

Chapter 671

(House Bill 185)

AN ACT concerning

**Nonpublic Schools and Child Care Providers – Corporal Punishment –
Prohibition**

FOR the purpose of requiring the State Board of Education, as part of a certain plan, to identify methods for finding and eliminating instances of corporal punishment administered to discipline a student; prohibiting the State Board from issuing a certificate of approval to certain noncollegiate educational institutions that do not have a policy prohibiting certain personnel at the institution from administering corporal punishment to discipline a student at the institution; requiring regulations adopted by the State Board for the registration of family child care homes and large family child care homes and the licensing and operation of child care centers to prohibit the administration of corporal punishment to discipline a child; and generally relating to the prohibition of corporal punishment in nonpublic schools and by child care providers.

BY repealing and reenacting, with amendments,

Article – Education

Section 2–205(q), 2–206(e), 9.5–303(c)(10) and (11), and 9.5–404(b)(3)

Annotated Code of Maryland

(2022 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education

Section 2–206(a), 7–306(b), 9.5–303(a) and (b), and 9.5–404(a)

Annotated Code of Maryland

(2022 Replacement Volume)

BY adding to

Article – Education

Section 9.5–303(c)(12)

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Education

2–205.

(q) (1) The State Board shall coordinate the overall growth and development of elementary and secondary education in this State.

(2) In consultation with the State Superintendent, the State Board shall develop and periodically update an overall plan consistent with the bylaws that shall identify:

(i) The present and future needs of elementary and secondary education throughout the State, including a discussion of the demographic composition of the elementary and secondary population;

(ii) The present and future capabilities of the public elementary and secondary education system in this State;

(iii) The short-range and long-range objectives and priorities for elementary and secondary education and methods and timelines for achieving and maintaining them;

(iv) Whether current programs adequately prepare graduates for employment opportunities in this State, or postsecondary education opportunities;

(v) The status and needs of the career and technology education program, the vocational rehabilitation program, and the library system of these programs;

(vi) The technological advancements that would enhance elementary and secondary education throughout the State;

(vii) Methods to upgrade and improve teacher education and teacher certification programs;

(viii) The school systems that have dropped below the statewide test averages and shall assess the options available to improve the test averages of these school systems;

(ix) The methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students;

(x) The methods to increase the rate of retention and graduation of secondary school students;

(xi) The short-range and long-range objectives for the resolution of the problem of substance abuse by elementary and secondary school students; **[and]**

(xii) The short-range and long-range objectives for the resolution of the problems of youth and teenage pregnancy; **AND**

(XIII) METHODS TO FIND AND ELIMINATE ANY INSTANCE OF CORPORAL PUNISHMENT ADMINISTERED TO DISCIPLINE ANY STUDENT IN THE STATE.

2–206.

(a) In this section, “noncollegiate educational institution” means a school or other institution that offers an educational program but is not an institution of postsecondary education, as defined in § 10–101 of this article.

(e) (1) A noncollegiate educational institution may not operate in this State without a certificate of approval from the State Board.

(2) The State Board shall issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:

(i) The purposes of the institution;

(ii) The programs, training, and courses to be taught by the institution; and

(iii) The certificates and diplomas to be issued by it.

(3) The State Board may not issue a certificate of approval to an institution that [practices]:

(I) **PRACTICES** discrimination based on race, color, or national origin; **OR**

(II) **DOES NOT HAVE A POLICY PROHIBITING A PRINCIPAL, VICE PRINCIPAL, OR ANY OTHER EMPLOYEE OF THE INSTITUTION FROM ADMINISTERING CORPORAL PUNISHMENT TO DISCIPLINE A STUDENT.**

(4) This subsection does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. However, an institution that does not have a certificate of approval from the State Board may not receive State funds, except that an institution operated by a bona fide church organization is not required to have a certificate to receive State funds for eligible students in the food service program who are enrolled in nursery school through the eighth grade.

7–306.

(b) Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

9.5–303.

(a) The State Board shall adopt regulations that relate to the registration of family child care homes and large family child care homes.

(b) So far as practicable, the regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of child care.

(c) At a minimum, the regulations shall provide for:

(10) A requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:

(i) Basic first aid training through the American Red Cross or through a program with equivalent standards; and

(ii) Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; [and]

(11) (i) A requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9–410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and

(ii) A requirement that the notice sent by the family child care home or large family child care home shall:

1. Be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;

2. Be in writing;

3. Identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and

4. Describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption; **AND**

(12) A REQUIREMENT THAT A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT TO DISCIPLINE A CHILD.

9.5-404.

(a) The State Board shall adopt rules and regulations for licensing and operating child care centers.

(b) These rules and regulations shall:

(3) Ensure the health of children in child care centers by:

(i) Monitoring children for signs and symptoms of child abuse;

(ii) Instructing licensees and staff concerning child abuse detection and reporting;

(iii) Monitoring health practices to help prevent the spread of disease; [and]

(iv) Monitoring the care of infants and children with special needs; **AND**

(V) PROHIBITING THE ADMINISTRATION OF CORPORAL PUNISHMENT TO DISCIPLINE A CHILD;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 16, 2023.