
MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

HOUSE WAYS and MEANS COMMITTEE

HOUSE BILL 890: PUBLIC SCHOOLS - DISCIPLINE –RELATED DATA COLLECTION and PUBLICATION

February 21, 2024

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 HB 890 with amendments.**

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. For example, the report on arrest data is not included on the MSDE Staff and Student Publications website page.

Most importantly, 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.

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

¹ See for example, Maryland State Department of Education (2023). *Suspensions by school and major offence category: In-school and out-of-school suspensions and expulsions, Maryland public schools 2022-2023.* <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-By-School-and-Major-Offense-Category-In-School-and-Out-of-School%20Suspensions-and-Expulsions.pdf>

Maryland State Department of Education (2023). *Maryland public schools arrest data school year 2021-2022.* <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20212022.pdf>

Maryland State Department of Education (2023). *Suspensions, expulsions, and health related exclusions Maryland public schools 2022-2023.* <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-Expulsions-and-Health-Related-Exclusions.pdf>

school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.² Data for the 2022-23 school year show that:

- 58% of out-of-school suspensions and expulsions are Black students, even though Black students make up only 33% of public school enrollment in Maryland.
- Students with disabilities represent 13% of enrollment in Maryland public schools but 26% of out-of-school suspensions and expulsions.

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 missing school contributes to stark inequities in the opportunity to learn, especially for those students most frequently suspended, 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, ***HB 890 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, ***HB 890 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://civilrightsdata.ed.gov/estimations/2017-2018> (accessed 2/14/2024). To find the raw data, click on “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/>

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

HB 890 also includes using an additional measure to identify “high suspending” schools and lowers the risk ratio currently used to identify disproportionality. 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 the root causes of the high suspension rates, identify where there are disparities, and adopt and implement more effective practices.

Adopting a measure of disproportionality based on the percent of students suspended in one or more subgroups, as HB 890 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. 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.

Finally, ***lowering the risk ratio used to identify whether a school’s disciplinary practices have a disproportionate impact from 3.0 to 2.0 would be a better measure for identifying disproportionality*** because it avoids the problems inherent in the current model used by MSDE.⁶ The current threshold used by MSDE is set too high and does not capture the extent of disproportionality.

HB 890 will strengthen reporting practices, enhance the accessibility of these data for additional stakeholders, and provide a better method of identifying disproportionality and high suspending schools.

We suggest the following clarifying amendments:

- 1) Page 3, line 31 [Sec (F) (2)] add: ENGLISH LANGUAGE PROFICIENCY
- 2) Page 3, line 33 {Sec (F) (2) (I)} replace: “OR” with “AND”
- 3) Page 4, line 11 [Sec (G) (I)] , and line 13 [Sec (G) (II)] replace: "IN EACH SUBGROUP" with “ONE OR MORE SUBGROUP”

For these reasons, CRSD supports House Bill 890 with amendments.

For more information contact:
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⁶ Maryland State Department of Education. *Disproportionate discipline: The Maryland initiative*. <https://marylandpublicschools.org/about/Pages/DSESS/SSSP/DisproportionateDiscipline/index.aspx#:~:text=Identification%20of%20discipline%20disproportionality%20occurs,to%20the%20state%20percentage%20number> (accessed 2/14/2024).

CRSD Organizational Members

The Choice Program at UMBC

Camila Reynolds-Dominguez, FreeState Justice

The League of Women Voters of Maryland

Progressive Maryland

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

ACLU of Maryland

Disability Rights Maryland

Strong Schools Maryland

Maryland Office of the Public Defender