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# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

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## HOUSE WAYS & MEANS COMMITTEE

### HOUSE BILL 1152: PUBLIC SCHOOLS—STUDENT BILL OF RIGHTS AND PROHIBITIONS ON SUSPENSIONS AND EXPULSIONS

MARCH 6, 2022

#### POSITION: FAVORABLE WITH AMENDMENTS

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. 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. **We support House Bill 1152 with amendments.**

This bill establishes ten important rights focused on ensuring that all students are welcomed, encouraged to grow and make mistakes, and be safe in their school environments. Perhaps the most important right is “(7) The right to consistent and equitable discipline practices.” The bill furthers this right by creating standards for which students can be suspended and expelled from school.

Currently, the law permits students to be suspended for less than ten days from school by the principal “for cause.” This gives schools broad discretion to suspend students for any behavior that is deemed “cause.” The reality is that students are often removed from the classroom for minor behaviors that are consistent with typical adolescent development. In the 2018-2019 school year, there were 79,306 suspensions and expulsions in Maryland public schools.<sup>1</sup> Over 31,000 of those removals from the classroom, nearly 40%, were for disrespect, disruption, and attendance related offenses. Students of color and students with disabilities are disproportionately disciplined. Though Black students make up approximately one-third of overall student enrollment, they are nearly 60% of all students suspended and expelled. Similarly, though students with disabilities comprise approximately 12% of the overall student population, they are 25% of the students removed from school. Though “[a] common (and incorrect) explanation for disparities is that there are true differences in behavior between different groups of students that are not attributable to discriminatory practices in schools,” that is simply not the case.<sup>2</sup> Research has found that “disproportionality starts in the classroom, with teachers more likely to refer certain students to the officer for disciplinary action despite relatively similar kinds of behavior.”<sup>3</sup> “In other words,

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<sup>1</sup> Maryland State Department of Education, “Maryland Public School Suspensions By School and Major Offense Category: In-School and Out-of-School Suspensions and Expulsions, 2018-2019.” Available at <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20182019Student/2019SuspensionsbySchoolCOMBINED.pdf>

<sup>2</sup> Maryland Commission on the School-to-Prison Pipeline, at 29, (Dec. 2018).

<sup>3</sup> *Id.* at 29-30.

discipline disparities result from *inconsistent adult responses* to various behaviors, not to different conduct by the students themselves.”<sup>4</sup>

HB1152 provides a necessary solution to this issue, by limiting the ability to suspend students for less than ten days to incidents where students exhibit “unsafe behavior,” which is defined as “any behavior that is dangerous to the health or safety of students or others,” and excludes behavior that “the student intends only to be disruptive of a school activity, function, process, or the learning environment; or that is disrespectful to an adult or other students but is nonthreatening and does not physically harm another.” This appropriately balances the principal’s ability to promote safety and security of all students, while protecting students from arbitrary and capricious removals from school.

CRSD would propose an amendment to the latter section of the bill, which allows the county superintendent, at the request of a principal, to suspend a student for greater than 10 days or expel a student for unsafe behavior. Under COMAR 13A.08.01.11(B)(2) and (3), a student may only be subjected to an expulsion or extended suspension if “[t]he student’s return to school prior to the completion of the [suspension/expulsion] period would pose an imminent threat of serious harm to other students or staff.” The regulations also require that the removal be limited to the shortest duration period practicable, and that “[t]he school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.” We believe importing this language into the statute would best protect students subjected to long-term removal from school and expulsion by having a higher standard, and by enshrining in the statute both the imminent threat of serious harm standard and the requirements included in the regulation.

**For these reasons, CRSD requests that this committee issue a FAVORABLE WITH AMENDMENTS report for HB1152.**

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<sup>4</sup> *Id.* at 29.

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