SENATE BILL 941

By: Senator Hough
Introduced and read first time: February 13, 2022
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

State Superintendent of Schools – Authority for Investigations – Local School Systems

FOR the purpose of authorizing the State Superintendent of Schools to investigate a local school system for certain violations of law under certain circumstances; authorizing the State Superintendent to take certain actions relating to an investigation of a local school system; and generally relating to the State Superintendent of Schools and investigations of local school systems.

BY repealing and reenacting, without amendments,
Article – Education
Section 2–303(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Education
Section 2–303(l)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

2–303.

(a) In addition to the other powers granted and duties imposed under this article, the State Superintendent has the powers and duties set forth in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
Brackets indicate matter deleted from existing law.
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(L) (1) The State Superintendent may conduct an investigation of a local school system:

(i) If the State Superintendent determines that a local school system is using physical restraint and seclusion on an excessive number of students in special education programs; or

(ii) In response to a complaint submitted to the Department concerning an alleged violation of:

1. The civil rights of a student or school personnel; or

2. Requirements imposed on the local school system by:

   A. State or federal law or regulation; or

   B. A court order.

(2) If the State Superintendent opens an investigation under paragraph (1) of this subsection, the State Superintendent shall:

   (i) Provide public notice to the applicable county board regarding the reason for the investigation;

   (ii) Require the county board to hold a public hearing to notify the public of:

       1. The reason for the investigation;

       2. Expectations of the Department regarding improvements by the local school system; and

       3. Potential interventions and sanctions that the State Superintendent may impose on the local school system if the local school system fails to correct the issue that is the reason for the investigation;

   (iii) Require the chair of the county board and the county superintendent to appear before the State Superintendent or the State Superintendent’s designee to identify:
1. **THE REASON OR REASONS FOR THE ALLEGED VIOLATION; AND**

2. **PLANS TO CORRECT THE VIOLATION; AND**

(IV) **APPOINT AN INDIVIDUAL FROM THE DEPARTMENT TO MONITOR THE LOCAL SCHOOL SYSTEM AND REPORT TO THE STATE SUPERINTENDENT ON ACTIONS TAKEN BY THE LOCAL SCHOOL SYSTEM TO REMEDY THE VIOLATION THAT IS THE SUBJECT OF THE INVESTIGATION.**

(3) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE STATE SUPERINTENDENT SHALL PUBLISH THE FINDINGS OF THE INVESTIGATION ON THE DEPARTMENT’S WEBSITE.**

(II) **BEFORE PUBLICATION OF THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE SUPERINTENDENT MAY:**

1. **CLOSE THE INVESTIGATION; OR**

2. **DEFER FURTHER ACTION UNTIL A LATER DATE DETERMINED BY THE STATE SUPERINTENDENT.**

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