

HOUSE BILL 1022

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CF SB 830

By: **Delegates D.M. Davis, Barron, Boyce, Cain, Charkoudian, Crutchfield, Dumais, Feldmark, W. Fisher, Harrison, Ivey, R. Lewis, Lierman, Mosby, Patterson, Proctor, Queen, Smith, Solomon, Stewart, Washington, and Wilkins**

Introduced and read first time: February 5, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Education – Alternative Schools – Reporting Requirements and Restrictions**

3 FOR the purpose of requiring each county board of education, beginning in a certain school
4 year, to report certain data and information for certain alternative schools within its
5 jurisdiction to the State Department of Education; requiring the Department, on or
6 before a certain date each year, beginning in a certain year, to report certain data
7 and information to the Governor and the General Assembly; prohibiting the required
8 enrollment of prekindergarten, kindergarten, first grade, or second grade students
9 from public schools, with a certain exception, in an alternative school; defining a
10 ~~certain term~~ certain terms; and generally relating to reports on alternative schools
11 in the State.

12 BY adding to

13 Article – Education

14 Section 7–125

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 7–305.1(a) and (b)

20 Annotated Code of Maryland

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.



(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

7–125.

(A) IN THIS SECTION, “ALTERNATIVE SCHOOL” MEANS:

(1) ANY PROGRAM, INCLUDING ONLINE AND HOME–BASED
INSTRUCTION, OR SCHOOL ESTABLISHED FOR STUDENTS WHO:

(I) EXHIBIT DISRUPTIVE CLASSROOM BEHAVIOR AS
REFERENCED IN § 7–304 OF THIS TITLE;

(II) HAVE BEEN SUSPENDED OR EXPELLED IN ACCORDANCE
WITH § 7–305 OF THIS TITLE;

(III) HAVE BEEN ARRESTED FOR A REPORTABLE OFFENSE IN
ACCORDANCE WITH § 7–303 OF THIS TITLE; OR

(IV) HAVE BEEN REMOVED TO AN INTERIM ALTERNATIVE
EDUCATIONAL SETTING IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND
REGULATIONS; AND

(2) ANY OTHER PROGRAM, INCLUDING ONLINE AND HOME–BASED
INSTRUCTION, OR SCHOOL ESTABLISHED TO EDUCATE STUDENTS EXHIBITING
CHALLENGING BEHAVIORS AND OPERATED BY OR IN ACCORDANCE WITH A
CONTRACT WITH A COUNTY BOARD OR COUNTY SUPERINTENDENT, REGARDLESS OF
WHETHER THE PROGRAM OR SCHOOL IS LOCATED WITHIN A PUBLIC SCHOOL OR A
SEPARATE FACILITY.

(B) BEGINNING IN THE 2020–2021 SCHOOL YEAR, A COUNTY BOARD SHALL
REPORT THE FOLLOWING DATA AND INFORMATION FOR EACH ALTERNATIVE
SCHOOL WITHIN ITS JURISDICTION TO THE DEPARTMENT:

(1) NAME AND ADDRESS OF THE SCHOOL OR PROGRAM;

(2) WHETHER THE SCHOOL OR PROGRAM IS OPERATED BY A COUNTY
BOARD, COUNTY SUPERINTENDENT, OR ANOTHER ENTITY;

(3) STUDENT ENROLLMENT, DISAGGREGATED BY:

- 1 (I) GRADE;
- 2 (II) RACE;
- 3 (III) ETHNICITY;
- 4 (IV) GENDER;
- 5 (V) DISABILITY STATUS, INCLUDING BY STUDENT'S 504 OR IEP
6 PLAN; AND
- 7 (VI) ENGLISH LANGUAGE LEARNER OR LIMITED ENGLISH
8 PROFICIENCY STATUS;
- 9 ~~(VII) PREGNANT OR PARENTING STATUS;~~
- 10 ~~(VIII) NUMBER OF DAYS OF ENROLLMENT; AND~~
- 11 ~~(IX) REASON FOR ENROLLMENT;~~
- 12 (4) POLICIES AND GUIDANCE CONCERNING:
- 13 (I) THE PROCESS FOR PLACING AND ENROLLING STUDENTS AT
14 THE SCHOOL OR PROGRAM;
- 15 (II) THE PROCESS OR CRITERIA FOR DETERMINING WHEN
16 STUDENTS ARE ELIGIBLE TO RETURN TO THEIR REGULAR EDUCATION PROGRAM;
17 AND
- 18 (III) DISCIPLINE OF STUDENTS ENROLLED AT THE SCHOOL OR
19 PROGRAM;
- 20 (5) ~~COMPLETE DOCUMENTATION OF EACH INSTANCE~~ THE TOTAL
21 NUMBER OF INSTANCES OF RESTRAINT AND ~~EACH INSTANCE~~ THE TOTAL NUMBER
22 OF INSTANCES OF SECLUSION AT THE SCHOOL OR PROGRAM, IN ACCORDANCE WITH
23 COMAR 13A.08.04.05 ~~AND WITH IDENTIFYING STUDENT INFORMATION REDACTED;~~
- 24 (6) ~~ANY~~ THE EXISTENCE OF ANY CONTRACT BETWEEN THE COUNTY
25 BOARD OR COUNTY SUPERINTENDENT AND ANOTHER ENTITY CONCERNING THE
26 OPERATION OF THE SCHOOL OR PROGRAM;
- 27 (7) A DESCRIPTION OF ALL COURSES OFFERED AT THE SCHOOL OR
28 PROGRAM, AND WHETHER THE COURSES ALLOW STUDENTS TO EARN CREDITS
29 TOWARD A MARYLAND HIGH SCHOOL DIPLOMA;

