

**Department of Legislative Services**  
 Maryland General Assembly  
 2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 760 (Senator Conway)  
 Education, Health, and Environmental Affairs

**Education - Elementary Schools - Moratorium on Suspensions of Students**

This bill places a two-year moratorium on student suspensions from public elementary schools. Each local board of education must develop and implement an in-school alternative to suspension by the beginning of the 2004-2005 school year. The alternative disciplinary measures must include communication with parents and any appropriate community agencies. Local boards must submit a report to the Maryland State Department of Education (MSDE) describing the alternative measures by December 1 and May 1 of each year. MSDE must compile these reports and report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means on or before January 1 and June 1 of each year.

The bill is effective July 1, 2004 and sunsets June 30, 2006.

**Fiscal Summary**

**State Effect:** General fund expenditures for teachers' retirement payments could increase by an estimated \$2.3 million in FY 2007 and 2008 due to increases in teacher salary bases in FY 2005 and 2006. Federal fund revenues could decrease in FY 2005 and 2006 if the bill jeopardizes funding under the federal Gun Free Schools Act.

(\$ in millions)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
FF Revenue	-	-	\$0	\$0	\$0
GF Expenditure	0	0	2.3	2.3	0
Net Effect	\$0	\$0	(\$2.3)	(\$2.3)	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local school expenditures could increase by an estimated \$29.0 million in FY 2005 and 2006 to implement alternative disciplinary measures in elementary schools. *This bill imposes a mandate on a unit of local government.*

**Small Business Effect:** None.

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## Analysis

**Current Law:** For cause, a public school principal may suspend any student in the principal's school for up to 10 days. The student or the student's parent or guardian must be given a conference with the principal and any other appropriate personnel during the suspension period. At the request of a principal, a local school superintendent may suspend a student for more than 10 school days or may expel a student after an investigation and a conference with the student and the student's parent or guardian. A student or the parent or guardian of a student may appeal the superintendent's decision to the local board of education.

**Background:** The number of students suspended from public elementary schools during the 2002-2003 school year is shown in **Exhibit 1**. In total, 11,974 students were suspended, and nearly two-thirds of the students were suspended from elementary schools in Baltimore City and Baltimore and Prince George's counties. The most common reasons for suspensions were fighting, physically attacking a student, classroom disruption, and disrespect.

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### Exhibit 1 Elementary School Suspensions by Local School System 2002-2003 School Year

Allegany	37	Harford	302
Anne Arundel	915	Howard	177
Baltimore City*	3,678	Kent	17
Baltimore	1,756	Montgomery	670
Calvert	133	Prince George's	2,311
Caroline	53	Queen Anne's	58
Carroll	129	St. Mary's	143
Cecil	202	Somerset	102
Charles	511	Talbot	81
Dorchester	97	Washington	103
Frederick	112	Wicomico	335
Garrett	23	Worcester	29

\* Includes 205 suspensions from Edison Schools.  
Source: Maryland State Department of Education

Positive Behavioral Interventions and Supports (PBIS) has been used in the State as a means to reduce office referrals and suspensions. PBIS is a research-based approach to enhancing the ability of school staff to adopt and sustain the use of practices that improve the school learning environment. MSDE has a partnership with Sheppard Pratt Health Systems and the University of Oregon researcher who developed PBIS to provide training to teams of educators from schools who want to implement PBIS. Since 1999, approximately 163 school teams representing all 24 local school systems have been trained in PBIS. Many schools report improvements in students' behavior and reductions in office referrals after implementing the program. At a November 12, 2003 hearing for the House Committee on Ways and Means, MSDE reported that PBIS increases minutes in instruction, makes instructional minutes more effective, and creates a climate that is more calm and conducive to learning.

**State Revenues:** Under the federal Gun Free Schools Act, public schools are required to expel students who bring firearms to school. In Maryland public schools, an expulsion begins as a suspension with a recommendation to the local superintendent for expulsion. Placing a moratorium on elementary school suspensions, therefore, could jeopardize up to \$8.8 million in fiscal 2005 federal funding from the Safe and Drug-Free Schools program.

**State Expenditures:** The State is responsible for paying teachers' retirement benefits. Since the State payments are based on teachers' salary base during the second prior year, State expenditures for teachers hired to implement this bill would not increase until fiscal 2007. Based on a 9.35% employer contribution rate and an increased salary base of approximately \$24.3 million, State expenditures for teachers' retirement would increase by an estimated \$2.3 million in fiscal 2007 and 2008.

**Local Expenditures:** Local school systems could incur significant costs to implement alternative in-school disciplinary measures in the State's 820 elementary schools. It is assumed that the majority of costs would be associated with hiring additional personnel to monitor students who have been removed from classrooms. Under the assumptions described below, local school expenditures would increase by \$29.0 million to hire new school personnel.

- One-half of the elementary schools in the State could implement the alternative in-school disciplinary measures without additional personnel.
- One-half of the elementary schools in the State would require one full-time professionally certificated teacher to oversee students removed from classrooms and to administer in-school disciplinary measures. Assuming an average cost per teacher of \$62,718 (including benefits), local school system expenditures would increase by \$25.7 million.

- One-third of the schools that hire a teacher to oversee and administer the new disciplinary measures would also require the service of a full-time aide. Assuming an average cost per aide of \$23,800 (including benefits), local school expenditures would increase by \$3.3 million.
- The additional costs would only be incurred in fiscal 2005 and 2006, when the moratorium is in effect.

Because they have the largest number of student suspensions in the State, the Baltimore City, Baltimore County, and Prince George's County school systems would most likely incur a disproportionate share of the costs associated with the bill.

Local school systems could incur additional costs to modify existing school space in order to accommodate students in schools but outside of their regular classrooms. These costs cannot be reliably estimated at this time.

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### **Additional Information**

**Prior Introductions:** Two similar bills were introduced at the 2003 session as SB 663 and HB 687. SB 663 was withdrawn, and HB 687 was not reported out of the House Committee on Ways and Means. The bill was also introduced in 2002 as HB 629 and received an unfavorable report from the House Committee on Ways and Means.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

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