

HOUSE BILL 495

F1
HB 753/21 – W&M

2lr2097
CF 2lr2098

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

Introduced and read first time: January 21, 2022

Assigned to: Ways and Means

A BILL ENTITLED

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.**

21 **(A) (1) IN THIS SECTION, “STUDENT–ORGANIZED PEACEFUL**
22 **DEMONSTRATION” MEANS A NONVIOLENT DEMONSTRATION INTENDED TO EXPRESS**
23 **THE VIEWPOINT OF A STUDENT.**

24 **(2) “STUDENT–ORGANIZED PEACEFUL DEMONSTRATION” DOES NOT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INCLUDE A DEMONSTRATION THAT INCITES A STUDENT TO:

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

4 (II) COMMIT AN UNLAWFUL OR DANGEROUS ACT.

5 (B) THIS SECTION APPLIES TO A STUDENT-ORGANIZED PEACEFUL
6 DEMONSTRATION THAT OCCURS:

7 (1) ON SCHOOL PROPERTY;

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

9 (3) ON A SCHOOL BUS.

10 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC
11 SCHOOL MAY NOT:

12 (I) PROHIBIT A STUDENT FROM ORGANIZING OR
13 PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION; OR

14 (II) IMPOSE LIMITS THAT SUBSTANTIALLY INHIBIT A STUDENT'S
15 RIGHT TO FREE SPEECH WHILE PARTICIPATING IN A STUDENT-ORGANIZED
16 PEACEFUL DEMONSTRATION.

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

19 (I) PROTECT THE HEALTH, SAFETY, AND WELFARE OF
20 STUDENTS AND SCHOOL PERSONNEL; AND

21 (II) MINIMIZE DISRUPTION TO THE EDUCATIONAL
22 ENVIRONMENT.

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

25 (1) THE SCHOOL ADMINISTRATION IS NOTIFIED OF A STUDENT'S
26 INTENT TO ENGAGE IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION AT
27 LEAST 48 HOURS IN ADVANCE OF THE DEMONSTRATION; AND

28 (2) THE STUDENT COMPLIES WITH THE WRITTEN POLICY

1 ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION.

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

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

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

10 (I) SHALL INCLUDE GUIDELINES FOR:

11 1. THE TIME AND PLACE OF A STUDENT-ORGANIZED
12 PEACEFUL DEMONSTRATION; AND

13 2. THE MANNER OF EXPRESSION BY A STUDENT
14 PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION;

15 (II) SHALL DEFINE WHAT CONSTITUTES:

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2022.