

Education Advocacy Coalition

for Students with Disabilities

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SENATE BILL 61: HIGHER EDUCATION – DISCIPLINARY RECORDS – USE IN ADMISSIONS AND DISCIPLINARY PROCEEDINGS

DATE: JANUARY 24, 2024

POSITION: SUPPORT WITH AMENDMENTS

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, provides this testimony in support of Senate Bill 61 with amendments. Senate Bill 61 would prohibit an institution of higher education from using an admissions application that contains questions about an applicant's disciplinary record, except for questions relating to academic dishonesty.

The EAC supports increasing access to higher education for students with disabilities. Senate Bill 61 would increase access of students with disabilities to higher education by minimizing the impact their disciplinary record can have on the admissions process. Exclusionary discipline is a practice that affects students with disabilities at a greater rate and disproportionately when compared to their nondisabled peers. Students with disabilities are twice as likely to be suspended or expelled than their non-disabled peers. Additionally, in 2022, students with disabilities made up 12% of the student population in Maryland¹, but accounted for 26% of suspensions in the state.²

While the EAC supports a prohibition on the use of admission applications that contain questions about an applicant's disciplinary record, Senate Bill 61 does not go far enough to prohibit the use of questions relating to disciplinary records in the higher education admissions process. For instance, college admissions applications may include questions that ask if a student has changed schools during their educational career. In response to this question, a student would have to disclose if they have been expelled or otherwise removed from their school. Thereby, institutions of higher education would still be able to inquire into a student's disciplinary record while not asking directly for a student to disclose whether they had been disciplined. This could be addressed by amending the bill to prohibit such questions.

Furthermore, the EAC believes that the exception regarding questions relating to academic dishonesty should be removed. In furthering greater access to higher education, disciplinary infractions for academic dishonesty for which the student likely already faced disciplinary action should not be allowed to limit the student's future.

¹ Maryland State Board of Education, *Data Deep Dive: Students with Disabilities*, p. 4 (Feb. 2023), https://marylandpublicschools.org/stateboard/Documents/2023/0228/DeepDiveStudentsWithDisabilitiesPart2.pdf?sm_nck=1.

² Maryland State Department of Education, *Suspensions By School and Major Offense Category: Out-of-School Suspensions and Expulsions in Maryland Public Schools 2022-2023*, p. 6 (Nov. 2023), https://marylandpublicschools.org/stateboard/Documents/2023/0228/DeepDiveStudentsWithDisabilitiesPart2.pdf?sm_nck=1.

Although Senate Bill 61 would not fix the problems that exist in K-12 discipline, it would ensure a more equitable review process for all applicants to Maryland's institutions of higher education. Enactment of Senate Bill 61 would help ensure that the inequitable disciplinary practices that affect students across the state do not negatively impact their futures.

For these reasons, the EAC supports Senate Bill 61 with amendments.

Please contact Annie Carver, EAC legislative committee chairperson, at carverar@kennedykrieger.org or 518-763-4886 with any questions.

Respectfully submitted,

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