

# **Testimony In Support of HB 171 MSDE Data Collectio**

Uploaded by: Ceruolo, Rich

Position: FAV



March 22, 2021

Maryland Senate and House of Delegates  
Annapolis, MD. 21401

**In Support: HB 171 – MSDE – School Discipline – Data Collection**

Good afternoon House and Senate committee members.

I am the parent of a child with multiple challenges and disabilities. He has been bounced between 504 plans and IEP plans over the course of 8 years within the AACPS school system.

During that time, it has become increasingly harder to track his progress and performance as a student with disabilities, as some student records are often missing, inconsistent or incomplete. And part of that data includes discipline issues that arise while at school, on the bus or on school grounds.

As if the special education process is not difficult enough for families and students, factors like a lack of a reliable and consistent data sets further complicates our ability to advocate for appropriate accommodations and supports to help us protect our children during the school year.

Students with IEP's are protected by IDEA and ADA laws, which guarantee that a student's progress be tracked by all the members of a student's IEP team. There does not appear to be a consistent policy to protect the civil rights of these students when it comes to discipline. Students with Section 504 Accommodation Plans have even fewer protections. And many incidents go underreported or without any reporting by school system personnel. Oversight is lacking in these areas, as Section 504 plans are administered at the school system level, so discipline, progress data are not consistently or accurately tracked by the local school systems with fidelity, nor diligently overseen by the Maryland State Department of Education.

Discipline practices including, seclusion and restraint, occur every day in schools across the nation and involve students from all demographic groups. They disproportionately affect groups with minority children and children with disabilities. These practices have been shown to be detrimental to the growth, development and overall mental and physical health of students.

Therefore, it is important for all stakeholders to require MSDE to track school discipline, student progress and resulting student outcomes as the result of the use of such practices. And in the interest of transparency, to make that data available to the public, and to the Maryland State Legislative bodies.

Please return a favorable report on HB 171 so that MSDE will be tasked with accurately tracking the use, and results of the use of discipline, in our schools across the entire state of Maryland.

Thank you for considering my testimony in support of HB 171.

Mr. Richard Ceruolo  
Parent, Advocate for Students with Disabilities  
Parent Advocacy Consortium

**OPD Testimony\_HB0171\_SUPPORT.pdf**

Uploaded by: Hall, Michele

Position: FAV



## POSITION ON PROPOSED LEGISLATION

BILL: HB0171 State Department of Education - School Discipline - Data Collection  
POSITION: SUPPORT  
DATE: 1/15/21

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 171 - State Department of Education—School Discipline—Data Collection.

We strongly support this bill which, when enacted into law, will enhance data around and strengthen transparency about exclusionary discipline in all Maryland public schools. Importantly, this bill also prioritizes the reporting of disproportionality in discipline, and we hope will ensure that all students have access to a fair and equitable education.

The Office of the Public Defender regularly represents children who experience exclusionary discipline. Many of them attend alternative schools and public separate day schools which, under the current law, are not subjected to the same data and transparency requirements as all other Maryland public schools. More transparency and data collection around the school discipline policies and practices at *all* Maryland public schools will help document the disparate educational opportunities experienced by students of color and low-income students, and allow school districts, legislators, and advocates to effectively work to dismantle the school to prison pipeline. Even based on the data we currently have, we know that Black students experience disproportionate exclusionary discipline and arrests in our schools. With respect to arrests, the Maryland Commission on the School-to-Prison Pipeline highlighted how in Maryland, “Black students were the only racial group arrested at a higher rate than their proportion of school enrollment at the state level and across districts.”<sup>1</sup> This remains true today. In the 2018-19 school year, over

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<sup>1</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan at 28. (Hereinafter, Commission Report). Available at <http://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>

56% of students arrested were Black or African American, despite Black students comprising only one-third of Maryland's public school enrollment. Additionally, almost one-third of students arrested received some type of special education, despite students with disabilities comprising only 12% of Maryland's public school enrollment. This disparity comes not from different conduct by students, but from bias and inconsistent and inequitable implementation of discipline by adults, with Black and poor students being disciplined more often and more harshly than other students.<sup>2</sup> The result is that Black kids are disproportionately arrested for being kids. We can only make meaningful changes and hold school systems and administrators accountable for the harms caused by exclusionary discipline by having robust, detailed information. That comes from the expanded data collection and transparency sought by House Bill 171.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on House Bill 171.

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<sup>2</sup> Commission Report, at 29.