1 (8) A DESCRIPTION OF ALL MENTAL HEALTH SERVICES,
2 COUNSELING, SOCIAL-EMOTIONAL LEARNING CURRICULA AND SERVICES, AND
3 BEHAVIORAL SUPPORT SERVICES OFFERED BY THE SCHOOL OR PROGRAM;

4 (9) ~~A LIST OF ALL INSTRUCTIONAL AND BEHAVIORAL SUPPORT STAFF~~
5 ~~WHO WORKED AT THE SCHOOL OR PROGRAM WITHIN THE REPORTING PERIOD,~~
6 ~~INCLUDING THE TITLES AND EDUCATIONAL CERTIFICATIONS OF EACH STAFF~~
7 ~~MEMBER;~~ THE AVERAGE NUMBER OF DAYS A STUDENT IS ENROLLED AND THE
8 NUMBER OF STUDENTS WHO RETURN TO NONALTERNATIVE SCHOOLS AFTER
9 COMPLETING ENROLLMENT; AND

10 (10) AVERAGE STUDENT-TEACHER RATIO FOR CLASSROOMS WITHIN
11 THE SCHOOL OR PROGRAM;

12 (11) ~~WEEKLY INSTRUCTIONAL HOURS OFFERED BY THE SCHOOL OR~~
13 ~~PROGRAM;~~

14 (12) ~~TOTAL NUMBER OF SCHOOL DAYS IN THE YEAR OFFERED BY THE~~
15 ~~SCHOOL OR PROGRAM;~~

16 (13) ~~A DESCRIPTION OF HOW THE SCHOOL OR PROGRAM MEETS THE~~
17 ~~NEEDS OF STUDENTS;~~

18 (i) ~~WITH INDIVIDUALIZED EDUCATION PROGRAMS OR 504~~
19 ~~PLANS IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND REGULATIONS,~~
20 ~~INCLUDING PROVISIONS RELATED TO:~~

21 1. ~~SPECIAL EDUCATION;~~

22 2. ~~RELATED SERVICES; AND~~

23 3. ~~SUPPLEMENTARY AIDS, SERVICES, PROGRAM~~
24 ~~MODIFICATIONS, AND SUPPORTS;~~

25 (ii) ~~WHO ARE ENGLISH LANGUAGE LEARNERS OR STUDENTS~~
26 ~~WITH LIMITED ENGLISH PROFICIENCY; OR~~

27 (iii) ~~WHO ARE PREGNANT OR PARENTING;~~

28 (14) ~~A DESCRIPTION OF ALL EXTRACURRICULAR PROGRAMS OFFERED~~
29 ~~AT THE SCHOOL OR PROGRAM, INCLUDING WHETHER ENROLLED STUDENTS CAN~~
30 ~~ACCESS EXTRACURRICULAR PROGRAMS OTHERWISE OFFERED BY THE COUNTY~~
31 ~~BOARD OR COUNTY SUPERINTENDENT; AND~~

~~(15) ACHIEVEMENT DATA, WITH IDENTIFYING STUDENT INFORMATION REDACTED, FOR ALL STUDENTS ENROLLED IN THE SCHOOL OR PROGRAM, INCLUDING:~~

~~(I) STANDARDIZED TEST SCORES;~~

~~(II) GRADE PROMOTION RATES; AND~~

~~(III) GRADUATION RATES.~~

(C) ON OR BEFORE OCTOBER 1 EACH YEAR, BEGINNING IN 2021, THE DEPARTMENT SHALL REPORT THE DATA AND INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

7-305.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “ALTERNATIVE SCHOOL” HAS THE MEANING STATED IN § 7-125 OF THIS TITLE.

~~(2)~~ (3) “Public prekindergarten program” means:

(i) Any publicly funded prekindergarten program established under § 7-101.1 of this title; or

(ii) Any qualified vendor of prekindergarten services as defined in § 7-101.2(a)(7) of this title.

~~(3)~~ (4) “Restorative practices” means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

(i) Are conducted by trained staff;

(ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

(iii) Help build a sense of belonging, safety, and social responsibility in the school community.

(b) (1) Except as provided in paragraph (2) of this subsection, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be [suspended]:

1 **(I) SUSPENDED or expelled from school; OR**

2 **(II) REQUIRED TO ENROLL IN AN ALTERNATIVE SCHOOL.**

3 **(2) A student described under paragraph (1) of this subsection may only be:**

4 **(i) Expelled from school if required by federal law; [or]**

5 **(ii) Suspended for not more than 5 school days if the school**
 6 **administration, in consultation with a school psychologist or other mental health**
 7 **professional, determines that there is an imminent threat of serious harm to other students**
 8 **or staff that cannot be reduced or eliminated through interventions and supports; OR**

9 **(III) REQUIRED TO ENROLL IN AN ALTERNATIVE SCHOOL IF:**

10 **1. THE STUDENT’S PARENT OR GUARDIAN DECIDES TO**
 11 **ENROLL THE STUDENT IN AN ALTERNATIVE SCHOOL;**

12 **2. THERE IS AN AVAILABLE ENROLLMENT SLOT IN AN**
 13 **ALTERNATIVE SCHOOL; AND**

14 **3. SCHOOL ADMINISTRATORS AGREE THAT ENROLLING**
 15 **THE STUDENT IN AN ALTERNATIVE SCHOOL IS IN THE STUDENT’S BEST INTEREST.**

16 **(3) The principal or school administration shall promptly contact the**
 17 **parent or guardian of a student suspended or expelled under paragraph (2) of this**
 18 **subsection.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 20 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.