

CHAPTER 412

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

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

C.18A:37-38 Definitions relative to restorative justice.

1. As used in this act:

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

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

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

C.18A:37-39 “Restorative Justice in Education Pilot Program.”

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

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

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

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

C.18A:37-40 Application for participation by school district.

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

a. a description of the school including the number of enrolled students; the in-school and out-of-school student suspension rates, and any other relevant data collected on student disciplinary actions; absenteeism rates; academic performance indicators, including the

percentage of students not meeting expectations on State assessments; and the percentage of enrolled students who qualify for a free or reduced price lunch under the federal School Lunch Program;

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

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

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

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

f. any other information the commissioner deems appropriate.

C.18A:37-41 Selection of districts.

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

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

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

C.18A:37-42 Limitation of number, duration of student expulsions, suspensions.

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

C.18A:37-43 Ongoing professional development for teachers, staff.

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

C.18A:37-44 Application for grant, aid.

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

C.18A:37-45 Report.

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

C.18A:37-46 “Restorative Justice Education Fund.”

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

C.18A:37-47 Report to Governor, Legislature.

10. At the conclusion of the pilot program, the commissioner shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall contain information on the implementation of the pilot program and shall include the commissioner’s recommendation on the feasibility of expanding the program to other school districts in the State. The report shall also include copies of the reports submitted to the commissioner by the pilot school districts pursuant to section 8 of this act.

11. This act shall take effect immediately.

Approved January 21, 2020.