

We are submitting joint testimony today as education researchers and experts in school behavior as neither for nor against LD 165 but instead to offer educational research context and our concerns.

Sarah Wilkinson is a resident of Old Orchard Beach and an assistant professor in the Special Education Department at the University of Southern Maine where she prepares special educators and conducts research in Maine schools. She holds a Ph.D. in educational psychology from the University of Connecticut. Her area of expertise is in behavioral interventions, behavior management, and positive behavior supports.

Gretchen Scheibel is a resident of Topsham and an assistant research professor at the University of Kansas where she works remotely to conduct educational research in Maine. She holds a Ph.D. in special education with a specialization in evidence-based practice and economic evaluation from the University of Kansas. Her area of expertise is in students with and at risk of behavioral disorders, evidence-based behavioral interventions, implementation frameworks, and economic evaluation of behavior interventions and frameworks.

We are providing testimony today as private citizens, and our views do not necessarily reflect those of the University of Southern Maine or the University of Kansas

We appreciate the legislature's effort to consider ways to support schools to manage student behavior that interferes with the learning of all students and/or presents a safety risk to staff and students. Traditionally, suspension and expulsion has been used as a strategy to apply negative consequences that theoretically will reduce interfering and/or dangerous challenging behavior.

Decades of rigorous research, however, have shown these methods most often do not serve this intended purpose. Often, these practices pose more harm to the student engaging the behavior and the school climate and culture, which broadly impacts all students, staff, and the community (Massar et al., 2015). For example, students who receive an out of school suspension in middle or high school are much more likely to engage in frequent and intense challenging behaviors, resulting in more suspensions and further risk of expulsion in the years to come (LaCalsi et al., 2021). Secondary students who received a suspension were likely to miss over 4 weeks of school in the following years compared to their peers who were not suspended and are much less likely to earn language arts and math credits and graduate from high school (LaCalsi et al., 2021; Losen & Martinez, 2020). Further, use of suspension and expulsion as a strategy to change student behavior has well documented negative effects on academic achievement, especially for students with other educational risk factors (e.g., economically under-resourced students, students from minority backgrounds; LaCalsi et al., 2021; Losen & Martinez, 2020).

One popular rationale in favor of suspension and expulsion is the removal of students with challenging behaviors will have a positive impact on their peers or the school climate. While this may make sense in theory, research in this area does not support the claim. In classrooms where students were removed for out school suspension, there was no effect on the ELA and math standardized test scores or attendance of other students in the class. Additionally, teacher and student ratings of school climate are lower in schools where suspension is in place- this indicates teachers and students feel less connected, safe, included, and involved in their school when suspension is used (Perera & Diliberti, 2023a).

Simply put, suspensions and expulsions do not reduce student misbehavior nor improve school safety (Perera & Diliberti, 2023b). We recognize there are situations that require students to be removed from school due to the severity, intensity, or impact of dangerous behavior. However, removal of these students from their home school district only provides respite for that district during the period of suspension or following expulsion, and it is unlikely to lead to a long-term change in the student's behavior. Challenging behaviors will only reoccur in the next district, school, or community the student arrives in, and that student will continue to require additional high-cost resources and services elsewhere in the state of Maine. Suspension and expulsion, if used at all, should be considered only in extreme circumstances and only when a strong evidence-based academic and behavior support infrastructure is in place to ensure student's academic needs are adequately met and strategies are in place to prevent, positively manage, and reduce the occurrence of challenging behavior.

Though this bill provides some guardrails for who can be suspended or expelled and what purpose a suspension can serve, it does very little to acknowledge the support school administrators, educators, students, and school communities need to address the challenging behavior. We recommend that Maine schools and the administrators charged with leading them who are concerned about the raising rates of behavior in schools would be much better served by examining and addressing the causes of student behavior in schools by ensuring access to supports and interventions to address behavior. We urge lawmakers to instead focus efforts to build evidence-based infrastructure across the state of Maine to adequately support students academically, as well as prevent challenging behavior from occurring and to intervene effectively when it does occur.

Should this bill continue to be considered, we have identified four problematic areas with this bill:

- The bill requires very careful revision of terminology to describe the behaviors that warrant suspension and expulsion. Subjective and non-descript terminology such as “disobedient,” “disorderly,” or “violent” behavior presents a significant risk to highly vulnerable populations, such as students from economically disadvantaged communities and under-resourced households (37% of Maine students), students receiving special education (21% of Maine students), and students from racial/ethnic minority populations (13% of Maine students). Often, the very nature of these student's vulnerabilities (e.g., disabilities, cultural differences, lack of communication skills) can be interpreted as “disobedient,” “disorderly,” or “violent” to adults with limited exposure to these populations, placing these students further at risk for suspensions or expulsions and the negative impacts described above.
- The bill requires revision of the terminology regarding allowance for removal from school if it may benefit the student. To ensure suspension is applied consistently across Maine schools, the bill should provide clear language around what constitutes “benefit” and how that will be applied equitably across students from vulnerable populations.
- There is no mention in the bill's language of regulation or guidance set at the state-level to ensure these disciplinary policies are enacted equitably across the state. Without state-level regulation of which students should be suspended and for which behaviors, the risk a student faces of the negative impacts associated with suspension and expulsion will depend simply on where they live.
- The bill does not indicate that suspensions and expulsions should only be used in the presence of strong evidence-based academic and behavior support infrastructure to ensure student's academic needs are adequately met and strategies are in place to prevent, positively manage, and reduce the occurrence of challenging behavior. Exclusion of this language leaves many students

across the state vulnerable to inconsistent application of suspension and expulsion and vulnerable to harmful practices without access to less restrictive practices that serve to benefit students, educators, and Maine schools.

Further information about the negative impacts of suspension and expulsion can be found in the following technical assistance documents from well-respected experts in the education field:

Do Out-of-School Suspensions Prevent Future Exclusionary Discipline?

Masser, M., McIntosh, K., & Eliason, B (2015). *Do Out-of-School Suspensions Prevent Future Exclusionary Discipline?* Center on Positive Behavioral Interventions & Supports.

https://cdn.prod.website-files.com/5d3725188825e071f1670246/5d79778ee21ac97f0bfeb9a6_evalbrief_may2015.pdf

An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes

LiCalsi, C. Osher, D., & Bailey, P. (2021). *An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes*. Washington, DC. American Institute for Research.

<https://www.air.org/sites/default/files/2021-08/NYC-Suspension-Effects-Behavioral-Academic-Outcomes-August-2021.pdf>

Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn.

Losen, D. J., & 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.

<https://escholarship.org/uc/item/7hm2456z>

School Discipline in America

Perera, R. M. & Diliberti, M. K. (2023a) *Survey: What purpose do suspensions serve? Principals don't seem quite sure*. Washington, DC. Brookings Institution. <https://www.brookings.edu/articles/survey-what-purpose-do-suspensions-serve-principals-dont-seem-quite-sure/>

Perera, R. M. & Diliberti, M. K. (2023b) *What does the research say about how to reduce student misbehavior in schools?* Washington, DC. Brookings Institution.

<https://www.brookings.edu/articles/what-does-the-research-say-about-how-to-reduce-student-misbehavior-in-schools/>

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Please see attached testimony.