
MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE EDUCATION, ENERGY and the ENVIRONMENTAL COMMITTEE

SENATE BILL 811: SCHOOL DISCIPLINE – BEHAVIORAL HEALTH AND SAFETY - DATA COLLECTION and SCHOOL RESOURCE OFFICERS

March 14, 2023

POSITION: SUPPORT with AMENDMENTS

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline policies and practices within Maryland's public school system. CRSD is committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD supports SB 811 with amendments.**

CRSD strongly support the data collection provisions, which will strengthen efforts to promote data transparency and accessibility in the State and extend reporting requirements to include alternative schools and programs, and public separate day schools. The bill also prioritizes the reporting of disproportionality in discipline.

Addressing disparities in school discipline practices begins with data access and transparency. However, data on school discipline is very hard to find in Maryland. Part of the difficulty is that the data is contained in several different reports, all reported as pdf reports.¹ Just finding these reports can be a challenge as it is not readily apparent where they are located on the state's website. While these reports are useful, they only report discipline data at the district level but not at the individual school level. The data is reported as frequencies for various subgroups, but disproportionalities are not reported. Data reported as frequencies masks disproportionalities. For example, a district may suspend 10 students with disabilities over the course of the year. That may not seem like a lot, but if the enrollment of students with disabilities is just 50 students, that means that 20% of all students with disabilities were suspended.

¹ See for example, Maryland State Department of Education (2022). *Maryland public school suspensions by school and major offense category out-of-school suspensions and expulsions 2021-2022*.

https://marylandpublicschools.org/about/Documents/DCAA/SSP/20212022Student/2022_Student_Suspensions_By_School_OutOfSchool.pdf.

Maryland State Department of Education (2022). *Maryland public schools arrest data school year 2020-2021*.

<https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20202021.pdf>

Maryland State Department of Education (2022). *Suspensions, expulsions, and health related exclusions Maryland public schools 2021-2022*.

https://marylandpublicschools.org/about/Documents/DCAA/SSP/20212022Student/2022_Student_Suspension_Expulsion.pdf

A primary reason to have access to discipline data is that school discipline policies and practices are a central factor in shaping the educational opportunities and life chances of students, particularly students from low-income and historically underserved populations. The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices—a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.²

During the 2017-18 school year (the latest year data is available), according to estimates released by the U.S. Department of Education in May 2020, ***there were 189,385 days of instruction lost due to out-of-school suspensions in Maryland. Of these, 64.55% of days missed were by African American students.***³ Given the awareness that the pandemic has raised to how missing school diminishes the opportunity to learn, it raises the question of how we can close the achievement gap if we do not close the discipline gap.⁴

Because of the important role discipline policies and practices have on the educational experiences of students, data about discipline actions should be transparent, reasonably detailed and accessible to policymakers, researchers, educators and the public. By ensuring that discipline data is in an accessible and transparent format, ***SB 811 encourages accountability for disciplinary actions and will facilitate dialogue about the consequences of disciplinary actions for different populations of students.***

By extending discipline reporting requirements to alternative schools and programs, and public separate day schools, ***SB 811 closes a gap in reporting requirements and encourages accountability for the use of punitive and exclusionary practices.*** Research found that alternative schools in Maryland are among the schools with the highest suspension rates.⁵

² Maryland Commission on the School-to-Prison Pipeline and Restorative Practices (December, 20, 2018). *Final Report and Collaborative Action Plan*.

https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1003&context=cdrum_fac_pubs

³ Civil Rights Data Collection (n.d.). <https://ocrdata.ed.gov/> (accessed 3/8/2023). To find the raw data, click on “State and National Estimations” on the left, click “2017-18 state and national estimations,” click “Discipline” in the last category on the page, and then click “Days missed due to out-of-school suspensions.”

For data on disproportionalities in school arrests, see Sunderman, G. L. & Janulis, E. (2018). *When law enforcement meets school discipline: School-related arrests in Maryland 2015-16*. College Park, MD: Maryland Equity Project, The University of Maryland.

https://education.umd.edu/sites/default/files/uploads/MEP_School-Related%20Arrests%20in%20Maryland2_6.1.18.pdf

⁴ Losen, D. L. & Martinez, P. (2020). *Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn*. Palo Alto, CA/Los Angeles, CA: Learning Policy Institute; Center for Civil Rights Remedies at the Civil Rights Project, UCLA. <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/>

Horrigan, J. B. (2020). *Disconnected in Maryland: Statewide data show the racial and economic underpinnings of the digital divide*. Baltimore, MD: Abell Foundation. <https://abell.org/publications/disconnected-maryland>

⁵ Sunderman, G. L. & Croninger, R. (2018). *High suspending schools in Maryland: Where are they located and who attends them?* College Park, MD: Maryland Equity Project, The University of Maryland. https://education.umd.edu/sites/default/files/uploads/MEP_High%20Suspending_Oct%202018.pdf

SB 811 also includes using an additional measure to identify “high suspending” schools and lowers the risk ratio currently used to identify a school as high suspending. These provisions would provide a better method of identifying schools that consistently disproportionately suspend students based on race/ethnicity, disability status, and English language ability. It would also provide an impetus for schools to assess their disciplinary practices to determine why suspensions rates are high, identify where there are disparities, and adopt and implement more effective practices.

Adopting an additional of measure of disproportionality based on the percent of students suspended in one or more subgroups, as SB 811 does, would provide a substantive measure of removals – it commits the state to identifying a removal rate that it deems too high. This approach uses a removal rate that compares the removal rate of students in a particular subgroup *to the enrollment of students in that subgroup*. As such it is not subject to over or under estimating disproportionality because the base removal rate is low or high, an issue with the current MSDE measure. Finally, this measure will be helpful to schools because it provides information that they can use to review their practices and develop a corrective action plan if rates approach or surpass the threshold.

Although MSDE currently collects and disseminates school discipline data, SB 811 will strengthen reporting practices, enhance the accessibility of these data for additional stakeholders, and provide a better method of identify high suspending schools.

SB 811 also includes a requirement that each county school board develop a ***Behavioral Health and Safety Plan*** for each school where a school resource officer is assigned. The behavioral and health safety plan provisions are not narrow or tailored sufficiently to get at the root causes of school discipline or school pushout. In addition, the safety plans must be developed with meaningful community engagement and involve stakeholders. CRSD also has concerns about the capacity of schools to undertake the implementation of a school safety plan. In some districts, almost all schools would be required to implement a plan under this bill. It's unclear what support schools may receive in implementing the plan or how this requirement may interact with other plans schools may be implementing.

While the behavioral health and safety provisions would be better as its own bill, we suggest amending SB 811 to establish a workgroup to ensure there is clear guidance to school systems regarding the safety plans and that any safety plan framework is guided by a comprehensive race equity frame of reference, be culturally and racially responsive, and include evidence-based approaches, as well as clearly identified metrics.

In addition, we suggest the following clarifying amendments to the data section:

- 1) Page 4, line 3 add: DATA, including school-based arrests and referrals, AS A DATA DOWNLOAD
- 2) Page 4, line 7 add: limited English proficiency
- 2) Page 4, line 22 and line 24 replace "IN EACH SUBGROUP" with one or more subgroup

For these reasons, CRSD supports Bill 811 with amendments.

For more information contact:

CRSD Organizational Member