

BILL: Senate Bill 78
TITLE: Public Schools - Student Discipline Regulations - Remedial Measures
DATE: January 22, 2020
POSITION: OPPOSE
COMMITTEE: Education, Health and Environmental Affairs Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes Senate Bill 78. MABE appreciates the bill's intention to assist local school systems in ensuring safe learning environments for students. However, MABE opposes the bill in light of the limited and prescriptive procedures mandated actions concerning student schedules.

Maryland school systems are committed to all students becoming college and career ready and ensuring that the appropriate use of school discipline furthers that goal. Most recently, in 2019, legislation passed to require all local school boards to revise their student discipline regulations to provide for restorative practices and state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational. MABE agrees that restorative approaches should play an integral role in the administration of Maryland's public schools. Such proactive practices, implemented with fidelity following appropriate professional development and training of all staff, can make significant improvements in school climate and the learning conditions for all students to learn.

House Bill 725, enacted just last year, defines "restorative approaches" as a relationship-focused model that:

- (1) *Is preventive and proactive;*
- (2) *Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;*
- (3) *In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and*
- (4) *Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.*

In 2017, legislation passed to prohibit a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to limited exceptions. A student may be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

MABE continues to support the provision of state and local funding needed to implement this law, including staffing, professional development, and facility demands imposed by law's new mandate for the use of restorative in-school practices.

Significant reform in student discipline laws and regulations have not, to date, been accompanied by additional funding to implement these reforms. These major shifts in public policy began in 2014, when the State Board of Education adopted new regulations 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. 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.

The State Board ultimately adopted major reforms to longstanding student discipline regulations and mandated that, by the beginning of school year 2014-2015, each local board review and revise its student discipline policies 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."*

More specifically, these regulations introduced new terms and conditions for disciplining students, including definitions of short-term, long-term and extended suspensions, and expulsion. MABE believes that current State statute and regulations, in conjunction with local board policies, effectively govern responses to student conduct without imposing the prescribed remedial actions in this bill. For these reasons, MABE requests an unfavorable report on Senate Bill 78.