

**Testimony of The University of Baltimore School of Law’s Sayra and Neil Meyerhoff  
Center for Families, Children and the Courts (CFCC)**

**In Support with Amendments to HB 783**

**Public Schools -Student Fights– School Investigations and Discipline**

TO: Chair Feldman, Vice-Chair Kagan and Esteemed Members of the Senate Education,  
Energy, and the Environment Committee  
FROM: Executive Director Aubrey Edwards-Luce, MSW, Esq.

**February 21, 2025**

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law (CFCC) envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities as we work to transform systems that create barriers to family well-being.

**CFCC respectfully urges this committee to submit a favorable report with amendments to SB 783**, which requires principals or school administration to investigate each student fight or struggle and forbids them from disciplining students who more likely than not used reasonable force to protect the student or escape the attack. If a student who used reasonable force was disciplined during the investigation, then the school is required to expunge the disciplinary action from the student’s record. **Once amended SB783 will advance fairness for Maryland’s students, protect Maryland’s students from bias, improve school discipline transparency, ensure investigatory excellence, and promote restorative practices in schools.**

CFCC’s testimony is informed by the perspectives of our staff who work with Baltimore City Public School students in our Tackling Chronic Absenteeism Project (TCAP). TCAP is a holistic, restorative, voluntary program for students who struggle with school attendance. The overarching goal of the TCAP is to reduce chronic absenteeism by reconnecting students and their families with their schools and to break the school-to-prison pipeline for vulnerable and at-risk youth. The program employs a restorative and holistic approach that encompasses restorative circles and workshops, mentoring, regular individual meetings for accountability, tutoring, government and community social services referrals, and legal guidance and referrals.<sup>1</sup>

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<sup>1</sup> CFCC has been operating the TCAP for more than 19 years. During that time, the TCAP has worked in Baltimore City, Baltimore County, Anne Arundel County, and Montgomery County; however, the primary focus has always been in Baltimore

## **I. Once amended SB783 will advance fairness for Maryland's students.**

Historically, TCAP students have expressed support for prohibitions against disciplining students when they use reasonable force to escape or protect themselves or others from a physical attack. In discussion circles, TCAP students educated staff about how receiving a detention or suspension alongside the students who attacked them led to their parents punishing them at home. Effectively the practice of punishing victims-students alongside students who cause harm creates unintended consequences for victim-students beyond the school walls. By prohibiting principals or school administration from disciplining students who used reasonable force to escape or protect themselves SB783 will advance fairness for Maryland's students. CFCC recommends that SB783 be amended to clarify that school employees may not discipline students who use reasonable force to protect themselves or another student or to help themselves or another student escape from an attack.

## **II. Once amended SB783 will protect Maryland's students from bias.**

Based on our experience, schools have a great deal of discretion to decide whether to punish students who intervene in school fights. Discretion is an opportunity for intrapersonal biases to influence decision-making. Systemic and individual bias,<sup>2</sup> as well as a lack of training are some of the factors that contribute to the fact that Black students tend to receive harsher discipline for the same behaviors that their White peers exhibit.<sup>3</sup> For example, a Black student's responds to a teacher's demonstration of authority can be wrongly interpreted as a threat.<sup>4</sup> CFCC is concerned that Black and Hispanic students, students with disabilities, and male-presenting students who

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City. The TCAP is funded through grants from state and federal agencies, as well as private foundations, so we can provide the program to schools at no-cost. The TCAP program supports families to obtain essential needs and referrals to services to help reduce the barriers that keep children and families from engaging in and attending school. Based on a trauma-informed approach that incorporates legal, psychosocial, and social service expertise, the TCAP Team (a volunteer legal mentor, TCAP Mentor, Coordinator, Attorney, and Case Manager) works to reduce social, emotional, economic, and environmental barriers to a student's education and to develop and capitalize on each student's connections to their family, school, and community. All students receive: one-on-one weekly conversations with a legal mentor, mentoring, parent/caregiver outreach, case management services, and resource referrals, as needed. In addition, the TCAP Case Manager provides resources, referrals, and case management services, and the TCAP Attorney provides legal services, advocacy, and guidance, as needed, to all families whose children participate in the TCAP. The TCAP Mentor provides individual mentoring, reaches out to every family each week, and facilitates restorative circles during weekly sessions. Volunteer tutors from the University of Baltimore community are recruited and trained to provide academic support both during the weekly sessions, as well as virtually, if requested.

<sup>2</sup> Liu, Jing. "Disciplinary referrals, teachers, and the sources of racial disciplinary disproportionalities." Brookings Institute. (Jan. 30, 2023). Available at <https://www.brookings.edu/articles/disciplinary-referrals-teachers-and-the-sources-of-racial-disciplinary-disproportionalities/>.

