

HOUSE BILL 328

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01r0820

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

Introduced and read first time: January 20, 2020

Assigned to: Ways and Means

A BILL ENTITLED

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 website; requiring certain discipline–related data to be available as a data
6 download; requiring the Department to provide certain discipline–related data to the
7 public in an accessible electronic spreadsheet format; requiring the Department to
8 lower a risk ratio used to identify a school’s disproportional disciplinary practices;
9 requiring the Department to report disproportionality data for high–suspending
10 schools; requiring the Department to include certain schools and programs in a
11 calculation of disproportionality data; defining a certain term; and generally relating
12 to the collection of discipline–related data by the State Department of Education.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–306
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

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

20 **Article – Education**

21 7–306.

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

24 (i) Is preventive and proactive;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (2) “Restorative approaches” may include:

9 (i) Conflict resolution;

10 (ii) Mediation;

11 (iii) Peer mediation;

12 (iv) Circle processes;

13 (v) Restorative conferences;

14 (vi) Social emotional learning;

15 (vii) Trauma-informed care;

16 (viii) Positive behavioral intervention supports; and

17 (ix) Rehabilitation.

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

21 (c) The State Board shall:

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

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

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

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

1 learning.

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

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

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

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

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

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

19 (i) The State;

20 (ii) Each local school system; and

21 (iii) Each public school.

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

24 **(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND**
25 **DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE-RELATED**
26 **DATA AS A DATA DOWNLOAD ON THE MARYLAND REPORT CARD WEBSITE AT THE**
27 **STATE LEVEL, LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.**

28 **(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS**
29 **SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE MARYLAND REPORT**
30 **CARD WEBSITE DATA, DISAGGREGATED BY GRADE LEVEL, RACE, ETHNICITY,**
31 **SPECIAL SERVICES, AND GENDER, RELATED TO ANY DISPROPORTIONAL**
32 **DISCIPLINARY PRACTICES OF:**

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

1 (II) A PUBLIC SCHOOL.

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

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

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

10 (2) THE DEPARTMENT SHALL LOWER THE RISK RATIO AND STATE
11 COMPARISON THRESHOLD USED FOR IDENTIFYING ACTION FOR SCHOOLS WITH
12 HIGH DISPROPORTIONALITY FROM 3.0 TO 2.0.

13 (3) THE DEPARTMENT SHALL:

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2020.