
MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

HOUSE WAYS & MEANS COMMITTEE

HOUSE BILL 328: STATE DEPARTMENT OF EDUCATION – SCHOOL DISCIPLINE – DATA COLLECTION

FEBRUARY 5, 2020

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 systems. 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 328**, 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, nor are they included in the web-based *Maryland Report Card*, the main accountability reporting mechanism for public schools in Maryland. The reports also fail to include disaggregated data for students eligible for free and reduced-price meals or English Language Learners, and the format of the reports does not permit the downloading of school-level discipline data for analyses by policymakers, researchers, educators or the public. Finally, the data is reported as frequencies, which 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.

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. There is a plethora of research documenting the negative outcomes of exclusionary discipline practices.

- Research on the school-to-prison pipeline examines the specific ways that schools either contribute to or prevent the flow of students into the criminal justice system. These studies find strong relationships between educational histories of students (e.g. suspensions, expulsions, retention, dropping out, learning disability status, low-reading levels, police presence in schools, zero tolerance policies, use of law enforcement to

address behavioral problems, etc.) and later involvement with the criminal justice system.¹

- Research also highlights the harm that out-of-school suspensions can cause. Out-of-school suspensions are associated with school disengagement, low graduation rates, increased dropout rates and increased involvement with the criminal justice system. 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.²

Maryland was an early leader in the opposition to exclusionary discipline, adopting new disciplinary guidelines in 2014 that included efforts to make exclusionary discipline a tool of last resort.³ However, despite the state's effort to reduce the use of exclusionary discipline, disparities persist, particularly for students of color and students with disabilities as documented in the final report by 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.⁴ Research on exclusionary discipline in Maryland shows that:

- 60% of out-of-school suspensions (OSS) are Black students, even though Black students make up only 35% of public school enrollment in Maryland.
- Students with disabilities represent 13% of enrollment in Maryland public schools but 25% of out-of-school suspensions.
- School OSS rates for Black students are twice as high as OSS rates for White students.

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), 546-564; Wolf, K. C. & Kupchik, A. (2014). School suspensions and adverse experiences in adulthood. *Justice Quarterly*, 34(4), 407-430; Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Retrieved from New York: https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf

² American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? *American Psychologist*, 63(9), 852-862; Chu, E. M. & Ready, D. D. (2018) Exclusion and urban public high schools: Short-and long-term consequences of school suspensions. *American Journal of Education*, 124, 479-509; Hwang, N. (2018). Suspensions and achievement: Varying links by type, frequency, and subgroup. *Educational Researcher*, 47(6), 363-374; Noltemeyer, A. L., Ward, R. M. & McLoughlin, C. (2015). Relationship between school suspension and student outcomes: A meta-analysis. *School Psychology Review*, 44(2), 224-240.

³ Maryland State Department of Education. (2014). *The Maryland guidelines for a state code of discipline*. Retrieved from Baltimore, MD: <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/MDGuidelinesforStateCodeDiscipline08072014.pdf>

⁴ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan (December, 20, 2018), <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

- The highest school suspension rate is for students with disabilities, with schools suspending on average 9.5% of their students with disabilities.⁵ (See figures on page 5).

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 and the public. By ensuring that discipline data is in an accessible and transparent format, ***House Bill 328 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 328 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.⁶

HB 328 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.

MSDE’s Current Method of Identifying High Suspending Schools: 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*).⁷ 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,

⁵ 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

⁶ Ibid.

⁷ MSDE defines removal rate as out-of-school suspensions and expulsions combined.

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 HB 328 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 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 328 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 328.

