

# SENATE BILL 766

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CF 9lr1269

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By: **Senator Smith**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Discipline – Restorative Approaches**

3 FOR the purpose of requiring a school principal to exhaust certain procedures before  
4 suspending or expelling a student; authorizing a principal to suspend or expel a  
5 student before exhausting certain procedures under certain circumstances; requiring  
6 a principal or a school administrator to promptly call certain individuals if a student  
7 is suspended or expelled; requiring certain conferences to incorporate the use of  
8 restorative approaches; requiring each county board of education to develop a  
9 multiyear plan for the adoption, implementation, and continued monitoring of  
10 restorative approaches to student discipline; providing for the contents of a certain  
11 plan; requiring certain regulations to state the purpose of certain disciplinary  
12 actions; defining certain terms; and generally relating to restorative approaches to  
13 student discipline.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 7–305 and 7–306  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2018 Supplement)

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

21 **Article – Education**

22 7–305.

23 **(A) IN THIS SECTION, “RESTORATIVE APPROACHES” HAS THE MEANING**  
24 **STATED IN § 7–306 OF THIS SUBTITLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A-1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
2 **BEFORE A PRINCIPAL MAY SUSPEND A STUDENT OR REQUEST AN EXPULSION OF A**  
3 **STUDENT UNDER SUBSECTION (A-2) OR (C) OF THIS SECTION, THE PRINCIPAL SHALL**  
4 **DEMONSTRATE THAT RESTORATIVE APPROACHES AND REHABILITATIVE, SPECIAL**  
5 **EDUCATION, OR OTHER SUPPORTIVE SERVICE INTERVENTIONS WERE**  
6 **IMPLEMENTED.**

7           **(2) A PRINCIPAL MAY SUSPEND A STUDENT FOR UP TO 10 DAYS**  
8 **UNDER SUBSECTION (A-2) OF THIS SECTION OR MAY REQUEST A SUSPENSION OF**  
9 **MORE THAN 10 DAYS OR AN EXPULSION UNDER SUBSECTION (C) OF THIS SECTION**  
10 **IF:**

11                   **(I) THE STUDENT'S PRESENCE IN THE SCHOOL POSES AN**  
12 **IMMINENT THREAT OF SERIOUS HARM TO OTHER STUDENTS OR STAFF; AND**

13                   **(II) THE CIRCUMSTANCES REQUIRE THE IMMEDIATE REMOVAL**  
14 **OF THE STUDENT.**

15           **(3) THE PRINCIPAL OR A SCHOOL ADMINISTRATOR PROMPTLY SHALL**  
16 **CONTACT THE PARENT OR GUARDIAN OF A STUDENT SUSPENDED OR EXPELLED**  
17 **UNDER THIS SUBSECTION.**

18           **(4) ANY CONFERENCE THAT OCCURS BEFORE OR AFTER A**  
19 **SUSPENSION OR EXPULSION UNDER THIS SUBSECTION SHALL INCORPORATE THE**  
20 **USE OF RESTORATIVE APPROACHES.**

21           **[(a)] (A-2) (1) Except as provided in subsection (b) of this section and § 7-305.1**  
22 **of this subtitle, in accordance with the rules and regulations of the county board, each**  
23 **principal of a public school may suspend for cause, for not more than 10 school days, any**  
24 **student in the school who is under the direction of the principal AFTER IMPLEMENTATION**  
25 **OF RESTORATIVE APPROACHES FOR STUDENT DISCIPLINE IN ACCORDANCE WITH**  
26 **SUBSECTION (A-1) OF THIS SECTION.**

27                   **(2) The student or the student's parent or guardian promptly shall be given**  
28 **a conference with the principal and any other appropriate personnel during the suspension**  
29 **period.**

30                   **(3) The student or the student's parent or guardian promptly shall be given**  
31 **a community resources list provided by the county board in accordance with § 7-310 of this**  
32 **subtitle.**

33                   **(b) (1) Except as provided in paragraph (2) of this subsection, a student may**  
34 **not be suspended or expelled from school solely for attendance-related offenses.**

35                   **(2) Paragraph (1) of this subsection does not apply to in-school suspensions**

1 for attendance-related offenses.

2 (c) Except as provided in § 7-305.1 of this subtitle, **AND SUBJECT TO**  
3 **SUBSECTION (A-1) OF THIS SECTION**, at the request of a principal, a county  
4 superintendent may suspend a student for more than 10 school days or expel the student.

5 (d) (1) If a principal finds that a suspension of more than 10 school days or  
6 expulsion is warranted, the principal immediately shall report the matter in writing to the  
7 county superintendent.

