

HOUSE BILL 171

F1
HB 328/20 – W&M

(PRE-FILED)

11r0988

By: **Delegate Washington**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

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 Department’s
5 website; requiring certain discipline-related data to be available as a data download;
6 requiring the Department to provide certain discipline-related data to the public in
7 an accessible electronic spreadsheet format; requiring the Department to report
8 certain information to the Governor and the General Assembly each year; requiring
9 the Department to lower a risk ratio used to identify a school’s disproportional
10 disciplinary practices; requiring the Department to report disproportionality data for
11 high-suspending schools; requiring the Department to include certain schools and
12 programs in a calculation of disproportionality data; defining a certain term; and
13 generally relating to the collection of discipline-related data by the State
14 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 2020 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**

23 7–306.

24 (a) (1) In this section, “restorative approaches” means a relationship-focused
25 student discipline model that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Is preventive and proactive;
- 2 (ii) Emphasizes building strong relationships and setting clear
3 behavioral expectations that contribute to the well-being of the school community;
- 4 (iii) In response to behavior that violates the clear behavioral
5 expectations that contribute to the well-being of the school community, focuses on
6 accountability for any harm done by the problem behavior; and
- 7 (iv) Addresses ways to repair the relationships affected by the
8 problem behavior with the voluntary participation of an individual who was harmed.

9 (2) "Restorative approaches" may include:

- 10 (i) Conflict resolution;
- 11 (ii) Mediation;
- 12 (iii) Peer mediation;
- 13 (iv) Circle processes;
- 14 (v) Restorative conferences;
- 15 (vi) Social emotional learning;
- 16 (vii) Trauma-informed care;
- 17 (viii) Positive behavioral intervention supports; and
- 18 (ix) Rehabilitation.

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

22 (c) The State Board shall:

- 23 (1) Establish guidelines that define a State code of discipline for all public
24 schools with standards of conduct and consequences for violations of the standards;
- 25 (2) On request, provide technical assistance and training to county boards
26 regarding the use of restorative approaches; and
- 27 (3) Assist each county board with the implementation of the guidelines.

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

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

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

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

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

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

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

22 (i) The State;

23 (ii) Each local school system; and

24 (iii) Each public school.

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

27 **(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND**
28 **DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE-RELATED**
29 **DATA AS A DATA DOWNLOAD ON THE DEPARTMENT'S WEBSITE AT THE STATE LEVEL,**
30 **LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.**

31 **(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS**
32 **SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE DEPARTMENT'S WEBSITE**
33 **DATA, DISAGGREGATED BY GRADE LEVEL, RACE, ETHNICITY, DISABILITY STATUS,**
34 **INCLUDING A STUDENT'S 504 PLAN OR INDIVIDUALIZED EDUCATION PROGRAM,**

1 SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY DISPROPORTIONAL
2 DISCIPLINARY PRACTICES OF:

3 (I) A LOCAL SCHOOL SYSTEM; OR

4 (II) A PUBLIC SCHOOL.

5 (3) ON OR BEFORE AUGUST 1, 2022, AND EACH AUGUST 1
6 THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER
7 THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE
8 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

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

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

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

17 (2) THE DEPARTMENT SHALL LOWER THE RISK RATIO AND STATE
18 COMPARISON THRESHOLD USED FOR IDENTIFYING ACTION UNDER THE FEDERAL
19 REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH DISABILITIES
20 EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY FROM 3.0 TO 2.0.

21 (3) THE DEPARTMENT SHALL:

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

24 (II) INCLUDE ALTERNATIVE SCHOOLS AND PROGRAMS AND
25 PUBLIC SEPARATE DAY SCHOOLS IN ANY CALCULATION OF DISPROPORTIONALITY
26 DATA UNDER THIS PARAGRAPH.

27 [(f)] (H) (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:

32 (i) The types of alternative school discipline practices that are used

1 in a local school system; and

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021.