

118TH CONGRESS
2D SESSION

H. R. 10189

To authorize the Secretary of Education, in collaboration with the Secretary of Health and Human Services, to establish an interagency advisory Commission on Advancing Restorative Justice in Elementary and Secondary Education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2024

Mrs. WATSON COLEMAN (for herself, Ms. LEE of Pennsylvania, Mr. JACKSON of Illinois, Mr. FROST, Mr. THANEDAR, Ms. CLARKE of New York, Ms. KELLY of Illinois, Ms. TLAIB, and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize the Secretary of Education, in collaboration with the Secretary of Health and Human Services, to establish an interagency advisory Commission on Advancing Restorative Justice in Elementary and Secondary Education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Ad-
5 vancing Restorative Justice in Elementary and Secondary
6 Education Act of 2024”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Students of color often experience harsher
4 disciplinary measures and greater barriers to edu-
5 cational opportunities due to racial and gender bi-
6 ases embedded into school codes of conduct, dis-
7 cipline policies, and dress code policies.

8 (2) Racial and gender biases in school discipline
9 practices and limited requirements in educator prep-
10 aration and professional development all influence
11 how school personal react to behavior by students of
12 color.

13 (3) Improved and increased opportunities for
14 culturally competence professional development pro-
15 grams can help teachers and related school per-
16 sonnel more effectively respond to student behavior
17 misbehavior and thereby decrease the disparity be-
18 tween how Black and White students are disciplined.

19 (b) PURPOSE.—The purposes of this Act are the fol-
20 lowing:

21 (1) To support the mental and behavioral
22 health of students of color.

23 (2) To increase capacity for providing mental
24 health support and counseling services that are ac-
25 cessible, culturally competent, and responsive to the
26 needs of students of color.

1 (3) To provide recommendations on universal
 2 school psychologist-to-student ratio and Counselor-
 3 to-student ratio to ensure evidence-based healthy
 4 school climate interventions, accessible mental health
 5 support, program evaluation, and teacher consulta-
 6 tion.

7 (4) To codify restorative-level practices that
 8 create equitable learning environments, develop-
 9 mental relationships, and build academic engage-
 10 ment.

11 **SEC. 3. INTERAGENCY ADVISORY COMMISSION ON ADVANC-**
 12 **ING RESTORATIVE JUSTICE IN ELEMENTARY**
 13 **AND SECONDARY EDUCATION.**

14 (a) IN GENERAL.—Not later than 90 days after the
 15 date of the enactment of this Act, the Secretary, in col-
 16 laboration with the Secretary of Health and Human Serv-
 17 ices, shall establish a commission to be known as the
 18 Interagency Advisory Commission on Advancing Restora-
 19 tive Justice in Elementary and Secondary Education (in
 20 this Act referred to as the “Commission”).

21 (b) DUTIES.—The duties of the Commission shall be
 22 to—

23 (1) create guidelines for elementary schools and
 24 secondary schools to track and report the groups of
 25 students who most frequently participate in medi-

1 ation, restorative practices, and other similar prac-
2 tices;

3 (2) develop definitions of the terms “restorative
4 justice” and “restorative practices” to be used by
5 the Department of Education;

6 (3) develop and distribute training materials for
7 school personnel that—

8 (A) include practices that align with the
9 definitions developed pursuant to paragraph
10 (2); and

11 (B) provide information on emotional and
12 social disruptions and delays, accountability
13 checks, peer discussions, and other classroom
14 approaches that reduce bias, enhance cultural
15 competency, and allow for critical reflection;

16 (4) increase the ability of school personnel to
17 provide mental health support and counseling serv-
18 ices that are accessible, culturally competent, and re-
19 sponsive to the needs of students of color; and

20 (5) develop and recommend, to elementary
21 schools and secondary schools that receive funds
22 under an applicable program, school psychologist-to-
23 student and counselor-to-student ratios that ensure
24 lower caseloads, evidence-based school climate inter-

ventions, accessible mental health support, program
evaluation, and teacher consultation.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of not more than 13 members, appointed not later than 90 days after the date of the enactment of this Act by the Secretary, in collaboration with the Secretary of Health and Human Services, as follows:

(A) 1 member from each of the following:

(i) The Office of Elementary and Secondary Education of the Department of Education.

