



TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 783 Public Schools – Student Fights – School Investigation and Discipline

Position: Unfavorable

By: Linda T. Kohn, President

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The League of Women Voters of Maryland (LWVMD) is a nonpartisan organization that supports policies that provide an equitable, quality education for all children. LWVMD requests an **unfavorable report on SB 783, Public Schools – Student Fights – School Investigation and Discipline**. SB 783 would require a principal or school administration to investigate each student fight or physical struggle and prohibit any disciplinary action if force was used to protect the student. While this may seem like common sense, it's unclear why this bill is needed. In addition, because determining "intention" can be subjective, there is the potential inequitable and discriminatory actions if SB 783 is passed.

The Maryland State Department of Education (MSDE) already has guidelines for responding to fighting. MSDE adopted disciplinary guidelines in 2014 that made the state a national and early leader in policies and practices related to student behavior. These guidelines include policies and practices designed to foster appropriate behavior, create a positive school climate and safe environment, and keep students in school and on track to graduate. **Importantly, they include guidelines for responding to fighting:**

Schools should consider multiple factors, including:

- *whether student acted in the heat of the moment, as opposed to planning ahead*
- *whether student was verbally provoked*
- *where student acted in self-defense*
- *whether student was intervening in fight*
- *the student's age*
- *whether fighting is persistent or habitual (p. 23).¹*

¹ Maryland State Department of Education (2014). *The Maryland guidelines for a state code of discipline*. Retrieved from <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/MDGuidelinesforStateCodeDiscipline08072014.pdf>

Since “fighting” can include a range of behaviors, the MSDE guidelines provide definitions and examples of “fighting” that could be used to determine the severity of the fight and how to ascertain intention. Establishing “intention” can be very subjective, something SB 783 does not address. The MSDE guidelines also provide guidance on how to respond to student misconduct, with a focus on early intervention and support and restorative strategies that are excluded from this bill. In addition, there are processes in place to rescind and expunge disciplinary actions from a student's record.

For these reasons, **LWMD recommends an unfavorable report on SB 783.**