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SENATE BILL NO. 1262
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 23, 2025)
(Patron Prior to Substitute—Senator Pekarsky)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-279.6:1, relating to school divisions; student discipline; Restorative Schools in Virginia Pilot Program; established.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-279.6:1 as follows:

§ 22.1-279.6:1. Restorative Schools in Virginia Pilot Program established; purpose, implementation, administration.

A. As used in this section:

"Culturally responsive teaching" means a method of teaching that involves (i) a focus on student learning and academic success; (ii) developing the cultural competence of students to assist them in developing positive ethnic and social identities; and (iii) supporting the critical consciousness of students and their ability to recognize diversity and critique imparity.

"Eligible school division" means any school division in the Commonwealth (i) at which at least 40 percent of the enrolled students are eligible to receive free or reduced price meals in a federally funded school lunch or breakfast program or (ii) that is eligible to receive funding pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended.

"Evidence-based restorative practices" means a system of dispute resolution tools that are communally and culturally responsive and aim to allow all parties of a dispute to be involved in defining the harm and devising remedies while giving appropriate consideration to the perspectives of all parties involved, the needs and values of the community, the needs of those who have been harmed, and the need for taking accountability and responsibility for one's actions. "Evidence-based restorative practices" includes conflict resolution, mediation, including peer mediation, circle processes, restorative conferences, social-emotional learning, trauma-informed care, positive behavioral intervention supports, and rehabilitation.

B. The Restorative Schools in Virginia Pilot Program (the Program) is established for the purpose of addressing school discipline issues and promoting evidence-based restorative practices in public schools in the Commonwealth by awarding grants to an eligible school division in each superintendent's region in the Commonwealth to be used in developing and implementing a comprehensive plan to integrate evidence-based restorative practices in such school division pursuant to subsection D.

C. The Department shall be responsible for the implementation and administration of the Program. In implementing and administering the Program, the Department shall:

1. Develop an application process that requires any school board applying for participation in the Program for the applicable eligible school division to include in such application:

a. Identification of the eligible school division for which the school board is applying to receive funds pursuant to the Program and the population of the eligible school division, including (i) the number of enrolled students; (ii) the suspension and expulsion rates for such school division and any other data collected on student disciplinary actions or practices; (iii) absenteeism and truancy rates; (iv) academic performance indicators; (v) whether the eligible school division, at the time of application, administers or participates in any evidence-based restorative practice program; and (vi) such information as necessary to establish that such school division meets the criteria for an eligible school division pursuant to the Program;

b. A description of how funds awarded pursuant to the Program would be used, including a description of the evidence-based restorative practices that would be implemented and relevant services that would be provided; and

c. A description of any relevant stakeholders with whom the division superintendent of the eligible school division and the school board would collaborate in implementing such evidence-based restorative practices and satisfying the Program requirements set forth in subsection D;

2. Establish criteria for the selection and award of grants that (i) are consistent with the application requirements set forth in subdivision 1; (ii) direct priority to be given to eligible school divisions that, at the time of application, do not administer or participate in any evidence-based restorative practice programs; and (iii) include such other criteria as the Department deems appropriate; and

3. Develop a process for evaluating the progress and performance of each eligible school division that is awarded funds under the Program in implementing the evidence-based restorative practices and satisfying the Program requirements set forth in subsection D. Such evaluation process shall use the following performance metrics developed based on the purpose of the Program and the outcomes that such evidence-based restorative practices are designed to achieve: (i) school division suspension and expulsion rates and any other data collected on student disciplinary actions or practices, (ii) absenteeism and truancy

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60 rates, (iii) academic performance indicators, (iv) relevant indicators of the mental health of the student
61 population, (v) teacher retention rates, and (vi) such other school climate indicators deemed appropriate by
62 the Department. To the extent possible, such evaluation process shall collect and disaggregate the data
63 collected on such performance metrics by student (a) race, ethnicity, or nationality; (b) gender; (c) disability
64 status; (d) eligibility for free or reduced price lunch; and (e) English language proficiency.

65 D. The school board of any eligible school division awarded funds pursuant to the Program shall:

66 1. Establish a learning collaborative for the purpose of developing (i) criteria for the designation of an
67 evidence-based restorative practice school division and (ii) a comprehensive plan for meeting the criteria
68 described in clause (i). In developing such criteria and comprehensive plan, each learning collaborative
69 shall engage in resource mapping in cooperation with (a) educators, administrators, and practitioners who
70 have effectively established and operated schools that integrate evidence-based restorative practices into the
71 daily and disciplinary practices of such schools and (b) local, state, and national organizations, including
72 community-based organizations, that have studied or implemented the effective use of evidence-based
73 restorative practices in schools and have identified best practices for integrating evidence-based restorative
74 practices in the school setting. The comprehensive plan shall:

75 a. Promote whole-school evidence-based restorative practice models;

76 b. Integrate the use of culturally responsive teaching and trauma-informed practices;

77 c. Outline protocols to provide incentives or preferences for the utilization of evidence-based restorative
78 practices training;

79 d. Provide a framework to identify and establish training material for school personnel that are qualified
80 to provide the training set forth in subdivision c;

81 e. Establish standards for the designation of an evidence-based restorative practices school division;

82 f. Develop integrated plans for multi-tiered systems of support and positive behavioral interventions; and

83 g. Outline a plan for sustaining such evidence-based restorative practices in the school division, including
84 a plan to increase, leverage, or maximize any available funding for the purpose of sustaining or expanding
85 such evidence-based restorative practices; and

86 2. Submit to the Department by July 1 of each year immediately following any year for which such eligible
87 school division receives a grant pursuant to this section a report based on the evaluation process and
88 performance metrics established by the Department pursuant to subdivision C 3 detailing the school division
89 's progress in implementing the comprehensive plan established pursuant to subdivision 1 and the impact of
90 implementing evidence-based restorative practices in such school division during the preceding school year.