

Written Testimony for SB 155.pdf

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Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in support of SB 155 - Higher Education - Disciplinary Records - Use in Admissions and Disciplinary Proceedings

The admissions process should be a gateway to opportunity, not a barrier shaped by systemic inequities.

Senate Bill 151 addresses an urgent issue: the use of high school disciplinary records in college admissions decisions, a practice that disproportionately affects minority and low-income students and perpetuates cycles of exclusion. This vital piece of legislation represents a bold step toward addressing systemic inequities that hinder access to higher education for marginalized students. By eliminating the requirement for high school disciplinary records in the admissions process, SB 151 ensures that Maryland's public colleges and universities evaluate students based on their potential and academic merit rather than past punitive measures disproportionately impacting minority and low-income communities.

High school disciplinary records often reflect the pervasive racial and socioeconomic disparities entrenched in our educational and disciplinary systems. Research demonstrates that Black students face disciplinary measures at rates three to four times higher than their white peers for comparable infractions. Similarly, students from low-income backgrounds are more likely to encounter harsher punishments for minor offenses. These inequities are compounded when higher education institutions use disciplinary records in admissions decisions, perpetuating systemic barriers to college access.

The statistics speak for themselves. Nationally, 26% of Black students report having faced suspension for minor infractions within a three-year period, compared to just 2% of white students. LGBTQIA+ youth, students with disabilities, and Native American students also face disproportionate disciplinary actions, exacerbating educational disparities. These patterns not only reflect institutional biases but also limit opportunities for upward mobility, undermining the principle of education as an equalizer.

Senate Bill 151 seeks to rectify these inequities by prohibiting Maryland's public higher education institutions from requiring the disclosure of high school disciplinary records during the admissions process, with limited exceptions for academic dishonesty. This policy aligns Maryland with national trends championing fair and inclusive admissions practices, such as the 2021 decision by the Common Application to remove questions about disciplinary history.

By shifting toward holistic admissions, Maryland's colleges and universities can focus on assessing applicants' potential, academic achievements, and contributions to their communities. Students who might otherwise be deterred from applying due to fear of judgment or stigma will be empowered to pursue higher education. Removing this barrier also sends a powerful message: youthful mistakes should not define an individual's future or their access to education.

Furthermore, this bill builds on Maryland's precedent of advancing equity in education, such as the "Ban the Box" legislation of 2020, which removed questions about criminal history from initial college applications.

Education should unlock doors, not close them. SB 151 reaffirms Maryland's dedication to justice, equity, and the transformative power of learning. By passing this legislation, we send a clear message that all students, regardless of their background or past, deserve the chance to pursue their dreams.

For these reasons, I urge a favorable report on SB 151.

SB151 testimony - CRASC.pdf

Uploaded by: Julien Halleman

Position: FAV



SB151 Higher Education - Disciplinary Records - Use in Admissions and Disciplinary Proceedings

Wednesday, January 22, 2025

EDUCATION, ENERGY, AND THE ENVIRONMENT

SUPPORT

Our names are Julien Halleman, Noah Gordon, Olivia Chin, and Dhru Nahan, and we are students of Anne Arundel County and executive team members of the Chesapeake Regional Association of Student Councils (CRASC). We are writing in support of SB151 Higher Education - Disciplinary Records - Use in Admissions and Disciplinary Proceedings. If passed, this bill would prohibit institutions of higher education from inquiring about a student's disciplinary records, except for purposes of inquiring about a student's academic integrity, in admissions applications unless they explicitly do not use such information to disqualify applicants.

The practice of using applicants' disciplinary records has long served as an unfair barrier to university admission, particularly disadvantaged minorities and marginalized groups who tend to receive harsher punishments in school. Due to stereotypes and systemic inequalities, minorities often face more severe consequences for behavior than their classmates. Colleges disqualifying them on account of this unequal treatment exacerbates the negative effects of unjust actions taken against them. This bill would help mitigate those impacts.

Discipline and fairness within school punishments cannot be standardized effectively - different schools have varying policies, teachers, and levels of leniency. As a result, some students are punished for actions that others in different schools with different teachers wouldn't face consequences for.

