

SB714_Amendment.pdf

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Position: FAV



SB0714/113520/1

AMENDMENTS
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SERVICES

12 FEB 25
13:16:36

BY: Senator Brooks

(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENT TO SENATE BILL 714

(First Reading File Bill)

On page 3, in line 33, strike “OR”.

On page 4, in line 1, after “SCHOOL” insert “;

(III) THE MARYLAND SCHOOL FOR THE BLIND;

(IV) THE MARYLAND SCHOOL FOR THE DEAF;

(V) AN ALTERNATIVE EDUCATION PROGRAM; OR

(VI) AN ALTERNATIVE SCHOOL OPERATED BY:

1. A LOCAL SCHOOL SYSTEM;

2. A PUBLIC CHARTER SCHOOL;

3. THE JUVENILE SERVICES EDUCATION PROGRAM;

OR

4. A NONPUBLIC SCHOOL”.

SB714_Brooks.pdf

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BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



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TESTIMONY IN SUPPORT OF SB 714
Public Schools – Discipline-Related Data-
Collection and Publication

Education, Energy and the Environment Committee
February 21, 2025

Chair Feldman, Vice-Chair Kagan, and members of this committee,

Thank you for the opportunity to testify before you on SB 714, Public Schools – Discipline-Related Data – Collection and Publication. The purpose of this bill is to improve transparency and accountability in Maryland's public schools by requiring the Maryland State Department of Education (MSDE) to collect and publicly disclose detailed, disaggregated discipline-related data. With this data, the bill tasks MSDE and local schools to make a plan to eliminate these disparities over a three year period.

Discipline-related data is critical to understanding the impact of school discipline practices on different groups of students. While efforts have been made to address issues like disproportionality in school discipline, there is still much work to be done. According to 2023-24 data, students with disabilities comprise 13% of students enrolled in Maryland public schools, but make up over twice that percentage of total students suspended and expelled. The current lack of transparency and public access to data makes it difficult to evaluate the effectiveness of discipline policies and identify schools where disparities exist.

TRANSPARENCY IN DATA

The bill mandates that MSDE make available to the public discipline-related data in an accessible and disaggregated electronic spreadsheet format. Current law already breaks down suspension data by grade level, race, gender, ethnicity, and disability status. However, SB 714 will make sure that the data is also disaggregated by socioeconomic status, English language proficiency, and students with IEP'S and/or 504 plans. This will allow Maryland's residents, educators, and policymakers to analyze disciplinary trends and identify where disproportionate impacts may be occurring for all students.

ADJUSTING RISK RATIO

Currently, MSDE uses a “risk ratio” to determine which schools have disproportionate discipline practices. The risk ratio compares the removal rate of each student group in a school to the removal rate of a comparison group in the school, (i.e., all other students in the school). Therefore, a school that suspends students *three times* more than the school or statewide average would have a risk ratio of 3.0. While MSDE already flags schools with a risk ratio of 3.0, the bill lowers the risk ratio threshold to 2.0 in order to more accurately identify schools with problematic discipline disparities and align Maryland law with Federal IDEA discipline reporting.

FLAGGING FOR HIGH SUSPENSION

The bill will also have MSDE flag “high-suspending” schools if a school suspends 10% or more of students in each subgroup at elementary schools or 25% or more at secondary schools. This is to combat the overuse of suspension as a means of discipline.

ACTION PLANS TO IMPROVE DISCIPLINE

When a school is identified as having disproportionate disciplinary practices, the bill requires that the school submit a plan to the State Board of Education to reduce these disparities in one year and then eliminate them in three. In addition to local action plans, MSDE will also develop a parallel action to support local schools and provide resources to reduce discipline disparities.

The disproportionate impact of school discipline on students of color, students with disabilities, and English language learners is a persistent problem in Maryland. SB 714 will help Maryland make significant strides toward eliminating it. By making this data public and disaggregated, schools can better understand these disparities and take meaningful steps to address them. Transparency is key in holding schools accountable, and this bill is an important step toward ensuring that all students, regardless of background, are treated fairly and equitably in our schools. SB 714 will also help school systems by providing them with the tools and support they need to improve their disciplinary practices and reduce suspensions, particularly among vulnerable student populations.

For these reasons, I am requesting a favorable report on SB 714.

