

**BILL:** House Bill 171  
**TITLE:** State Department of Education - School Discipline - Data Collection  
**POSITION:** SUPPORT  
**DATE:** January 20, 2021  
**COMMITTEE:** Ways & Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 171 to ensure equitable accountability in the reporting of student discipline data. This bill would require the Maryland State Department of Education (MSDE) to report on student discipline data in a manner disaggregated by race, gender, special education status, and other criteria, for the school system and individual schools, and provide these reports in a format available to be manipulated by the public. In 2020, MABE objected to this legislation because it would have required this student discipline data to be included on the academic “report cards” required of local school systems and the State. House Bill 171 reflects amendments adopted in 2020 to address this concern.

Maryland school systems are committed to all students becoming college and career ready and ensuring that the appropriate use of school discipline furthers that goal. In 2019, legislation passed to require all local school boards to revise their student discipline regulations to provide for restorative practices and state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational. MABE agrees that restorative approaches should play an integral role in the administration of Maryland’s public schools. Such proactive practices, implemented with fidelity following appropriate professional development and training of all staff, can make significant improvements in school climate and the learning conditions for all students to learn.

The law now defines “restorative approaches” as a relationship-focused model that:

- (1) *Is preventive and proactive;*
- (2) *Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;*
- (3) *In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and*
- (4) *Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.*

In 2017, legislation passed to prohibit a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to limited exceptions. A student may be suspended for up to five school 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.

Significant reform in student discipline laws and regulations have not, to date, been accompanied by additional funding to implement these reforms. These major shifts in public policy began in 2014, when the State Board of Education adopted new regulations to dramatically reform the ways in which teachers, principals, and superintendents may suspend or expel students, and define the educational and behavioral supports to be provided to students in disciplinary situations. MABE adopted the position of supporting the State Board's initiative to require local boards of education to reform their student discipline policies to:

- prohibit "zero tolerance" policies;
- reflect a philosophy that fosters positive behavior;
- provide continuous education services to all suspended and expelled students; and
- hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

The State Board ultimately adopted major reforms to longstanding student discipline regulations and mandated that, by the beginning of school year 2014-2015, each local board review and revise its student discipline policies as follows:

*"Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:*

- (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) Be designed to keep students connected to school so that they may graduate college and career ready;*
- (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;*
- (4) Allow for discretion in imposing discipline;*
- (5) Address the ways the educational and counseling needs of suspended students will be met; and*
- (6) Explain why and how long-term suspensions or expulsions are last-resort options."*

More specifically, these regulations introduced new terms and conditions for disciplining students, including definitions of short-term, long-term and extended suspensions, and expulsion. MABE believes that current State statutes and regulations, in conjunction with local board policies, effectively govern responses to student conduct. House Bill 171 would provide greater transparency regarding the use of disciplinary measures, without intruding on the professional judgement of educators and administrators to utilize student discipline and restorative practices in the best interests of students.

For these reasons, MABE requests a favorable report on House Bill 171.