

SENATE BILL 766

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9lr2050
CF HB 725

By: **Senator Smith**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2019

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Student Discipline – Restorative Approaches**

3 FOR the purpose of ~~requiring a school principal to exhaust certain procedures before~~
4 ~~suspending or expelling a student; authorizing a principal to suspend or expel a~~
5 ~~student before exhausting certain procedures under certain circumstances; requiring~~
6 ~~a principal or a school administrator to promptly call certain individuals if a student~~
7 ~~is suspended or expelled; requiring the State Board of Education to provide technical~~
8 ~~assistance and training to county boards of education regarding the use of restorative~~
9 ~~approaches under certain circumstances; requiring certain ~~conferences~~ regulations~~
10 ~~to incorporate the use of restorative approaches; requiring each county board of~~
11 ~~education to develop a multiyear plan for the adoption, implementation, and~~
12 ~~continued monitoring of restorative approaches to student discipline; providing for~~
13 ~~the contents of a certain plan; requiring certain regulations to state the purpose of~~
14 ~~certain disciplinary actions; requiring the State Department of Education to submit~~
15 ~~a certain annual report to the Governor and the General Assembly on or before a~~
16 ~~certain date; requiring a certain report to be disaggregated in a certain manner;~~
17 ~~defining certain terms~~ a certain term; and generally relating to restorative
18 approaches to student discipline.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section ~~7–305~~ and 7–306
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2018 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.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

~~7-305.~~

~~(A) IN THIS SECTION, “RESTORATIVE APPROACHES” HAS THE MEANING STATED IN § 7-306 OF THIS SUBTITLE.~~

~~(A-1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE A PRINCIPAL MAY SUSPEND A STUDENT OR REQUEST AN EXPULSION OF A STUDENT UNDER SUBSECTION (A-2) OR (C) OF THIS SECTION, THE PRINCIPAL SHALL DEMONSTRATE THAT RESTORATIVE APPROACHES AND REHABILITATIVE, SPECIAL EDUCATION, OR OTHER SUPPORTIVE SERVICE INTERVENTIONS WERE IMPLEMENTED.~~

~~(2) A PRINCIPAL MAY SUSPEND A STUDENT FOR UP TO 10 DAYS UNDER SUBSECTION (A-2) OF THIS SECTION OR MAY REQUEST A SUSPENSION OF MORE THAN 10 DAYS OR AN EXPULSION UNDER SUBSECTION (C) OF THIS SECTION IF:~~

~~(i) THE STUDENT’S PRESENCE IN THE SCHOOL POSES AN IMMINENT THREAT OF SERIOUS HARM TO OTHER STUDENTS OR STAFF; AND~~

~~(ii) THE CIRCUMSTANCES REQUIRE THE IMMEDIATE REMOVAL OF THE STUDENT.~~

~~(3) THE PRINCIPAL OR A SCHOOL ADMINISTRATOR PROMPTLY SHALL CONTACT THE PARENT OR GUARDIAN OF A STUDENT SUSPENDED OR EXPELLED UNDER THIS SUBSECTION.~~

~~(4) ANY CONFERENCE THAT OCCURS BEFORE OR AFTER A SUSPENSION OR EXPULSION UNDER THIS SUBSECTION SHALL INCORPORATE THE USE OF RESTORATIVE APPROACHES.~~

~~[(a)] (A-2) (1) Except as provided in subsection (b) of this section and § 7-305.1 of this subtitle, in accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal AFTER IMPLEMENTATION OF RESTORATIVE APPROACHES FOR STUDENT DISCIPLINE IN ACCORDANCE WITH SUBSECTION (A-1) OF THIS SECTION.~~

1 ~~(2) The student or the student's parent or guardian promptly shall be given~~
2 ~~a conference with the principal and any other appropriate personnel during the suspension~~
3 ~~period.~~

4 ~~(3) The student or the student's parent or guardian promptly shall be given~~
5 ~~a community resources list provided by the county board in accordance with § 7-310 of this~~
6 ~~subtitle.~~

7 ~~(b) (1) Except as provided in paragraph (2) of this subsection, a student may~~
8 ~~not be suspended or expelled from school solely for attendance related offenses.~~

9 ~~(2) Paragraph (1) of this subsection does not apply to in-school suspensions~~
10 ~~for attendance related offenses.~~

11 ~~(c) Except as provided in § 7-305.1 of this subtitle, AND SUBJECT TO~~
12 ~~SUBSECTION (A-1) OF THIS SECTION, at the request of a principal, a county~~
13 ~~superintendent may suspend a student for more than 10 school days or expel the student.~~