With kindest regards,



Benjamin Brooks

SB 0714 MSPA Letter of Support.pdf

Uploaded by: Bradley Leposa

Position: FAV



Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice Chair
Education, Energy, and the Environment Committee
2 West Miller Office Building
Annapolis, MD 21401

February 10, 2025

Senate Bill 714: Public Schools – Discipline-Related Data- Collection and Publication

Letter of Support

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists' Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

Senate Bill 714 requires Maryland schools to make public all discipline-related data, disaggregated by grade level, race, ethnicity, disability status, socioeconomic status, English language proficiency, and gender, related to disproportional disciplinary practices of a local school system or a public school. Additionally, Senate Bill 714 requires schools identified as “high suspending” or disproportionate to submit a plan to the state board to reduce or eliminate the disproportionate impact of exclusionary discipline practices. We know that exclusionary discipline practices disproportionately impact historically disadvantaged students, such as students with disabilities, BIPOC students, and students from lower SES backgrounds (Losen, Martinez, and Gillespie, 2012)¹. We also know that suspension does not work as a teaching tool. It causes students to lose instructional time, pushing them further behind, increases drop out rates, is correlated with an increase in risk-taking behaviors, and is correlated with involvement in the criminal legal system (ACLU, 2019). Parents, community members, and students deserve to know the discipline data for their schools and communities, and every child deserves the right to access education.

The National Association of School Psychologists (NASP, 2018) reports that exclusionary discipline practices may temporarily suppress unwanted behavior while increasing the likelihood of being arrested, poor academic performance, and dropping out of school. Recommendations from NASP include increasing positive behavior interventions and supports, social-emotional learning, restorative practices, and increasing a positive school climate to both prevent disciplinary concerns and respond to concerns when they arise.

MSPA supports Senate Bill 714, including the publication of discipline data for public access and the requirement for schools that are “high suspending” or have a disproportionate impact to submit a plan to the state board. If we can provide any additional information or be of any assistance, please contact us at legislative@mspaonline.org or Sarah Peters at speters@hbsstrategies.us or 410-322-2320.

Respectfully submitted,

Bradley Leposa PHD NCSP
Chair, Legislative Committee
Maryland School Psychologists' Association

¹ Losen, Daniel J., Tia Martinez, and Jon Gillespie, Suspended Education in California, Los Angeles, Calif.: The Center for Civil Rights Remedies at the UCLA Civil Rights Project, April 10, 2012. As of January 24, 2025: <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/suspended-education-in-california/SuspendedEd-final3.pdf>

² ACLU, “How do suspension & expulsion impact students, schools, and community?” February 2019. As of February 10, 2025: [aclu_factsheet_howsuspensionexpulsionimpact_feb2019.pdf](https://www.aclu.org/factsheet/how-suspension-expulsion-impact-students-schools-and-community-feb2019.pdf)

³ National Association of School Psychologists. (2018). Effective school discipline policies and practices: Supporting student learning [Research summary]. Bethesda, MD

SB 714 - Discipline Data - ACLU Testimony (Feb 21,

Uploaded by: Frank Patinella

Position: FAV



Testimony for the Senate Education, Energy, and the Environment

Senate Bill 714 – Public Schools - Discipline-Related Data - Collection and Publication

February 21, 2025

FAVORABLE

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The ACLU of Maryland urges a favorable report on Senate Bill 714: Public Schools – Discipline-Related Data – Collection and Publication, which seeks to expand data collection on student suspensions and expulsions in public schools and ensure that there is transparency and accountability for improving schools that have high suspension and disproportionality rates.

Suspensions have declined steadily in Maryland over the last decade but improvements have been stagnant in recent years.

Maryland's statewide suspension and expulsion rate gradually declined between School Year (SY) 2009-2010 through 2019-2020.¹ The percentage of students suspended or expelled in SY 2009-2010 was 7% statewide. By SY 2019-2020, the rate had declined to 3.3%. This reduction can be attributed to the reforms in discipline policy developed by the Maryland State Department of Education (MSDE) and the diligent work of local school districts and school level staff implementing the policy. Schools have generally relied less on punitive measures to manage student misbehavior in favor of strategies such as Positive Behavioral Interventions and Supports and Restorative Practices.

However, when children returned to school in person after the COVID-19 pandemic, school officials and teachers reported increases in student misbehavior, and the suspension rate jumped back up to 4.1% in SY 2021-2022. In SY 2022-2023, the rate increased further to 4.9%. This represents

¹ *Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools, 2023-2024*. December 2024. Division of Assessment, Accountability, Performance Reporting & Research, Maryland State Department of Education.
<https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>

an increase in suspensions and expulsions of approximately 21% from the previous year.²

Nationwide, it is widely known that Black children, students with disabilities, and students from low-income backgrounds are suspended at higher rates than other subgroups.³ Maryland is no exception. In SY 2023-2024, Black students in Maryland were approximately 3 times more likely than white students to be suspended. The largest disproportionality is seen in Howard, Dorchester, St. Mary's, and Anne Arundel counties. Suspensions of students with disabilities remain high at 15.5%, with the highest rates in Charles, Dorchester, and Somerset counties.