<sup>3</sup> Abrams, Zara. "Discipline is still biased. How to reduce racial disparities in suspension rates Four questions for social psychologist Jason Okonofua on how sidelining bias can help stem discrimination." American Psychological Association. (Aug. 25, 2023). Available at <https://www.apa.org/monitor/2023/10/racial-disparities-suspension-rates>.

<sup>4</sup> Kolodner, Meredith. "'It was the most unfair thing': Disobedience, discipline and racial disparity In Ohio, Black students are more often suspended for low-level infractions than their peers," (April 1. 2024). The Hechinger Report. Available at <https://hechingerreport.org/disobedience-discipline-and-racial-disparity/#:~:text=States%20use%20different%20terms%20to,Bias%20also%20plays%20a%20role.>

use reasonable force will be disproportionately punished by school employees during the course of the investigation. CFCC recommends that SB 783 be amended to require schools to collect demographic data about the students who are disciplined during the investigation of a fight or physical struggle.

### **III. Once amended SB783 will improve school discipline transparency.**

While CFCC applauds SB 783 for taking the restorative step of expunging the disciplinary records of students who use reasonable force, we are concerned that expunging the student's records will conceal a school's practice of disciplining students contrary to the spirit of SB 783. Suspensions and expulsions can be very detrimental to children's well-being.<sup>5</sup> Students who are disciplined and later found to have used a reasonable amount of force and their parents should receive notice of the expungement. While the full expungement might benefit the student by clearing the incident from their record, it also allows the school to avoid accountability for unfair discipline and the harm that can cause students. Such data should remain accessible to hold the administration responsible for their actions. CFCC recommends that SB783 be amended to require schools to notify students of the expungement of their discipline record and to collect and disclose aggregated demographic data about the students who have their discipline record expunged pursuant to this bill.

### **IV. Once amended SB783 will ensure investigatory excellence.**

Investigations that are conducted with timeliness, consistency, and thoroughness are crucial to the success of SB 783. TCAP students noted some potential challenges to school's ability to conduct high quality investigation if SB783 were enacted. First, students noted that while investigations are necessary to ensure that students are not being unfairly punished, many school fights begin with conflict, harassments, and threats that occur days and sometimes weeks before a physical altercation. Secondly, the students seemed concerned about schools' capacity, commitment, and competence to conduct thorough investigation of each fight. Students were concerned that if high quality investigations required too much time, lengthy investigations might prolong animosity between students. CFCC is also concerned that the quality of the investigations might vary by schools differing capacity, commitment, and competence, which result in students receiving variants of the justice envisioned by SB 783. Therefore, CFCC recommends, that SB783 be amended to establish a standard of excellence for the principal's or school administration's investigations.

### **V. Once amended SB783 will promote restorative practices in schools.**

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<sup>5</sup> American Academy of Pediatrics, "AAP policy: School suspension, expulsion harm students, disproportionately affect those with marginalized identities," (Oct 1, 2024). Available at <https://publications.aap.org/aapnews/news/29986/AAP-policy-School-suspension-expulsion-harm?autologincheck=redirected>

As a program that has championed restorative practices in schools for over 19 years, we believe that restorative practices can produce positive outcomes that punitive responses fall short of. We see schools as the perfect venue to teach students how to respond to instances of violence in a way that allows victims to express the harm they endured, centers the needs of all students, teaches offenders how to repair the harm they have caused, and rebuilds a sense of community and safety. We recommend that SB783 be amended to help Maryland schools move towards utilizing restorative responses to school fights. CFCC recommends that SB783 be amended to require principals or school administration to prioritize equity, being trauma-informed, developmental appropriateness, and restorative justice when making disciplinary decisions after investigating school fights.

**In summary, CFCC recommend that SB783 be amended by:**

1. Adding at p.1, line 19, "...to determine whether to a student's use of force was more than likely necessary to escape or protect the student.";
2. Replacing "the" at p. 1, line 22 with "any";
3. Replacing the period at p. 2, line 5 with a comma and adding, "notify the student and their parent or guardian about the expungement, keep a record the demographic data of students whose records were expunged pursuant to this paragraph in the school's data, report this data quarterly to the Maryland State Department of Education and make this data publicly available on an annual basis pursuant to the student information protection provided for in the Family Educational Rights and Privacy Act.";
4. Adding after (B) (2), "(3) Following the investigation required under paragraph (1) of this subsection, the principal or school administration shall consider a student's developmental needs, trauma history, and any needs that are met only by in-person attendance when making disciplinary decision and offer students engaged in the school fight or physical struggle an opportunity to engage in a restorative practice where appropriate.";
5. Adding a new subsection, "(C) The Maryland State Department of Education will establish standards of investigative excellence that will instruct principals and school administration how to conduct timely, consistent, and thorough investigations and an investigation under subsection (A) will be conducted in accordance with said standards."

For these reasons, CFCC urges the Committees to submit a favorable report for SB 783 with the aforementioned amendments.