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CRSD Organizational Members

ACLU-Maryland
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The Arc Maryland
The Choice Program at UMBC
Disability Rights Maryland
Family League of Baltimore
NARAL- Pro-Choice Maryland
Office of the Public Defender
Project HEAL at Kennedy Krieger Institute
Public Justice Center
Teachers’ Democracy Project
Restorative Response Baltimore
The Choice Program at UMBC
Positive Schools Center
Open Society Institute – Baltimore

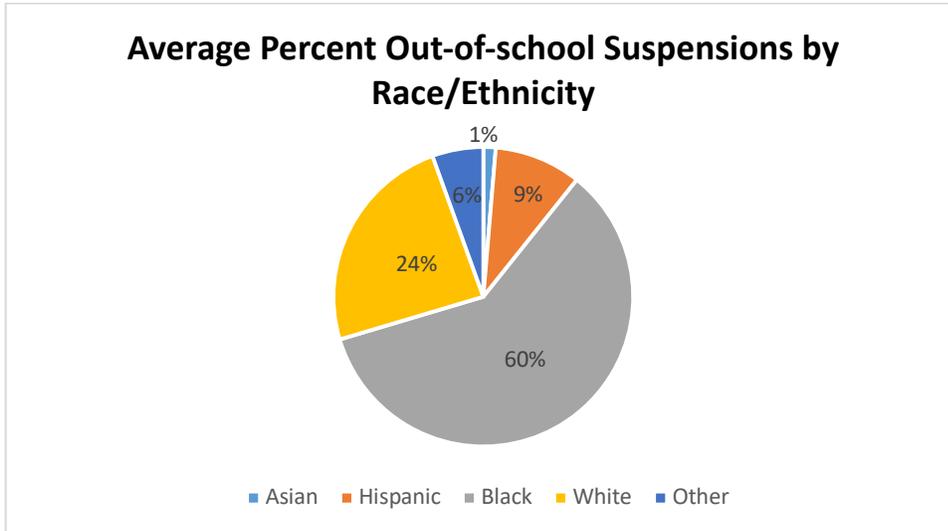
The Maryland Developmental Disabilities
Council
Center for Families, Children and the Courts

CRSD Individual Members

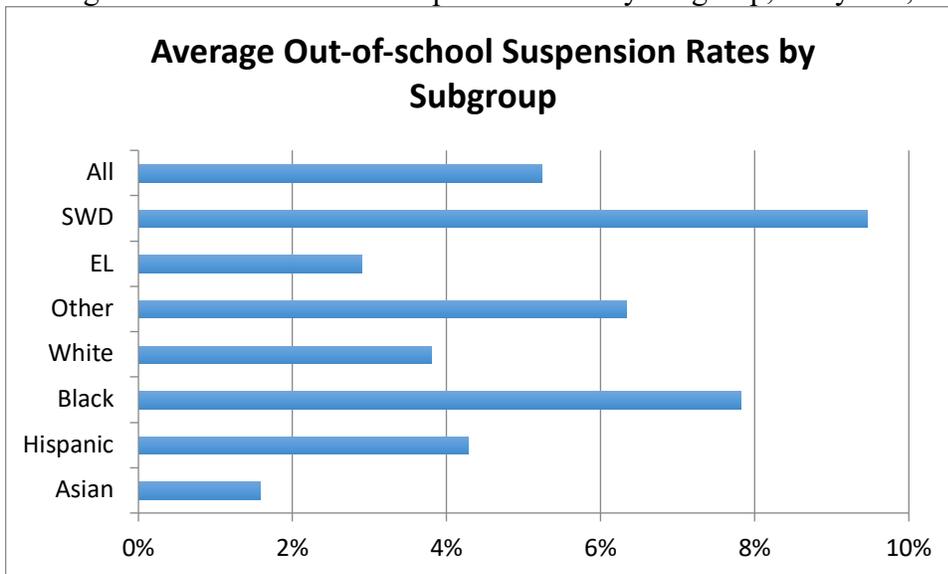
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Average out-of-school suspensions by race/ethnicity, Maryland, 2011, 2013, & 2015



Average school out-of-school suspension rates by subgroup, Maryland, 2011, 2013, 2015



Note: The *rate* shows the percentage of students from a specific subgroup that received an out-of-school suspension.