

SENATE BILL 811

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3lr1557

By: **Senator A. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **School Discipline – Behavioral Health and Safety – Data Collection and School**
3 **Resource Officers**

4 FOR the purpose of requiring the State Department of Education to disaggregate certain
5 discipline-related data in an electronic spreadsheet format for the Department's
6 website, make the data available to the public, and report certain discipline-related
7 information each year; requiring the Department to maintain a certain risk ratio
8 used to identify a school's disproportional disciplinary practices and report
9 disproportionality data for high-suspending schools; requiring each county board of
10 education to develop a behavioral health and safety plan for schools where a school
11 resource officer is assigned or a school security employee is employed; requiring the
12 behavioral health and safety plan to meet certain requirements; requiring each
13 county board to update the behavioral health and safety plan each year; requiring a
14 public school, beginning on a certain date, to implement a behavioral health and
15 safety plan before hiring a school resource officer or school security employee;
16 prohibiting a school administrator or official or a school safety coordinator from
17 directing a school resource officer to enforce certain discipline-related policies, rules,
18 regulations, or procedures; prohibiting a school resource officer from unilaterally
19 enforcing certain discipline-related policies, rules, regulations, or procedures; and
20 generally relating to school resource officers and discipline of students.

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 7–306 and 7–1508
24 Annotated Code of Maryland
25 (2022 Replacement Volume)

26 BY adding to
27 Article – Education
28 Section 7–311
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2022 Replacement Volume)

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

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, 2024, 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 MAINTAIN A RISK RATIO AND STATE COMPARISON THRESHOLD OF 2.0 TO BE USED FOR IDENTIFYING ACTION UNDER THE FEDERAL REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY.

(3) THE DEPARTMENT SHALL:

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

(II) INCLUDE ALTERNATIVE SCHOOLS AND PROGRAMS AND

1 PUBLIC SEPARATE DAY SCHOOLS IN ANY CALCULATION OF DISPROPORTIONALITY
2 DATA UNDER THIS PARAGRAPH.

3 [(f)] (H) (1) In this subsection, “alternative school discipline practice” means
4 a discipline practice used in a public school that is not an in–school suspension or an
5 out–of–school suspension.

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

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

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

12 **7–311.**

13 (A) (1) ON OR BEFORE SEPTEMBER 1, 2024, EACH COUNTY BOARD SHALL
14 DEVELOP A BEHAVIORAL HEALTH AND SAFETY PLAN TO BE USED BY EACH PUBLIC
15 SCHOOL WHERE A SCHOOL RESOURCE OFFICER IS ASSIGNED OR A SCHOOL
16 SECURITY EMPLOYEE IS EMPLOYED.

17 (2) THE BEHAVIORAL HEALTH AND SAFETY PLAN SHALL INCLUDE
18 METRICS TO MEASURE AND STEPS FOR IMPROVEMENT IN:

19 (I) THE NUMBER OF STUDENTS WHO HAVE ACCESS TO
20 BEHAVIORAL AND MENTAL HEALTH SUPPORTS;

21 (II) REFERRALS TO MENTAL HEALTH SERVICES WHEN A
22 STUDENT IS EXPERIENCING A CRISIS;

23 (III) THE USE OF RESTORATIVE APPROACHES IN ADDRESSING
24 STUDENT MISCONDUCT;

25 (IV) THE USE OF TRAUMA-INFORMED APPROACHES TO
26 ADDRESS A STUDENT IN DISTRESS;

27 (V) THE NUMBER OF SCHOOL–BASED ARRESTS;

28 (VI) THE NUMBER OF SUSPENSIONS;

29 (VII) REFERRALS TO THE DEPARTMENT OF JUVENILE
30 SERVICES; AND

(VIII) THE NUMBER OF EXPULSIONS FOR NONVIOLENT BEHAVIOR.

(3) EACH YEAR, EACH COUNTY BOARD SHALL UPDATE THE BEHAVIORAL HEALTH AND SAFETY PLAN BASED ON CURRENT EVIDENCE-BASED BEHAVIORAL HEALTH PRACTICES.

(B) BEGINNING SEPTEMBER 1, 2024, A PUBLIC SCHOOL SHALL IMPLEMENT A BEHAVIORAL HEALTH AND SAFETY PLAN BEFORE HIRING A SCHOOL RESOURCE OFFICER OR SCHOOL SECURITY EMPLOYEE.

7-1508.

(a) (1) Each local school system shall designate a school safety coordinator.

(2) A designated school safety coordinator shall:

(i) Be certified by the Center; and

(ii) Serve as a liaison between the local school system, the local law enforcement agency, and the Center.

(B) (1) A SCHOOL ADMINISTRATOR OR OFFICIAL OR A SCHOOL SAFETY COORDINATOR MAY NOT DIRECT A SCHOOL RESOURCE OFFICER TO ENFORCE DISCIPLINE-RELATED SCHOOL POLICIES, RULES, REGULATIONS, OR PROCEDURES.

(2) A SCHOOL RESOURCE OFFICER MAY NOT UNILATERALLY ENFORCE DISCIPLINE-RELATED SCHOOL POLICIES, RULES, REGULATIONS, OR PROCEDURES.