**EHEA\_HB171\_Data Collection\_CRSD\_3.18.21.pdf**

Uploaded by: Sunderman, Gail

Position: FAV

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

## SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS (EHEA) COMMITTEE

### HOUSE BILL 171: STATE DEPARTMENT OF EDUCATION – SCHOOL DISCIPLINE – DATA COLLECTION

March 18, 2021

#### POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline practices within Maryland's public school system. We are committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD strongly supports HB 171**, which will further strengthen efforts to promote data transparency and accessibility in the State and extend reporting requirements to include alternative schools and programs, and public separate day schools. The bill also prioritizes the reporting of disproportionality in discipline.

Addressing disparities in school discipline practices begins with data access and transparency. However, data on school discipline is very hard to find in Maryland. Part of the difficulty is that the data is contained in several different reports, all reported as pdf reports. Just finding these reports can be a challenge as it is not readily apparent where they are located on the state's website. While these reports are useful, they do not report discipline data at the individual school level. The web-based *Maryland Report Card*, the main accountability reporting mechanism for public schools in Maryland, includes a link to a spread sheet with school level data reported as frequencies and the percentage of total for various subgroups, but does not report disproportionalities. The usefulness of the spread sheet is limited. Data reported as frequencies masks disproportionalities. For example, a district may suspend 10 students with disabilities over the course of the year. That may not seem like a lot, but if the enrollment of students with disabilities is just 50 students, that means that 20% of all students with disabilities were suspended. In addition, the data reported is limited and requires analytical capabilities to use.

A primary reason to have access to discipline data is that school discipline policies and practices are a central factor in shaping the educational opportunities and life chances of students, particularly students from low-income and historically underserved populations. The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices—a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.<sup>1</sup>

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<sup>1</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices (December, 20, 2018). *Final Report and Collaborative Action Plan*. Retrieved from:

During the 2015-16 school, according to estimates released by the U.S. Department of Education in May 2020, *there were 164,799 days of instruction lost due to out-of-school suspensions in Maryland. Of these, 68.5% of days missed were by African American students.*<sup>2</sup> Given the awareness that the pandemic has raised to how missing school diminishes the opportunity to learn, it raises the question of how we can close the achievement gap if we do not close the discipline gap.<sup>3</sup>

Because of the important role discipline policies and practices have on the educational experiences of students, data about discipline actions should be transparent, reasonably detailed and accessible to policymakers, researchers, educators and the public. By ensuring that discipline data is in an accessible and transparent format, *House Bill 171 encourages accountability for disciplinary actions and will facilitate dialogue about the consequences of disciplinary actions for different populations of students.*

By extending discipline reporting requirements to alternative schools and programs, and public separate day schools, *HB 171 closes a gap in reporting requirements and encourages accountability for the use of punitive and exclusionary practices.* Research found that alternative schools in Maryland are among the schools with the highest suspension rates.<sup>4</sup>

*HB 171 also includes using an additional measure to identify “high suspending” schools and lowers the risk ratio currently used to identify a school as high suspending.* These provisions would provide a better method of identifying schools that consistently disproportionately suspend students based on race/ethnicity, disability status, and English language ability. It would also provide an impetus for schools to assess their disciplinary practices to determine why suspensions rates are high, identify where there are disparities, and adopt and implement more effective practices.

Adopting an additional of measure of disproportionality based on the percent of students suspended in one or more subgroups as HB 171 does would provide a substantive measure of removals – it commits the state to identifying a removal rate that it deems too high. This approach uses a removal rate that compares the removal rate of students in a particular subgroup *to the enrollment of students in that subgroup.* As such it is not subject to over or under

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<https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>.

<sup>2</sup> Civil Rights Data Collection (n.d.). <https://ocrdata.ed.gov/> (accessed 01/13/2021). To find the raw data, click on “State and National Estimations” on the left, click “2015-16 state and national estimations,” click “Discipline” in the last category on the page, and then click “Days missed due to out-of-school suspensions.”

<sup>3</sup> Losen, D. L. & Martinez, P. (2020). *Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn.* Palo Alto, CA/Los Angeles, CA: Learning Policy Institute; Center for Civil Rights Remedies at the Civil Rights Project, UCLA. Retrieved from: <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/Lost-Opportunities-REPORT-v14.pdf>

Horrigan, J. B. (2020). *Disconnected in Maryland: Statewide data show the racial and economic underpinnings of the digital divide.* Baltimore, MD: Abell Foundation. Retrieved from: <https://abell.org/publications/disconnected-maryland>

<sup>4</sup> Sunderman, G. L. & Croninger, R. (2018). *High suspending schools in Maryland: Where are they located and who attends them?* College Park, MD: Maryland Equity Project, The University of Maryland. [https://education.umd.edu/sites/education.umd.edu/files/MEP\\_High%20Suspending\\_Oct%202018.pdf](https://education.umd.edu/sites/education.umd.edu/files/MEP_High%20Suspending_Oct%202018.pdf)



estimating disproportionality because the base removal rate is low or high, an issue with the current MSDE measure. Finally, this measure will be helpful to schools because it provides information that they can use to review their practices and develop a corrective action plan if rates approach or surpass the threshold.

