

# HOUSE BILL 328

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By: **Delegates Washington, Charles, W. Fisher, Ivey, and J. Lewis**

Introduced and read first time: January 20, 2020

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

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## 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 ~~Maryland Report~~  
5 ~~Card Department’s~~ website; requiring certain discipline–related data to be available  
6 as a data download; requiring the Department to provide certain discipline–related  
7 data to the public in an accessible electronic spreadsheet format; requiring the  
8 Department to report certain information to the Governor and the General Assembly  
9 each year; requiring the Department to lower a risk ratio used to identify a school’s  
10 disproportional disciplinary practices; requiring the Department to report  
11 disproportionality data for high–suspending schools; requiring the Department to  
12 include certain schools and programs in a calculation of disproportionality data;  
13 defining a certain term; and generally relating to the collection of discipline–related  
14 data by the State 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 2019 Supplement)

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

22 **Article – Education**

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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 7–306.

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

4 (i) Is preventive and proactive;

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

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

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

12 (2) “Restorative approaches” may include:

13 (i) Conflict resolution;

14 (ii) Mediation;

15 (iii) Peer mediation;

16 (iv) Circle processes;

17 (v) Restorative conferences;

18 (vi) Social emotional learning;

19 (vii) Trauma–informed care;

20 (viii) Positive behavioral intervention supports; and

21 (ix) Rehabilitation.

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

25 (c) The State Board shall:

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

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

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

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

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

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

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

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

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

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

25                   (i)    The State;

26                   (ii)   Each local school system; and

27                   (iii)   Each public school.

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

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

1           **(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS**  
 2 **SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE ~~MARYLAND REPORT~~**  
 3 **~~CARD~~ DEPARTMENT’S WEBSITE DATA, DISAGGREGATED BY GRADE LEVEL, RACE,**  
 4 **ETHNICITY, ~~SPECIAL SERVICES~~ DISABILITY STATUS, INCLUDING A STUDENT’S 504**  
 5 **OR IEP PLAN, SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY**  
 6 **DISPROPORTIONAL DISCIPLINARY PRACTICES OF:**

7                   **(I) A LOCAL SCHOOL SYSTEM; OR**

8                   **(II) A PUBLIC SCHOOL.**

9           **(3) ON OR BEFORE AUGUST 1, 2021, AND EACH AUGUST 1**  
 10 **THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER**  
 11 **THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE**  
 12 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

13           **(G) (1) IN THIS SUBSECTION, “HIGH-SUSPENDING” INCLUDES THE**  
 14 **FOLLOWING SCHOOLS THAT SUSPEND STUDENTS IN EACH SUBGROUP**  
 15 **DISAGGREGATED BY RACE, ETHNICITY, DISABILITY STATUS, AND ENGLISH**  
 16 **LANGUAGE PROFICIENCY:**

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

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

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

25           **(3) THE DEPARTMENT SHALL:**

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

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

31           **[(f)] (H) (1) In this subsection, “alternative school discipline practice” means**  
 32 **a discipline practice used in a public school that is not an in-school suspension or an**  
 33 **out-of-school suspension.**

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

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

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

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.