Students should not be burdened by the "skeletons" of their past forever. Removing this barrier will allow the college admissions process to become more meritocratic and protect students' privacy, rather than focusing on past mistakes. This reform will encourage students who have made errors to improve their behavior with the hope of pursuing higher education, rather than being held back by their past.

Ultimately, academics should be the primary consideration for college admissions. If a student shows academic potential and has grown from their mistakes, why should they be denied a spot in college? Under this bill, colleges retain the ability to inquire about academic integrity violations, meaning the focus will shift from what students do outside the classroom, often influenced by inequitable factors, to how they approach the academic environment - a much more accurate indicator of college readiness.

The CRASC Legislative Department refers back to the following relevant clauses of the CRASC Platform:

- *CRASC Supports...* Uplifting marginalized student voices in all educational settings; (Plank 10, Clause B)
- *CRASC Supports...* Initiatives that encourage students that reward utilization of their educational opportunities; (Plank 3, Clause J)

Accordingly, CRASC respectfully requests a **FAVORABLE** committee report on SB151.

Respectfully Submitted,

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YEJ Clinic - SB 151 Written Testimony (FAV).pdf

Uploaded by: Kristy McMullen

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EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SENATE BILL 151

**HIGHER EDUCATION – DISCIPLINARY RECORDS – USE IN ADMISSIONS AND
DISCIPLINARY PROCEEDINGS
POSITION: FAVORABLE**

The Youth, Education, and Justice Clinic (“the clinic”) at the University of Maryland Francis King Carey School of Law represents students who have been excluded from school via suspensions, expulsions, and other means. The clinic strives to keep children in school, thus ensuring their access to the education they need and deserve. The clinic **strongly supports** Senate Bill 151, which would prohibit institutions of higher education from asking about or considering an applicant’s primary or secondary school disciplinary record during the admissions process.

Prohibiting postsecondary institutions from asking about or considering such disciplinary records during the admissions process would help mitigate the discipline disparities that pervade K-12 education. These disparities are particularly stark in Maryland. Here, Black students are roughly three times more likely to experience exclusionary discipline¹ than White students, despite the population ratios of Black and White students being the same.² In the 2023-2024 school year, Black students and White students each comprised 32.5% of the total enrollment in Maryland’s public schools.³ However, Black students represented nearly 57% of suspensions and expulsions,⁴ while in stark contrast, White students represented only nearly 20% of suspensions and expulsions.⁵

Similar discipline disparities exist throughout the United States. Nationally, Black students are almost twice as likely to be suspended or expelled than White students for the same misbehavior.⁶ Like Black boys, Black girls are overrepresented in suspensions and

¹ Camila Cribb Fabersunne, et. al, *Exclusionary School Discipline and School Achievement for Middle and High School Students by Race and Ethnicity*, JAMA NETWORK OPEN (Oct. 20, 2023) (“Exclusionary school discipline...practices [are] defined as any discipline that removes students from their classroom or school environment...e.g., referrals, suspensions, and/or expulsions...”), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2810944>

² MARYLAND STATE DEP’T OF EDUC., ENROLLMENT BY RACE/ETHNICITY AND GENDER AND NUMBER OF SCHOOLS, MARYLAND PUBLIC SCHOOLS, SEPTEMBER 30, 2023, 1 (Jan. 2024), https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2023_EnrollmentByRace_Ethnicity_Gender.pdf. [hereafter, ENROLLMENT BY RACE/ETHNICITY AND GENDER]

³ *Id.*

⁴ MD. STATE DEP’T. OF EDUC., DIV. OF ASSESSMENT, ACCOUNTABILITY, PERFORMANCE REPORTING & RESEARCH, SUSPENSIONS, EXPULSIONS, AND HEALTH RELATED EXCLUSIONS, 2023-2024, 11 (Dec. 2024), <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

⁵ ENROLLMENT BY RACE/ETHNICITY AND GENDER, *supra* note 2, at 1.

