

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1145 (Delegate Long, *et al.*)
Ways and Means

Education - Student Behavior - Parent Notice and Required Counseling (Parent
Accountability Act)

This bill requires, under specified circumstances, that a public school principal provide notice to a parent or guardian regarding a student's violent and disruptive behavior. A parent or guardian who receives a notice is subject to conviction under current law and a fine of up to \$2,500 and/or imprisonment for up to three years. The bill further establishes that it is unlawful for a parent or guardian of a student, after receiving notice of their child's violent and disruptive behavior on school premises or during school-related activities, to fail to seek and participate in counseling with the child. A parent or guardian convicted of violating this provision may be ordered by the court to perform community service. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: As the bill establishes a new criminal offense, it may have an operational effect on the Judiciary but otherwise does not materially affect State finances.

Local Effect: Local school systems can implement the bill with existing resources. No effect on local revenues.

Small Business Effect: None.

Analysis

Bill Summary: If a student in a public school engages in two or more incidents of violent and disruptive behavior on school premises or during school-related activities during a

school year, the school principal must provide written notice to the student's parent or guardian. The notice must:

- require the parent or guardian to seek and participate in counseling with the student;
- advise that failure to seek and participate in counseling with the student is unlawful and has potential consequences;
- include referrals to community resources and other appropriate counseling services; and
- include information regarding any program established by the local school board for disruptive students, as required by current law.

Current Law: Each local school board is required to (1) provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption and (2) establish special programs for students in the public school system who exhibit disruptive classroom behavior. Two or more local school boards may establish joint programs.

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.

Juvenile Court

With specified exceptions, the juvenile court generally has exclusive original jurisdiction over a child (under age 18) alleged to be a delinquent child, alleged to be in need of supervision, who has received a citation for a violation, who is the respondent in a peace order proceeding, or when a proceeding arises under the Interstate Compact on Juveniles.

In addition, the juvenile court has concurrent jurisdiction over adults (1) over proceedings against an adult for the violation of State law making it unlawful for an adult willfully to

encourage, cause or tend to cause any act, omission, or condition which results in a violation that renders a child delinquent or in need of supervision and (2) with the District Court in any criminal case arising under the compulsory public school attendance laws.

Under provisions of law related to juvenile delinquency, it is unlawful for an adult willfully to contribute to, encourage, cause or tend to cause any act, omission, or condition that results in a violation or renders a child delinquent or in need of supervision. A person may be convicted even if the child has not been found to have committed a violation or adjudicated delinquent or in need of supervision. However, the court may expunge a delinquent adjudication from a child's record and enter it as a finding in the adult's case. An adult convicted under these provisions is subject to a fine of not more than \$2,500 and/or imprisonment for up to three years. The court may suspend the sentence and place the adult on probation under specified conditions. The bill applies these provisions to parents who receive the notice required by the bill regarding their child's disruptive behavior.

Additional Information

Prior Introductions: HB 1468 of 2020 received a hearing in the House Ways and Means Committee, but no further action was taken on the bill.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Maryland Center for School Safety; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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