

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1022
Ways and Means

(Delegate D.M. Davis, *et al.*)

Education, Health, and Environmental Affairs

Education – Alternative Schools – Reporting Requirements and Restrictions

This bill requires local school boards, beginning with the 2020-2021 school year, to report annually specified information on alternative schools to the Maryland State Department of Education (MSDE). MSDE must report the data collected to the Governor and General Assembly by October 1 of each year, beginning in 2021. The bill also prohibits a child enrolled in a public prekindergarten program or in kindergarten, first, or second grade from being required to attend an alternative school, except under specified conditions. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: MSDE can collect and report the required information with existing budgeted resources; any initial expenditures to expand or modify its existing automated reporting system are assumed to be minimal and absorbable within existing resources. No effect on revenues.

Local Effect: Local school systems can collect and report to MSDE the required information and otherwise implement the bill with existing resources. No effect on local revenues.

Small Business Effect: None.

Analysis

Bill Summary: An “alternative school” is any program, including online and home-based instruction, or school established for students who:

- exhibit disruptive classroom behavior;
- have been suspended or expelled;
- have been arrested for a reportable offense; or
- have been removed to an interim alternative educational setting in accordance with federal and State laws and regulations.

“Alternative school” includes any other program, including online and home-based instruction, or school established to educate students exhibiting challenging behaviors and operated by or in accordance with a contract with a local school system, regardless of whether the program or school is located in a public school or a separate facility.

The bill lists specific categories of information that local school systems must report to MSDE for each alternative school.

A child in a public prekindergarten program or in kindergarten, first, or second grade may not be required to attend an alternative school unless:

- a student’s parent or guardian decide to enroll the student in an alternative school;
- there is an available slot in an alternative school; and
- school administrators agree that enrolling the student in an alternative program is in the student’s best interest.

Current Law/Background: Each local school system must provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption. Each local school system is authorized to establish special programs for students in the public school system who exhibit disruptive classroom behavior. Two or more local school systems may establish joint programs.

Public prekindergarten programs include:

- a State accredited or nationally accredited child care center or nonpublic school that is approved by MSDE to provide prekindergarten services and partners with a local school system under a memorandum of understanding;
- a local school system that provides prekindergarten services under current law; and
- a Judy Center or private provider of preschool services that meets specified requirements under current law.

Suspension and Expulsion in General

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student's parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses. A student in a public prekindergarten program or in kindergarten, first, or second grade may not be suspended or expelled, except under specified circumstances.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parent or guardian.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher's classroom.

Discipline Guidelines

The State Board of Education must establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards. The guidelines were last updated in 2014. The State board must also (1) upon request, provide technical assistance and training to local school boards on the use of restorative practices and (2) assist each local school board with implementing the guidelines. Each local school board must adopt regulations designed to create and maintain within schools the atmosphere of order and discipline necessary for effective learning. The local regulations must state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational. They must also provide for educational and behavioral interventions, restorative approaches, counseling, student and parent conferencing, and alternative programs.

Data Collection and Presentation

MSDE must collect data on alternative school discipline practices in public schools for each local school system, including (1) the types of alternative school discipline practices that are used in a local school system and (2) the type of misconduct for which an alternative discipline practice is used. Also, MSDE must disaggregate the information in any MSDE student discipline data report by race, ethnicity, gender, disability status, eligibility for free or reduced-price meals or an equivalent measure of socioeconomic

status, and English language proficiency for (1) the State; (2) each local school system; and (3) each public school. Special education-related data in any such report must be disaggregated by race, ethnicity, and gender.

During the 2018-2019 school year, 7,905 students (0.9% of total enrollment) were suspended in school a total of 11,868 times. In addition, 40,393 students (4.7%) were subject to out-of-school suspension or expulsion a total of 67,550 times.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 830 (Senator McCray, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Montgomery County Public Schools; Department of Legislative Services

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