



House Ways and Means Committee

HB 1257 - Public Schools - Restorative Practices Schools - Establishment

February 28, 2024

Favorable With Amendments

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The ACLU of Maryland (ACLU) supports HB 1257, which seeks to institutionalize and integrate the use of restorative approaches¹ into the overall daily activities in every public school throughout the state. However, we are asking for amendments to ensure that the program can be implemented effectively and that the framework guiding restorative approaches is rooted in cultural responsiveness and racial equity.

In collaboration with education advocates and school communities, the Maryland State Department of Education (MSDE) and public schools have come a long way in developing a framework and implementing restorative approaches throughout the state over recent years. Even though the *Blueprint for Maryland's Future* includes a lot of funding and resources to address behavioral health and barriers to learning, the ACLU believes that a more strategic and comprehensive framework and implementation plan is needed to maximize the overall goal of creating safe, healthy, and life affirming schools for all students.

Maryland's school population has changed significantly over the past two decades. Of the roughly 900,000 students in public schools statewide, Latine² students now make up 22% of the enrollment³, which represents a 100% increase from 2010⁴. Black and white students each makeup approximately 33% of Maryland's public school enrollment. Further, the

¹ The ACLU uses the term "restorative approaches", consistent with MSDE's language in the policy.

² "Latine" is a gender-neutral term used to describe a person of Latin American origin or descent.

³ Maryland State Department of Education (2023, January 24). *Accountability Update*. Maryland State Board of Education.

<https://marylandpublicschools.org/stateboard/Documents/2023/0124/AccountabilityUpdate.pdf>

⁴ Maryland State Department of Education (2010, September 30). *Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools*. Maryland State Board of Education.

<https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20102011Student/2011EnrollbyRace.pdf>

number of teenagers identifying as gay or non-heterosexual rose nationwide from 8.3% to 11.7%, between 2015 and 2019⁵.

Our education system has not centered an approach to education that is life-affirming to all of the racial, ethnic, and cultural identities that exist in our schools. Given the population trend in Maryland and the outcomes of our most underserved students, culturally responsive practice must be at the core of restorative approaches in HB 1257, which is currently lacking in MSDE's policy. Many studies have shown that racial bias is prevalent among teachers and schools staff.⁶ One study reported that of the tens of thousands of teachers and school staff surveyed, 30% of respondents expressed explicit pro-white/anti-Black bias, and 77% expressed implicit pro-white/anti-Black bias. These biases are significant. Studies have also shown that implicit racial and ethnic biases are associated with lower expectations of students, unfair discipline practices, lower quality instruction, and less attention to fostering positive social environments.⁷

The overall goal of restorative approaches must be focused on more than just resolving disputes among students. It must also be about creating a social environment where students have the opportunity to learn about each other's lived experiences, how to empathize with one another, and how to develop positive relationships with their peers. And it must be about helping Black and Brown children, and those in the LGBTQ+ community, to critically think about their place in the world and help them develop strong identities and self-worth to mitigate the negative societal messages that they often internalize. To that end, HB 1257 should be amended to ensure that MSDE's policy on restorative approaches includes a framework rooted in cultural responsiveness. The amendment should include a process to include the community and education advocates in the development of this policy.

The ACLU is also concerned about the overall scope of work and the responsibilities of MSDE, school districts, and schools to implement the many components of HB 1257. Without getting into the fine details of the

⁵ *Big Rise in US Teens Identifying as Gay, Bisexual.* (2021, June 15). WebMD. <https://www.webmd.com/sex-relationships/news/20210615/big-rise-in-us-teens-identifying-as-gay-bisexual>

⁶ Starck, Jordan, et al. *Teachers are people too: May 2020. Examining the Racial Bias of Teachers Compared to Other American Adults.* Educational Researcher. https://journals.sagepub.com/doi/pdf/10.3102/0013189X20912758?casa_token=Y2RAU9sDmvgAAAAA:ncmagk0D8VVLBg5x9hJ6WfVI_Qgk9nrWqxUUMFwp4myKTmlU4mQ1YQGz3t-GgDNYLTjwAJsxkKpQ

⁷ Teachers are people too: Racial bias among American educators. July 2020. The Brookings Institution. <https://www.brookings.edu/articles/teachers-are-people-too-racial-bias-among-american-educators/#:~:text=Our%20most%20precise%20raw%20estimates,white%2Fanti%2DBlack%20bias.>

timeline and various deliverables, the ACLU is asking for an amendment to ensure that there is flexibility within the timeline and process so that the development and implementation of restorative approaches moves forward in a way that is comprehensive, feasible, and inclusive. Teachers, students, families, and education advocates should have a prominent voice in how this initiative moves forward.

With the aforementioned amendments, the ACLU urges a favorable report on HB 1257.

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