

**Department of Legislative Services**  
 Maryland General Assembly  
 2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 950 (Delegate Washington, *et al.*)  
 Ways and Means

**State Department of Education - School Discipline - Data Collection**

This bill requires the Maryland State Department of Education (MSDE) to report all discipline-related data in an electronic spreadsheet format on the Maryland Report Card at the State, local school system, and school levels. MSDE must make public, in an accessible disaggregated electronic spreadsheet format, data related to any disproportional disciplinary practices of a local school system or public school. MSDE must report the disproportionality data for any school identified as “high suspending” as specified and include alternative schools and programs, public separate day schools, and the Juvenile Services Education System (JSES) in any calculation of disproportionality data. **The bill takes effect July 1, 2019.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$183,500 in FY 2020 to cover costs associated with a one-time upgrade of the JSES student information system and with hiring one educational specialist to implement the bill. Future year expenditures reflect annual increases, employee turnover, and ongoing operating expenses.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	183,500	78,600	81,200	84,000	86,800
Net Effect	(\$183,500)	(\$78,600)	(\$81,200)	(\$84,000)	(\$86,800)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None. The bill does not alter the data that local school systems must collect and report.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** “High suspending” includes an elementary school that suspends 10% or more of its students in each subgroup and a secondary school that suspends 25% or more of its students in each subgroup, disaggregated by race, ethnicity, disability status, and English language proficiency.

### **Current Law/Background:**

#### *Suspension and Expulsion in General*

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student’s parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student’s parent or guardian.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher’s classroom.

#### *Suspension and Expulsion of Young Children*

Chapters 843 and 844 of 2017 prohibit students in public prekindergarten, kindergarten, or first or second grades from being suspended or expelled, except that:

- a student in those grades may be expelled if required by federal law (generally, for bringing a firearm to school); and
- a student in those grades may be suspended for up to five days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

For students in prekindergarten through grade 2 who are suspended or who commit an act that would otherwise be grounds for suspension, local school systems must provide

intervention and support to address the student's behavior. Intervention and support include (1) positive behavior interventions and supports; (2) a behavior intervention plan; (3) a referral to a student support team; (4) a referral to an individualized education program; and (5) a referral for appropriate community-based services.

The school system must remedy the effect of a student's behavior through appropriate intervention methods including restorative practices. Restorative practices are practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

- are conducted by trained staff;
- focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
- help build a sense of belonging, safety, and social responsibility in the school community.

Per Chapter 500 of 2006, a public elementary school that has a suspension rate that exceeds 10% must implement a positive behavioral interventions and support (PBIS) program or an alternative behavior modification program in collaboration with MSDE. An elementary school that has already implemented a PBIS program or a behavior modification program must expand its existing program if it has a suspension rate that exceeds 10%.

### *State and Local Report Card*

Under the Every Student Succeeds Act (ESSA), the most recent version of the Elementary and Secondary Education Act, both states and local school districts receiving Title I, Part A funds must prepare and widely disseminate an annual report card. Among other requirements, information submitted to the Civil Rights Data Collection biennial survey regarding in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism, and incidents of violence (including bullying and harassment) must be reported within the report card. ESSA requires that accountability data must be reported for all students and for the following "subgroups" of students: economically disadvantaged students; students from major racial and ethnic groups; children with disabilities; and English learners.

### *Addressing Disproportionate and Discrepant Impacts of School Discipline*

State regulations require MSDE to develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. MSDE may use the discrepancy model to assess the impact of discipline on special education students. If MSDE identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education

students, the local school system must prepare and present to the State Board of Education a plan to reduce the impact within one year and eliminate it within three years. A local school system must report its progress annually to the State board.

MSDE advises that it has developed a method of identifying the presence of disproportionalities for student groups in schools. The Maryland model involves two complimentary measures, which are risk ratio and the State comparison measure. As a result of review of current practice and research, the State board determined that 3.0 would be the threshold for disproportionality in Maryland. The bill does not define “risk ratio,” but it requires the risk ratio to be lowered from 3.0 to 2.0; it is assumed that the intent of the bill is to lower this threshold.

The risk ratio measure compares the removal rate of each student group in a school to the removal rate of all other students in the school. (MSDE applies this analysis to the same “subgroups” identified under ESSA.) The risk ratio measure captures whether the “risk” of an out-of-school suspension or expulsion for a student in one student group is lower or higher than the risk of removal for a student in the comparison group. Risk, in this context, refers to the likelihood that a student will receive an out-of-school suspension or expulsion. The State comparison measure compares the removal rate of each student group in a school to a statewide removal rate. The statewide removal rate is a three-year cumulative rate based on the prior three years of Maryland’s out-of-school suspension/expulsion and enrollment data.

For the past five years, a team from MSDE has been analyzing data, sharing the data with local school systems, implementing the plan presented to the State board in January 2017, and preparing for full implementation in the 2019-2020 school year. Full implementation includes identification of schools and submission of action plans by local school systems in the 2018-2019 school year to reduce in one year and ultimately eliminate the disproportionality in three years.

MSDE has entered into a Memorandum of Understanding with the Regional Educational Laboratory (REL) Mid-Atlantic for the purpose of examining trends in school removals, characteristics of schools with discipline disproportionality, and potential refinements to the model, specifically the number of years to be used for identification. MSDE continues to work with REL.

#### *Data Collection and Presentation*

MSDE must collect data on alternative school discipline practices in public schools for each local school system, including (1) the types of alternative school discipline practices that are used in a local school system and (2) the type of misconduct for which an alternative discipline practice is used. Also, MSDE must disaggregate the information in

any MSDE student discipline data report by race, ethnicity, gender, disability status, eligibility for free or reduced-price meals or an equivalent measure of socioeconomic status, and English language proficiency for (1) the State; (2) each local school system; and (3) each public school. Special education-related data in any such report must be disaggregated by race, ethnicity, and gender.

During the 2017-2018 school year, 8,139 students (0.9% of total enrollment) were suspended *in school* a total of 12,091 times. In addition, 38,502 students (4.5%) were subject to *out-of-school suspension or expulsion* a total of 63,606 times.

**State Expenditures:** General fund expenditures increase by \$183,500 in fiscal 2020. This reflects an estimated \$100,000 cost for contractual services to upgrade the JSES student information system and the cost of hiring one education program specialist to perform data and program analysis, report local school system data, and provide technical assistance as needed. It includes salary and fringe benefits for the educational specialist; one-time start-up costs; ongoing travel expenses; and other ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$77,967
One-time Start-up Costs	4,890
Other Ongoing Operating Expenses	625
Contractual Information Systems Upgrade	<u>100,000</u>
<b>Total FY 2020 State Expenditures</b>	<b>\$183,482</b>

Future year expenditures reflect annual increases, employee turnover, ongoing operating expenses, and elimination of one-time costs.

### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Maryland State Department of Education; U.S. Department of Education; Department of Legislative Services

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