

TO: Education, Energy, and the Environment Committee

BILL: SENATE BILL 714 Public Schools – Discipline-Related Data – Collection and Publication

DATE: February 19, 2025

Position: Information

The Maryland State Department of Education (MSDE) is providing information regarding **Senate Bill (SB) 714 – Discipline-Related Data – Collection and Publication**, which requires changes to MSDE’s discipline data analysis and reporting requirements, and changes MSDE’s methodology for identifying disproportionality in school discipline.

SB 714 Summary

SB 714 makes several changes to the Education Article, including:

1. Amends the definition of “restorative approaches” to “restorative practices”;
2. Requires MSDE to publish discipline-related data in an accessible electronic spreadsheet format and disaggregated by grade level, race, ethnicity, disability status, socioeconomic status, English language proficiency, and gender at the State level, local school system, and school levels;
3. Requires MSDE to report on this data to the Governor;
4. Amends existing practices to address disproportionality in school discipline by adding a new definition/category of a “high-suspending” school, changing the existing threshold value from 3.0 to 2.0, adding English language proficiency status to the groups of students analyzed; and
5. Requires MSDE to develop and publish an action plan summarizing the data and providing support and resources to local school systems.

School Discipline Data Collection and Reporting Practices

MSDE currently collects and reports on school discipline data annually in four separate reports available on MSDE’s website.¹ These reports disaggregate the school discipline data by gender, race, ethnicity, and special education status at the State, local, and school levels for each of the categories of offenses. The reports also disaggregate by gender, race, ethnicity, and special education status at the State and local levels generally. MSDE currently issues all reports in a pdf format on its website. When requested by the public, MSDE provides these reports in spreadsheet format that allow the requester to manipulate the data. Therefore, MSDE could publish the existing reports in spreadsheet format on its website.

This bill would expand MSDE's discipline data reporting requirements by adding additional demographics (specifically Section 504, socioeconomic, and English Language Proficiency status) and requiring existing data to be further broken down at the school level. It is important to note that consistent with the Family Educational Privacy Rights Act (FERPA), MSDE applies [data suppression rules](#) to ensure that students are not inadvertently identified through disaggregated data. When there are less than 10 students in a particular subgroup (i.e., N-size), MSDE suppresses the data. For school level data where the N-size for certain populations is most likely under 10, much of the data will be suppressed, making the reports mostly useless for the public while requiring MSDE to expend valuable staff time on developing new reports for the approximately 1,400 schools across the State.²

Addressing Disproportionality in School Discipline

The Maryland State Board adopted regulations directing MSDE to develop a methodology for identifying disproportionate impact of school discipline on minority and special education students. MSDE worked with a national discipline disproportionality expert, local directors of student services, local administrative staff, student advocacy representatives, and other stakeholders to develop the methodology, which is comprised of two measures: risk ratio and state comparison. For more information on how these measures operate, please see slides 4-9 of a [2020 presentation to the State Board](#).

Using the disproportionality measures, MSDE proposed to take a tiered responsive approach to the data and focus corrective action on its local school systems with the highest rates of disproportionality. All 24 local school systems were required in 2019 to conduct a root cause analysis and develop strategies to address these issues. Additionally, based on feedback from the stakeholders, MSDE set a threshold value of 3.0 for identifying local school systems who would be required to enter focused corrective action. Under this threshold value, 14 local school systems were flagged for formal written corrective action and direct coaching from MSDE.

Unfortunately, MSDE recognizes that a confluence of events contributed to a disruption in the full implementation of the regulation and business rules. Stretches on resources and shifts to virtual learning and back again from the COVID-19 pandemic impacted the discipline data and required school systems to shift their focus. MSDE is currently reviewing the methodology to ensure that it continues to be the best path forward for identifying and addressing disproportionality. Now that MSDE has three years of discipline data (SY 2021-2022, SY 2022-2023, and SY 2023-2024),³ there are plans to calculate and disseminate annual disproportionality data in spring 2025. Annual disproportionality data under the current methodology, with appropriate suppression, could be published for public review.

MSDE shares the concern of the General Assembly that certain populations of students, specifically our students of color and students with disabilities, are disproportionately removed from their regular school program. MSDE is committed to working with our local school systems to

develop equitable educational opportunities in supportive and inclusive learning environments, and we believe the current State Board regulation is an important tool in affirming this expectation.

MSDE appreciates the flexibility that the State Board afforded MSDE in allowing it to work with stakeholders to adopt a methodology for determining measures of disproportionality and setting a threshold value based on on-going data. SB714 would codify the methodology, stripping MSDE's ability to respond to changes in the educational landscape. Furthermore, please be advised that: (1) changing the existing threshold from 3.0 to 2.0, (2) adding English language proficiency as a tracked status, and (3) introducing a new category of "high-suspending" to the State's method for identifying a school as disproportionate will likely increase the number of schools and systems identified as disproportionate, without providing additional interventions and resources to address the root causes of these practices.

Additional Information

MSDE respectfully requests consideration of these comments as SB 714 is discussed and deliberated.

For further information, please contact Dr. Akilah Alleyne (Executive Director of Government Affairs) at 410-767-0504, or Akilah.alleyne@maryland.gov.