

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 277
 Ways and Means

(Delegate Wilkins, *et al.*)

Education, Health, and Environmental Affairs

State Department of Education - Guidelines on Trauma-Informed Approach

This bill requires the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH) and the Department of Human Services (DHS), to develop guidelines for schools on a trauma-informed approach. MSDE must distribute the guidelines to local school systems and publish the guidelines on its website. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures increase by \$100,000 only in FY 2021 to develop and disseminate the required guidelines..

| (in dollars) | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 100,000 | 0 | 0 | 0 | 0 |
| Net Effect | (\$100,000) | \$0 | \$0 | \$0 | \$0 |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A “trauma-informed approach” is defined as a method for understanding and responding to an individual with symptoms of chronic interpersonal trauma or traumatic stress. A “trauma-informed school” is a school that:

- acknowledges the widespread impact of trauma and understands the potential paths for recovery;
- recognizes the signs and symptoms of trauma in students, teachers, and staff;
- integrates information about trauma into policies, procedures, and practices; and
- actively resists re-traumatizing a student, teacher, or staff member who has experienced trauma.

Current Law: 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.

State law and regulations do not specifically address trauma-informed approaches to student discipline.

Background:

State Board Task Force

In December 2018, the State Board of Education formed the Task Force on Student Discipline Regulations to:

- consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- identify patterns of practice in implementing State regulations/policies;
- determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and positive behavioral intervention supports;
- evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Kirwan Commission and the Commission on the School to Prison Pipeline; and
- based on consideration of the foregoing and the understanding that all students in Maryland should receive an education in a safe school, make recommendations to

the State board on any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools.

The task force met six times and issued its recommendations to the State board in August 2019. Among its 15 recommendations, the task force recommended that MSDE (1) recognize student mental health as a major factor related to the issue of discipline; (2) enhance regulations regarding school counselors and school psychologists to align with nationally recommended ratios; and (3) provide a menu of best practices to address student discipline and provide adequate training and resources to ensure that programs (including restorative practices) are implemented with fidelity.

Trauma-informed Care

Trauma-informed care (TIC) emerged as a strategy for addressing symptoms of traumatic stress in the early 2000s. In 2005, the Substance Abuse and Mental Health Services Administration within the U.S. Department of Health and Human Services provided funding for a National Center for Trauma-Informed Care to support efforts to eliminate the use of seclusion, restraints, and other coercive practices and to develop the knowledge base on TIC.

According to the center, TIC (1) realizes the widespread impact of trauma; (2) recognizes the signs of symptoms of trauma in clients and others; (3) responds by fully integrating knowledge about trauma into policies, procedures, and practices; and (4) seeks to actively resist re-traumatization. Ultimately, it seeks to change the paradigm from asking “What’s wrong with you?” to one that asks “What happened to you?”

TIC intervention programs generally recognize (1) the survivor’s need to be respected, informed, connected, and hopeful for their own recovery; (2) the interrelation between trauma and symptoms of trauma such as substance abuse, eating disorders, depression, and anxiety; and (3) the need to work in a collaborative way with survivors, family and friends, and other human service agencies.

In 2016, Baltimore City received a \$2.4 million grant from the U.S. Department of Education to promote trauma-responsive practices in 13 schools and to provide training on trauma-informed practices to almost 4,500 school staff in the district.

State Fiscal Effect: Although MSDE is charged with developing the guidelines in consultation with MDH and DHS, this analysis assumes that MSDE develops the guidelines with peripheral assistance from the other agencies that they can provide with existing resources. MSDE advises that it does not have the expertise in-house to develop the guidelines and must contract with consultants who have that expertise. The Department

of Legislative Services estimates the cost of consulting with third-party experts on trauma-informed care to be \$100,000.

Additional Information

Prior Introductions: HB 256 of 2019 passed the House in amended form, but no action was taken by the Senate. Its cross file, SB 223 of 2019, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 367 (Senator Washington, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Department of Human Services; Maryland Department of Health; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; National Center for Trauma-Informed Care; Department of Legislative Services

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