

BILL: House Bill 1208
TITLE: Board of Restorative Practices in Schools - Establishment
DATE: March 27, 2019
POSITION: OPPOSE
COMMITTEE: Education, Health and Environmental Affairs Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1208 and the creation of a separate board to study and monitor the implementation of the use of restorative practices in Maryland schools. To be clear, MABE does not oppose the work described and assigned to the new board being undertaken by the Maryland State Department of Education (MSDE) and State Board of Education, in conjunction with other stakeholders.

Maryland school systems are committed to all of their students becoming college and career ready and ensuring that the appropriate use of school discipline furthers that goal. Following several years of deliberations, the State Board of Education adopted new regulations in 2014 to dramatically reform the ways in which school teachers, principals, and superintendents may suspend or expel students, and define the educational and behavioral supports to be provided to students in disciplinary situations. Therefore, MABE adopted the position of supporting the State Board's initiative to require local boards of education to reform their student discipline policies to:

- prohibit "zero tolerance" policies;
- reflect a philosophy that fosters positive behavior;
- provide continuous education services to all suspended and expelled students; and
- hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

MABE offered comments supporting the State Board's regulatory reforms with amendments we believed were consistent with the intent of the reforms to ensure school safety, the fair administration of student discipline, the reduction and ultimate elimination of disparate impacts on minority and special education students, and uninterrupted student learning. The State Board engaged in a lengthy stakeholder process and ultimately adopted major reforms to longstanding student discipline regulations.

The regulations adopted mandated that, by the beginning of school year 2014 - 2015, each local board shall review and revise its student discipline policies to be consistent with the new regulations. These regulations redefined local board authority as follows:

"Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning."

The policies and regulations at minimum shall:

- (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) Be designed to keep students connected to school so that they may graduate college and career ready;*

- (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;*
- (4) Allow for discretion in imposing discipline;*
- (5) Address the ways the educational and counseling needs of suspended students will be met;*
and
- (6) Explain why and how long-term suspensions or expulsions are last-resort options.”*

As the relatively recent, sweeping reforms to student discipline practices are underway, MABE respectfully requests that the State Board and MSDE be allowed to continue to oversee the implementation of these state and local policies.

For these reasons, MABE requests an unfavorable report on House Bill 1208.