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**Informational Testimony regarding House Bill 328  
State Department of Education—School Discipline—Data Collection**

**Ways and Means Committee  
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2:00 PM**

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The Maryland State Education Association offers this informational testimony on House Bill 328, legislation that requires (among other things) MSDE to report all discipline-related data on the state report card website at the state, LEA, and school levels and lowers the risk ratio used for identifying schools as high suspending from 3.0 to 2.0. This legislation—one of several introduced since the 2019 legislative session—reflects one of the many recommendations proffered by the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Issues associated with school climate and student discipline have been at the center of a considerable amount of discussion and deliberation across the country. The public reporting of state, district, and school level data revealing significant and persistent student discipline disparities between student groups—particularly along racial and ethnic lines, special needs classification, and English language proficiency—has motivated many across the country to take definitive steps to correct this gross inequity. It goes without saying that without data and transparency, it is highly probable that the school-to-prison pipeline would have seen more students from vulnerable populations than the school-to-college- and career-pipeline would have.

Unfortunately, however, this transparency has not come without considerable costs. In an effort to avoid being labeled as persistently failing in the area of school discipline and student behavior management, far too many districts and schools have responded by hiding the real school discipline and student behavior challenges they face, and have chosen instead to downplay the presence of disrupted learning environments existing in their districts and schools. This has led to even more challenging school climate conditions for all members of the school community—students and educators alike. And while some states, districts and schools have sought solutions via restorative approaches and other less exclusionary behavior modification and student discipline practice, there are some that are opting instead to suffer in silence rather than call attention to themselves.

It goes without saying that policies focused on “naming and shaming” will never lead to successful school discipline practices and healthy teaching and learning environments. Providing

on-going training, resources, and supports at the district and school building level are what is required to bring about systemic change in how school discipline is handled.

The members of the School-to-Prison Pipeline and Restorative Practices Commission believed that measures such as those proposed in this legislation, “will help 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.”<sup>1</sup> We have no doubt that this is possible. However, it cannot happen in absentia of the above referenced resources and supports. We know that some of the recommendations called for by the Kirwan Commission<sup>2</sup> and believed to be part of the forthcoming Blueprint for Maryland’s Future legislation would assist in providing said funding, resource, and policy supports necessary. These recommendations include:

- Element 2a, Design Assumptions 1b and 1f  
*Teacher preparation will be much more rigorous, and induction will be integrated with teacher preparation more systematically.... Universities offer teacher training programs and evaluate their students’ competencies at a level of rigor comparable to the countries with the top student performance by: b) Requiring future teachers to take courses and demonstrate competencies, including racial awareness and cultural competence, designed to enable them to teach the Maryland curriculum frameworks, including how to teach students from different racial, ethnic, and economic backgrounds as well as different learning abilities and social/emotional needs and how to implement restorative practices in such a way to enable students to reach the college- and career-readiness standards; and f) Requiring future teachers to learn the skills necessary and demonstrate competencies to effectively manage student behavior.*
- Element 4b, Design Assumption 2, 3, 6 and 8  
*Train school staff in all schools to recognize mental health issues as well as other issues related to trauma and coordinate access to needed mental health and other services for students, as part of the effort to increase school safety. (See Senate Bill 1265 of 2018 – signed into law as Chapter 30) ...Each LEA will have at least one licensed behavioral health coordinator dedicated to support school behavioral health with a master’s degree and behavioral health training and experience in schools (mental health coordinator in each LEA required under Senate Bill 1265). Staff in all schools will be trained to recognize student behavioral health issues, as well as students experiencing trauma or violence outside of school and how to refer students to behavioral health services. Scale up school behavioral health service availability to ensure that all students have some exposure and access to behavioral health programming and services and to ensure that schools without an SBHC will organize response plans to connect all students to community-partnered school-based or community-based behavioral health and other services, as needed. School staff will also be*

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<https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf> (Page 18) (Accessed February 2, 2020)

<sup>2</sup> <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnInnovEduc/2019-Interim-Report-of-the-Commission.pdf> (Accessed on February 2, 2020)



*trained in protocols for how to support any student needing these services while enrolled in school.*

These recommendations, when coupled with efforts to use data that is called for in this legislation, could produce the desired outcomes.

MSEA members appreciate the end goal of this legislation. We realize that it is a part of an overall effort to shed light on a serious problem and seek lasting solutions. We also acknowledge that some of what is called for in this legislation simply affirms that which is already in statute. Our concern, however, is that this could potentially exacerbate an already untenable situation where school staff feel like they are not supported, that they do not have the resources they need to deal with challenging and increasingly violent student behavior, and who feel that ownership for student behavior and accountability rests solely on their shoulders. Given that the implementation of the policies and funding associated with the Kirwan Commission are essential to the ultimate success of this overall effort, it would be prudent to consider refraining from implementing reporting requirements called for in this legislation until such time as the Blueprint for Maryland's Future becomes law and has been given sufficient time to take root.