

HOUSE BILL 23

F1
HB 171/21 – W&M

(PRE-FILED)

2lr1210

By: **Delegate Washington**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2022

CHAPTER _____

1 AN ACT concerning

2 **School Discipline – Data Collection ~~and School Resource Officers~~**

3 FOR the purpose of requiring the State Department of Education to disaggregate certain
4 discipline-related data in an electronic spreadsheet format for the Department's
5 website, make the data available to the public, and report certain discipline-related
6 information each year; requiring the Department to ~~lower a~~ maintain a certain risk
7 ratio used to identify a school's disproportional disciplinary practices and report
8 disproportionality data for high-suspending schools; ~~prohibiting a school resource~~
9 ~~officer from unilaterally enforcing discipline-related policies, rules, regulations, or~~
10 ~~procedures~~; and generally relating to school discipline of students.

11 ~~BY renumbering~~

12 ~~Article – Education~~

13 ~~Section 7-306(f) and 7-1508(b), (e), (f), and (h), respectively~~

14 ~~to be Section 7-306(h) and 7-1508(c), (d), (g), and (i), respectively~~

15 ~~Annotated Code of Maryland~~

16 ~~(2018 Replacement Volume and 2021 Supplement)~~

17 ~~BY repealing and reenacting, without amendments,~~

18 ~~Article – Education~~

19 ~~Section 7-306(b) and 7-1508(a)~~

20 ~~Annotated Code of Maryland~~

21 ~~(2018 Replacement Volume and 2021 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY adding to~~

2 ~~Article – Education~~

3 ~~Section 7–306(f) and (g) and 7–1508(b)~~

4 ~~Annotated Code of Maryland~~

5 ~~(2018 Replacement Volume and 2021 Supplement)~~

6 ~~BY repealing and reenacting, with amendments,~~

7 ~~Article – Education~~

8 ~~Section 7–1508(d), (e), and (g)~~

9 ~~Annotated Code of Maryland~~

10 ~~(2018 Replacement Volume and 2021 Supplement)~~

11 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

12 ~~That Section(s) 7–306(f) and 7–1508(b), (e), (f), and (h), respectively, of Article – Education~~

13 ~~of the Annotated Code of Maryland be renumbered to be Section(s) 7–306(h) and 7–1508(e),~~

14 ~~(d), (g), and (i), respectively.~~

15 BY repealing and reenacting, with amendments,

16 Article – Education

17 Section 7–306

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2021 Supplement)

20 SECTION 2. 1. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY

21 OF MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Education**

23 ~~7–306.~~

24 ~~(b) Notwithstanding any bylaw, rule, or regulation made or approved by the State~~
 25 ~~Board, a principal, vice principal, or other employee may not administer corporal~~
 26 ~~punishment to discipline a student in a public school in the State.~~

27 ~~(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND~~
 28 ~~DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE RELATED~~
 29 ~~DATA AS A DATA DOWNLOAD ON THE DEPARTMENT’S WEBSITE AT THE STATE LEVEL,~~
 30 ~~LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.~~

31 ~~(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS~~
 32 ~~SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE DEPARTMENT’S WEBSITE~~
 33 ~~DATA, DISAGGREGATED BY GRADE LEVEL, ON RACE, ETHNICITY, DISABILITY~~
 34 ~~STATUS, INCLUDING A STUDENT’S 504 PLAN OR INDIVIDUALIZED EDUCATION~~
 35 ~~PROGRAM, SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY~~
 36 ~~DISPROPORTIONAL DISCIPLINARY PRACTICES OF:~~

1 ~~(I) A LOCAL SCHOOL SYSTEM; OR~~

2 ~~(H) A PUBLIC SCHOOL.~~

3 ~~(3) ON OR BEFORE AUGUST 1, 2023, AND EACH AUGUST 1~~
 4 ~~THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER~~
 5 ~~THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE~~
 6 ~~STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.~~

7 ~~(G) (1) IN THIS SUBSECTION, "HIGH SUSPENDING" INCLUDES THE~~
 8 ~~FOLLOWING SCHOOLS THAT SUSPEND STUDENTS IN EACH SUBGROUP~~
 9 ~~DISAGGREGATED BY RACE, ETHNICITY, DISABILITY STATUS, AND ENGLISH~~
 10 ~~LANGUAGE PROFICIENCY:~~

11 ~~(I) AN ELEMENTARY SCHOOL THAT SUSPENDS 10% OR MORE~~
 12 ~~OF ITS STUDENTS IN EACH SUBGROUP; AND~~

13 ~~(H) A SECONDARY SCHOOL THAT SUSPENDS 25% OR MORE OF~~
 14 ~~ITS STUDENTS IN EACH SUBGROUP.~~

15 ~~(2) THE DEPARTMENT SHALL LOWER THE RISK RATIO AND STATE~~
 16 ~~COMPARISON THRESHOLD USED FOR IDENTIFYING ACTION UNDER THE FEDERAL~~
 17 ~~REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH DISABILITIES~~
 18 ~~EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY FROM 3.0 TO 2.0.~~