SB 714 will improve data collection and ensure accountability for mitigating suspensions.

MSDE collects school discipline data disaggregated by race, ethnicity, gender, grade, special education status, and offense.⁴ SB 714 will ensure data collection is expanded to include socioeconomic status, Multilingual Learners (formerly called English Language Learners), and students who have 504 plans under the federal Rehabilitation Act of 1973. It will also require MSDE to provide the data in spreadsheets, accessible to the public so that it can be downloaded and analyzed for better understanding.

If a certain demographic subgroup such as students with special education, Black students, or Latinx students are suspended and expelled at three times the rate (3.0) – the risk ratio – of the remaining school population at a particular school, that school is labeled as high suspending. The school district is also required to develop a 3-year action plan to mitigate disproportionality and high suspensions. SB 714 reduces the risk ratio to 2.0 as recommended by the state's Maryland Commission on the School-to-Prison Pipeline and Restorative Practices⁵. This rate is aligned with the

² Suspensions are increasing in Baltimore City schools. Is that a solution, or another problem?. February 2024. WYPR Baltimore. <https://www.wypr.org/wypr-news/2024-02-12/suspensions-are-increasing-in-baltimore-city-schools-is-that-a-solution-or-another-problem#>

³ Pushed Out: Trends and Disparities in Out-of-School Suspension. September 2022. Learning Policy Institute. <https://learningpolicyinstitute.org/product/crdc-school-suspension-report#:~:text=Educators%20continue%20to%20suspend%20students,in%20secondary%20schools%20were%20suspended.>

⁴ *Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools, 2023-2024*. December 2024. Division of Assessment, Accountability, Performance Reporting & Research, Maryland State Department of Education. <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>

⁵ Final Report and Collaborate Action Plan. December 2018. Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. <https://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>

threshold set by the federal IDEA law for students who require special education.⁶ It is critical to flag schools that have high suspensions and disproportionality at this rate instead of waiting for the problem to get worse.

SB 714 also requires MSDE to create a parallel action plan to provide support and resources to the districts on their action plans and ensure that these plans are accessible to the public. Currently, there is no accountability system to ensure that districts have action plans to address high suspending schools.

SB 714 will serve as a tool for strategic investment of state funding and resources.

The *Blueprint* plan is investing hundreds of millions of dollars in schools statewide, and students who need the most support are a primary focus. Within the state education funding formula, additional funding is directed to schools for students from low-income households, students who are Multilingual Learners, and students who receive special education services. The *Blueprint* also includes additional funding for schools with high concentrations of poverty for Community Schools programming. Another Blueprint initiative provides over \$100 million in state funds annually for student behavioral health services, through the state's Consortium of Coordinated Community Supports. The data that would be available through SB 714 will provide district administrators, schools staff, and school community members with important information as they develop their programs.

The Community Schools strategy allows school community members and staff to come together to strategize around how to best use their funding to improve student learning, school climate, and other barriers to success. And there are a myriad of other resources at the state and local levels for school safety, health and mental health, wrap around services, and more. Comprehensive and accessible school discipline data should be used to inform how state and local resources can best be invested.

Lastly, as legislators, government officials, and community advocates continue to debate reforms to the juvenile legal system, it is also critical to think about prevention. SB 714, in conjunction with SB 68, Restorative Practices Schools, is about prevention. With comprehensive discipline data, MSDE and school districts can be more targeted in their approach to supporting schools that have high or disproportionate suspensions. The outcomes for Restorative Practices in 14 Baltimore City schools that piloted

⁶ Significant Disproportionality. IDEA Part B Regulations. March 2017. US Office of Special Education Programs. https://spptap.org/wp-content/uploads/2021/02/Idea_Part_B_Regulations_Questions_and_Answers.pdf

the program showed a significant decline in suspensions and notable improvements in relationships between students and teachers, and on school climate indicators. In just two years, researchers reports⁷:

- School suspensions dropped by 44%
- 72% of school staff reported improved climate
- 69% of school staff reported improved student respect for one another
- 64% of school staff reported improved student respect for staff

The ACLU of Maryland is dedicated to ensuring that all public schoolchildren in Maryland have an equitable opportunity to attend healthy and safe schools that provide high quality education. The passage of SB 714 is critical to achieving that goal. For the foregoing reasons, we ask the committee to give SB 714 a favorable report.

