

# HOUSE BILL 185

F1, F5

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By: **Delegates Ebersole, Acevero, Allen, Attar, Feldmark, Guyton, McCaskill, Palakovich Carr, Pasteur, Pruski, Ruth, and Solomon**

Introduced and read first time: January 18, 2023

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: February 21, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 2–205(q), 2–206(e), 9.5–303(c)(10) and (11), and 9.5–404(b)(3)  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume)

20 BY repealing and reenacting, without amendments,  
21 Article – Education  
22 Section 2–206(a), 7–306(b), 9.5–303(a) and (b), and 9.5–404(a)

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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 Annotated Code of Maryland  
2 (2022 Replacement Volume)

3 BY adding to  
4 Article – Education  
5 Section 9.5–303(c)(12)  
6 Annotated Code of Maryland  
7 (2022 Replacement Volume)

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

10 **Article – Education**

11 2–205.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 2-206.

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

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

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

25 (i) The purposes of the institution;

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

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

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

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

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

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

10 7-306.

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

14 9.5-303.

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

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

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

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

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

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

29                   (11) (i) A requirement that a family child care home or large family child  
30 care home that receives notice of a contaminated drinking water supply from the family  
31 child care home's or large family child care home's supplier of water, in accordance with §  
32 9-410 of the Environment Article or otherwise, send notice of the drinking water  
33 contamination to the parent or legal guardian of each child attending the family child care  
34 home or large family child care home; and

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

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

6 2. Be in writing;

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

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

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

16 9.5-404.

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

19 (b) These rules and regulations shall:

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

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

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

24 (iii) Monitoring health practices to help prevent the spread of disease;

25 [and]

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

27 AND

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2023.