⁶ Johanna Lacoe & Mikia Manley, *Disproportionality in school discipline: An assessment in Maryland through 2018*, REG’L EDUC. LAB’Y MID-ATLANTIC, 1 (Sept. 2019), <https://files.eric.ed.gov/fulltext/ED598820.pdf>.

expulsions. In the 2020-21 school year—the most recent national data available—“Black girls were nearly two times more likely to receive one or more in-school suspensions, or more out-of-school suspensions, and expulsions, than White girls.”⁷ Likewise, students with disabilities often face stricter punishments than their peers.⁸ The intersectionality of race, gender, and disability means that some students are affected even more by the already-disparate application of school discipline.

These disparities cannot be explained by different rates of student misbehavior. Studies show that all students misbehave at roughly the same rate, regardless of their race or gender.⁹ Although poverty correlates with increases in disruption or behavioral disorders, those relationships are so small that they cannot explain the massive discipline gaps between White and Black children.¹⁰ Rather, research has proved that implicit bias, cultural stereotypes, and explicit prejudice explain why Black students are disciplined at much higher rates than White students.¹¹ This is especially true for “subjective” offenses, such as defiance, disrespect, or disruption.¹² Implicit biases, stereotypes, and prejudice pervade teacher and administrative decisions to discipline students for these offenses.¹³ Teachers are more likely to refer Black students for disciplinary action, even when they exhibit the same behavior as White students. Once Black students arrive in the principal’s office, they are more likely to receive a harsh punishment, such as an in-school suspension instead of detention.¹⁴

Enacting SB 151 would not only prevent these disparities from entering the higher education admissions process, but also codify a trend that already exists within the higher education landscape. Many institutions have changed their applications to only ask about academic and disciplinary violations that occurred in postsecondary school. Notably, in 2020, the Common Application, which is used by over 900 colleges and universities, removed its question about K-12 discipline.¹⁵ This national momentum has also spread to state bar applications. Of the more than 40 states that make their state bar application

⁷ U.S. DEP’T OF EDUC., OFFICE FOR CIV. RTS., 2021-21 CIVIL RIGHTS DATA COLLECTION, STUDENT DISCIPLINE AND SCHOOL CLIMATE IN U.S. PUBLIC SCHOOLS, 7 (Nov. 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf>.

⁸ Lacoë & Manley, *supra* note 6, at 1.

⁹ MD. COMM’N ON THE SCHOOL-TO-PRISON PIPELINE AND RESTORATIVE PRACS., FINAL REPORT AND COLLABORATIVE ACTION PLAN, 29-30 (2018), <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>. (hereafter, FINAL REPORT AND COLLABORATIVE ACTION PLAN).

¹⁰ Nathan Barrett et al., *Technical Report: Disparities in Student Discipline by Race and Family Income*, EDUC. RSCH. ALLIANCE FOR NEW ORLEANS 8-9, 27 (Jan. 4, 2018), <https://educationresearchalliancenola.org/files/publications/010418-Barrett-McEachin-Mills-Valant-Disparities-in-Student-Discipline-by-Race-and-Family-Income.pdf>.

¹¹ FINAL REPORT AND COLLABORATIVE ACTION PLAN, *supra* note 9, at 30.

¹² Erik J. Girvan et al., *The Relative Contribution of Subjective Office Referrals to Racial Disproportionality in School Discipline*, 32 SCHOOL PSYCH. Q. 392, 394 (2016).

¹³ FINAL REPORT AND COLLABORATIVE ACTION PLAN, *supra* note 9, at 29-30.

¹⁴ Lacoë & Manley, *supra* note 6, at 3-4.

¹⁵ E.g., Emma Steele, *Common App removes School Discipline question on the application*, COMMON APP (Sep. 30, 2020) (“We want our application to allow students to highlight their full potential. Requiring students to disclose disciplinary actions has a clear and profound adverse impact. Removing this question is the first step in a longer process to make college admissions more equitable.”), <https://www.commonapp.org/blog/common-app-removes-school-discipline-question-college-application>.

questions public, we have identified only nine (including Maryland) that do not limit their question about disciplinary violations to postsecondary schools.

SB 151 is not a panacea for the disparities in K-12 discipline. However, by passing SB 151, the Maryland General Assembly will ensure a more equitable review process for all applicants to Maryland institutions of higher education.