⁷ Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide. September 2020. Open Society Institute Baltimore. https://core-docs.s3.us-east-1.amazonaws.com/documents/asset/uploaded_file/3843/BCPS/3792280/RP-Report-2020-FINAL.pdf

2-21 SB 714 Public Schools - Discipline-Related Da

Uploaded by: Gail Sunderman

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, ENERGY AND THE ENVIRONMENT COMMITTEE

SB 714 Public Schools – Discipline-Related Data – Collection and Publication

Position: Favorable

By: Linda T. Kohn, President

Date: February 21, 2025

The League of Women Voters of Maryland (LWVMD) is a nonpartisan organization that supports policies that provide an equitable, quality education for all children. LWVMD supports SB 714, *Public Schools – Discipline-Related Data – Collection and Publication*, which will strengthen efforts to promote data transparency and accessibility in the State and make school disciplinary practices responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate.

School discipline is a central factor in shaping the educational opportunities and life chances of students, particularly students from low-income and historically underserved populations. Research on the school-to-prison pipeline, which examines the specific ways that schools either contribute to or prevent the flow of students into the criminal justice system, find strong relationships between the suspension and expulsion of students from school and later involvement with the criminal justice system.¹

A vast body of research links exclusionary school discipline practices (suspensions and expulsions) to racial achievement gaps, school disengagement, low graduation rates, increased dropout rates, and negative adult outcomes.² ***Furthermore, research suggests that its use does little to improve the overall safety of schools.*** Beyond its inability to improve student behavior, exclusionary discipline also has a disparate impact on minorities, particularly African-Americans, and students with disabilities. In Maryland, disparities persist, particularly for students of color and students with disabilities.

¹ Skiba, R. J., Arredondo, M. I. & Williams, N. T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. *Equity & excellence in education*, 47: 4. Retrieved from <https://doi.org/10.1080/10665684.2014.958965>

² Davison, M., Penner, A. M., . . . & Yoo, R. (2021). School discipline and racial disparities in early adulthood. *Educational Researcher*, 51: 3. Retrieved from <https://doi.org/10.3102/0013189X211061732>
Morris, E. W. & Perry, B. L. (2016). The punishment gap: School suspensions and racial disparities in achievement. *Social problems*, 63: 1. Retrieved from <https://doi.org/10.1093/socpro/spv026>
Gregory, A., Skiba, R. J., & Noguera, R. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39: 1. Retrieved from <https://doi.org/10.3102/0013189X09357621>

Because of the important role that school discipline policies and practices have on the educational experiences of students, data about discipline actions should be transparent, reasonably detailed and accessible to policymakers, researchers, educators, parents, and the public. By ensuring that discipline data is in an accessible and transparent format, ***Senate Bill 714 encourages accountability for disciplinary actions and will facilitate dialogue about the consequences of disciplinary actions for different populations of students.***

SB 714 also includes using an additional measure to identify “high suspending” schools and lowers the risk ratio currently used to identify a school as high suspending. These provisions would provide a better method of identifying schools that consistently disproportionately suspend students based on race/ethnicity, disability status, and English language ability. It would also provide an impetus for schools to assess their disciplinary practices to determine why suspensions rates are high, identify where there are disparities, and adopt and implement more effective practices.

To determine whether a school’s disciplinary practices have a disproportionate impact, MSDE has adopted a model that uses two measures of disproportionality. The first is the risk ratio, which compares the removal rate of each student group (e.g. number of Black students removed/black student enrollment, etc.) to the removal rate of all other students in the school (e.g., removal rate of Black students/removal rate of all students).³ The second is a State comparison measure, which compares the removal rate of each student group in a school to a statewide removal rate of all students in the state.

MSDE set the threshold for identifying a school’s disciplinary process as having a disproportional impact on students at 3.0. Schools must be above this threshold on both measures to be identified as having a high removal rate. This model is based on unduplicated student counts, that is, the number of students that receive one or more out-of-school suspension or expulsion, not the number of times a student has been removed from school.

There are two problems with the current process MSDE uses to identify high suspending schools. First, the risk ratio threshold of 3.0 on two measures required for identifying significant disproportionality is set too high and will not capture the extent of disproportionality. In addition, risk ratios can produce unreliable or volatile numbers when applied to small populations. Because risk ratios are a statistical measure of removals, both the risk ratio and state comparison measure—the two measures MSDE currently uses—will vary with the existing distribution of removals. For example, if overall removal rates of all students in a school are high, an individual school can remove a high number of students in any one group and still have a low risk ratio. Lowering the risk ratio used to identify a school as high suspending from 3.0 to 2.0 would be a better measure for identifying high suspending schools.