8 (2) The county superintendent or the county superintendent's designated  
9 representative promptly shall make a thorough investigation of the matter.

10 (3) If after the investigation the county superintendent finds that a longer  
11 suspension or expulsion is warranted, the county superintendent or the county  
12 superintendent's designated representative promptly shall arrange a conference with the  
13 student and his parent or guardian.

14 (4) The student or the student's parent or guardian promptly shall be given  
15 a community resources list provided by the county board in accordance with § 7-310 of this  
16 subtitle.

17 (5) If after the conference the county superintendent or the county  
18 superintendent's designated representative finds that a suspension of more than 10 school  
19 days or expulsion is warranted, the student or the student's parent or guardian may:

20 (i) Appeal to the county board within 10 days after the  
21 determination;

22 (ii) Be heard before the county board, its designated committee, or a  
23 hearing examiner, in accordance with the procedures established under § 6-203 of this  
24 article; and

25 (iii) Bring counsel and witnesses to the hearing.

26 (6) Unless a public hearing is requested by the parent or guardian of the  
27 student, a hearing shall be held out of the presence of all individuals except those whose  
28 presence is considered necessary or desirable by the board.

29 (7) The appeal to the county board does not stay the decision of the county  
30 superintendent.

31 (8) The decision of the county board is final.

32 (e) (1) Any student expelled or suspended from school:

33 (i) Shall remain away from the school premises during those hours

1 each school day when the school the student attends is in session; and

2 (ii) May not participate in school sponsored activities.

3 (2) The expelled or suspended student may return to the school premises  
4 during the prohibited hours only for attendance at a previously scheduled appointment,  
5 and if the student is a minor then only if accompanied by his parent or guardian.

6 (3) Any person who violates paragraph (1) or (2) of this subsection is guilty  
7 of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

8 (4) (i) If a student has been suspended or expelled, the principal or a  
9 designee of the principal may not return the student to the classroom without conferring  
10 with the teacher who referred the student to the principal, if the student was referred by a  
11 teacher, other teachers as appropriate, other appropriate school personnel, the student, and  
12 the student's parent or guardian.

13 (ii) If the disruptive behavior results in action less than suspension,  
14 the principal or a designee of the principal shall confer with the teacher who referred the  
15 student to the principal prior to returning the student to that teacher's classroom.

16 **(III) ANY CONFERENCE HELD UNDER THIS PARAGRAPH SHALL**  
17 **INCLUDE OPTIONS FOR THE STUDENT, THE TEACHER, AND OTHER INVOLVED**  
18 **PARTIES TO PARTICIPATE IN RESTORATIVE APPROACHES.**

19 (5) A county superintendent may deny attendance to any student who is  
20 currently expelled from another school system for a length of time equal to that expulsion.

21 (6) A school system shall forward information to another school system  
22 relating to the discipline of a student, including information on an expulsion of the student,  
23 on receipt of the request for information.

24 (f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §  
25 921.

26 (2) Except as provided in paragraph (3) of this subsection, if the county  
27 superintendent or the superintendent's designated representative finds that a student has  
28 brought a firearm onto school property, the student shall be expelled for a minimum of 1  
29 year.

30 (3) The county superintendent may specify, on a case by case basis, a  
31 shorter period of expulsion or an alternative educational setting, if alternative educational  
32 settings have been approved by the county board, for a student who has brought a firearm  
33 onto school property.

34 (4) The State Board shall adopt regulations to implement this subsection.

1 (g) (1) The discipline of a child with a disability, including the suspension,  
2 expulsion, or interim alternative placement of the child for disciplinary reasons, shall be  
3 conducted in conformance with the requirements of the Individuals with Disabilities  
4 Education Act of the United States Code.

5 (2) If a child with a disability is being considered for suspension or  
6 expulsion, the child or the child's parent or guardian shall be given a community resources  
7 list attached to the procedural safeguards notice required by regulation of the State Board.

8 (h) (1) This subsection does not apply if the student is referred to the  
9 Department of Juvenile Services.

10 (2) If a student violates a State or local law or regulation and during or as  
11 a result of the commission of that violation damaged, destroyed, or substantially decreased  
12 the value of school property or property of another that was on school property at the time  
13 of the violation, as part of a conference on the matter with the student, the student's parent  
14 or guardian and any other appropriate person, the principal shall require the student or  
15 the student's parent to make restitution.

16 (3) The restitution may be in the form of monetary restitution not to exceed  
17 the lesser of the fair market value of the property or \$2,500, or the student's assignment to  
18 a school work project, or both.

19 7-306.

