

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1407
Ways and Means

(Delegate Morgan, *et al.*)

Primary and Secondary Education – Student Discipline
(Right to Teach Act of 2020)

This bill authorizes a public school teacher to send a student to the school administration, a guidance counselor, or an established de-escalation area under specified conditions related to the student’s behavior. Students sent to the school administration may be (1) placed in another classroom; (2) placed in in-school suspension; (3) placed in an alternative program; or (4) prohibited or limited from attending or participating in school-sponsored or school-related activities. If a student commits a “reportable offense” under current law, the school administration must meet with the student’s parent or guardian to develop an appropriate plan. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: None. The bill pertains to local school systems.

Local Effect: None. The bill is generally procedural in nature and has no effect on local school system finances.

Small Business Effect: None.

Analysis

Bill Summary: Public school teachers may refer a student to the school administration, a guidance counselor, or a de-escalation area if the student (1) has repeatedly interfered with the teacher’s ability to maintain a conducive learning environment for all students or (2) exhibits behavior that is unruly, disruptive, or abusive and the behavior interferes with the teacher’s ability to maintain a conducive learning environment. Teachers who refer

students as described must document the student's behavior and submit documentation of the behavior to the school administration.

A student who is removed from a classroom while still being provided alternative educational resources may not be considered removed from the classroom for purposes of reporting alternative school discipline practices under current law.

Current Law/Background:

Student Discipline and Alternative Programs

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. The guidelines were last updated in 2014. The State Board must also (1) upon request, provide technical assistance and training to local school boards on the use of restorative practices and (2) 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 local regulations must state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational. They must also provide for educational and behavioral interventions, restorative approaches, counseling, student and parent conferencing, and alternative programs.

Each local school system must provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption. Each local school system is authorized to establish special programs for students in the public school system who exhibit disruptive classroom behavior. Two or more local school systems may establish joint programs.

The Maryland State Department of Education (MSDE) must collect data on alternative school discipline practices in public schools for each local school system, including (1) the types of alternative school discipline practices that are used in a local school system and (2) the type of misconduct for which an alternative discipline practice is used. Also, MSDE must disaggregate the information in any MSDE student discipline data report by race, ethnicity, gender, disability status, eligibility for free or reduced-price meals or an equivalent measure of socioeconomic status, and English language proficiency for (1) the State; (2) each local school system; and (3) each public school. Special education-related data in any such report must be disaggregated by race, ethnicity, and gender.

During the 2018-2019 school year, 7,905 students (0.9% of total enrollment) were suspended in school a total of 11,868 times. In addition, 40,393 students (4.7%) were subject to out-of-school suspension or expulsion a total of 67,550 times.

Reportable Offenses

Statutory provisions set forth requirements relating to the sharing of information regarding juveniles who have been arrested for “reportable offenses.” Reportable offenses include specified violent crimes and various gang-, weapons-, drug-, theft-, and intimidation-related charges; malicious destruction of property; second-degree assault; and auto theft.

If a student is arrested for a reportable offense or an offense related to the student’s membership in a criminal gang, the law enforcement agency making the arrest must notify, within 24 hours of an arrest or as soon as practicable, the local superintendent and the school principal. A school security officer must also be notified, for a school with such an officer. The State’s Attorney must promptly notify either the local superintendent or the school principal of the disposition of such offenses.

Except by order of a juvenile court or other court on good cause shown, such information is confidential and may not be redisclosed by subpoena or otherwise and may not be part of the student’s permanent educational record. However, a local superintendent or school principal is not prohibited from transmitting this information as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has been enrolled or transferred if the disposition of the reportable offense was a conviction or an adjudication of delinquency or if the criminal charge or delinquency petition is still pending. Information received from the Department of Juvenile Services may also be transmitted.

The State Board of Education must adopt regulations to ensure that the information obtained is (1) used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment and (2) transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out this purpose. The regulations must ensure that the appropriate educational programming and related services referenced in item (1) be for the social, emotional, and academic development of the student. They must also ensure that the information is destroyed when the student graduates or otherwise permanently leaves school or reaches age 22, whichever occurs first.

“School principal” includes the principal of a nonpublic school. A “local superintendent” includes the superintendent of schools for the Archdiocese of Baltimore or Washington and the Catholic Diocese of Wilmington.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Center for School Safety; Department of Legislative Services

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mr/rhh

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