data collected on student disciplinary
13 actions; absenteeism rates; academic performance indicators,
14 including the percentage of students not meeting expectations on
15 State assessments; and the percentage of enrolled students who
16 qualify for a free or reduced price lunch under the federal School
17 Lunch Program;

18 b. a description of which restorative justice practices will be
19 implemented at the school and the trauma-informed approach to be
20 utilized;

21 c. a description of how school administrators plan to develop
22 faculty and student support for the restorative justice model of
23 school discipline to be implemented;

24 d. a preliminary schedule and description of faculty trainings
25 on the use of restorative justice practices including a trauma-
26 informed approach, and a statement indicating the school district's
27 commitment to collecting ongoing feedback from both students and
28 faculty on the program's impact;

29 e. the identification of a faculty member who shall serve as a
30 school-based coordinator of the pilot program and who shall collect,
31 analyze, and report on the program's implementation and outcomes
32 to school district stakeholders and the commissioner; and

33 f. any other information the commissioner deems appropriate.
34

35 4. a. After reviewing the applications submitted pursuant to
36 section 3 of this act, the commissioner shall select five districts in
37 each of the southern, central, and northern regions of the State to
38 participate in the program.

39 b. The commissioner shall provide such guidance, support, and
40 training to participating schools as may be necessary to effectuate
41 the purposes of this act.

42 c. The commissioner shall award grants, within the limit of
43 available State appropriations, to participating school districts to be
44 used to support the development and implementation of restorative
45 justice practices in the selected schools, including for any necessary
46 trainings and materials. The commissioner shall determine the
47 amount of each grant awarded under the program and may award
48 multi-year grants.

1 5. The principal of a school selected to participate in the pilot
2 program shall be required to limit the number and duration of
3 student expulsions and suspensions to the greatest extent
4 practicable. The principal shall demonstrate a commitment to
5 exhausting other forms of non-exclusionary discipline prior to using
6 out-of-school suspensions or expulsions, unless otherwise required
7 by law or unless a student's continuing presence in school poses a
8 threat to school safety or a disruption to other students' learning
9 opportunities.

10

11 6. A school district selected to participate in the pilot program
12 shall provide ongoing professional development to teachers and
13 other staff employed in the school in which the restorative justice
14 model is being implemented on: how to understand, recognize, and
15 respond to students and their families who are impacted by the
16 effects of trauma and adverse childhood experiences; the adverse
17 consequences of the exclusion of students from school and their
18 involvement in the juvenile justice system; effective classroom
19 management strategies; culturally responsive discipline; and
20 developmentally appropriate disciplinary methods that promote a
21 positive and healthy school climate.

22

23 7. A school district selected to participate in the pilot program
24 may seek and apply for any grant or aid from the federal government,
25 or any appropriate nonprofit organization, foundation or trust, or any
26 other public or private source that might be or may become available
27 for programs in furtherance of the purposes of this act.

28

29 8. Each school district shall prepare and submit to the
30 commissioner a report on its experience with and the effects of the
31 pilot program. The report shall include, to the greatest extent
32 feasible, quantifiable measures of the program impact including, but
33 not limited to, the number of faculty trainings on restorative justice
34 practices and the use of a trauma-informed approach, discipline
35 rates, absenteeism rates, and academic performance indicators.

36

37 9. There is established within the Department of Education a
38 fund to be known as the "Restorative Justice Education Fund." The
39 fund shall be used to provide grants to participating schools
40 pursuant to subsection c. of section 4 of this act. The fund shall be
41 annually credited with the moneys appropriated by the Legislature.

42

43 10. At the conclusion of the pilot program, the commissioner
44 shall submit a report to the Governor and, pursuant to section 2 of
45 P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall
46 contain information on the implementation of the pilot program and
47 shall include the commissioner's recommendation on the feasibility
48 of expanding the program to other school districts in the State. The

1 report shall also include copies of the reports submitted to the
2 commissioner by the pilot school districts pursuant to section 8 of
3 this act.

4
5 11. This act shall take effect immediately.

6
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8 STATEMENT

9
10 This bill directs the Commissioner of Education to establish a
11 three-year “Restorative Justice in Education Pilot Program” to
12 implement restorative justice practices in the public schools. The
13 bill defines “restorative justice” as a system of dispute resolution
14 tools that allows all parties of a dispute to be involved in defining
15 the harm and devising remedies while giving the necessary attention
16 to community safety, victims’ needs, and the need for offender
17 accountability. The pilot program will address school discipline
18 issues through the implementation of restorative justice practices.
19 The goals of the pilot program are to:

- 20 • reduce racial disparities in school discipline;
21 • improve the socioemotional and behavioral responses of
22 students through the use of more appropriate, and less
23 punitive, interventions; and
24 • reduce recidivism rates among students who violate the
25 school district code of conduct.

26 Under the bill, a school district that wants to participate in the
27 pilot program would submit an application to the commissioner.
28 The application will identify one school within the school district to
29 implement the restorative justice model. A school district under
30 full or partial State intervention is not eligible to participate in the
31 pilot program. The bill directs the commissioner to select five
32 districts in each of the southern, central, and northern regions of the
33 State to participate in the program, and to provide such guidance,
34 support, and training to participating schools as may be necessary.
35 The bill further directs the commissioner to award grants, within the
36 limit of available State appropriations, to support the development
37 and implementation of restorative justice practices in the selected
38 schools, including for any necessary trainings and materials.

39 The principal of a school selected to participate in the pilot
40 program will be required to limit the number and duration of
41 student expulsions and suspensions to the greatest extent
42 practicable. The principal must demonstrate a commitment to
43 exhausting other forms of non-exclusionary discipline prior to using
44 out-of-school suspensions or expulsions. The bill further requires
45 that a school district selected to participate must provide ongoing
46 professional development to teachers and other staff on: the adverse
47 consequences of the exclusion of students from school and their
48 involvement in the juvenile justice system; effective classroom

1 management strategies; culturally responsive discipline; and
2 developmentally appropriate disciplinary methods that promote a
3 positive and healthy school climate.

4 The bill also allows each school district selected to participate in
5 the pilot program to seek and apply for any grant or aid from the
6 federal government, or any other appropriate source that might be
7 or may become available for programs in furtherance of the
8 purposes of the bill. The bill also directs each school district to
9 prepare and submit to the commissioner a report on its experience
10 with, and the effects of, the pilot program.

11 The bill establishes within the Department of Education a fund to
12 be known as the “Restorative Justice Education Fund.” The fund
13 will be used to provide grants to participating schools through the
14 program and will be annually credited with the moneys
15 appropriated by the Legislature.

16 The bill directs the commissioner to submit a report to the
17 Governor and the Legislature at the conclusion of the pilot program,
18 containing information on the implementation of the pilot program
19 and the feasibility of expanding the program to other school
20 districts in the State. The commissioner must also submit the
21 individual reports prepared by the school districts.

WITHDRAWN