

Education Advocacy Coalition

for Students with Disabilities

SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

SENATE BILL 78

PUBLIC SCHOOLS—STUDENT DISCIPLINE REGULATIONS—REMEDIAL MEASURES

JANUARY 21, 2020

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 25 organizations and individuals concerned with education policy for students with disabilities in Maryland, opposes Senate Bill 78, which would require school boards to adopt policies to address violations of “clear behavioral expectations that contribute to the well-being of the school community.” Such policies would include requirements regarding the provision of an apology to the individual who was harmed, restitution for injury or loss, a conference between the parent or guardian of the student who violated behavioral expectations and school staff and modification of the violator’s schedule.

What constitutes “clear behavioral expectations that contribute to the well-being of the school community” is not necessarily readily apparent and may differ from school to school. For example, in one school, students may be expected to line up and be silent when moving in the hallways but not in another school in the same district. Students with particular disabilities such as autism, attention deficit hyperactivity disorder or intellectual disability may have a difficult time understanding what is expected of them or may have difficulty conforming their behavior. It is a violation of federal law to penalize students for behavior that is disability-related.

Further, in many situations in which a student has challenging behavior, the student’s individualized program may not contain appropriate goals and objectives or a behavior intervention plan reasonably designed to address the behavior and support the child. Senate Bill 78 sets up a situation in which students with disabilities may be identified as violators for behavior that may be a direct manifestation of their disabilities and further, that their schedules may be modified as a result.

Finally, although restorative practices are commendable and should be supported, they need to be comprehensive and multi-faceted. Senate Bill 78 distorts the nature of restorative practices by reducing them to a simple formula that would be applied to all students for all violations. Because Senate Bill does a disservice both to students with disabilities and to what restorative practices should be, the EAC opposes Senate Bill 78.

For more information or questions, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 410-727-6352, ext. 2505.

Respectfully Submitted,

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