

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

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1288  
Ways and Means

(Delegate Marriott, *et al.*)

Education, Health, and Environmental Affairs

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**Education - Positive Behavioral Interventions and Support Program**

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This bill requires an elementary school with a suspension rate in excess of 18% to implement a Positive Behavioral Interventions and Support Program adopted by the State Board of Education or an alternative behavioral modification program in collaboration with the Maryland State Department of Education (MSDE). The State board must adopt regulations to implement the bill.

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**Fiscal Summary**

**State Effect:** MSDE could continue to provide technical assistance for behavioral interventions with existing resources.

**Local Effect:** Local school expenditures would increase by an estimated \$200,000 annually beginning in FY 2005 to implement Positive Behavioral Interventions and Supports or other behavior modification programs in approximately 25 elementary schools per year. *This bill imposes a mandate on a unit of local government.*

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Local boards of education must establish special programs for students who exhibit disruptive classroom behavior.

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:** Positive Behavioral Interventions and Supports (PBIS) is a research-based approach to enhancing the ability of school staff to adopt and sustain the use of practices that improve the learning environment. MSDE currently 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 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.

**Local Expenditures:** Recent data from MSDE show that approximately 25 elementary schools, including 21 from Baltimore City and one each in Baltimore, Kent, Prince George's, and Wicomico counties, have suspension rates that exceed 18%. MSDE estimates that PBIS costs approximately \$8,000 per school to implement, with costs devoted primarily to training and professional development for a team of teachers from schools implementing PBIS. The \$8,000 per school estimate would also pay for printed materials, a part-time PBIS coach who would work with several schools, and approximately \$1,500 annually in student prizes and awards that are associated with the program. It is assumed that any other behavior modification program that an elementary school implements would cost a similar amount.

If 25 schools per year generate suspension rates in excess of 18%, local school expenditures would increase by a total of approximately \$200,000 per year. Because a large percentage of the schools that would be required to implement PBIS are located in Baltimore City, the city school system would incur a disproportionate share of these costs. If PBIS is successful in reducing the number of elementary schools with high suspension rates, expenditures for the program could be less in future years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 9, 2004  
mh/hlb Revised - House Third Reader - April 5, 2004

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