

# HOUSE BILL 285

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8lr1293  
CF SB 96

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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~~ Walkup, and Cardin**

Introduced and read first time: January 23, 2008

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2008

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## CHAPTER \_\_\_\_\_

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;  
9 clarifying language; and generally relating to the requirement that certain  
10 schools implement certain 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)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 1–101.

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

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

9 7–304.1.

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

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

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

20 (ii) An alternative ~~behavioral~~ **BEHAVIOR** modification program  
21 in collaboration with the Department.

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

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

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

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

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

28 and

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

1           (3) AN ELEMENTARY SCHOOL THAT HAS ALREADY IMPLEMENTED  
2 A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN~~  
3 ~~ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE~~ A BEHAVIOR  
4 MODIFICATION PROGRAM ~~UNDER SUBSECTION (C) OF THIS SECTION~~ SHALL  
5 EXPAND ITS EXISTING PROGRAM IF IT HAS A SUSPENSION RATE THAT EXCEEDS  
6 THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

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

11                   (I) A POSITIVE BEHAVIORAL INTERVENTIONS AND  
12 SUPPORT PROGRAM; OR

13                   (II) AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND  
14 EFFECTIVE BEHAVIOR MODIFICATION PROGRAM IN COLLABORATION WITH THE  
15 DEPARTMENT.

16           (2) A SCHOOL IS SUBJECT TO THIS SUBSECTION IF IT HAS A  
17 TRUANCY RATE THAT EXCEEDS:

18                   (I) 8 PERCENT OF ITS ENROLLMENT FOR THE 2008-2009  
19 SCHOOL YEAR;

20                   (II) 6 PERCENT OF ITS ENROLLMENT FOR THE 2009-2010  
21 SCHOOL YEAR;

22                   (III) 4 PERCENT OF ITS ENROLLMENT FOR THE 2010-2011  
23 SCHOOL YEAR;

24                   (IV) 2 PERCENT OF ITS ENROLLMENT FOR THE 2011-2012  
25 SCHOOL YEAR; AND

26                   (V) 1 PERCENT OF ITS ENROLLMENT FOR THE 2012-2013  
27 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

28           (3) A SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE  
29 BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE~~ A  
30 ~~BEHAVIORAL~~ BEHAVIOR MODIFICATION PROGRAM ~~UNDER SUBSECTION (B) OF~~  
31 ~~THIS SECTION~~ SHALL EXPAND ITS PROGRAM IF IT HAS A TRUANCY RATE THAT  
32 EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.