

HOUSE BILL 285

F1

8lr1293
CF SB 96

By: **Delegates Kaiser, Anderson, Barkley, Branch, Carter, Conaway, Dumais, Elmore, Frick, Frush, Gilchrist, Gutierrez, Haynes, Healey, Heller, Hubbard, Levi, McComas, Montgomery, Murphy, Robinson, Rosenberg, Shewell, Sossi, Stukes, Tarrant, F. Turner, Walker, and Walkup**

Introduced and read first time: January 23, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Truancy Rates – Positive Behavioral Interventions and Support**
3 **Programs and Behavior Modification Programs**

4 FOR the purpose of requiring a county board of education to require certain schools
5 with certain truancy rates to implement a positive behavioral interventions and
6 support program or certain behavior modification programs in collaboration
7 with the State Department of Education under certain circumstances; requiring
8 certain schools to expand certain programs under certain circumstances; and
9 generally relating to the requirement that certain schools implement certain
10 programs relating to truancy rates.

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 1–101(a) and (d)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 7–304.1
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2007 Supplement)

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

23 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1–101.

2 (a) In this article, unless the context requires otherwise, the following words
3 have the meanings indicated.

4 (d) “County board” means the board of education of a county and includes the
5 Baltimore City Board of School Commissioners.

6 7–304.1.

7 (a) In this section, “Positive Behavioral Interventions and Support Program”
8 means the research–based, systems approach method adopted by the State Board to
9 build capacity among school staff to adopt and sustain the use of positive, effective
10 practices to create learning environments where teachers can teach and students can
11 learn.

12 (b) (1) **[Each] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
13 **EACH** county board [of education and the Board of School Commissioners of Baltimore
14 City] shall require an elementary school that has a suspension rate that exceeds the
15 standard specified in paragraph (2) of this subsection to implement:

16 (i) A positive behavioral interventions and support program; or

17 (ii) An alternative behavioral modification program in
18 collaboration with the Department.

19 (2) An elementary school is subject to this subsection if it has a
20 suspension rate that exceeds:

21 (i) 18 percent of its enrollment for the 2005–2006 school year;

22 (ii) 16 percent of its enrollment for the 2006–2007 school year;

23 (iii) 14 percent of its enrollment for the 2007–2008 school year;

24 (iv) 12 percent of its enrollment for the 2008–2009 school year;

25 and

26 (v) 10 percent of its enrollment for the 2009–2010 school year
27 and each school year thereafter.

28 **(3) AN ELEMENTARY SCHOOL THAT HAS ALREADY IMPLEMENTED**
29 **A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR AN**
30 **ALTERNATIVE, RESEARCH–BASED, POSITIVE, AND EFFECTIVE BEHAVIOR**
31 **MODIFICATION PROGRAM UNDER SUBSECTION (C) OF THIS SECTION SHALL**
32 **EXPAND ITS EXISTING PROGRAM IF IT HAS A SUSPENSION RATE THAT EXCEEDS**
33 **THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.**

1 (c) (1) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH**
2 **COUNTY BOARD SHALL REQUIRE A SCHOOL THAT HAS A TRUANCY RATE THAT**
3 **EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION**
4 **TO IMPLEMENT:**

5 (I) **A POSITIVE BEHAVIORAL INTERVENTIONS AND**
6 **SUPPORT PROGRAM; OR**

7 (II) **AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND**
8 **EFFECTIVE BEHAVIOR MODIFICATION PROGRAM IN COLLABORATION WITH THE**
9 **DEPARTMENT.**

10 (2) **A SCHOOL IS SUBJECT TO THIS SUBSECTION IF IT HAS A**
11 **TRUANCY RATE THAT EXCEEDS:**

12 (I) **8 PERCENT OF ITS ENROLLMENT FOR THE 2008-2009**
13 **SCHOOL YEAR;**

14 (II) **6 PERCENT OF ITS ENROLLMENT FOR THE 2009-2010**
15 **SCHOOL YEAR;**

16 (III) **4 PERCENT OF ITS ENROLLMENT FOR THE 2010-2011**
17 **SCHOOL YEAR;**

18 (IV) **2 PERCENT OF ITS ENROLLMENT FOR THE 2011-2012**
19 **SCHOOL YEAR; AND**

20 (V) **1 PERCENT OF ITS ENROLLMENT FOR THE 2012-2013**
21 **SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.**

22 (3) **A SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE**
23 **BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR AN ALTERNATIVE**
24 **BEHAVIORAL MODIFICATION PROGRAM UNDER SUBSECTION (B) OF THIS**
25 **SECTION SHALL EXPAND ITS PROGRAM IF IT HAS A TRUANCY RATE THAT**
26 **EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.**

27 (D) The State Board shall adopt regulations to implement the provisions of
28 this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2008.