Adopting an additional of measure of disproportionality based on the percent of students suspended in one or more subgroups, as SB 714 does, would provide a substantive measure of removals – it commits the state to identifying a removal rate that it deems too high. This approach uses a removal rate that compares the removal rate of students in a particular subgroup

³ MSDE defines removal rate as out-of-schools suspensions and expulsions combined.

to the enrollment of students in that subgroup. As such it is not subject to over- or under-estimating disproportionality because the base removal rate is low or high, a problem with the current risk ratio.⁴ ***Finally, this measure will be helpful to schools because it provides information that they can use to review their practices and develop a corrective action plan if rates approach or surpass the threshold.***

Although MSDE currently collects and disseminates school discipline data, Senate Bill 714 will strengthen reporting practices, enhance the accessibility of these data for additional stakeholders, and provide a better method of identify high suspending schools. It will also help school communities develop plans and interventions to better address discipline issues in their schools.

LWVMD urges a favorable report on SB 714.

⁴ Welsh, R. O. (2022). Schooling levels and school discipline: Examining the variation in disciplinary infractions and consequences across elementary, middle, and high schools. *Journal of education for students placed at risk (JESPAR)*, 27: 3. Retrieved from <https://doi.org/10.1080/10824669.2022.2041998>

SB714 Support (Written).pdf

Uploaded by: Kenzie Funk

Position: FAV



**Testimony in SUPPORT of
Senate Bill 714: Public Schools – Discipline – Related Data – Collection and Publication**

Education, Energy, and the Environment Committee

Position: Support

February 21, 2025

At Strong Schools Maryland, we work to support the faithful implementation and full funding of the promises legislated through the landmark Blueprint for Maryland's Future. The Blueprint envisions a public school system that is built upon the foundation of equity, supports all students' success, and removes barriers to opportunities. As such, **Strong Schools Maryland urges a favorable report on Senate Bill 714**, which directly aligns with this vision by strengthening transparency and accountability in student discipline practices across Maryland.

Currently, disparities in school discipline persist, disproportionately impacting Black and Brown students, students with disabilities, and English Learners. Nationally and persistently, teachers have excluded and suspended Black students from school at the highest rate.¹ The disproportionalities towards these student groups are often rooted in policies and practices at the school level or in the interpersonal interactions/implicit biases that teachers and staff have about specific student groups. This targeting has deeply harmful impacts for students. According to the American Psychological Association, disproportionate targeting through disciplinary practices is linked with long lasting negative mental health effects, lower academic achievement and a negative school environment, underscoring the urgency in identifying these disproportionalities.²

Senate Bill 714 seeks to address these persistent disproportionalities by mandating that the Maryland State Department of Education:

- Collect disaggregated data related to student discipline by race, ethnicity, gender, disability status, socioeconomic status, English language proficiency, and type of disciplinary action.
- Publish this data in an accessible online spreadsheet format for community members.
- Report the disaggregated data to the Legislature and the Governor's office annually in order to identify schools with high risk ratios.

Local Education Agencies are also required to prepare an action plan to reduce disproportionalities in a school within their jurisdiction if identified as high risk for student groups in the data analysis.

The Governance and Accountability pillar of the Blueprint emphasizes the necessity of transparency in the strategies employed in our school systems. This bill aims to increase this level of transparency as it relates to student discipline in order to hold systems accountable for discipline related disparities. Holding systems

Please contact Kenzie Funk at kenzie@strongschoolsmaryland.org for additional questions.

¹ [Pushed Out: Trends and Disparities in Out-of-School Suspension](#)

² [Racism and Bias: Their Role in Maintaining Racial Disparities in PrK-12 Education](#)

accountable for disproportionate disciplinary action reinforces restorative justice practices and is a necessary step towards protecting communities, especially Black and Brown students and families, in Maryland's public schools.

For these reasons, we urge the committee to issue a Favorable Report on Senate Bill 714.

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Uploaded by: Leslie Margolis

Position: FAV

Education Advocacy Coalition
for Students with Disabilities

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SENATE BILL 714: Public Schools--Discipline

Date: February 21, 2025

POSITION: SUPPORT

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, supports Senate Bill 714, which addresses the collection and publication of discipline-related data. EAC members represent or work with students with disabilities across the state who are subjected to exclusionary discipline at a disproportionate rate. According to 2023-24 data, students with disabilities comprise 13% of the students enrolled in Maryland public schools but 27% of out-of-school suspensions and expulsions.

If enacted, Senate Bill 714 would extend reporting requirements to alternative schools and programs and to public separate special education day schools and would also lower the risk ratio currently used to identify disproportionality based on race/ethnicity, disability status, and English language ability. These measures would create accountability for the use of exclusionary discipline practices and would enable local school systems and the Maryland State Department of Education to better disaggregate and then use data to inform a corrective action plan if needed.

