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## House Bill 488: Public Schools – Discipline-Related Data – Collection and Publications

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### 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 HB 488 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.<sup>1</sup> 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.

HB 488 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

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

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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.<sup>2</sup>

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. HB 488 would have MSDE create its own action plan to provide districts with support and resources to help remedy discipline disproportionality and overuse of suspension.**

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<sup>2</sup> 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.<sup>3</sup> 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 House Bill 488.

**For more information, please contact:**

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<sup>3</sup> COMAR 13A.08.01.21.

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## SUMMARY OF WHAT HOUSE BILL 488 DOES

**DATA REPORTING:** HB 488 adds more discipline data categories for MSDE to report each year.

**RISK RATIO:** HB 488 changes how MSDE flags schools for discipline disproportionality problems.

**SUPPORT & RESOURCES:** HB 488 requires MSDE to make action plans to help districts remedy discipline disparities with support and resources.

**DATA/INFORMATION ACCESSIBILITY:** HB 488 requires MSDE to publish their action plans and which schools are flagged for discipline issues.

*More detailed explanations below.*

What MSDE already does	What HB 488 makes MSDE do
MSDE reports school discipline data disaggregated by race, ethnicity, gender, grade, special education status, and offense. <a href="#">Source</a> .	HB 488 adds <b>socioeconomic status, English language proficiency, and whether a student has a 504 plan</b> under the federal Rehabilitation Act of 1973.
MSDE reports school discipline data in PDF documents. <a href="#">Source</a> .	HB 488 requires them to <b>publish the data in spreadsheets</b> 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 <b>three times</b> more than the rest of the school AND <b>three times</b> more than the statewide average suspension rate for students in the same grade band. <a href="#">Source</a> .	HB 488 lowers that threshold to <b>two times</b> . HB 488 also adds a new measure that flags schools for being <b>“high suspending”</b> 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.	HB 488 requires MSDE to <b>make a parallel action plan</b> to provide districts with <b>support and resources</b> to fulfill their plan to remedy the disparity. It also makes MSDE's plan public.