

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 730  
Ways and Means

(Delegate Conaway, *et al.*)

Education, Energy, and the Environment

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Education - Public Middle Schools - Instructive Program on Collateral  
Consequences of a Criminal Conviction

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This bill requires the Maryland State Department of Education (MSDE) to develop an instructive program with the aim of teaching students in grades 6 through 8 about the collateral consequences of a criminal conviction in a short period of time. MSDE must provide material designed for the program to public middle schools throughout the State. A public middle school must administer the program to a student, through an appropriate staff member, when the student is (1) placed in an in-school suspension or (2) returning to school after being removed due to suspension or expulsion. **The bill takes effect July 1, 2024.**

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Fiscal Summary

**State Effect:** MSDE can develop the required instructive program using existing resources, although resources may be temporarily diverted from other projects. Revenues are not affected.

**Local Effect:** Local school system expenditures may increase in FY 2025 to train staff to deliver the instructive program on the collateral consequences of a criminal conviction. Costs in out-years are likely minimal. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** “Collateral consequences of a criminal conviction” is defined as the legal penalties that (1) take away an individual’s rights or access to programs or services or (2) impose another type of disadvantage that punishes an individual but are not part of the individual’s sentence imposed after conviction of a crime.

MSDE may adopt regulations to implement the bill.

**Current Law:** With the advice of the State Superintendent of Schools, the State Board of Education (SBE) establishes basic policy and guidelines for the program of instruction for public schools. Subject to State law and the regulations, bylaws, policies, and guidelines established by SBE, each local board of education must establish the curriculum guides and courses of study for schools in its jurisdiction. Policies, rules, and regulations for the graduation of students from Maryland public schools are established by local boards of education and SBE.

MSDE advises that at the middle school level the [State Standards and Frameworks in Social Studies](#) do not include the content required by the bill; however, opportunities to learn about criminal law and the criminal justice system are directly addressed in [high school United States History](#) and [American Government](#).

### *Suspension and Expulsion*

In accordance with rules and regulations of a local board of education, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school. The student or the student’s parent or guardian must promptly be given a conference with the principal and any other appropriate personnel during the suspension period. The student or the student’s parent or guardian must promptly be given a community resources list provided by the local board. However, a student may not be suspended or expelled solely for attendance-related offenses. This does not apply to in-school suspensions for attendance-related offenses. At the request of a principal, a local superintendent may suspend a student for more than 10 days or expel the student.

### *State Code of Discipline*

Local school systems develop policies and procedures to address student discipline in their local codes of student discipline, which are aligned with the [Maryland Guidelines for a State Code of Discipline](#). The guidelines focus on progressive discipline and restorative approaches. MSDE advises that most disciplinary infractions are not criminal acts.

**State Expenditures:** MSDE advises that developing an instructive program on the collateral consequence of a criminal conviction for grades 6 through 8 has no material fiscal impact; however, there is an operational impact. To develop the instructive program, MSDE staff must convene and staff a workgroup of diverse stakeholders to develop new guidelines. MSDE will be expected to conduct research, organize and facilitate meetings, develop materials, and develop the instructive program. This may temporarily divert resources from other projects. MSDE must provide the materials designed for the program to public middle schools throughout the State. For the purposes of this estimate, it is assumed that the materials provided digitally, and thus, there are no additional material costs.

**Local Expenditures:** The bill requires a public middle school to administer the program to a student, through an appropriate staff member, when the student is (1) placed in an in-school suspension or (2) returning to school after being removed due to suspension or expulsion. In 2022-2023 approximately 21,000 Maryland public middle school students (unduplicated) received in-school suspension, out-of-school suspension, or expulsion. Thus, local school system expenditures may increase in fiscal 2025 to train at least one appropriate staff member at each middle school to deliver the program developed by MSDE. However, these costs cannot be reliably estimated. It is assumed that costs in out-years are minimal and can be absorbed by most local school systems.

**Additional Comments:** In December 2021, the Department of Legislative Services produced a report entitled [\*Collateral Consequences of a Criminal Conviction\*](#).

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### Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 880 of 2023.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Anne Arundel County Public Schools; Prince George's County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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