

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 425  
Ways and Means

(Delegate Lierman, *et al.*)

Education, Health, and Environmental Affairs

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Public Schools - Suspensions and Expulsions

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This bill prohibits a child enrolled in a public prekindergarten program, as defined by the bill, or in kindergarten, first, or second grade from being suspended or expelled from school, subject to exceptions. The bill allows a student in the specified grades to be expelled if required by federal law. It also allows a student to 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. The bill specifies the intervention and support that must be provided to students who are suspended from prekindergarten, kindergarten, first grade, or second grade and to any other students in those grades who are disruptive or commit an act that would otherwise be grounds for suspension. Students in Baltimore City who are affected by the bill may not be transferred to the Alternative Learning Center for specified offenses. The Maryland State Department of Education (MSDE) must adopt regulations by May 1, 2018, to implement the bill's provisions.

The bill takes effect July 1, 2017.

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Fiscal Summary

**State Effect:** None. MSDE can develop regulations and provide any needed support to local school systems with existing budgeted resources. No effect on revenues.

**Local Effect:** None. Local school systems can implement the bill's provisions with existing budgeted resources. No effect on local revenues.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A public prekindergarten program is defined as (1) any publicly funded prekindergarten program established to serve children of economically disadvantaged families, (2) a State- or nationally accredited child care center or nonpublic school approved by MSDE to provide prekindergarten services that provides services under a memorandum of understanding with a local school system; (3) a county board that provides prekindergarten services; and (4) a private provider of preschool services that meets specified statutory requirements.

A principal or school administrator must promptly notify the parent or guardian of a student who is suspended or expelled from prekindergarten, kindergarten, first grade, or second grade.

Local school systems must provide intervention and support to address a student's behavior to any student who is suspended under the bill or who is in prekindergarten, kindergarten, or first or second grade and is disruptive to the school environment or who commits an act that would otherwise be grounds for suspension but for the student's grade. Intervention and support include (1) positive behavior interventions and supports; (2) a behavior intervention plan; (3) a referral to a student support team; (4) a referral to an individualized education program; and (5) a referral for appropriate community-based services. The school system must remedy the effect of a student's behavior through appropriate intervention methods including restorative practices, as defined in the bill.

**Current Law:** Each local school board must establish special programs for public school students who exhibit disruptive classroom behavior. Two or more local boards may establish joint programs.

### *Suspension and Expulsion*

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days; there is no exemption for students in public prekindergarten, kindergarten, or first or second grades. The principal must provide the suspended student and the student's parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher or teachers who referred the student (if appropriate);

(2) other appropriate school personnel; (3) the student; and (4) the student's parents or guardians.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher's classroom.

### *Firearms on School Grounds*

If a student is found to have brought a firearm onto school property, the student must be expelled for at least one year; there is no exception for students in kindergarten or first or second grade. However, a local superintendent may, on a case by case basis, assign a shorter period of expulsion if an alternative educational setting is approved by the local school board.

### *Baltimore City Alternative Learning Center*

Students in the Baltimore City Public School System may be referred to the Alternative Learning Center if they (1) assault a teacher, student, or other school employee; (2) carry a gun, rifle, knife, or other deadly weapon onto school property; or (3) commit any other act that would be a crime if committed by an adult. Students with disabilities may not be referred to the center, and the bill creates an additional exemption for students in public prekindergarten, kindergarten, and first or second grade.

**Background:** During the 2015-16 school year, 4.3% of students in Maryland's public schools were subject to out-of-school suspensions or expulsion, a figure that, except for the most recent year, has declined steadily each year since the 2006-07 school year, when it was 9.0%. **Exhibit 1** provides selected data on out-of-school suspensions and expulsions among public school students in the State during the 2015-16 school year.

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**Exhibit 1**  
**Out-of-school Suspensions and Expulsions**  
**2015-16 School Year**

	<u>Number</u>	<u>% of Enrollment</u>	<u>% of Suspended/Expelled Students</u>
Five or More Suspensions	1,445	0.2%	3.9%
Preschool Students	82	0.0%	0.2%
Kindergarten, First and Second Grade	2,281	0.3%	6.2%
Firearms or Other Guns <sup>1</sup>	112	0.0%	0.3%
Disruptive Behavior <sup>2</sup>	8,423	1.0%	22.9%
<b>Total Suspensions/Expulsions</b>	<b>36,784</b>	<b>4.3%</b>	<b>n/a</b>
Total Enrollment	848,567	100.0%	n/a

<sup>1</sup>Includes 10 in kindergarten through grade 2

<sup>2</sup>Includes 557 in prekindergarten through grade 2

Source: Maryland State Department of Education

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 651 (Senator Smith, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Anne Arundel, Charles, and Montgomery counties; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2017  
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