Although MSDE currently collects and disseminates school discipline data, HB 171 will strengthen reporting practices, enhance the accessibility of these data for additional stakeholders, and provide a better method of identify high suspending schools.

**For these reasons, CRSD strongly supports House Bill 171.**

For more information contact:  
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### **CRSD Organizational Member**

ACLU of Maryland  
The Arc Maryland  
Alliance Against Seclusion and Restraint  
Attendance Works  
BMore Awesome, Inc.  
The Choice Program at UMBC  
Disability Rights Maryland  
Family League of Maryland  
Maryland Developmental Disabilities Council  
NARAL Pro Choice Maryland  
Maryland Office of the Public Defender  
Maryland PTA  
Open Society Institute  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Restorative Counseling Services  
Schools Not Jails  
Youth, Education, and Justice Clinic, University of Maryland Carey School of Law

### **CRSD Individual Members**

Dr. Lindsay Gavin  
Janna Parker  
Dr. Kelsie Reed  
Aarti Sidhu  
Shannon McFadden  
Gail Sunderman, Ph.D.

**HB0171- MCPS FAV 032421.pdf**

Uploaded by: Suskind, Danielle

Position: FAV



# MONTGOMERY COUNTY BOARD OF EDUCATION

*Expanding Opportunity and Unleashing Potential*

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: HB0171  
TITLE: State Department of Education - School Discipline - Data Collection  
DATE: 3/24/2021  
POSITION: SUPPORT  
COMMITTEE: Education, Health, and Environmental Affairs  
CONTACT: Danielle M. Susskind, Coordinator, Legislative Affairs  
[Danielle M Susskind @mcpsmd.org](mailto:Danielle.M.Susskind@mcpsmd.org)

The Montgomery County Board of Education (Board) **supports** HB0171.

The data collection and reporting would not be particularly onerous because MCPS already collects this data in disaggregated form. Any data not already rolled up to MSDE could be easily done. Furthermore, MCPS is already in the process of updating Policy JGA, Student Discipline, to reflect our emphasis on restorative approaches to student discipline. Moreover, the MCPS Student Code of Conduct also emphasizes fairness and equity through clear, appropriate, and consistent expectations for student behavior. MSDE spent a great deal of time coming up with their formula for identifying disproportionality in discipline through their expectations for each school system to develop a Disproportionate Discipline Local Action Plan.

For these reasons, the Board **supports** this legislation and urges a favorable report.

# **HB 171 - School Discipline--Data Collection Xfile**

Uploaded by: Dove, Tina

Position: INFO

Informational Testimony regarding House Bill 171  
State Department of Education—School Discipline—Data Collection

Senate Education, Health, and Environmental Affairs Committee

March 24, 2021

1:00 pm

Tina N. Dove, M.Ed.  
Government Relations

The Maryland State Education Association offers this informational testimony on House Bill 171, legislation that requires (among other things) MSDE to report all discipline-related data on the state report card website at the state, LEA, and school levels and lowers the risk ratio used for identifying schools as high suspending from 3.0 to 2.0. This legislation—one of several introduced since the 2019 legislative session—reflects one of the many recommendations proffered by the Maryland Commission on the School-to Prison Pipeline and Restorative Practices.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for careers and 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 long been at the center of a considerable amount of discussion and deliberation across the country. MSEA has unequivocally added our voice to the collective national outrage over the unconscionable and inexcusable violence perpetrated against our family members within the Black, Indigenous, and People of Color (BIPOC) and transgender communities preceding as well as throughout 2020—far too much of which came as a result of police violence against Black and brown communities. We are well aware that public reporting of state, district, and school level data revealing significant and persistent student discipline disparities between student groups—particularly along racial and ethnic lines, special needs classification, and English language proficiency—has motivated many among our ranks and across the country to take definitive steps to confront and correct this gross inequity. It goes without saying that without data and



transparency, it is highly probable that the school-to-prison pipeline would have seen more students from vulnerable populations than the school-to-college- and career-pipeline would have.

