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To: Members of the Senate Judiciary

Date: 4/14/16

RE: Testimony on Restorative Justice as supported by the Texas Education Agency (TEA) as it relates to H.95, STATE BOARD OF EDUCATION; RESTORATIVE JUSTICE PRACTICES

I wish to thank Senator Sears for identifying Texas as a state that could serve as an example for Vermont in using Restorative Justice in Vermont. Yesterday, Deputy Fowler was able to speak with Gene Lenz, Director, Federal and State Education Policy, for Texas and learned a bit about their approach.

Exclusion Rates in Vermont and Texas:

	Vermont	Texas
Elem	1.48%	2.15%
Secondary	7.81%	8.62%

1. Texas does not have a policy related to Restorative Justice. This decision has been driven by the team leading Restorative Justice training that volunteers will more eagerly seek the program than compliance to mandates; this is the same approach we have taken with the successful PBIS work in Vermont. Texas' strongest advice was **not to create policy, but to create opportunity.**
2. Texas is using federal funds (IDEA part B funds) to support training on a first come, first served, who then serve as trainers for their schools. The Agency of Education in Vermont has reached out to our federal counterparts to determine if this is a modification we can make for our existing agreement for these funds.
3. The TEA plans to give 2 days of training up front for each administrator. TEA staff described this as a "light touch." In Vermont, we would likely invest more training and support to ensure implementation.
4. They are hoping to train 1000 administrators this year (so far 700), then train 1000 next year for 2 days. Since they have 9000 schools many of which are large and have multiple administrators, at best they are training administrators in 10% of all schools over 2 years.
5. Restorative justice works when all parties are invested in making it work, and have the resources and commitment to implement it well.

VT comment:

1. We have a federal source of funds that can support this work through increased access to strategies for reducing referrals and disproportional outcomes.
2. Currently, these dollars primarily support activities like VT Positive Behavioral intervention Strategies (VT PBiS) that have a stronger research base and demonstrated success in VT and systemic support.
3. Some schools have restorative justice programs, and some are interested in developing these programs. Federal law allows districts some flexibility in how best to use federal dollars to address critical priorities like disproportionality in discipline.
4. Good implementation takes time and resources and local commitment.

5. VT AOE is committed to creating opportunities for districts to access training and federal dollars to support work that reduces disproportionality in discipline and creates positive school cultures and climates, through VT PBiS, Restorative Justice and multi-tiered systems of student support. The new State Plan for the federal Elementary and Secondary Education Act, which we submit in the fall, will enable us to provide better data as well as more support for these activities, if we are able to complete it in a timely way.
6. We also request that local partners who could be funded under this opportunity not be named for collaboration on policy and work groups. Federal procurement regulations would preclude those who help to develop the scope of work from bidding on future contracts. Inviting local partners could limit the pool of candidates available in the bidding phase.
7. We respectfully request the legislature allow us to share this work in testimony in the coming session, before passing new unfunded mandates.