

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 416 (Senator Amoss)
Economic and Environmental Affairs

Students With Disabilities - Suspension and Expulsion

This bill alters school suspension and expulsion provisions for students with disabilities to reflect current practices for nondisabled students, if the disabled student commits more than one incident within a school year that is likely to result in injury to another student or to a teacher.

Fiscal Summary

State Effect: Potential significant decrease in federal funding.

Local Effect: Indeterminate local government expenditure increase. Revenues would not be affected.

Fiscal Analysis

State Effect: Under current law a disabled student cannot be removed from the student's current educational placement for more than 10 school days each year unless the school system follows certain guidelines established by the federal government. This bill eliminates these procedural rights and safeguards if the disabled student commits more than one incident that could result in injury to another student or to a teacher. The Maryland State Department of Education (MSDE) advises that this bill would bring the State out of compliance with federal special education guidelines and could jeopardize approximately \$45 million in federal funding for special education programs.

Local Effect: This bill could result in additional requests for hearings before the local boards of education, thereby increasing local legal and hearing costs. In addition, local school systems would be required to provide alternative educational programs to disabled students that are suspended or expelled. The cost of such programs would depend upon the

severity of the student's disability. Data on the number of disabled students that commit "violent incidents" is not readily available.

Additional Comments: Federal special education requirements are based on a 1988 United States Supreme Court decision, *Honig v. Doe*, which established criteria that local school systems must follow when disciplining students with disabilities. Current law in Maryland is based on this criteria.

Information Source(s): Maryland Association of Boards of Education, Maryland State Department of Education

Fiscal Note History: First Reader - February 27, 1996
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Analysis by: Hiram L. Burch Jr.
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710