



**Testimony for the House Ways and Means Committee
January 20, 2022**

**House Bill 23 — School Discipline - Data Collection and School
Resource Officers**

TESTIMONY

FRANK PATINELLA
SENIOR EDUCATION
ADVOCATE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland's *Right to Education* works to ensure that all public school students can learn, thrive, and effectively engage in the social, political, and economic life of their community. Given the prevalence of disproportionality in suspensions in Maryland's public schools, we strongly support the passage with amendments, HB23 - School Discipline - Data Collection and School Resource Officers. HB23 will ensure that discipline data for each public school in Maryland, disaggregated by race/ethnicity, gender, socioeconomic status, disability status, and English language ability is made available to the public.

Over the past decade, the Maryland State Department of Education, local school districts, legal and policy advocates, and grassroots groups and individuals, have worked collaboratively to ensure that suspensions and discipline practices in public schools are fair and effective, especially for students who are disproportionately impacted by out-of-school suspensions. The growing use of restorative approaches to address disciplinary infractions is showing much promise. However, based on federal data, Black students make up approximately 65% of the total out-of-school suspensions in Maryland in the 2017-2018 school year¹. Students with disabilities make up nearly 25% of the suspensions in the same year.

The Maryland Commission on the School-To-Prison Pipeline has reported on the deleterious impact that disproportionality in discipline has on Black students, students of color, and other underserved populations. To close the achievement gap and to ensure student success after high school, it is critical that Maryland moves forward by passing HB23, one of the Commission's core priorities².

¹ *Days Missed Due to Out of School Suspensions, Civil Rights Data Collection, 2017-2018* (n.d.). <https://ocrdata.ed.gov/>

² *Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report, December, 20, 2018.*

Access to data and transparency are key to our collective efforts to ensure that schools are trending in the right direction in terms of overall climate. Currently, discipline data on MSDE's website is not easily accessible and the data does not report on disproportionality. HB23 would provide access to disaggregated data on suspensions and report on schools identified as "high-suspending" — 10% of the total enrollment for an elementary school and 25% for a high school. The data would also show when the ratio of suspensions reaches a disproportionality level of 2:1, which is a decrease from the current 3:1 threshold.

One issue in HB23 that needs clarity has to do with how an individual student with multiple suspensions are counted at a school, and how that might affect the overall rating for that school. The ACLU-MD is proposing an amendment to ensure that the data also report on individuals with multiple suspensions at the school level. Further, the bill should clarify whether or not the threshold for a "high suspending" school includes counting each suspension for individuals suspended multiple times. This level of detail can also help administrators, school staff, and the school community to better understand the issues at a school and develop a tailored strategy to improve the situation.

The ACLU-MD is also asking the committee to strike language referring to School Resource Officers (SROs). Language preventing SROs from enforcing the discipline policy already exists in many school districts' MOUs with their local police departments. And since many disciplinary infractions could also be characterized as violations of criminal law, HB23 will not prevent SROs from intervening in routine student misbehavior. HB23 should remain focused on the accessibility and transparency of discipline data.

Lastly, HB23 aligns well with the General Assembly's \$4 billion commitment to reform our state's education system, via the *Blueprint for Maryland's Future*. The *Blueprint's* focus on accountability and transparency must be coupled with access to data that is critical to measuring the success of our public schools. To that end, we ask the committee to give HB23, with our amendments, a favorable vote so that government officials and the public have more data and information available to make this once-in-a-generation opportunity a success.

