

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1468  
Ways and Means

(Delegate Long, *et al.*)

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Education - Student Behavior - Parent Notice and Required Counseling (Parent  
Accountability Act)

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This bill makes it unlawful for a parent or guardian who is notified regarding their child's violent and disruptive behavior by a public school to fail to seek and participate in counseling with the child. A parent or guardian convicted of failing to seek and participate in the required counseling may be ordered by the court to perform community service. A public school must provide written notification to a parent or guardian of a child who engages in two or more incidents of violent or disruptive behavior on school premises or during school-related activities during a school year. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** As the bill establishes a new criminal offense, the bill may have an operational effect on the Judiciary, but otherwise does not materially affect State finances.

**Local Effect:** Local school systems can implement the bill's requirements with existing resources. No effect on local revenues.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The written notification to the parent or guardian must:

- advise the parent or guardian that failure to seek and participate in counseling with the student is unlawful and has potential consequences;

- include referrals to community resources and other appropriate counseling services; and
- include information regarding any special programs that each local school system is required by statute to establish for public school students who exhibit disruptive classroom behavior.

**Current Law:** 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.

### *Suspension and Expulsion in General*

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. 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(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parent or guardian.

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.

### *Discipline Guidelines*

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.

### *Juvenile Court*

With specified exceptions, the juvenile court generally has exclusive original jurisdiction over a child (under age 18) alleged to be a delinquent child, alleged to be in need of supervision, who has received a citation for a violation, who is the respondent in a peace order proceeding, or when a proceeding arises under the Interstate Compact on Juveniles.

In addition, the juvenile court has concurrent jurisdiction over adults (1) over proceedings against an adult for the violation of State law making it unlawful for an adult willfully to encourage, cause or tend to cause any act, omission, or condition which results in a violation that renders a child delinquent or in need of supervision and (2) with the District Court in any criminal case arising under the compulsory public school attendance laws.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland Center for School Safety; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2020  
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