[(b)] (C) (1) (i) On or before September 1, 2018, the Center, in consultation with local school systems, shall:

1. Develop a specialized curriculum for use in training of school resource officers and school security employees; and

2. Submit the curriculum to the Maryland Police Training and Standards Commission for approval.

(ii) The specialized curriculum developed under this subsection shall include training in:

1. De-escalation;

2. Disability awareness;

1 3. Maintaining a positive school climate;

2 4. Constructive interactions with students; [and]

3 5. Implicit bias and disability and diversity awareness with
4 specific attention to racial and ethnic disparities; AND

5 **6. PROHIBITED CONDUCT.**

6 (iii) 1. The specialized curriculum developed under this
7 subsection may not go into effect until it is approved by the Maryland Police Training and
8 Standards Commission.

9 2. If the Maryland Police Training and Standards
10 Commission does not initially approve the specialized curriculum, the Center shall amend
11 the curriculum until it meets with the Commission's approval.

12 (2) On or before March 1, 2019, the Center shall develop and submit to the
13 Maryland Police Training and Standards Commission for approval a model training
14 program that meets the requirements of the curriculum approved under paragraph (1) of
15 this subsection.

16 (3) Each local law enforcement agency shall:

17 (i) Enroll individuals assigned to be school resource officers in the
18 model training program developed by the Center under paragraph (2) of this subsection; or

19 (ii) 1. Submit to the Maryland Police Training and Standards
20 Commission for approval a training program that is consistent with the curriculum
21 developed under paragraph (1) of this subsection; and

22 2. Enroll individuals assigned to be school resource officers
23 in the training program developed under item 1 of this item.

24 (4) Beginning September 1, 2019, to be assigned as a school resource officer
25 an individual shall:

26 (i) Complete:

27 1. The model training program developed by the Center
28 under paragraph (2) of this subsection through instruction provided by the Center in
29 collaboration with the Maryland Police Training and Standards Commission; or

30 2. A local law enforcement agency's training program
31 developed under paragraph (3)(ii) of this subsection; and

(ii) Be certified by the Maryland Police Training and Standards Commission.

(5) Beginning September 1, 2019, to be employed as a school security employee at a public school, an individual shall complete:

(i) The model training program developed by the Center under paragraph (2) of this subsection through instruction provided by the Center in collaboration with the Maryland Police Training and Standards Commission; or

(ii) A local law enforcement agency's training program developed under paragraph (3)(ii) of this subsection.

[(c)] (D) The Center shall collect data regarding the school resource officers in each local school system, including:

(1) The number of full-time and part-time school resource officers assigned to each elementary school, middle school, and high school; and

(2) Any other local school system employees or local law enforcement officers who are fulfilling the role of a school resource officer.

[(d)] (E) (1) On or before December 15, 2018, the Center, in collaboration with local law enforcement agencies and local school systems, shall analyze the initial data collected under subsection **[(c)] (D)** of this section and develop guidelines to assist local school systems in:

(i) Identifying the appropriate number and assignment of school resource officers, including supplemental coverage by local law enforcement agencies; and

(ii) Collaborating and communicating with local law enforcement agencies.

(2) On or before July 1, 2019, each local school system, in consultation with local law enforcement agencies, shall:

(i) Develop a plan to implement the guidelines developed by the Center; and

(ii) Submit the plan to the Center for review and comment.

[(e)] (F) (1) Before the 2018–2019 school year begins, each local school system shall file a report with the Center identifying:

(i) The public high schools in the local school system's jurisdiction that have a school resource officer assigned to the school; and

(ii) If a public high school in the local school system's jurisdiction is not assigned a school resource officer, the adequate local law enforcement coverage that will be provided to the public high school.

(2) Beginning with the 2019–2020 school year, and each school year thereafter, before the school year begins, each local school system shall, in accordance with the plan developed under subsection [(d)(2)] **(E)(2)** of this section, file a report identifying:

(i) The public schools in the local school system's jurisdiction that have a school resource officer assigned to the school; and

(ii) If a public school in the local school system's jurisdiction is not assigned a school resource officer, the adequate local law enforcement coverage that will be provided to the public school.

(3) On or before October 1, 2018, and each October 1 thereafter, the Center shall submit a summary of the reports required under this subsection to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

[(f)] (G) Each local school system shall post on the school system's website information on the role and authority of school resource officers assigned to public schools within the school system.

[(g)] (H) (1) For fiscal year 2020 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$10,000,000 to the Fund for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting the requirements of subsection (e) of this section.

(2) Grants provided under this subsection shall be made to each local school system based on the number of schools in each school system in proportion to the total number of public schools in the State in the prior year.

[(h)] (I) (1) The Center shall collect data on incidents of use of force between:

(i) Any school resource officer and a student while a school resource officer is carrying out the officer's duties; and

(ii) Any school security employee and a student while the school security employee is carrying out the employee's duties.

(2) On or before December 1, 2020, and each December 1 thereafter, the Center shall submit a report on the data collected under paragraph (1) of this subsection for each jurisdiction, in accordance with federal and State law, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

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