

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 185

(Delegate Ebersole, *et al.*)

Ways and Means

Education, Energy, and the Environment

Nonpublic Schools and Child Care Providers - Corporal Punishment -
Prohibition

This bill requires the State Board of Education, as part of the overall plan it is required under existing statute to develop and periodically update in consultation with the State Superintendent of Schools, to identify methods to find and eliminate any instance of corporal punishment administered to discipline any student in the State. The bill prohibits the State board from issuing a certificate of approval to any noncollegiate educational institution that does not have a policy prohibiting a principal, vice principal, or any other employee from administering corporal punishment to discipline a student. Regulations adopted by the State board must prohibit the administration of corporal punishment in a family child care home, large family child care home, or child care center. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The State Board of Education and MSDE can comply with the bill's requirements using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law:

Corporal Punishment in Public Schools (Generally)

A principal, vice principal, or other public school employee may not administer corporal punishment to a public school student in the State. 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 and assist each local school system with implementing the guidelines.

Each local board of education must adopt regulations designed to create and maintain an atmosphere of order and discipline necessary for effective learning in public schools. These regulations must provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing; provide alternative programs, which may include in-school suspension, suspension, expulsion, or other necessary disciplinary measures deemed appropriate; and state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

Certificates of Approval for Noncollegiate Institutions

Generally, the State board must issue a certificate of approval to a noncollegiate educational institution (*i.e.*, a school or other institution that offers an educational program but is not an institution of postsecondary education) if certain requirements are satisfied. However, the board is prohibited from issuing a certificate to a school/institution that practices discrimination based on race, color, or national origin.

Discipline in Child Care Facilities

The State Board of Education is required to adopt regulations that relate to the registration of family child care homes and large family child care homes and the licensing and operation of child care centers. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than 12 children. A child care center is an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

State regulations specify that child care providers, substitutes, employees, and volunteers may not spank, hit, shake, or use any other means of physical discipline. Additionally, child

care facilities are subject to a prohibition on abuse, neglect, and “injurious treatment,” which is defined to include physical discipline.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2023
js/jkb Third Reader - February 24, 2023

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510