

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

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

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. CRSD is committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students. **CRSD supports Senate Bill 61**, which 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.

Discipline disproportionately impacts Black and Brown K-12 students as well as students with disabilities. By prohibiting an institution of higher education from asking about an applicant's disciplinary record during the admissions process, SB 61 can prevent the disparities that exist in K-12 education from following a student to higher education.

Despite identical enrollment and misbehavior rates, Maryland schools are about three times as likely to use exclusionary discipline against Black students than white students.¹ For instance, in the 2022-2023 school year, Black students made up approximately 32.7% of the state's total student enrollment but 58% of the state's out-of-school suspensions and expulsions.² On the other hand, white students also made up approximately 32.9% of the state's total student enrollment but represented only 21% of the state's out-of-school suspensions and expulsions.³ Students with disabilities are also twice as likely to be suspended or expelled than their non-disabled peers.⁴

¹ See Maryland State Department of Education, Suspensions by School and Major Offense Category, Out-of-School Suspensions and Expulsions, Maryland Public Schools 2022-2023 (Nov. 2023), https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-By-School-and-Major-Offense-Category-Out-of-School-Suspensions-and-Expulsions.pdf?_sm_nck=1; see also Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan (Dec. 2018), <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>.

² *Id.*

³ *Id.*

⁴ Johanna Lacoë and Mikia Manley, *Disproportionality in school discipline: An assessment in Maryland through 2018*, Regional Educational Laboratory (Sept. 2019), <https://files.eric.ed.gov/fulltext/ED598820.pdf>.

Such disparities cannot be explained by different rates of student misbehavior, as studies have shown that all students misbehave at roughly the same rate.⁵ While poverty is correlated with increases in disruption and behavioral disorders, those relationships do not explain the great discipline gap between white and Black children.⁶ The discipline gap remains even when all other variables are removed. For the same infraction in similar circumstances, a white student is significantly less likely to be disciplined than a Black peer.

Research shows that implicit bias, cultural stereotypes, and explicit prejudice explain why Black and Brown students are disciplined at much higher rates than white students.⁷ This is all the more true for subjective offenses like disrespect, defiance, or disruption.⁸ Maryland data shows the real life impact of this – in the 2022-23 school year, approximately 54% of the out-of-school suspensions and expulsions for disrespect or disruption were imposed on Black students.⁹

Teachers are more likely to refer Black students to the office for disciplinary action, even when they exhibit the same behavior as white students, and once in the office, Black students are more likely to receive a harsher punishment.¹⁰

Disciplinary records are a major piece of the school-to-prison pipeline. These records brand students much like criminal records and prevent them from accessing opportunities to improve their own lives. SB 61 will dismantle this part of the pipeline and help give students a chance to rise above the mistakes they have made in the past.

Though SB 61 will not fix the problems that exist in K-12 discipline, it will ensure a more equitable review process for all applicants to Maryland's institutions of higher education. By passing SB 61, the Maryland General Assembly can help ensure that the inequitable disciplinary practices that affect students across the country do not negatively impact their futures.

For these reasons, CRSD **strongly supports SB 61.**

⁵ *Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan* (Dec. 2018),

<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>.

⁶ Nathan Barrett et al., Technical Report: Disparities in Student Discipline by Race and Family Income, Education Research Alliance for New Orleans (Jan. 2018),

<https://educationresearchalliancenola.org/files/publications/010418-Barrett-McEachin-Mills-Valant-Disparities-in-Student-Discipline-by-Race-and-Family-Income.pdf>.

⁷ *Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan* (Dec. 2018),

<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>; See generally Erik J. Girvan et al., *The Relative Contribution of Subjective Office Referrals to Racial Disproportionality in School Discipline*, 32 *School Psych. Q.* 392 (2016).

⁸ Erik J. Girvan et al., *The Relative Contribution of Subjective Office Referrals to Racial Disproportionality in School Discipline*, 32 *School Psych. Q.* 400-402 (2016).

⁹ Maryland State Department of Education, Suspensions by School and Major Offense Category, Out-of-School Suspensions and Expulsions, Maryland Public Schools 2022-2023 (Nov. 2023),

https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-By-School-and-Major-Offense-Category-Out-of-School-Suspensions-and-Expulsions.pdf?_sm_nck=1.

¹⁰ Johanna Lacoë and Mikia Manley, *Disproportionality in school discipline: An assessment in Maryland through 2018*, Regional Educational Laboratory (Sept. 2019), <https://files.eric.ed.gov/fulltext/ED598820.pdf>.

For more information contact:

Annie Carver and Levi Bradford

Maryland Coalition to Reform School Discipline
CRSDMaryland@gmail.com

CRSD Members

Sayra and Neil Meyerhoff Center for Families, Children and the Courts

Disability Rights Maryland

League of Women Voters of Maryland

The Choice Program at UMBC

Strong Schools Maryland

Maryland Office of the Public Defender

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Office of the Public Defender

Strong Schools Maryland

Camila Reynolds-Dominguez, FreeState Justice

Public Justice Center

ACLU of Maryland