
**Testimony in Opposition to Senate Bill 78
Public Schools—Student Discipline Regulations—Remedial Measures**

**Senate Education, Health and Environmental Affairs Committee
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The Maryland State Education Association opposes Senate Bill 78, legislation that requires county boards of education to adopt student discipline-related regulations that are aimed at establishing remedial measures.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for career 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. Given national- and state-level data showing significant and persistent disparities between student groups—particularly along racial and ethnic lines, special needs classification, and English language proficiency—individual school- and district-level student discipline rates as well as research¹ pointing to the ineffectiveness of punitive discipline measures on improving school climates, states and LEAs have been taking steps to reduce the number of out-of-school suspensions and expulsions. Some have done so by employing less punitive and exclusionary school discipline methods, such as Positive Behavioral Interventions and Supports (PBIS), Safe and Responsive Schools (SRS), and restorative practices. Some states—such as Massachusetts, Washington, and Connecticut—have undertaken state-wide initiatives aimed at addressing school climate and school discipline.

In 2019, the Maryland General Assembly passed House Bill 725 (Chapter 691), which defined restorative approaches and called for their implementation in dealing with student discipline in Maryland public schools. It also establishes protocols for restorative approaches when responding to student discipline issues. The new state laws specifically require each county board to:

- “...adopt regulations designed to create and maintain...the atmosphere of order and discipline necessary for effective learning”;
- “...provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing”;
- “...state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.”

¹ Kupchik, A. (2016). *The Real School Safety Problem: The Long-Term Consequences of Harsh School Punishment*. California: University of California Press.



All of these steps are designed to set clear expectations for student behavior, provide a means by which to address incidences of behavior that violates said expectations, and assure that remediation take place that is inclusive of all who have been harmed (to the extent practicable and possible). The use of restorative approaches is exactly what was prescribed by the members of the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. In fact, their final report² to the General Assembly includes an entire section that outlines “the need to shift from ‘consequences’ to prevention and accountability”.

This proposed legislation is at best unnecessary and at worse a step backward in that it seeks to mandate that punitive steps be unnecessarily injected into the discipline response currently required of districts and schools. It goes without saying that a student who violates behavioral expectations—and, in doing so, adversely impacts the culture and climate of their school—should be held accountable for the harm they have caused to specific individuals and the school community writ large. The goal of using restorative approaches is to bring about said accountability in a way that both provides a means of restitution and seeks to educate members of the school community who have been impacted about acceptable and effective means for resolving conflict and harm.

The General Assembly has already taken definitive steps toward ensuring that all students have healthy and safe learning environments by requiring the use of research-based methods that have been proven effective. Any further action taken by the legislature should involve funding for the training and personnel necessary to properly implement and support these methods. **MSEA urges an unfavorable report on Senate Bill 78.**

² Available online at <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf> (Accessed on 1/18/20)