20 (A) (1) IN THIS SECTION, "RESTORATIVE APPROACHES" MEANS A  
21 RELATIONSHIP-FOCUSED STUDENT DISCIPLINE MODEL THAT:

22 (I) IS PRIMARILY PROACTIVE AND PREVENTIVE;

23 (II) EMPHASIZES BUILDING STRONG RELATIONSHIPS AND  
24 SETTING CLEAR BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE  
25 WELL-BEING OF THE SCHOOL COMMUNITY;

26 (III) IN RESPONSE TO BEHAVIOR THAT VIOLATES THE CLEAR  
27 BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE WELL-BEING OF THE  
28 SCHOOL COMMUNITY, EXAMINES ACCOUNTABILITY FOR ANY HARM DONE BY THE  
29 PROBLEM BEHAVIOR; AND

30 (IV) ADDRESSES WAYS TO REPAIR THE RELATIONSHIPS  
31 AFFECTED BY THE PROBLEM BEHAVIOR WITH THE VOLUNTARY PARTICIPATION OF  
32 AN INDIVIDUAL WHO WAS HARMED.

33 (2) "RESTORATIVE APPROACHES" INCLUDES:

- 1                   **(I) CONFLICT RESOLUTION;**
- 2                   **(II) MEDIATION;**
- 3                   **(III) PEER MEDIATION;**
- 4                   **(IV) CIRCLE PROCESSES;**
- 5                   **(V) RESTORATIVE CONFERENCES;**
- 6                   **(VI) SOCIAL EMOTIONAL LEARNING;**
- 7                   **(VII) TRAUMA-INFORMED CARE; AND**
- 8                   **(VIII) POSITIVE BEHAVIORAL INTERVENTION SUPPORTS OR**  
 9 **REHABILITATION.**

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

13           **[(b)] (C)**     The State Board shall:

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

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

17           **[(c)] (D)**     (1)     Subject to the provisions of subsections **[(a)] (B)** and **[(b)] (C)** of  
 18 this section, each county board shall adopt regulations designed to create and maintain  
 19 within the schools under its jurisdiction the atmosphere of order and discipline necessary  
 20 for effective learning.

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

22                           (i)     Shall provide for educational and behavioral interventions,  
 23 **RESTORATIVE APPROACHES**, counseling, and student and parent conferencing; **[and]**

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

27                           **(III) SHALL STATE THAT THE PRIMARY PURPOSE OF ANY**  
 28 **DISCIPLINARY MEASURE IS REHABILITATIVE, RESTORATIVE, AND EDUCATIONAL.**

1           **(E) (1) EACH COUNTY BOARD SHALL DEVELOP A MULTIYEAR PLAN FOR**  
2 **THE ADOPTION, IMPLEMENTATION, AND CONTINUED MONITORING OF THE USE OF**  
3 **RESTORATIVE APPROACHES FOR STUDENT DISCIPLINE.**

4           **(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**  
5 **SUBSECTION SHALL INCLUDE:**

6                   **(I) A LIST OF THE SPECIFIC RESTORATIVE APPROACHES**  
7 **AVAILABLE IN THE COUNTY;**

8                   **(II) METHODS USED BY THE COUNTY BOARD TO COMMUNICATE**  
9 **THE PLAN TO:**

10                           1. **ALL FACULTY AND STAFF IN THE COUNTY; AND**

11                           2. **ALL STUDENTS AND PARENTS IN THE COUNTY;**

12                   **(III) GUIDELINES FOR INCORPORATING THE USE OF**  
13 **RESTORATIVE APPROACHES FOR STUDENT BEHAVIOR DURING A CONFERENCE**  
14 **HELD UNDER § 7-305 OF THIS SUBTITLE; AND**

15                   **(IV) A PROFESSIONAL DEVELOPMENT PLAN FOR TRAINING ALL**  
16 **APPROPRIATE FACULTY AND STAFF ON THE RESTORATIVE APPROACHES USED IN**  
17 **THE LOCAL SCHOOL SYSTEM.**

18           **[(d)] (F) (1) The Department shall disaggregate the information in any**  
19 **student discipline data report prepared by the Department by race, ethnicity, gender,**  
20 **disability status, eligibility for free or reduced price meals or an equivalent measure of**  
21 **socioeconomic status, and English language proficiency for:**

22                           (i) **The State;**

23                           (ii) **Each local school system; and**

24                           (iii) **Each public school.**

25                   **(2) Special education-related data in any report prepared under paragraph**  
26 **(1) of this subsection shall be disaggregated by race, ethnicity, and gender.**

27           **[(e)] (G) (1) In this subsection, “alternative school discipline practice” means**  
28 **a discipline practice used in a public school that is not an in-school suspension or an**  
29 **out-of-school suspension.**

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2019.