

HOUSE BILL NO. 298
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute—Delegate McQuinn)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-279.6:1, relating to public elementary or secondary school students; evidence-based restorative disciplinary practices.

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. Evidence-based restorative disciplinary practices.

A. As used in this section:

"Aggravating circumstances" means one or more factors identified by the Board in its Model Guidance for Positive, Preventive Code of Student Conduct Policy and Alternatives to Suspension, as amended, or any successor document, that warrant immediate exclusionary discipline without intermediate use of an evidence-based restorative disciplinary practice, which may include use or threat of use of a firearm or other weapon of mass harm, serious bodily injury to another, or repeated prior disciplinary offenses.

"Evidence-based restorative disciplinary practice" means an evidence-based alternative disciplinary practice used to reduce suspensions, expulsions, and disciplinary referrals, with an emphasis on fostering peer and staff relationships and repairing harm to the injured party, consistent with the practices set out in the Board's Model Guidance for Positive, Preventive Code of Student Conduct Policy and Alternatives to Suspension, as amended, or any successor document. "Evidence-based restorative disciplinary practice" includes community conferencing, community service, mentoring, a peer jury, peer mediation, a post-conflict resolution program, a preventative program, a restorative circle, and any other disciplinary practice that (i) establishes and supports goals that increase connection to community, restores relationships, builds empathy, and ensures that all perspectives are considered, including responsibility for one's actions; (ii) addresses the needs of those harmed and promotes healing; (iii) responds to behavior that violates expectations by balancing accountability with understanding of behavioral health needs, reducing disruption, and keeping students in school; (iv) engages individuals affected by an incident and includes community members reflecting the cultural and demographic diversity of the school community; (v) determines responses through a collaborative process involving students, families, educators, and community members; (vi) provides solutions tailored to students' cultures; and (vii) implements policies informed by the science of the social, emotional, and cognitive development of children.

33 *B. No public elementary or secondary school student shall be suspended, expelled, or excluded from*
34 *attendance at school unless the school first considers at least one evidence-based restorative disciplinary*
35 *practice, except in the case of (i) an offense listed in § 22.1-277.07 or 22.1-277.08 or subsection G of*
36 *§ 16.1-260 or (ii) aggravating circumstances.*

37 *C. Nothing in this section shall be construed to prohibit a school division from adopting additional*
38 *restorative, preventive, or supportive disciplinary practices if aligned with the restorative principles set forth*
39 *in the definition of evidence-based restorative disciplinary practice.*

40 *D. The Department shall add the use of evidence-based restorative disciplinary practices to the Student*
41 *Behavior and Administrative Response survey in order to annually collect and analyze data on the use of*
42 *such practices and shall subsequently create and post publicly an annual report that contains an evaluation*
43 *of the effectiveness of such practices based on the data collected.*

44 *E. The Department shall adopt and make available guidelines and support materials for considering,*
45 *monitoring, and evaluating evidence-based restorative disciplinary practices, including professional*
46 *development and technical assistance.*

47 **2. That the provisions of subsection B of § 22.1-279.6:1 of the Code of Virginia, as created by this act,**
48 **shall become effective on July 1, 2027.**

49 **3. That the Department of Education shall adopt and make available guidelines and support materials**
50 **for considering, monitoring, and evaluating evidence-based restorative disciplinary practices, including**
51 **professional development and technical assistance, as required pursuant to subsection E of**
52 **§ 22.1-279.6:1 of the Code of Virginia, as created by this act, no later than January 1, 2027.**