19 ~~(3) THE DEPARTMENT SHALL:~~

20 ~~(I) REPORT THE DISPROPORTIONALITY DATA FOR ANY~~
 21 ~~SCHOOL IDENTIFIED AS HIGH SUSPENDING; AND~~

22 ~~(H) INCLUDE ALTERNATIVE SCHOOLS AND PROGRAMS AND~~
 23 ~~PUBLIC SEPARATE DAY SCHOOLS IN ANY CALCULATION OF DISPROPORTIONALITY~~
 24 ~~DATA UNDER THIS PARAGRAPH.~~

25 ~~7-1508.~~

26 ~~(a) (1) Each local school system shall designate a school safety coordinator.~~

27 ~~(2) A designated school safety coordinator shall:~~

28 ~~(i) Be certified by the Center; and~~

29 ~~(ii) Serve as a liaison between the local school system, the local law~~
 30 ~~enforcement agency, and the Center.~~

1 ~~(B) A SCHOOL RESOURCE OFFICER MAY NOT UNILATERALLY ENFORCE~~
2 ~~DISCIPLINE RELATED SCHOOL POLICIES, RULES, REGULATIONS, OR PROCEDURES.~~

3 ~~[(d)] (E) (1) On or before December 15, 2018, the Center, in collaboration~~
4 ~~with local law enforcement agencies and local school systems, shall analyze the initial data~~
5 ~~collected under subsection [(c)] (D) of this section and develop guidelines to assist local~~
6 ~~school systems in:~~

7 ~~(i) Identifying the appropriate number and assignment of school~~
8 ~~resource officers, including supplemental coverage by local law enforcement agencies; and~~

9 ~~(ii) Collaborating and communicating with local law enforcement~~
10 ~~agencies.~~

11 ~~(2) On or before July 1, 2019, each local school system, in consultation with~~
12 ~~local law enforcement agencies, shall:~~

13 ~~(i) Develop a plan to implement the guidelines developed by the~~
14 ~~Center; and~~

15 ~~(ii) Submit the plan to the Center for review and comment.~~

16 ~~[(e)] (F) (1) Before the 2018-2019 school year begins, each local school~~
17 ~~system shall file a report with the Center identifying:~~

18 ~~(i) The public high schools in the local school system's jurisdiction~~
19 ~~that have a school resource officer assigned to the school; and~~

20 ~~(ii) If a public high school in the local school system's jurisdiction is~~
21 ~~not assigned a school resource officer, the adequate local law enforcement coverage that~~
22 ~~will be provided to the public high school.~~

23 ~~(2) Beginning with the 2019-2020 school year, and each school year~~
24 ~~thereafter, before the school year begins, each local school system shall, in accordance with~~
25 ~~the plan developed under subsection [(d)(2)] (E)(2) of this section, file a report identifying:~~

26 ~~(i) The public schools in the local school system's jurisdiction that~~
27 ~~have a school resource officer assigned to the school; and~~

28 ~~(ii) If a public school in the local school system's jurisdiction is not~~
29 ~~assigned a school resource officer, the adequate local law enforcement coverage that will be~~
30 ~~provided to the public school.~~

31 ~~(3) On or before October 1, 2018, and each October 1 thereafter, the Center~~
32 ~~shall submit a summary of the reports required under this subsection to the Governor and,~~
33 ~~in accordance with § 2-1257 of the State Government Article, the General Assembly.~~

1 ~~[(g)] (H)~~ (1) ~~For fiscal year 2020 and each fiscal year thereafter, the Governor~~
2 ~~shall include in the annual budget bill an appropriation of \$10,000,000 to the Fund for the~~
3 ~~purpose of providing grants to local school systems and local law enforcement agencies to~~
4 ~~assist in meeting the requirements of subsection [(c)] (F) of this section.~~

5 ~~(2) Grants provided under this subsection shall be made to each local~~
6 ~~school system based on the number of schools in each school system in proportion to the~~
7 ~~total number of public schools in the State in the prior year.~~

8 7-306.

9 (a) (1) In this section, “restorative approaches” means a relationship-focused
10 student discipline model that:

11 (i) Is preventive and proactive;

12 (ii) Emphasizes building strong relationships and setting clear
13 behavioral expectations that contribute to the well-being of the school community;

14 (iii) In response to behavior that violates the clear behavioral
15 expectations that contribute to the well-being of the school community, focuses on
16 accountability for any harm done by the problem behavior; and

17 (iv) Addresses ways to repair the relationships affected by the
18 problem behavior with the voluntary participation of an individual who was harmed.

19 (2) “Restorative approaches” may include:

20 (i) Conflict resolution;

21 (ii) Mediation;

22 (iii) Peer mediation;

23 (iv) Circle processes;

24 (v) Restorative conferences;

25 (vi) Social emotional learning;

26 (vii) Trauma-informed care;

27 (viii) Positive behavioral intervention supports; and

28 (ix) Rehabilitation.

