

HOUSE BILL 171

F1
HB 328/20 – W&M

(PRE-FILED)

1lr0988

By: **Delegate Washington**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: February 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Department of Education – School Discipline – Data Collection**

3 FOR the purpose of requiring the State Department of Education to disaggregate certain
4 discipline-related data in an electronic spreadsheet format for the Department's
5 website; requiring certain discipline-related data to be available as a data download;
6 requiring the Department to provide certain discipline-related data to the public in
7 an accessible electronic spreadsheet format; requiring the Department to report
8 certain information to the Governor and the General Assembly each year; requiring
9 the Department to lower a risk ratio used to identify a school's disproportional
10 disciplinary practices; requiring the Department to report disproportionality data for
11 high-suspending schools; requiring the Department to include certain schools and
12 programs in a calculation of disproportionality data; defining a certain term; and
13 generally relating to the collection of discipline-related data by the State
14 Department of Education.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 7–306
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2020 Supplement)

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

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.



Article – Education

7–306.

(a) (1) In this section, “restorative approaches” means a relationship–focused student discipline model that:

(i) Is preventive and proactive;

(ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well–being of the school community;

(iii) In response to behavior that violates the clear behavioral expectations that contribute to the well–being of the school community, focuses on accountability for any harm done by the problem behavior; and

(iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

(2) “Restorative approaches” may include:

(i) Conflict resolution;

(ii) Mediation;

(iii) Peer mediation;

(iv) Circle processes;

(v) Restorative conferences;

(vi) Social emotional learning;

(vii) Trauma–informed care;

(viii) Positive behavioral intervention supports; and

(ix) Rehabilitation.

(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.

(c) The State Board shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;

(2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and

(3) Assist each county board with the implementation of the guidelines.

(d) (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

(e) (1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

(i) The State;

(ii) Each local school system; and

(iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE-RELATED DATA AS A DATA DOWNLOAD ON THE DEPARTMENT'S WEBSITE AT THE STATE LEVEL, LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.

(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE DEPARTMENT'S WEBSITE DATA, DISAGGREGATED BY GRADE LEVEL, RACE, ETHNICITY, DISABILITY STATUS, INCLUDING A STUDENT'S 504 PLAN OR INDIVIDUALIZED EDUCATION PROGRAM, SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY DISPROPORTIONAL DISCIPLINARY PRACTICES OF:

(I) A LOCAL SCHOOL SYSTEM; OR

(II) A PUBLIC SCHOOL.

(3) ON OR BEFORE AUGUST 1, 2022, AND EACH AUGUST 1 THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(G) (1) IN THIS SUBSECTION, "HIGH-SUSPENDING" INCLUDES THE FOLLOWING SCHOOLS THAT SUSPEND STUDENTS IN EACH SUBGROUP DISAGGREGATED BY RACE, ETHNICITY, DISABILITY STATUS, AND ENGLISH LANGUAGE PROFICIENCY:

(I) AN ELEMENTARY SCHOOL THAT SUSPENDS 10% OR MORE OF ITS STUDENTS IN EACH SUBGROUP; AND

(II) A SECONDARY SCHOOL THAT SUSPENDS 25% OR MORE OF ITS STUDENTS IN EACH SUBGROUP.

(2) THE DEPARTMENT SHALL LOWER THE RISK RATIO AND STATE COMPARISON THRESHOLD USED FOR IDENTIFYING ACTION UNDER THE FEDERAL REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY FROM 3.0 TO 2.0.

(3) THE DEPARTMENT SHALL:

(I) REPORT THE DISPROPORTIONALITY DATA FOR ANY SCHOOL IDENTIFIED AS HIGH-SUSPENDING; AND

(II) INCLUDE ALTERNATIVE SCHOOLS AND PROGRAMS AND PUBLIC SEPARATE DAY SCHOOLS IN ANY CALCULATION OF DISPROPORTIONALITY DATA UNDER THIS PARAGRAPH.

[(f)] (H) (1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an

1 out-of-school suspension.

2 (2) The Department shall collect data on alternative school discipline
3 practices in public schools for each local school system, including:

4 (i) The types of alternative school discipline practices that are used
5 in a local school system; and

6 (ii) The type of misconduct for which an alternative discipline
7 practice is used.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.