

SENATE BILL 2218

By Tate

AN ACT to amend Tennessee Code Annotated, Title 49, to establish a commission on the school-to-prison pipeline and restorative practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) There is established a commission on the school-to-prison pipeline and restorative practices.

(b) As used in this section,

(1) "Restorative practices" means a whole-school ethos or culture comprising principles and practices that:

(A) Support peacemaking and solve conflict by building a community and addressing harm in a school setting;

(B) Are conducted by trained staff; and

(C) Focus on repairing harm to the community through dialogue that emphasizes individual accountability and helps build a sense of belonging, safety, and social responsibility in the school community; and

(2) "School-to-prison pipeline" means the relationship between racial disparities in the availability of school resources, disparities in educational outcomes, and the overrepresentation of minorities in the criminal justice system.

(c) The commission consists of the following members:

(1) Two (2) members of the senate appointed by the speaker of the senate;

(2) Two (2) members of the house of representatives appointed by the speaker of the house of representatives;

(3) The commissioner of education, or the commissioner's designee;

(4) The executive director of the state board of education;

(5) The commissioner of the department of children's services, or the commissioner's designee;

(6) The president of the Tennessee school boards association;

(7) The president of the Tennessee education association;

(8) The president of the Tennessee school resource officer association;

(9) Two (2) school principals appointed by the commissioner of education;

(10) The executive director of the Tennessee district public defenders conference;

(11) The executive director of the Tennessee district attorneys general conference;

(12) The executive director of the Tennessee commission on children and youth;

(13) Two (2) university professors with knowledge and expertise in conflict and dispute resolution appointed by the speaker of the house of representatives; and

(14) Two (2) licensed attorneys with knowledge and expertise in mediation appointed by the speaker of the senate.

(d) The commissioner of education, or the commissioner's designee, shall be the chair of the commission.

(e) The department of education shall provide staff for the commission.

(f) Members of the commission shall serve without compensation; provided, that members of the commission shall be reimbursed for travel expenses in conformity with

the comprehensive state travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(g) The commission shall:

(1) Study and analyze the current disciplinary practices in Tennessee public schools;

(2) Investigate potential implementation options regarding incorporating restorative practices, including strategies that prioritize prevention and consider overall school climate;

(3) Document the relationships between educational histories of Tennessee students, including suspensions, expulsions, retention rates, and dropout rates and involvement in the criminal justice system;

(4) Examine national best practices for training of administrators, teachers, principals, and other personnel in restorative practices and eliminating the school-to-prison pipeline; and

(5) Examine national best practices for engaging parents in restorative practices and eliminating the school-to-prison pipeline.

(h) By October 1, 2018, the department of education shall brief the commission on:

(1) Data on the number and distribution by local education agency of school-based arrests, referrals to law enforcement, including referrals to the department of children's services, offenses with which students were charged, and incidents in which force was used against a student, disaggregated by a student's age, race, gender, grade level, disability status, free or reduced price meals eligibility, and English language learner status from the 2016-2017 and 2017-2018 school years;

(2) The behaviors for which students were disciplined and the consequences used for each response, including, as appropriate, the length of suspension or expulsion, and whether a student is returned to the student's regular school program after the conclusion of the suspension or expulsion; and

(3) Each local education agency's code of conduct and discipline policies and to what extent each local education agency utilizes alternatives to suspension, expulsion, and arrest, including restorative practices.

(i) All data shall be furnished in compliance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and other relevant federal and state privacy laws.

(j) The commission shall make recommendations on:

(1) The establishment of a collaborative action plan, which could create a statewide framework for redesigning public school discipline practices around restorative justice practices and eliminating the school-to-prison pipeline in Tennessee;

(2) Legislative and policy initiatives that can be utilized to enact a collaborative action plan; and

(3) Any additional findings of the commission.

(k) By April 1, 2019, the commission shall report its final findings and recommendations to the governor and to the general assembly, at which time the commission shall cease to exist.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.