

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

HOUSE WAYS & MEANS COMMITTEE

HOUSE BILL 171: STATE DEPARTMENT OF EDUCATION – SCHOOL DISCIPLINE – DATA COLLECTION

January 20, 2021

POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline practices within Maryland’s public school system. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD strongly supports HB 171**, which will further strengthen efforts to promote data transparency and accessibility in the State and extend reporting requirements to include alternative schools and programs, and public separate day schools. The bill also prioritizes the reporting of disproportionality in discipline.

Addressing disparities in school discipline practices begins with data access and transparency. However, data on school discipline is very hard to find in Maryland. Part of the difficulty is that the data is contained in several different reports, all reported as pdf reports. Just finding these reports can be a challenge as it is not readily apparent where they are located on the state’s website. While these reports are useful, they do not report discipline data at the individual school level. The web-based *Maryland Report Card*, the main accountability reporting mechanism for public schools in Maryland, includes a link to a spread sheet with school level data reported as frequencies and the percentage of total for various subgroups, but does not report disproportionalities. The usefulness of the spread sheet is limited. Data reported as frequencies masks disproportionalities. For example, a district may suspend 10 students with disabilities over the course of the year. That may not seem like a lot, but if the enrollment of students with disabilities is just 50 students, that means that 20% of all students with disabilities were suspended. In addition, the data reported is limited and requires analytical capabilities to use.

A primary reason to have access to discipline data is that school discipline policies and practices are a central factor in shaping the educational opportunities and life chances of students, particularly students from low-income and historically underserved populations. The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices—a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.¹

¹ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices (December, 20, 2018). *Final Report and Collaborative Action Plan*. Retrieved from: <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>.

During the 2015-16 school, according to estimates released by the U.S. Department of Education in May 2020, *there were 164,799 days of instruction lost due to out-of-school suspensions in Maryland. Of these, 68.5% of days missed were by African American students.*² Given the awareness that the pandemic has raised to how missing school diminishes the opportunity to learn, it raises the question of how we can close the achievement gap if we do not close the discipline gap.³

Because of the important role 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 and the public. By ensuring that discipline data is in an accessible and transparent format, *House Bill 171 encourages accountability for disciplinary actions and will facilitate dialogue about the consequences of disciplinary actions for different populations of students.*

By extending discipline reporting requirements to alternative schools and programs, and public separate day schools, *HB 171 closes a gap in reporting requirements and encourages accountability for the use of punitive and exclusionary practices.* Research found that alternative schools in Maryland are among the schools with the highest suspension rates.⁴

HB 171 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.

Adopting an additional of measure of disproportionality based on the percent of students suspended in one or more subgroups as HB 171 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 estimating disproportionality because the base removal rate is low or high, an issue with the current MSDE measure. Finally, this measure will be helpful to schools because it provides

² Civil Rights Data Collection (n.d.). <https://ocrdata.ed.gov/> (accessed 01/13/2021). To find the raw data, click on “State and National Estimations” on the left, click “2015-16 state and national estimations,” click “Discipline” in the last category on the page, and then click “Days missed due to out-of-school suspensions.”

³ Losen, D. L. & Martinez, P. (2020). *Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn.* Palo Alto, CA/Los Angeles, CA: Learning Policy Institute; Center for Civil Rights Remedies at the Civil Rights Project, UCLA. Retrieved from: <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/Lost-Opportunities-REPORT-v14.pdf>
Horrigan, J. B. (2020). *Disconnected in Maryland: Statewide data show the racial and economic underpinnings of the digital divide.* Baltimore, MD: Abell Foundation. Retrieved from: <https://abell.org/publications/disconnected-maryland>

⁴ Sunderman, G. L. & Croninger, R. (2018). *High suspending schools in Maryland: Where are they located and who attends them?* College Park, MD: Maryland Equity Project, The University of Maryland. https://education.umd.edu/sites/education.umd.edu/files/MEP_High%20Suspending_Oct%202018.pdf

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, HB 171 will strengthen reporting practices, enhance the accessibility of these data for additional stakeholders, and provide a better method of identify high suspending schools.

For these reasons, CRSD strongly supports House Bill 171.

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NARAL Pro Choice Maryland
Maryland Office of the Public Defender
Maryland PTA
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Public Justice Center
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