(ii) The Office of Special Education and Rehabilitative Services of the Department of Education.

(iii) The Office for Civil Rights of the Department of Education.

(iv) The Office of Early Childhood Development of the Department of Health and Human Services.

(v) The Office of Child Supportive Services of the Department of Health and Human Services.

1 (vi) The White House Initiative on
2 Advancing Educational Equity, Excellence,
3 and Economic Opportunity for Black
4 Americans.

5 (vii) An organization that represents
6 restorative justice and the behavioral
7 health of young students of color.

8 (viii) An organization that advocates
9 for mental health services and suicide pre-
10 vention in elementary schools and sec-
11 ondary schools.

12 (ix) An organization representing sec-
13 ondary and postsecondary students of color
14 with special education needs.

15 (x) An organization representing psy-
16 chological and counseling directors at ele-
17 mentary schools and secondary schools.

18 (B) 1 member who is a scholarly expert
19 and practitioner in the areas of schooling expe-
20 riences of students of color and equity and
21 school discipline reform.

22 (C) 2 members who are—

23 (i) students of color; or

24 (ii) family members of such students.

1 (2) CHAIRPERSON; VICE CHAIRPERSON.—The
2 Chairperson and Vice Chairperson of the Commis-
3 sion shall be selected from among the members by
4 the Secretary.

5 (3) RATES OF PAY.—Members shall serve with-
6 out pay.

7 (4) TRAVEL EXPENSES.—Each member shall
8 receive travel expenses, including per diem in lieu of
9 subsistence, in accordance with applicable provisions
10 under subchapter I of chapter 57 of title 5, United
11 States Code.

12 (d) MEETINGS.—

13 (1) INITIAL MEETING.—The Commission shall
14 meet not later than 60 days after the appointment
15 of the members of the Commission under subsection
16 (c).

17 (2) ADDITIONAL MEETINGS.—After the initial
18 meeting required under paragraph (1), the Commis-
19 sion shall meet no fewer than 7 times at the call of
20 the Chairperson.

21 (e) STAFF.—The Secretary may appoint personnel as
22 the Secretary considers appropriate.

23 (f) REPORTS.—

24 (1) ANNUAL REPORTS.—Not later than 1 year
25 after the date on which all members are appointed

1 under subsection (c), and on an annual basis for
2 each of the 4 years thereafter, the Commission shall
3 submit to the Secretary, the Secretary of Health and
4 Human Services, the Committee on Health, Edu-
5 cation, Labor, and Pensions of the Senate, and the
6 Committee on Education and the Workforce of the
7 House of Representatives a report on the progress of
8 the Commission, including—

9 (A) a summary of the information gath-
10 ered pursuant to carrying out the duties de-
11 scribed in subsection (b), including any conclu-
12 sions reached from such information;

13 (B) a description of how the training mate-
14 rials developed under subsection (b)(3)—

15 (i) were distributed by the Commis-
16 sion, including with respect to how such
17 distribution focused on students of color;
18 and

19 (ii) increased the cultural competence
20 of school personnel and reduced dispropor-
21 tionate discipline of students of color, as
22 compared to before the distribution of such
23 materials;

24 (C) a description of the efforts taken to in-
25 crease the ability of school personnel to provide

1 the mental health support and counseling serv-
2 ices described in subsection (b)(4); and

3 (D) a description of the steps taken to—

4 (i) increase the capacity of school psy-
5 chologists and counselors in the ways de-
6 scribed in subsection (b)(5); and

7 (ii) reduce disproportionate discipline.

8 (2) FINAL REPORT.—The final report sub-
9 mitted under paragraph (1) shall include, in addition
10 to the information required under such paragraph,
11 the final findings, conclusions, and recommendations
12 of the Commission.

13 (g) TERMINATION.—The Commission shall terminate
14 90 days after submitting the final report described in sub-
15 section (f)(2).

16 (h) DEFINITIONS.—

17 (1) APPLICABLE PROGRAM.—The term “appli-
18 cable program” has the meaning given such term in
19 section 400(c) of the General Education Provisions
20 Act (20 U.S.C. 1221(c)).

21 (2) ESEA TERMS.—The terms “elementary
22 school”, “secondary school”, and “Secretary” have
23 the meanings given such terms in section 8101 of

1 the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

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