



**Testimony for the Education, Health, and Environmental Affairs Committee  
SB 766 – Public Schools – School Discipline – Restorative Practices  
March 6, 2019**

**Position: SUPPORT**

The ACLU of Maryland (“ACLU”) works to ensure that all Maryland public school students have access to sufficiently funded educational services as guaranteed under the state constitution. We support the use of fair discipline practices that are designed to keep students on track to graduate and use exclusion as a last resort. It is our belief that comprehensive approaches to school discipline, like restorative practices, provide clear guidelines and strategies for establishing the nurturing school communities that are essential to academic success.

**The ACLU supports SB 766**, which would require school districts to use restorative approaches as part of the process for preventing and addressing student behavioral concerns. Current approaches to discipline are often ineffective and the Maryland data suggests significant disparate impacts for students of color and student with disabilities. This legislation is a thoughtful response to deep systemic issues and a important component for re-tooling staff to better respond and resolve school issues.

**Restorative Approaches**

Restorative Practices are an important way of shifting and broadening how we think about discipline, social skills and conflict resolution. It promotes problem solving and relationship building through a variety of methods, each premised on the importance of accountability and “lessons learned.”<sup>1</sup> We cannot emphasize the importance of addressing root causes of behavioral issues enough. In one study, for example, students involved in the disciplinary process averaged eight suspensions.<sup>2</sup> Thus, simply removing children from the classroom does not create better outcomes, but is instead more likely to result in a student falling behind.<sup>3</sup> Today, many educators support these strategies but yearn for consistent implementation and additional supports to effectively carry them out.

**Commission on The School-to-Prison Pipeline and Restorative Practices**

During the 2017 legislative session, lawmakers passed HB 1287, establishing the Commission on the School-to-Prison Pipeline and Restorative Practices to study current discipline practices; the relationship between educational disciplinary trends and the juvenile and criminal justice systems; national best practices on restorative practices; and

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<sup>1</sup> Abbey J. Porter, Restorative Practices in Schools: Research Reveals Power of Restorative Approach, Part I, International Institute for Restorative Practices, April 2007, [https://www.iirp.edu/iirpWebsites/web/uploads/article\\_pdfs/schoolresearch1.pdf](https://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/schoolresearch1.pdf).

<sup>2</sup> Tony Fabelo, et al. Breaking School Rules: A Statewide Study of How School Discipline Relates to Student’s Success and Juvenile Justice Involvement, The Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University, July 2011, [https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking\\_Schools\\_Rules\\_Report\\_Final.pdf](https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf)

<sup>3</sup> *Id.*

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restorative practices training for school personnel to eliminate the school-to-prison pipeline. Prior to this Commission’s work, state policymakers have given consideration to this issue many times dating back to the early 2000s. Those actions include:

- 2002 – 2004 - Bills introduced to place a moratorium on elementary school suspensions
- 2005 – PBIS statute – Maryland Code – Education §7-304.1 – requiring county boards to require elementary schools that have a suspension rate that exceeds a specific rate to implement “positive behavior interventions and support”<sup>4</sup>
- 2007 – Task Force on the Education of Maryland’s African American Males<sup>5</sup>
- 2012 – State Board of Education Study of Discipline and Academics<sup>6</sup>
- 2014 - Maryland State Department of Education released the Maryland Guidelines for a State Code of Discipline and regulations to reduce suspensions and to “eliminate disproportionality within three (3) years.”<sup>7</sup>

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It is under this backdrop, that we ask you to consider this long-overdue proposal. The most recent state inquiry of the School-to-Prison Pipeline, was unique and timely in light of the ever-growing reliance on police in schools. SB 766, and other proposals related to comprehensive and evidence-based alternatives to current discipline practice, propose action that is show to improve students’ lives and academics.

### **A Restorative Approach is a Safe Schools Strategy**

The school environment is safer when schools work to transform and maintain a positive school climate. Studies show that this is associated with lower incidents of aggression, bullying and violence.<sup>8</sup> We support this proposal because an over-reliance on school police or traditional discipline will continue to cause more dysfunction and a breakdown in school relationships.

For the reasons mentioned above, the ACLU of Maryland urges this committee to **SUPPORT SB 766**.

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<sup>4</sup> U.S. Department of Education, *Maryland Compilation of School Discipline Laws and Regulations*, January 2018, 80, <https://safesupportivelearning.ed.gov/sites/default/files/discipline-compendium/Maryland%20School%20Discipline%20Laws%20and%20Regulations.pdf>

<sup>5</sup> *Report of the Task Force on the Education of Maryland’s African-American Males* – Accepted by the PreK-16 Leadership Council, March 2007, <http://www.justicepolicy.org/uploads/justicepolicy/documents/blackmales2007.pdf>.

<sup>6</sup> Report of the Maryland State Board of Education, *School Discipline and Academic Success: Related Parts of Maryland’s Education Reform*, July 2012, <http://www.marylandpublicschools.org/stateboard/Documents/StudentDiscipline/SchoolDisciplineandAcademicSuccessReport0712.pdf>.

<sup>7</sup> COMAR 13A.08.01.21

<sup>8</sup> The National School Climate Council, *National School Climate Standards*, <https://www.schoolclimate.org/themes/schoolclimate/assets/pdf/policy/school-climate-standards.pdf>; See also the Center for Social Emotional Education, *School Climate Brief* Vol. 1 No. 1 (January 2010), [https://cdpsdocs.state.co.us/safeschools/Resources/SCBrief\\_v1n1\\_Jan2010.pdf](https://cdpsdocs.state.co.us/safeschools/Resources/SCBrief_v1n1_Jan2010.pdf).