

HOUSE BILL 753

F1

11r2490

By: **Delegate Ebersole**

Introduced and read first time: January 29, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Education – Student–Organized Peaceful Demonstrations – Student Discipline**
3 **and Policy**

4 FOR the purpose of prohibiting a public school from prohibiting a student from organizing
5 or participating in a student–organized peaceful demonstration or imposing certain
6 limits on a student’s right to free speech during a certain demonstration, subject to
7 certain limitations; authorizing a public school to impose certain limitations on a
8 student–organized peaceful demonstration under certain circumstances; prohibiting
9 a public school from disciplining a student for engaging in a student–organized
10 peaceful demonstration under certain circumstances; prohibiting a school from
11 imposing a disciplinary action on a certain student that is greater than the
12 consequence for an unlawfully absent student under certain circumstances;
13 requiring each county board of education to develop a certain written policy;
14 providing for the application of this Act; defining a certain term; and generally
15 relating to student–organized peaceful demonstrations and student discipline.

16 BY adding to
17 Article – Education
18 Section 7–312
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

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

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.



Article – Education

7-312.

(A) (1) IN THIS SECTION, “STUDENT-ORGANIZED PEACEFUL DEMONSTRATION” MEANS A NONVIOLENT DEMONSTRATION INTENDED TO EXPRESS THE VIEWPOINT OF A STUDENT.

(2) “STUDENT-ORGANIZED PEACEFUL DEMONSTRATION” DOES NOT INCLUDE A DEMONSTRATION THAT INCITES A STUDENT TO:

~~(I) CREATE~~ CREATE A CLEAR AND PRESENT DANGER TO THE HEALTH, SAFETY, OR WELFARE OF THE SCHOOL COMMUNITY; ~~OR~~

~~(II) COMMIT AN UNLAWFUL OR DANGEROUS ACT.~~

(B) THIS SECTION APPLIES TO A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION THAT OCCURS:

(1) ON SCHOOL PROPERTY;

(2) AT A SCHOOL-SPONSORED ACTIVITY OR EVENT; OR

(3) ON A SCHOOL BUS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC SCHOOL MAY NOT:

(I) PROHIBIT A STUDENT FROM ORGANIZING OR PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION; OR

(II) IMPOSE LIMITS THAT SUBSTANTIALLY INHIBIT A STUDENT’S RIGHT TO FREE SPEECH WHILE PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION.

(2) A SCHOOL MAY IMPOSE REASONABLE LIMITATIONS ON THE TIME AND PLACE OF A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION IN ORDER TO:

(I) PROTECT THE HEALTH, SAFETY, AND WELFARE OF STUDENTS AND SCHOOL PERSONNEL; AND

(II) MINIMIZE DISRUPTION TO THE EDUCATIONAL ENVIRONMENT.

(D) A PUBLIC SCHOOL MAY NOT DISCIPLINE A STUDENT FOR ORGANIZING

1 OR PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION IF:

2 (1) THE SCHOOL ADMINISTRATION IS NOTIFIED OF A STUDENT'S
3 INTENT TO ENGAGE IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION ~~AT~~
4 ~~LEAST 48 HOURS~~ WITHIN A REASONABLE AMOUNT OF TIME IN ADVANCE OF THE
5 DEMONSTRATION; AND

6 (2) THE STUDENT COMPLIES WITH THE WRITTEN POLICY
7 ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION.

8 (E) IF A STUDENT DOES NOT COMPLY WITH THE REQUIREMENTS OF
9 SUBSECTION (D) OF THIS SECTION, A SCHOOL MAY NOT IMPOSE A DISCIPLINARY
10 ACTION ON THE STUDENT THAT IS GREATER THAN THE CONSEQUENCE FOR AN
11 UNLAWFULLY ABSENT STUDENT.

12 (F) (1) EACH COUNTY BOARD SHALL DEVELOP A WRITTEN POLICY
13 REGARDING STUDENT-ORGANIZED PEACEFUL DEMONSTRATIONS.

14 (2) THE POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION:

16 (I) SHALL INCLUDE GUIDELINES FOR THE:

17 1. TIME AND PLACE OF A STUDENT-ORGANIZED
18 PEACEFUL DEMONSTRATION; AND

19 2. MANNER OF EXPRESSION BY A STUDENT
20 PARTICIPATING IN A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION;

21 (II) SHALL DEFINE WHAT CONSTITUTES:

22 1. REASONABLE REQUIREMENTS LIMITING THE TIME
23 AND PLACE OF A STUDENT-ORGANIZED PEACEFUL DEMONSTRATION; AND

24 2. REASONABLE GUIDELINES FOR THE TIME, PLACE,
25 AND MANNER OF EXPRESSION BY A STUDENT ENGAGING IN A STUDENT-ORGANIZED
26 PEACEFUL DEMONSTRATION; AND

27 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (C)
28 AND (D) OF THIS SECTION, MAY INCLUDE LIMITATIONS ON LANGUAGE THAT HAS THE
29 INTENT TO HARASS, THREATEN, OR INTIMIDATE OTHER PEOPLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2021.