EAC members appreciate Senate Bill 714's requirement that discipline-related data be made public in an accessible and disaggregated electronic spreadsheet format as a data download on the Maryland State Department of Education (MSDE)'s website at the state level, the local school system level, and the individual school level. This will make it easier for interested members of the public to find, review and analyze the data collected by MSDE. EAC members also support Senate Bill 714's requirement that MSDE submit annual reports and an annual action plan to address disproportionality.

For these reasons, the EAC supports Senate Bill 714.

Contact: Leslie Seid Margolis, lesliem@disabilityrightsmd.org or 443-692-2505.

Respectfully submitted,

Selene A. Almazan, Selene Almazan Law, LLC
Rene Averitt-Sanzone, The Parents' Place of Maryland
Linda Barton, MSED, Education Advocate
Beth Benevides, Autism Society of Maryland
Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Education Advocacy Coalition Testimony: House Bill 488

February 12, 2025

Page Two

Rich Ceruolo, Parent

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank and Andrea Bennett, The Special Kids Company

Beth Ann Hancock, Charting the Course, LLC

Stacy Ganz Kahn, Educational Resources Group of Greater Washington

Ande Kolp, The Arc Maryland

Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Co-Chairperson

Mark B. Martin, Law Offices of Mark B. Martin, P.A.

Monica Martinez, Martinez Advocacy

Beth Nolan, Education Team Allies

Sumaiya Olatunde, H2D Counseling

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Kate Raab and Nicole Joseph, Law Office of Nicole Joseph

Rebecca Rienzi, Pathfinders for Autism

Jaime Seaton, BGS Law, LLC

Karleen Spitulnik, Decoding Dyslexia Maryland

Ronnetta Stanley, Loud Voices Together

Guy Stephens, Alliance Against Seclusion and Restraint

Maureen van Stone, Kendall Eaton, Genevieve Hornik, Project HEAL at Kennedy Krieger
Institute

SB 714 PJC Written Testimony.pdf

Uploaded by: Levi Bradford

Position: FAV



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Senate Bill 714: Public Schools – Discipline-Related Data – Collection and Publications

Hearing before the Senate Committee on Education, Energy, and the Environment
February 21, 2025

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. The PJC's Education Stability Project is committed to making discipline responsive to students' behavioral needs, fair, and designed to keep youth on track to graduate.

PJC strongly supports SB 714 because it improves the quality of data we have on student discipline and directs MSDE to provide support and resources to districts to remedy discipline disparities and overuse of exclusionary discipline. This bill is fundamentally designed to be supportive of districts and not punitive. Improving our school systems is a communal effort that requires trust and cooperation at all levels. This bill is an important step in the right direction.

In 2018, the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices issued a Final Report and Collaborative Action Plan that made several recommendations that have since been implemented by this legislature.¹ One recommendation that have not yet been implemented is the recommendation to lower the "risk ratio" and identify which schools are "high suspending" in order to help address disproportionate use and overuse of school exclusion. Another recommendation from this commission was to improve data accessibility and transparency by reporting more data categories and publishing that data in an electronic spreadsheet format. This bill is before the legislature now to finally codify these recommendations.

SB 714 does four primary things (a simplified chart of this information is attached at the end of this testimony):

- 1. It adds student discipline data categories for MSDE to report publicly: socioeconomic status, multilingual learners, and students with 504 plans.**

Currently, MSDE publicly reports student discipline data disaggregated by race, ethnicity, gender, grade, special education status, and offense. Notably, "special education status" refers to students receiving services through an independent educational program (IEP) and does not include students who have plans under Section 504 of

¹ <https://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

the Rehabilitation Act of 1973. All three measures are critical to understanding how school discipline is administered.

2. It changes how MSDE flags disproportionate discipline practices and overuse of suspension.

Currently, MSDE uses what's called a "risk ratio" to determine which schools have disproportionate discipline practices. MSDE flags schools when data shows that a student demographic group at that school is being suspended three times more than the rest of the school and three times more than the statewide average suspension rate for students in the same grade band for three consecutive years. This bill will lower that ratio of *three times to two times*.

The rub is that a school is not flagged unless it is suspending a student group at three times the rate of all its other students. This leads to almost no schools being flagged for disproportionality even though schools in Maryland unfortunately do still suspend Black students and students with disabilities at a much higher rate than all other students.²

In addition to the disproportionality measures explained here, MSDE also reports disparate discipline of students with disabilities to the federal government under a mandate from the Individuals with Disabilities Education Act (IDEA). That reporting also employs a risk ratio, however that risk ratio is 2.0 instead of 3.0. Lowering the risk ratio for state disproportionality reporting to 2.0 would align the state reporting with the federal reporting of disproportionalities.

