

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 1287

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

Ways and Means

Education, Health, and Environmental Affairs

Commission on the School-to-Prison Pipeline and Restorative Practices

This bill establishes the Commission on the School-to-Prison Pipeline and Restorative Practices, staffed by the Center for Dispute Resolution at the University of Maryland School of Law. Members of the commission are not entitled to compensation but may be reimbursed for their expenses. The Maryland State Department of Education (MSDE) must brief the commission on specific school discipline topics. The commission must report its findings and recommendations to the Governor and General Assembly by January 1, 2019.

The bill takes effect July 1, 2017, and terminates June 30, 2019.

Fiscal Summary

State Effect: None. The University of Maryland School of Law can staff the commission and provide expense reimbursements with existing budgeted resources. MSDE can brief the commission on specified topics with existing budgeted resources. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines “restorative practices” to mean a whole school ethos or culture comprising principles and practices that (1) support peacemaking and solve conflict by building a community and addressing harm in a school setting; (2) are conducted by

trained staff; and (3) focus on repairing the harm to the community through dialogue that emphasizes individual accountability and helps build a sense of belonging, safety, and social responsibility in the school community.

The commission must:

- study and analyze the current disciplinary practices in Maryland public schools;
- investigate potential implementation options regarding incorporating restorative practices;
- document the relationships between educational histories of Maryland students, including suspensions, expulsions, retention rates, and dropout rates;
- examine national best practices for training of administrators, teachers, principals, and other personnel in restorative practices and eliminating the school-to-prison pipeline; and
- examine national best practices for engaging parents in restorative practices and eliminating the school-to-prison pipeline.

By October 1, 2017, MSDE must brief the commission on specified data related to disciplinary practices in schools, the behaviors for which students were disciplined, and each local school system's Code of Conduct and discipline policies.

The commission must make recommendations on:

- establishing a Collaborative Action Plan that could create a statewide framework for redesigning public school discipline practices;
- legislative and policy initiatives that can be utilized to enact the plan; and
- any additional findings of the commission.

Current Law/Background: 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. MSDE has published the Maryland Guidelines for a State Code of Discipline, which were last updated in 2014. MSDE 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.

Suspension and Expulsion

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days; there is no exemption for students in public prekindergarten, kindergarten, or first or second grades. The principal must provide the suspended student and the student's parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher or teachers who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parents or guardians.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher's classroom.

During the 2015-16 school year, 4.3% of students in Maryland's public schools were subject to out-of-school suspensions or expulsion, a figure that, except for the most recent year, has declined steadily each year since the 2006-07 school year, when it was 9.0%.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; University System of Maryland; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2017
md/rhh Third Reader - March 21, 2017
Enrolled - May 10, 2017

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510