By: Delegate Ebersole
Introduced and read first time: January 29, 2021
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Education – Student–Organized Peaceful Demonstrations – Student Discipline and Policy

FOR the purpose of prohibiting a public school from prohibiting a student from organizing or participating in a student–organized peaceful demonstration or imposing certain limits on a student’s right to free speech during a certain demonstration, subject to certain limitations; authorizing a public school to impose certain limitations on a student–organized peaceful demonstration under certain circumstances; prohibiting a public school from disciplining a student for engaging in a student–organized peaceful demonstration under certain circumstances; prohibiting a school from imposing a disciplinary action on a certain student that is greater than the consequence for an unlawfully absent student under certain circumstances; requiring each county board of education to develop a certain written policy; providing for the application of this Act; defining a certain term; and generally relating to student–organized peaceful demonstrations and student discipline.

BY adding to
Article – Education
Section 7–312
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Education

7–312.

(A) (1) IN THIS SECTION, “STUDENT–ORGANIZED PEACEFUL
DEMONSTRATION” means a nonviolent demonstration intended to express the viewpoint of a student.

(2) “Student–organized peaceful demonstration” does not include a demonstration that incites a student to:

(I) create a clear and present danger to the health, safety, or welfare of the school community; or

(II) commit an unlawful or dangerous act.

(B) This section applies to a student–organized peaceful demonstration that occurs:

(1) on school property;

(2) at a school–sponsored activity or event; or

(3) on a school bus.

(C) (1) Subject to paragraph (2) of this subsection, a public school may not:

(I) prohibit a student from organizing or participating in a student–organized peaceful demonstration; or

(II) impose limits that substantially inhibit a student’s right to free speech while participating in a student–organized peaceful demonstration.

(2) A school may impose reasonable limitations on the time and place of a student–organized peaceful demonstration in order to:

(I) protect the health, safety, and welfare of students and school personnel; and

(II) minimize disruption to the educational environment.

(D) A public school may not discipline a student for organizing or participating in a student–organized peaceful demonstration if:

(1) the school administration is notified of a student’s
INTENT TO ENGAGE IN A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION AT LEAST 48 HOURS IN ADVANCE OF THE DEMONSTRATION; AND

(2) THE STUDENT COMPLIES WITH THE WRITTEN POLICY ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION.

(E) IF A STUDENT DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION, A SCHOOL MAY NOT IMPOSE A DISCIPLINARY ACTION ON THE STUDENT THAT IS GREATER THAN THE CONSEQUENCE FOR AN UNLAWFULLY ABSENT STUDENT.

(F) (1) EACH COUNTY BOARD SHALL DEVELOP A WRITTEN POLICY REGARDING STUDENT–ORGANIZED PEACEFUL DEMONSTRATIONS.

(2) THE POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL INCLUDE GUIDELINES FOR THE:

1. TIME AND PLACE OF A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION; AND

2. MANNER OF EXPRESSION BY A STUDENT PARTICIPATING IN A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION;

(II) SHALL DEFINE WHAT CONSTITUTES:

1. REASONABLE REQUIREMENTS LIMITING THE TIME AND PLACE OF A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION; AND

2. REASONABLE GUIDELINES FOR THE TIME, PLACE, AND MANNER OF EXPRESSION BY A STUDENT ENGAGING IN A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION; AND

(III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION, MAY INCLUDE LIMITATIONS ON LANGUAGE THAT HAS THE INTENT TO HARASS, THREATEN, OR INTIMIDATE OTHER PEOPLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.