You can read more about how MSDE uses risk ratios here:

<https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/TA/DisproportionalityDataGuidance.pdf>.

I have created a spreadsheet to demonstrate how MSDE uses its risk ratio, which you can access here:

<https://docs.google.com/spreadsheets/d/1ib9bAB0hX-ecMvMiXm3QdKh5SYHJtzk0DHxKAlmuQOQ/edit?usp=sharing>.

It is important to note that "disproportionate discipline practices" does not mean a school is intentionally discriminating against a student group. It means that a discipline system has a disproportionate impact even if the intention of administrators is to discipline equitably. After centuries of explicit, government-sanctioned discrimination, our systems are full of mechanisms that perpetuate disproportionalities even if each actor involved has no discriminatory intent. Marylanders must come together to identify the bias in our systems and reconstruct these systems to benefit all people. This bill represents one way we address those systemic biases.

3. This bill would have MSDE also flag schools for being "high suspending".

The "high suspending" measure would flag schools for suspending 25% or more of a student demographic group during a school year (10% for elementary school students). This is important because there are schools which do get flagged as having disproportionate discipline practices because they suspend far too many students across the board, regardless of student demographic. This overuse of suspension presents a deep and persistent problem in Maryland public school discipline and this measure would give MSDE an avenue through which to monitor and address it.

4. SB 714 would have MSDE create its own action plan to provide districts with support and resources to help remedy discipline disproportionality and overuse of suspension.

² Across Maryland, Black students are 2.8 times more likely than all other students to be suspended at least once, and Black students are suspended at 3.0 times the rate of all other students. MSDE Division of Assessment, Accountability, Performance Reporting & Research, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2023-2024* (December 2024) <https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

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When a school is flagged for disproportionate discipline practices, the district is currently required to make an action plan to remedy that disproportionality within 3 years.³ This bill has MSDE create their own plan, to parallel the district's plan, to help the district achieve its goals by providing support and resources. Currently, there is no mandate for the state to do anything to ensure these plans are completed or the disparities remedied. MSDE's new action plans must, by the text of the bill, be designed to support the districts in their plans to address disparities. Districts are best suited to know their schools' unique needs regarding discipline practices and this bill directs MSDE to listen to and partner with districts.

Overuse of suspension and the presence of disparities in discipline practices are indicative of a school needing support and guidance. Educators are committed to the education of children, and no one in the school system wants to remove students en masse. There is wide agreement that children should be in the classroom learning as much as possible. This bill pushes that goal forward by directing MSDE to provide districts with support and resources in solving the issue of removal disparities and overuse.

5. This bill makes all this information and the corresponding plans public to improve accountability and government transparency.

All the data reported in accordance with this bill, along with the schools that are flagged for disproportionate discipline practices or being "high suspending" and MSDE's plans to provide support and resources to districts will be made available online. Government transparency is vital for accountability and the only way to build public trust.

For these reasons, the PJC strongly supports Senate Bill 714.

For more information, please contact:

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³ COMAR 13A.08.01.21.

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SUMMARY OF WHAT SENATE BILL 714/HOUSE BILL 488 DOES

DATA REPORTING: SB 714 adds more discipline data categories for MSDE to report each year.

RISK RATIO: SB 714 changes how MSDE flags schools for discipline disproportionality problems.

SUPPORT & RESOURCES: SB 714 requires MSDE to **make action plans** to help districts remedy discipline disparities with support and resources.

DATA/INFORMATION ACCESSIBILITY: SB 714 requires MSDE to **publish** their action plans and which schools are flagged for discipline issues.

More detailed explanations below.

What MSDE already does	What SB 714 makes MSDE do
MSDE reports school discipline data disaggregated by race, ethnicity, gender, grade, special education status, and offense. Source .	SB 714 adds socioeconomic status, English language proficiency, and whether a student has a 504 plan under the federal Rehabilitation Act of 1973.
MSDE reports school discipline data in PDF documents. Source .	SB 714 requires them to publish the data in spreadsheets so that it can be downloaded, sorted, and formatted for better understanding and to enable research.
MSDE flags schools for disproportionate discipline practices when a student demographic group at a school is being suspended three times more than the rest of the school AND three times more than the statewide average suspension rate for students in the same grade band. Source .	SB 714 lowers that threshold to two times . SB 714 also adds a new measure that flags schools for being "high suspending" if 25% or more of a student demographic group is suspended during a school year (10% for elementary school students). It also makes public which schools are flagged for disproportionate discipline practices or for being "high suspending."
When a school is flagged for disproportionate discipline practices, the district is required to make an action plan to remedy that disproportionality within 3 years. The state is not required to do anything to ensure these plans are completed and the disparities remedied. COMAR 13A.08.01.21.	SB 714 requires MSDE to make a parallel action plan to provide districts with support and resources to fulfill their plan to remedy the disparity. It also makes MSDE's plan public.

