



EXPLANATION:

HB 23 would require the MSDE to disaggregate and make available to the public various discipline-related data and reports. It would also require the Department to lower the threshold value used to identify a school's disproportionate disciplinary practices, report disproportionality data for high-suspending schools, and prohibit a school resource officer from unilaterally enforcing student discipline.

MSDE considers the collection and publication of discipline-related data to be vital in the public discourse, as it aids in systematic efforts to reduce disproportionality in every discipline-related metric in Maryland's public schools. Disproportionality in student discipline continues to be a significant challenge and has lasting impacts on outcomes for students of color and students with disabilities.

While supportive of the premise of the legislation, the Department registers some operational concerns regarding potential statutory language altering the threshold value and establishing certain metrics labeling elementary and secondary schools as “high-suspending”. For context, in 2016 the State Board of Education passed regulations that require the identification of schools with disproportionate school discipline for students of color and students with disabilities. *See* COMAR 13A.08.01.21. MSDE has required each identified local school system to submit corrective action plans as a result of this work.

This disproportionality work is separate and distinct from the “significant disproportionality” data collection required under the Individuals with Disabilities Education Act (IDEA). The bill as written conflates “significant disproportionality” under IDEA with MSDE’s “Reducing and Eliminating Disproportionate/Discrepant Impact” regulations. MSDE’s regulations utilize the state comparison and risk ratio methods for identifying disproportionality with a threshold of 3.0. The “significant disproportionality” regulations under IDEA utilize the risk ratio method solely and already employ a threshold of 2.0.

MSDE is in support of strengthening and expanding its current approach to disproportionality, and requests the sponsor and committee consider the amendments documented below. These amendments would ensure a consistent approach to addressing disproportionality, while expanding existing work to include English Language Learners and guarantee the public availability of data.

In place of p. 2, lines 33-34 through p. 3, lines 1-16, MSDE recommends the following amendments:

(G) (1) BY DECEMBER 1, 2022, THE DEPARTMENT SHALL DEVELOP A METHOD FOR DETERMINING THE DISPROPORTIONATE IMPACT OF SCHOOL DISCIPLINE IN PUBLIC SCHOOLS FOR EACH OF THE FOLLOWING SUBGROUPS:

- (I) STUDENTS OF COLOR;
- (II) STUDENTS WITH DISABILITIES; AND
- (III) ENGLISH LANGUAGE LEARNERS.

(2) IF A LOCAL SCHOOL SYSTEM HAS ONE OR MORE SCHOOLS DETERMINED TO HAVE DISPROPORTIONATE IMPACT UNDER SUBSECTION (G)(1), THE DEPARTMENT SHALL REQUIRE THE LOCAL SCHOOL SYSTEM TO TAKE CORRECTIVE ACTION TO REDUCE THE DISPROPORTIONATE IMPACT.

(3) THE DEPARTMENT MAY WITHHOLD GENERAL FUNDS FROM ANY LOCAL SCHOOL SYSTEM THAT FAILS TO CORRECT DISPROPORTIONATE IMPACT AS REQUIRED UNDER SUBSECTION (G)(2).

(4) THE DEPARTMENT SHALL REVIEW THE METHOD FOR DETERMINING DISPROPORTIONATE IMPACT UNDER SUBSECTION (G)(1) EVERY FIVE YEARS TO DETERMINE WHETHER IT REMAINS EFFECTIVE AND REFLECTS NATIONAL BEST PRACTICES.

(5) DISAGGREGATED DISPROPORTIONATE IMPACT DATA COLLECTED UNDER SUBSECTION (G)(1) SHALL BE REPORTED ANNUALLY ON THE DEPARTMENT'S WEBSITE IN AN ACCESSIBLE ELECTRONIC SPREADSHEET, AVAILABLE AS A DATA DOWNLOAD.

Reducing disproportionality requires multifaceted interventions, including school-wide positive behavioral interventions and supports, as well as policies armed with accountability measures. MSDE is very supportive of the fundamental concepts identified in HB 23 and is committed to working with the sponsor, members of the General Assembly, and local school systems to actualize the goal of reducing disproportionality in student discipline.

Finally, MSDE is supportive of the language in the bill that would limit the involvement of school resource officers (SROs) in the enforcement of discipline-related policies in schools. SROs are often asked to respond to situations that should be handled solely by school staff and administrators. Avoiding the involvement of SROs in situations that do not require law enforcement engagement limits the possibility of situational escalation, and helps to clearly delineate for law enforcement incidents that require an immediate response.

We respectfully request that you consider the amendments put forward by MSDE as you deliberate **House Bill 23**. Please contact Ary Amerikaner, at 410-767-0090, or ary.amerikaner@maryland.gov, for any additional information.