

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

## HOUSE WAYS AND MEANS COMMITTEE

### HOUSE BILL 903 - EDUCATION - ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS PROGRAM AND FUND - ESTABLISHED

DATE: FEBRUARY 21, 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 House Bill 903**, which would establish the Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund.

CRSD supports expanding access to attorneys, advocates, and consultants within the special education process. Many families are unaware of their or their child's rights within the special education process, including disciplinary rights. For instance, if a student with a disability is suspended for more than ten days, the student's individualized education program (IEP) team must meet to determine whether the behavior that resulted in the student's suspensions was a manifestation of the student's disability. This determination can require a thorough review of the student's behavior, what preceded the behavior, and of the student's history and can be hard for a lay person to navigate. Attorneys, advocates, and consultants can help guide families through the special education process by either representing a student or providing advice and information.

In addition, many families are not aware of laws in Maryland that guard against or prohibit suspensions, such as Maryland's prekindergarten to second grade suspension ban. Though this is not a special education specific law, it protects many students with disabilities whose behavior is merely disruptive to the classroom. Prekindergarten to second grade suspensions are on the rise in Maryland—from 514 in the 2021-2022 school year to 803 in the 2022-2023 school year.<sup>1</sup> This

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<sup>1</sup> See Maryland State Department of Education, 2021-2022 Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools, p.4 (Nov. 2022), [https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20212022Student/2022\\_Student\\_Suspension\\_Expulsion.pdf](https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20212022Student/2022_Student_Suspension_Expulsion.pdf); See Maryland State Department of Education, 2022-2023 Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools, p.8 (Nov. 2023), <https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-Expulsions-and-Health-Related-Exclusions.pdf>.

represents a 56% increase in the use of suspensions within pre-kindergarten to second grade, though the total enrollment within Maryland schools only increased by 0.6%.<sup>2</sup>

Though HB 903 will not fix all the problems within Maryland's special education system, it will ensure that more families have access to attorneys, advocates, and consultants that can help them understand and protect their student's educational rights.

For these reasons, CRSD **strongly supports HB 903**.

### **CRSD Members**

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

Camila Reynolds-Dominguez, Free State Justice

ACLU of Maryland

Maryland Developmental Disabilities Council

Disability Rights Maryland

The Choice Program at UMBC

The League of Women Voters of Maryland

Spencer M. Hall, Esq.

Maryland Office of the Public Defender

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<sup>2</sup> Maryland State Department of Education, 2022-2023 Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools, p. 8 (Nov. 2023), <https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-Expulsions-and-Health-Related-Exclusions.pdf>.