

ADVOCATES



FOR CHILDREN AND YOUTH

To: Chair Pinsky and members of the Education, Health, and Environmental Affairs Committee
From: Shamoyia Gardiner, Education Policy Director
Re: Senate Bill 78: Public Schools – Student Discipline Regulations – Remedial Measures
Date: January 22, 2020
Position: Oppose

The Maryland General Assembly created the Commission on the School-to-Prison Pipeline and Restorative Practices in 2017. This legislation “appointed an interdisciplinary group of educators, representatives from the Maryland State Department of Education (MSDE) and Department of Juvenile Services, stakeholders, and experts to study current disciplinary practices in Maryland public schools and **recommend best practices with respect to restorative approaches to school discipline that foster school climates most conducive to learning**”¹ and resulted in a report to the General Assembly at the end of 2018.

Six pieces of legislation based on recommendations from the report were introduced in the 2019 Legislative Session, of which only one was passed into law by this body in its entirety. Senate Bill 78 is entirely separate from the evidence-based and empirically supported practices recommended by the Commission. In fact, **there is no data supporting the efficacy of what SB78 calls for** in creating safe, positive school environments for all students. Instead, what SB78 offers is a patchwork of pseudo-interventions based in a punitive model of behavior management—completely antithetical to the tenets of Restorative Practices listed above SB78’s proposed modifications to COMAR.

- Requiring an apology to the harmed individual is inherent in the implementation of Restorative Practices and therefore unnecessary as a separate legislative endeavor.
- Restitution is not defined in the bill, which creates the potential for local education agencies to levy fines, fees, and other penalties against individual students who require additional supports with their behavior management. It should not go without mention that efforts to impose financial burdens on families of students who do not conform to certain behavioral standards was attempted several times in this body in the 2019 Session. Allowing this language to pass now will secure a foothold for attempts to reintroduce such legislation.
- Conferencing is inherent in the implementation of Restorative Practices and therefore unnecessary as a separate legislative endeavor.
- Requiring the modification of an individual’s schedule as a matter of course, rather than as an option available for all involved to agree upon, assumes that no resolution could ever be reached in the event of any conflict/disruption. This is a fatalistic mindset that this body should be wary of adopting.

ACY strongly urges an **unfavorable report** on Senate Bill 78 and urges this body to revisit the 2018 recommendations of the Commission on the School-to-Prison Pipeline and Restorative Practices when addressing school culture and climate.

¹ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices: Final Report and Collaborative Action Plan. December 20, 2018.

<https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth can achieve their full potential.