For these reasons, the Youth, Education, and Justice Clinic supports SB 151.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law, and not on behalf of the School of Law or the University of Maryland, Baltimore.

SB151_USM_Final.pdf

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Position: FWA



UNIVERSITY SYSTEM *of* MARYLAND

Education, Energy, and the Environment Committee Senate Bill 151

Higher Education - Disciplinary Records - Use in Admissions and Disciplinary Proceedings January 22, 2025 Favorable with Amendment

Chair Feldman, Vice Chair Kagan and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 151. The University System of Maryland (USM) appreciates the intent of this bill and respectfully requests an amendment to it for the benefit of all students.

The USM is comprised of twelve distinguished institutions and three regional centers. We award eight out of every ten bachelor's degrees in the state. Each of USM's 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from Western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution.

Admissions personnel recognize that disciplinary records from a student's educational past can bear the traces of bias and could unfairly disadvantage students. Consequently, USM institutions do not disqualify an applicant just because of the existence of such a disciplinary record, and the USM supports the intent of this bill.

The challenge for our campuses is that the bill disallows inquiries into disciplinary records for decisions about campus residency or for offering supportive counseling or services. With respect to residency, it is rare that a discipline record impacts a decision about residency, but when it does happen, the situation has been deemed by professionals to carry serious risk either for the student or other students or staff. Such inquiries for residency can be made for people who have a criminal history, and they should also be allowed for students with disciplinary records.

A much more common situation is that inquiry into a discipline record leads to better understanding of challenges a student has had—and that enhanced understanding can help campus professionals assist a student to succeed in college. There are numerous challenges that could lead a student in distress to behave in a manner that led to a disciplinary record. Secondary schools have access to different kinds of student records to help assign resources to them, but higher education institutions do not always have that information. The concern in this type of situation is the student's own welfare, particularly if the student is going to be living away from home. The transition to college life can be challenging, and the more information USM institutions are provided, the more supports can be in place before the students is on campus.

Therefore, we *respectfully recommend amending 26-504(a) (line 24) so that “a student’s criminal history OR DISCIPLINARY RECORD” can be considered for decisions about access to campus residency or for offering supportive counseling. In concert with that change, 26-504(a)(2) could also be amended to read, “Offering supportive counseling or services to help THE STUDENT, INCLUDING, AS APPROPRIATE, TO rehabilitate and education the student on barriers a criminal record may present.”*

Thank you for considering what we believe is an important amendment to the bill.



EACtestimony.SB151.pdf

Uploaded by: Leslie Margolis

Position: FWA

Education Advocacy Coalition for Students with Disabilities

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SENATE BILL 151: HIGHER EDUCATION – DISCIPLINARY RECORDS – USE IN ADMISSIONS AND DISCIPLINARY PROCEEDINGS

DATE: JANUARY 22, 2025

POSITION: SUPPORT WITH AMENDMENTS

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland, provides this testimony in support of Senate Bill 151 with amendments. Senate Bill 151 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 151 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

Although the EAC supports a prohibition on the use of admission applications that contain questions about an applicant's disciplinary record, Senate Bill 151 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.

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.

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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.

Although Senate Bill 151 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 151 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 151 with amendments.

Please contact Leslie Seid Margolis, co-chair, at lesliem@disabilityrightsmd.org or 443-692-2505 with any questions.

Respectfully submitted,

Selene A. Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED Education Consultant

Elizabeth Benevides, Autism Society of Maryland

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Rich Ceruolo, Parent Advocacy Consortium

Ellen Callegary, Attorney (Retired)

Stephanie Carr, S.L. Carr Educational Associates

Michelle Davis, M.Ed., ABCs for Life Success

Alyssa Fieo, Office of the Public Defender

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank and Andrea Bennett, The Special Kids Company

Riya Gupta, Strong Schools Maryland

Kalman Hettleman, Independent Advocate

Nicole Joseph and Kate Rabb, Law Offices of Nicole Joseph

Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC

Ande Kolp, The Arc Maryland,

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland

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Sumaiya Olatunde, H2D Counseling

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Jaime E. Seaton, BGS Law

Kelly Spanoghe, Education Consultant

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Liz Zogby, Maryland Down Syndrome Advocacy Coalition