14 ~~(d) (1) If a principal finds that a suspension of more than 10 school days or~~
15 ~~expulsion is warranted, the principal immediately shall report the matter in writing to the~~
16 ~~county superintendent.~~

17 ~~(2) The county superintendent or the county superintendent's designated~~
18 ~~representative promptly shall make a thorough investigation of the matter.~~

19 ~~(3) If after the investigation the county superintendent finds that a longer~~
20 ~~suspension or expulsion is warranted, the county superintendent or the county~~
21 ~~superintendent's designated representative promptly shall arrange a conference with the~~
22 ~~student and his parent or guardian.~~

23 ~~(4) The student or the student's parent or guardian promptly shall be given~~
24 ~~a community resources list provided by the county board in accordance with § 7-310 of this~~
25 ~~subtitle.~~

26 ~~(5) If after the conference the county superintendent or the county~~
27 ~~superintendent's designated representative finds that a suspension of more than 10 school~~
28 ~~days or expulsion is warranted, the student or the student's parent or guardian may:~~

29 ~~(i) Appeal to the county board within 10 days after the~~
30 ~~determination;~~

31 ~~(ii) Be heard before the county board, its designated committee, or a~~
32 ~~hearing examiner, in accordance with the procedures established under § 6-203 of this~~
33 ~~article; and~~

34 ~~(iii) Bring counsel and witnesses to the hearing.~~

~~(6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.~~

~~(7) The appeal to the county board does not stay the decision of the county superintendent.~~

~~(8) The decision of the county board is final.~~

~~(e) (1) Any student expelled or suspended from school:~~

~~(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and~~

~~(ii) May not participate in school sponsored activities.~~

~~(2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.~~

~~(3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.~~

~~(4) (i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.~~

~~(ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.~~

~~(H) ANY CONFERENCE HELD UNDER THIS PARAGRAPH SHALL INCLUDE OPTIONS FOR THE STUDENT, THE TEACHER, AND OTHER INVOLVED PARTIES TO PARTICIPATE IN RESTORATIVE APPROACHES.~~

~~(5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.~~

~~(6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.~~

~~(f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. § 921.~~

~~(2) Except as provided in paragraph (3) of this subsection, if the county superintendent or the superintendent's designated representative finds that a student has brought a firearm onto school property, the student shall be expelled for a minimum of 1 year.~~

~~(3) The county superintendent may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who has brought a firearm onto school property.~~

~~(4) The State Board shall adopt regulations to implement this subsection.~~

~~(g) (1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.~~

~~(2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.~~

~~(h) (1) This subsection does not apply if the student is referred to the Department of Juvenile Services.~~

~~(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.~~

~~(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$2,500, or the student's assignment to a school work project, or both.~~

7-306.

(A) (1) IN THIS SECTION, "RESTORATIVE APPROACHES" MEANS A RELATIONSHIP-FOCUSED STUDENT DISCIPLINE MODEL THAT:

(I) IS PRIMARYLY PREVENTIVE AND PROACTIVE ~~AND PREVENTIVE~~;

(II) EMPHASIZES BUILDING STRONG RELATIONSHIPS AND SETTING CLEAR BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE WELL-BEING OF THE SCHOOL COMMUNITY;

1 (III) IN RESPONSE TO BEHAVIOR THAT VIOLATES THE CLEAR
 2 BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE WELL-BEING OF THE
 3 SCHOOL COMMUNITY, ~~EXAMINES~~ FOCUSES ON ACCOUNTABILITY FOR ANY HARM
 4 DONE BY THE PROBLEM BEHAVIOR; AND

5 (IV) ADDRESSES WAYS TO REPAIR THE RELATIONSHIPS
 6 AFFECTED BY THE PROBLEM BEHAVIOR WITH THE VOLUNTARY PARTICIPATION OF
 7 AN INDIVIDUAL WHO WAS HARMED.

8 (2) "RESTORATIVE APPROACHES" ~~INCLUDES~~ MAY INCLUDE:

9 (I) CONFLICT RESOLUTION;

10 (II) MEDIATION;

11 (III) PEER MEDIATION;

12 (IV) CIRCLE PROCESSES;

13 (V) RESTORATIVE CONFERENCES;

14 (VI) SOCIAL EMOTIONAL LEARNING;

15 (VII) TRAUMA-INFORMED CARE; ~~AND~~

16 (VIII) POSITIVE BEHAVIORAL INTERVENTION SUPPORTS ~~OR~~
 17 ~~REHABILITATION; AND~~

18 (IX) REHABILITATION.

