

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1208
Ways and Means

(Delegate Washington, *et al.*)

Education, Health, and Environmental Affairs

Board of Restorative Practices in Schools - Establishment

This bill establishes a Board of Restorative Practices in Schools to analyze student disciplinary practices and policies, including implementation of restorative practices, and make annual legislative and budgetary recommendations for future data-driven and fiscally sound policies that reduce the school-to-prison pipeline and incorporate restorative practices in school discipline practices. The bill specifies the membership and terms of the board and requires the board to meet at least four times each year. Board members do not receive compensation for service on the board, but are entitled to reimbursement for expenses. The Maryland Equity Project at the University of Maryland College of Education provides staff for the board, and its director (or designee) serves as the board chair. The board must annually report its findings and recommendations to the General Assembly. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None. The University of Maryland can absorb the costs for staffing the board using existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Suspension and Expulsion in General

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. 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(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parent or guardian.

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.

Suspension and Expulsion of Young Children

Chapters 843 and 844 of 2017 prohibit students in public prekindergarten, kindergarten, or first or second grades from being suspended or expelled, except that:

- a student in those grades may be expelled if required by federal law (generally, for bringing a firearm to school); and
- a student in those grades may be suspended for up to five 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.

For students in prekindergarten through grade 2 who are suspended or who commit an act that would otherwise be grounds for suspension, local school systems must provide intervention and support to address the student's behavior. 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.

Restorative Practices

The school system must remedy the effect of a student's behavior through appropriate intervention methods including restorative practices. Restorative practices are practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

- are conducted by trained staff;
- focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
- help build a sense of belonging, safety, and social responsibility in the school community.

Data Collection and Presentation

The Maryland State Department of Education (MSDE) must collect data on alternative school discipline practices in public schools for each local school system, including (1) the types of alternative school discipline practices that are used in a local school system; and (2) the type of misconduct for which an alternative discipline practice is used. Also, MSDE must disaggregate the information in any MSDE student discipline data report by race, ethnicity, gender, disability status, eligibility for free or reduced-price meals or an equivalent measure of socioeconomic status, and English language proficiency for (1) the State; (2) each local school system; and (3) each public school. Special education-related data in any such report must be disaggregated by race, ethnicity, and gender.

Background: During the 2017-2018 school year, 8,139 students (0.9% of total enrollment) were suspended *in school* a total of 12,091 times. In addition, 38,502 students (4.5%) were subject to *out-of-school suspension or expulsion* a total of 63,606 times.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Public Defender; Maryland State Department of Education; University System of Maryland; Department of Juvenile Services; Department of Legislative Services

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