

1 HOUSE BILL NO. 298  
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
3 (Proposed by the Senate Committee on Education and Health  
4 on \_\_\_\_\_)  
5 (Patron Prior to Substitute—Delegate McQuinn)

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

8 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 22.1-279.6:1. Evidence-based restorative disciplinary practices.**

11 *A. As used in this section:*

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

17 *"Evidence-based restorative disciplinary practice" means an evidence-based alternative disciplinary*  
18 *practice used to reduce suspensions, expulsions, and disciplinary referrals, with an emphasis on fostering*  
19 *peer and staff relationships and repairing harm to the injured party, consistent with the practices set out in*  
20 *the Board's Model Guidance for Positive, Preventive Code of Student Conduct Policy and Alternatives to*  
21 *Suspension, as amended, or any successor document. "Evidence-based restorative disciplinary practice"*  
22 *includes community conferencing, community service, mentoring, a peer jury, peer mediation, a post-conflict*  
23 *resolution program, a preventative program, a restorative circle, and any other disciplinary practice that (i)*  
24 *establishes and supports goals that increase connection to community, restores relationships, builds empathy,*  
25 *and ensures that all perspectives are considered, including responsibility for one's actions; (ii) addresses the*  
26 *needs of those harmed and promotes healing; (iii) responds to behavior that violates expectations by*  
27 *balancing accountability with understanding of behavioral health needs, reducing disruption, and keeping*  
28 *students in school; (iv) engages individuals affected by an incident and includes community members*  
29 *reflecting the cultural and demographic diversity of the school community; (v) determines responses through*  
30 *a collaborative process involving students, families, educators, and community members; (vi) provides*  
31 *solutions tailored to students' cultures; and (vii) implements policies informed by the science of the social,*  
32 *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. Any time a school imposes exclusionary discipline instead of*  
37 *an evidence-based restorative disciplinary practice pursuant to this subsection, the school shall document in*  
38 *the student's disciplinary record, as a part of the school's existing disciplinary documentation practices and*  
39 *consistent with the guidelines adopted by the Department pursuant to subsection E, the rationale for the*  
40 *decision to impose exclusionary discipline, including any factors supporting the decision not to utilize an*  
41 *evidence-based restorative disciplinary practice.*

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

45 *D. The Department shall add the use of evidence-based restorative disciplinary practices to the Student*  
46 *Behavior and Administrative Response survey in order to annually collect and analyze data on the use of*  
47 *such practices, including, to the extent practicable and consistent with applicable federal and state student*  
48 *privacy laws, aggregate and de-identified data relating to determinations not to use evidence-based*  
49 *restorative disciplinary practices and to use exclusionary discipline instead, and shall subsequently create*  
50 *and post publicly an annual report that contains an evaluation of the effectiveness of such practices based on*  
51 *the data collected.*

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

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

57 **3. That the Department of Education shall adopt and make available guidelines and support materials**  
58 **for considering, monitoring, and evaluating evidence-based restorative disciplinary practices, including**  
59 **professional development and technical assistance, as required pursuant to subsection E of**  
60 **§ 22.1-279.6:1 of the Code of Virginia, as created by this act, no later than January 1, 2027.**