



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.”¹ This remains true today. In the 2018-19 school year, over

¹ 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.² 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.

² Commission Report, at 29.