SB0714- State Board- LOI.pdf

Uploaded by: Carey Wright

Position: INFO

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.

SB 714 - Discipline Reporting - Letter of Informat

Uploaded by: Sam Mathias

Position: INFO

BILL: Senate Bill 714
TITLE: Public Schools – Discipline-Related Data – Collection and Publication
HEARING DATE: February 21, 2025
POSITION: Informational Letter
COMMITTEE: Education, Energy, and the Environment
CONTACT: Sam Mathias, Legal & Policy Services Director
(smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all of the state’s local boards of education, provides this informational letter **for Senate Bill 714 – Discipline-Related Data – Collection and Publication.**

SB 714 seeks to require publication of accessible and disaggregated data on exclusionary discipline (student suspension)—on a school-by-school basis—and to decrease the exclusionary discipline numbers both by a “risk ratio,” comparing a school’s suspension rate of a subgroup to all other students within the school itself, and by a “state comparison threshold,” comparing a school’s subgroup suspension rate to statewide rates of suspension.

MABE appreciates and supports the intent of SB 714 to provide a framework that ultimately reduces disproportionate suspensions across marginalized subgroups. Disproportionately high suspensions of any subgroup—by race, socioeconomic status, disability status, or another—are problematic for their negative educational impact on the impacted subgroup and the school overall. The best place for every student during the school day is inside a school building.

However, while SB 714 laudably aims to enhance transparency in school discipline data, much of what it seeks to establish is already required under COMAR,ⁱ is already data provided to MSDE,ⁱⁱ and already reflects work that local districts are doing.

Any law or regulation seeking to reduce disproportionate exclusionary discipline should:

- Support scaling successful local initiatives that are effectively addressing disciplinary disparities;
- Ensure that data reporting enhances, rather than hinders, school improvement efforts; and
- Protect student privacy while still providing meaningful insights that drive action.

In balancing these goals, the framework must ensure that reporting requirements serve the goal of improvement rather than becoming an administrative burden that diverts resources away from the work that truly improves student outcomes.

The Importance of Localized Continuous Improvement

It is critical for local school systems to analyze their discipline data at the school level. And to be clear, school systems already do this work—they routinely examine discipline trends and identify disproportionate outcomes.

While state oversight can be helpful, it is important that the law does not elevate reporting requirements to MSDE and strict one-year and three-year requirements over supporting the more important lever of localized, ongoing work of continuous school improvement. Addressing disproportionate discipline is not just a matter of reviewing policies and publishing reports—it requires a deeper, school-based approach, that should include:

- Conducting root cause analyses through school walkthroughs and classroom observations,
- Providing targeted training so staff have the tools and supports to address student behavior without over-reliance on exclusionary discipline (which, if not done thoughtfully, can lead to worse academic outcomes), and
- Building school cultures centered on mutual respect, accountability, and support for students and staff alike.

To the extent that the General Assembly and MSDE can support local school systems through resources and assistance in providing the above deliverables, we will see a genuine reduction in suspensions and disproportionate discipline outcomes.

Thank you for your attention to this important issue.

ⁱ COMAR 13A.08.01021 – Reducing and Eliminating Disproportionate/Discrepant Impact provides:

- A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.
- B. The Department may use the discrepancy model to assess the impact of discipline on special education students.
- C. If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.
- D. The local school system will report its progress annually to the State Board.

ⁱⁱ MABE understands that there is a sentiment that due to FERPA and MSDE data suppression policies, there is a sense that much of the data sought by SB 714 will be

suppressed. However, MABE has no serious concerns with SB 714 from a data reporting perspective. The data that SB 714 seeks is largely provided to, and already published by, MSDE. MSDE's office of Equity and Excellence has published [the 2022-23 Suspension data on a school-by-school basis here](#), and the [2021-22 Suspension data on a school-by-school basis here](#). Based on these reports, issues related to FERPA-required suppression of data that could identify individual students and thus put disproportionate scrutiny on certain schools while ignoring others, may not be a significant concern—provided that SB 714 does not intend to further disaggregate already-disaggregated data based on two subgroups, such that the denominators of the school-by-school data pools fall below 10 (e.g., disaggregating Black Male Students with Disabilities from Black Female Students with Disabilities, etc., where a school may only have a handful of such students meeting each combination of the subgroup criteria).