

HOUSE BILL 495

F1
HB 753/21 – W&M

2lr2097
CF SB 519

By: **Delegates Ebersole, Feldmark, Hill, Luedtke, and Palakovich Carr**

Introduced and read first time: January 21, 2022

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2022

CHAPTER _____

1 AN ACT concerning

2 **Education – Student–Organized Peaceful Demonstrations – Student Discipline**
3 **and Policy**

4 FOR the purpose of prohibiting a public school from prohibiting a student from organizing
5 or participating in a student–organized peaceful demonstration, imposing certain
6 limits on a student’s right to free speech while participating in a student–organized
7 peaceful demonstration, or disciplining a student for organizing or participating in a
8 student–organized peaceful demonstration under certain circumstances; requiring
9 each county board of education to develop a written policy regarding
10 student–organized peaceful demonstrations; and generally relating to
11 student–organized peaceful demonstrations and student discipline.

12 BY adding to
13 Article – Education
14 Section 7–311
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)

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

19 **Article – Education**

20 **7–311.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) (1) IN THIS SECTION, “STUDENT-ORGANIZED PEACEFUL**
2 **DEMONSTRATION” MEANS A NONVIOLENT DEMONSTRATION INTENDED TO EXPRESS**
3 **THE VIEWPOINT OF A STUDENT.**

4 **(2) “STUDENT-ORGANIZED PEACEFUL DEMONSTRATION” DOES NOT**
5 **INCLUDE A DEMONSTRATION THAT INCITES A STUDENT TO:**

6 **(I) CREATE A CLEAR AND PRESENT DANGER TO THE HEALTH,**
7 **SAFETY, OR WELFARE OF THE SCHOOL COMMUNITY; OR**

8 **(II) COMMIT AN UNLAWFUL OR DANGEROUS ACT.**

9 **(B) THIS SECTION APPLIES TO A STUDENT-ORGANIZED PEACEFUL**
10 **DEMONSTRATION THAT OCCURS:**

11 **(1) ON SCHOOL PROPERTY;**

12 **(2) AT A SCHOOL-SPONSORED ACTIVITY OR EVENT; OR**

13 **(3) ON A SCHOOL BUS.**

14 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC**
15 **SCHOOL MAY NOT:**

16 **(I) PROHIBIT A STUDENT FROM ORGANIZING OR**
17 **PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION; OR**

18 **(II) IMPOSE LIMITS THAT SUBSTANTIALLY INHIBIT A STUDENT’S**
19 **RIGHT TO FREE SPEECH WHILE PARTICIPATING IN A STUDENT-ORGANIZED**
20 **PEACEFUL DEMONSTRATION.**

21 **(2) A SCHOOL MAY IMPOSE REASONABLE LIMITATIONS ON THE TIME**
22 **AND PLACE OF A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION IN ORDER TO:**

23 **(I) PROTECT THE HEALTH, SAFETY, AND WELFARE OF**
24 **STUDENTS AND SCHOOL PERSONNEL; AND**

25 **(II) MINIMIZE DISRUPTION TO THE EDUCATIONAL**
26 **ENVIRONMENT.**

27 **(D) A PUBLIC SCHOOL MAY NOT DISCIPLINE A STUDENT FOR ORGANIZING**
28 **OR PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION IF:**

1 **(1) THE SCHOOL ADMINISTRATION IS NOTIFIED OF A STUDENT’S**
2 **INTENT TO ENGAGE IN A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION AT**
3 **LEAST 48 HOURS IN ADVANCE OF THE DEMONSTRATION; AND**

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

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

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

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

14 **(I) SHALL INCLUDE GUIDELINES FOR:**

15 **1. THE TIME AND PLACE OF A STUDENT–ORGANIZED**
16 **PEACEFUL DEMONSTRATION; AND**

17 **2. THE MANNER OF EXPRESSION BY A STUDENT**
18 **PARTICIPATING IN A STUDENT–ORGANIZED PEACEFUL DEMONSTRATION;**

19 **(II) SHALL DEFINE WHAT CONSTITUTES:**

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2022.