



TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE

HB 488 Public Schools – Discipline-Related Data – Collection and Publication

Position: Favorable

By: Linda T. Kohn, President

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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 HB 488, *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, ***House Bill 488 encourages accountability for disciplinary actions and will facilitate dialogue about the consequences of disciplinary actions for different populations of students.***

HB 488 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 measure of disproportionality based on the percent of students suspended in one or more subgroups, as HB 488 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 *to the enrollment of students in that subgroup*. As such it is not subject to over- or under-

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

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, House Bill 488 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 HB 488.

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>