

Department of Legislative Services  
 Maryland General Assembly  
 2017 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1222  
 Ways and Means

(Delegate A. Washington, *et al.*)

Maryland School Discipline Reform Act

This bill requires that local school systems adopt the Maryland Guidelines for a State Code of Discipline (Guidelines) as their code of student discipline. The bill also requires the Maryland State Department of Education (MSDE) to (1) disaggregate information on student discipline in specified manners; (2) collect information on alternative school discipline practices; and (3) develop and implement, by July 1, 2018, standardized training practices on student discipline for all public school security personnel in consultation with specified State entities. By July 1, 2019, local school systems must provide training to all school security personnel in public schools on the standardized training practices developed by MSDE.

The bill takes effect July 1, 2017.

Fiscal Summary

**State Effect:** General fund expenditures by MSDE increase by \$54,800 in FY 2018 for contractual support to implement the bill’s requirements. FY 2019 expenditures reflect annualization and ongoing operating costs, with the termination of the contractual position in FY 2020. Other State entities can carry out their responsibilities to consult with MSDE with existing resources. No effect on revenues.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	54,800	62,800	0	0	0
Net Effect	(\$54,800)	(\$62,800)	\$0	\$0	\$0

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

**Local Effect:** Local school system expenditures increase to provide standardized training to school security personnel beginning in FY 2019. Training costs depend on the training

practices developed by MSDE and the number of school security personnel in each school system. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** The bill repeals existing requirements that local school boards adopt regulations designed to create and maintain within schools the atmosphere of order and discipline necessary for effective learning, and instead requires that they adopt the Guidelines.

“Alternative school discipline practice” means a discipline practice in a public school that is not in-school or out-of-school suspension. MSDE must collect specified data on each local school system’s use of alternative school discipline practices in a specified format.

MSDE must disaggregate information in every student discipline report by race, ethnicity, gender, disability status, and English language proficiency for the State, each local school system, and each public school. Discipline data must also be available in a spreadsheet format for specified data sets. Special education-related data in any report prepared by MSDE must be disaggregated by race, ethnicity, and gender.

In developing the standardized training practices, MSDE must (1) study national best practices for training and deploying school security personnel; (2) consult with the Maryland Police Academy, the Maryland Police Training and Standards Commission, the Maryland Association of School Resource Officers, and the Maryland Center for School Safety; and (3) consult with organizations that are involved in work relating to conflict resolution and dispute settlement.

**Current Law:** The State Board of Education must establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards. It must also assist each local school board with implementing the guidelines. Each local school board must adopt regulations designed to create and maintain within schools the atmosphere of order and discipline necessary for effective learning. The regulations must provide for educational and behavioral interventions, counseling, and student and parent conferencing. They must also provide alternative programs.

The Maryland Longitudinal Data System (MLDS), established in statute, is a statewide system that contains individual-level student data and workforce data from all levels of education and the State’s workforce. Student data in the system may *not* include juvenile

delinquency data, criminal records, medical and health records, and *discipline records*. The federal Family Educational Rights and Privacy Act requires that disclosure avoidance strategies must be implemented to prevent unauthorized release of information about individual students. MSDE suppresses all records for a population size of 10 or fewer, so disaggregating discipline data to the school level seldom yields useful data.

**Background:** The Guidelines were last updated in 2014. MSDE publishes annual reports on suspensions and expulsions in public schools; much of the data in the reports is disaggregated at the State and local school system levels and by race/ethnicity and disability status.

Baltimore City Public Schools has its own school police force that provides security services to the entire school district, or approximately 180 school locations within Baltimore City. The budget of the school police force totaled \$8.5 million in fiscal 2016 and \$7.2 million in fiscal 2017. The school police force currently employs 105 officers.

Some other local school systems have memorandums of understanding with local law enforcement agencies to have specially trained officers, known as school resource officers, in schools. In 2016, MSDE reported that there were 305 school resource officers in the State. It is unknown how many, if any, other school security personnel may be employed by local school systems.

**State Fiscal Effect:** The data required to be collected by the bill and the level of disaggregation required by the bill exceeds current practices by MSDE. Moreover, MSDE must develop standardized training practices for school security personnel. Implementing both of these requirements necessitates additional staff to develop data collection and reporting processes and to develop the training practices. It is assumed that after two years, the training practices will have been completed and data collection and reporting processes can be incorporated into existing practices. Therefore, a contractual staff person is required for two years.

General fund expenditures by MSDE increase by \$54,752 in fiscal 2018, which accounts for a 90-day start-up delay from the bill's July 1, 2017 effective date.

MSDE has determined that 1.0 regular full-time position is needed to implement this bill. However, the Department of Legislative Services advises that the added responsibilities incurred by this legislation are not permanent and, thus, may be performed by a contractual employee. This estimate reflects the cost of hiring one specialist to manage the data collection and reporting requirements and to manage the development of the standardized training program for school safety personnel. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$49,643
Operating Expenses	<u>5,109</u>
<b>Total FY 2018 State Expenditures</b>	<b>\$54,752</b>

Fiscal 2019 expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses. The contractual position terminates in fiscal 2020.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

**Local Fiscal Effect:** The bill requires local school systems to implement MSDE’s standardized training practices for all school security personnel by July 1, 2019. The cost of the training cannot be determined until MSDE adopts the standardized training practices. However, MSDE advises that one model of a training program previously used by MSDE costs approximately \$1,500 for one class of 30 participants for an eight-hour training program. Materials cost an additional \$20 per person, resulting in a total cost of approximately \$70 per participant for the training.

The largest impact may be on Baltimore City schools, which employ 105 police officers. Statewide there are an additional 305 school resource officers. There may be other school security personnel that require training depending on the practices implemented by MSDE.

**Additional Comments:** MSDE advises that the bill’s requirements that disaggregated discipline data be reported in spreadsheet format for MLDS conflicts with current law, which prohibits the inclusion of discipline data in MLDS.

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Montgomery County; Maryland State Department of Education; Maryland Higher Education Commission; Department of Public Safety and Correctional Services; Department of Legislative Services

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