1 **(b)** Notwithstanding any bylaw, rule, or regulation made or approved by the State
2 Board, a principal, vice principal, or other employee may not administer corporal
3 punishment to discipline a student in a public school in the State.

4 **(c)** The State Board shall:

5 **(1)** Establish guidelines that define a State code of discipline for all public
6 schools with standards of conduct and consequences for violations of the standards;

7 **(2)** On request, provide technical assistance and training to county boards
8 regarding the use of restorative approaches; and

9 **(3)** Assist each county board with the implementation of the guidelines.

10 **(d)** **(1)** Subject to the provisions of subsections (b) and (c) of this section, each
11 county board shall adopt regulations designed to create and maintain within the schools
12 under its jurisdiction the atmosphere of order and discipline necessary for effective
13 learning.

14 **(2)** The regulations adopted by a county board under this subsection:

15 **(i)** Shall provide for educational and behavioral interventions,
16 restorative approaches, counseling, and student and parent conferencing;

17 **(ii)** Shall provide alternative programs, which may include in-school
18 suspension, suspension, expulsion, or other disciplinary measures that are deemed
19 appropriate; and

20 **(iii)** Shall state that the primary purpose of any disciplinary measure
21 is rehabilitative, restorative, and educational.

22 **(e)** **(1)** On or before October 1 each year, the Department shall submit to the
23 Governor and, in accordance with § 2-1257 of the State Government Article, the General
24 Assembly, a student discipline data report that includes a description of the uses of
25 restorative approaches in the State and a review of disciplinary practices and policies in
26 the State.

27 **(2)** The Department shall disaggregate the information in any student
28 discipline data report prepared by the Department by race, ethnicity, gender, disability
29 status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic
30 status, English language proficiency, and type of discipline for:

31 **(i)** The State;

32 **(ii)** Each local school system; and

33 **(iii)** Each public school.

1 (3) Special education–related data in any report prepared under this
2 subsection shall be disaggregated by race, ethnicity, and gender.

3 **(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND**
4 **DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE–RELATED**
5 **DATA AS A DATA DOWNLOAD ON THE DEPARTMENT’S WEBSITE AT THE STATE LEVEL,**
6 **LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.**

7 **(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE DEPARTMENT’S WEBSITE**
9 **DATA, DISAGGREGATED BY GRADE LEVEL, ON RACE, ETHNICITY, DISABILITY**
10 **STATUS, INCLUDING A STUDENT’S 504 PLAN OR INDIVIDUALIZED EDUCATION**
11 **PROGRAM, SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY**
12 **DISPROPORTIONAL DISCIPLINARY PRACTICES OF:**

13 **(I) A LOCAL SCHOOL SYSTEM; OR**

14 **(II) A PUBLIC SCHOOL.**

15 **(3) ON OR BEFORE AUGUST 1, 2023, AND EACH AUGUST 1**
16 **THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER**
17 **THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE**
18 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

19 **(G) (1) IN THIS SUBSECTION, “HIGH–SUSPENDING” INCLUDES THE**
20 **FOLLOWING SCHOOLS THAT SUSPEND STUDENTS IN EACH SUBGROUP**
21 **DISAGGREGATED BY RACE, ETHNICITY, DISABILITY STATUS, AND ENGLISH**
22 **LANGUAGE PROFICIENCY:**

23 **(I) AN ELEMENTARY SCHOOL THAT SUSPENDS 10% OR MORE**
24 **OF ITS STUDENTS IN EACH SUBGROUP; AND**

25 **(II) A SECONDARY SCHOOL THAT SUSPENDS 25% OR MORE OF**
26 **ITS STUDENTS IN EACH SUBGROUP.**

27 **(2) THE DEPARTMENT SHALL MAINTAIN A RISK RATIO AND STATE**
28 **COMPARISON THRESHOLD OF 2.0 TO BE USED FOR IDENTIFYING ACTION UNDER THE**
29 **FEDERAL REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH**
30 **DISABILITIES EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY.**

31 **(3) THE DEPARTMENT SHALL:**

1 (I) REPORT THE DISPROPORTIONALITY DATA FOR ANY
2 SCHOOL IDENTIFIED AS HIGH-SUSPENDING; AND

3 (II) INCLUDE ALTERNATIVE SCHOOLS AND PROGRAMS AND
4 PUBLIC SEPARATE DAY SCHOOLS IN ANY CALCULATION OF DISPROPORTIONALITY
5 DATA UNDER THIS PARAGRAPH.

6 [(f)] (H) (1) In this subsection, "alternative school discipline practice" means
7 a discipline practice used in a public school that is not an in-school suspension or an
8 out-of-school suspension.

9 (2) The Department shall collect data on alternative school discipline
10 practices in public schools for each local school system, including:

11 (i) The types of alternative school discipline practices that are used
12 in a local school system; and

13 (ii) The type of misconduct for which an alternative discipline
14 practice is used.

15 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.