While being a necessary and critical component of institutional change, this transparency has not come without considerable costs. In an effort to avoid being labeled as persistently failing in the area of school discipline and student behavior management, far too many districts and schools have responded by hiding the real school discipline and student behavior challenges they face, and have chosen instead to downplay the presence of disrupted learning environments existing in their districts and schools. This has led to even more challenging school climate conditions for all members of the school community—students and educators alike. And while some states, districts, and schools have sought solutions via restorative approaches and other less punitive and exclusionary behavior modification and student discipline practice, there are some that are opting instead to suffer in silence rather than call attention to themselves. We know that issues involving student and educator trauma as well as any mental and behavioral health concerns either surfaced or worsened by the COVID-19 global pandemic will only serve to further exacerbate these challenges as we move toward re-opening schools for in-person instruction. And given the ongoing resource and support challenges facing our schools and districts, it stands to reason that previously stretched supports will be even more threadbare and hard to come by in the go forward, thus increasing the suffering and further amplifying the silence.

It goes without saying that policies focused on “naming and shaming” and well as conditions where desperately needed financial, training, personnel, and resource supports are either grossly deficient or lacking all together will never result in the creation and maintenance of healthy, safe, and supportive teaching and learning environments. Providing robust, on-going supports at the district and school building level are what is required to bring about the long-term systemic change we all agree is vital.

We actively supported the passage of the Blueprint for Maryland’s Future and strongly urge the members of the General Assembly to override the Governor’s short-sighted veto of the legislation because we know that many of the policy changes and resources and supports called for by the School-to-Prison Pipeline and Restorative Practices Commission (of which MSEA was a member) are included in the Blueprint. These policy changes, resources, and supports, when coupled with efforts to use data that is called for in this legislation, are more likely to produce the outcomes sought by this legislation.

MSEA members appreciate the end goal of this legislation and are keenly aware of the fierce sense of urgency behind its intent. We realize that it is a part of an overall effort to shed light on a serious

problem and seek lasting solutions. We also acknowledge that some of what is called for in this legislation simply affirms that which is already in statute. Our concern, however, is that this could potentially exacerbate an already untenable situation where school staff feel like they are not supported, that they do not have the resources they need to deal with challenging and increasingly violent student behavior, and who feel that ownership for student behavior and accountability rests solely on their shoulders. Given that the implementation of the policies and the provision of the funding, additional staffing, and resource supports included in the Blueprint are essential to the ultimate success of this overall effort, it would be prudent to consider refraining from implementing reporting requirements called for in this legislation until such time as the Blueprint for Maryland's Future becomes law and has been given sufficient time to take root.

**AACPS HB171 Discipline Data INFO 3.24.21.pdf**

Uploaded by: Ortiz, Jeanette

Position: INFO





## HB171 STATE DEPARTMENT OF EDUCATION - SCHOOL DISCIPLINE - DATA COLLECTION

March 24, 2021

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

### LETTER OF INFORMATION

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

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Anne Arundel County Public Schools (AACPS) is submitting a letter of information on **HB171 State Department of Education - School Discipline - Data Collection**. This bill requires the Maryland State Department of Education (MSDE) to disaggregate discipline-related data in an electronic spreadsheet format for the Maryland Report Card and provide the discipline-related data to the public in an accessible electronic spreadsheet format. The bill would also require MSDE to lower the risk ratio used to identify a school as high suspending from 3.0 to 2.0.

The AACPS Instructional Data Division collects, analyzes, and applies instructional data to assist students, teachers, instructional leaders, parents and the public. The goal is to enhance learning and positively impact student achievement. At AACPS, student achievement data is analyzed to identify relationships between different types of student achievement measures; and predicting student performance in order to better identify appropriate instructional strategies to address the needs of our students.

Currently, disaggregated student discipline data are currently posted on the MSDE website. 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. When presented to the State Board of Education in January 2017, the State Board determined that 3.0 would be the threshold for disproportionality in Maryland. Accordingly, we have concerns that HB171 would lower the ratio to 2.0.

In addition, we have concerns with the definition of high suspending schools. As with disproportionality, it is important to be very careful with small student groups. According to this bill, an elementary school with 1 student suspended out of 10 would be labeled "high-suspending."

Finally, it is important to note that alternative schools and special programs work with unique students by design and should never be compared to comprehensive schools. These schools face challenges and needs that far exceed any comprehensive school. As such, if you take all the students who are struggling behaviorally and put them in the same school or program, the data is going to be disproportionate because the population is disproportionate. Alternative schools and special programs do such wonderful work for students and families and including them in this legislation would have such a negative impact on the hard work that these schools and their staff do every single day.

Thank you for consideration of this information regarding HB171.