

HB0023/793524/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 23
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**and School Resource Officers**”; in line 6, strike “lower a” and substitute “maintain a certain”; and strike beginning with “prohibiting” in line 8 down through “procedures;” in line 9.

On pages 1 and 2, strike in their entirety the lines beginning with line 11 on page 1 through line 9 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article - Education
Section 7-306
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 10, strike “2.” and substitute “1.”; in the same line, strike “AND”; in the same line, strike “FURTHER”; and in the same line, after “ENACTED” insert “BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 2 through 4, strike in their entirety the lines beginning with line 13 on page 2 through line 32 on page 4, inclusive, and substitute:

“7-306.

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

(i) Is preventive and proactive;

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

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

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

(2) “Restorative approaches” may include:

(i) Conflict resolution;

(ii) Mediation;

(iii) Peer mediation;

(iv) Circle processes;

(v) Restorative conferences;

(vi) Social emotional learning;

(vii) Trauma-informed care;

(viii) Positive behavioral intervention supports; and

(ix) Rehabilitation.

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

(c) The State Board shall:

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

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

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

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

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

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

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

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

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

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

(i) The State;

(ii) Each local school system; and

(iii) Each public school.

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

(F) (1) THE DEPARTMENT SHALL MAKE PUBLIC IN AN ACCESSIBLE AND DISAGGREGATED ELECTRONIC SPREADSHEET FORMAT ALL DISCIPLINE–RELATED DATA AS A DATA DOWNLOAD ON THE DEPARTMENT’S WEBSITE AT THE STATE LEVEL, LOCAL SCHOOL SYSTEM LEVEL, AND SCHOOL LEVEL.

(2) FOR ALL DATA MADE PUBLIC UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE DEPARTMENT’S WEBSITE DATA, DISAGGREGATED BY GRADE LEVEL, ON RACE, ETHNICITY, DISABILITY STATUS, INCLUDING A STUDENT’S 504 PLAN OR INDIVIDUALIZED EDUCATION PROGRAM, SOCIOECONOMIC STATUS, AND GENDER, RELATED TO ANY DISPROPORTIONAL DISCIPLINARY PRACTICES OF:

(I) A LOCAL SCHOOL SYSTEM; OR

(II) A PUBLIC SCHOOL.

(3) ON OR BEFORE AUGUST 1, 2023 AND EACH AUGUST 1 THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE DATA GATHERED UNDER THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

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

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

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

(2) THE DEPARTMENT SHALL MAINTAIN A RISK RATIO AND STATE COMPARISON THRESHOLD OF 2.0 TO BE USED FOR IDENTIFYING ACTION UNDER THE FEDERAL REGULATIONS IMPLEMENTING THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT FOR SCHOOLS WITH HIGH DISPROPORTIONALITY.

(3) THE DEPARTMENT SHALL:

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

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

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

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

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

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

On page 4, in line 33, strike “3.” and substitute “2”.