19 [(a)] (B) Notwithstanding any bylaw, rule, or regulation made or approved by
 20 the State Board, a principal, vice principal, or other employee may not administer corporal
 21 punishment to discipline a student in a public school in the State.

22 [(b)] (C) The State Board shall:

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

25 (2) ON REQUEST, PROVIDE TECHNICAL ASSISTANCE AND TRAINING
 26 TO COUNTY BOARDS REGARDING THE USE OF RESTORATIVE APPROACHES; AND

27 ~~(2)~~ (3) Assist each county board with the implementation of the
 28 guidelines.

1 ~~[(c)]~~ **(D)** (1) Subject to the provisions of subsections ~~[(a)]~~ **(B)** and ~~[(b)]~~ **(C)** of
 2 this section, each county board shall adopt regulations designed to create and maintain
 3 within the schools under its jurisdiction the atmosphere of order and discipline necessary
 4 for effective learning.

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

6 (i) Shall provide for educational and behavioral interventions,
 7 **RESTORATIVE APPROACHES**, counseling, and student and parent conferencing; [and]

8 (ii) Shall provide alternative programs, which may include in-school
 9 suspension, suspension, expulsion, or other disciplinary measures that are deemed
 10 appropriate; **AND**

11 **(III) SHALL STATE THAT THE PRIMARY PURPOSE OF ANY**
 12 **DISCIPLINARY MEASURE IS REHABILITATIVE, RESTORATIVE, AND EDUCATIONAL.**

13 ~~**(E) (1) EACH COUNTY BOARD SHALL DEVELOP A MULTIYEAR PLAN FOR**~~
 14 ~~**THE ADOPTION, IMPLEMENTATION, AND CONTINUED MONITORING OF THE USE OF**~~
 15 ~~**RESTORATIVE APPROACHES FOR STUDENT DISCIPLINE.**~~

16 ~~**(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**~~
 17 ~~**SUBSECTION SHALL INCLUDE:**~~

18 ~~**(I) A LIST OF THE SPECIFIC RESTORATIVE APPROACHES**~~
 19 ~~**AVAILABLE IN THE COUNTY;**~~

20 ~~**(II) METHODS USED BY THE COUNTY BOARD TO COMMUNICATE**~~
 21 ~~**THE PLAN TO:**~~

22 ~~**1. ALL FACULTY AND STAFF IN THE COUNTY; AND**~~

23 ~~**2. ALL STUDENTS AND PARENTS IN THE COUNTY;**~~

24 ~~**(III) GUIDELINES FOR INCORPORATING THE USE OF**~~
 25 ~~**RESTORATIVE APPROACHES FOR STUDENT BEHAVIOR DURING A CONFERENCE**~~
 26 ~~**HELD UNDER § 7-305 OF THIS SUBTITLE; AND**~~

27 ~~**(IV) A PROFESSIONAL DEVELOPMENT PLAN FOR TRAINING ALL**~~
 28 ~~**APPROPRIATE FACULTY AND STAFF ON THE RESTORATIVE APPROACHES USED IN**~~
 29 ~~**THE LOCAL SCHOOL SYSTEM.**~~

30 ~~[(d)]~~ ~~**(E)**~~ (1) **ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT**
 31 **SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**

1 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A STUDENT DISCIPLINE
 2 DATA REPORT THAT INCLUDES A DESCRIPTION OF THE USES OF RESTORATIVE
 3 APPROACHES IN THE STATE AND A REVIEW OF DISCIPLINARY PRACTICES AND
 4 POLICIES IN THE STATE.

5 **(2)** The Department shall disaggregate the information in any student
 6 discipline data report prepared by the Department by race, ethnicity, gender, disability
 7 status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic
 8 status, ~~and~~ English language proficiency, **AND TYPE OF DISCIPLINE** for:

- 9 (i) The State;
- 10 (ii) Each local school system; and
- 11 (iii) Each public school.

12 ~~(2)~~ **(3)** Special education–related data in any report prepared under
 13 ~~paragraph (1) of~~ this subsection shall be disaggregated by race, ethnicity, and gender.

14 **[(e)] (G) (F)** (1) In this subsection, “alternative school discipline practice” means
 15 a discipline practice used in a public school that is not an in–school suspension or an
 16 out–of–school suspension.

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

- 19 (i) The types of alternative school discipline practices that are used
 20 in a local school system; and
- 21 (ii) The type of misconduct for which an alternative discipline
 22 practice is used.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 24 1, 2019.