



Bill: HB 1152 – Public Schools – Student Bill of Rights and Prohibitions on Suspensions and Expulsions
Date: March 10, 2022
Position: Oppose
Committee: House Ways and Means Committee
Contact: Mary Pat Fannon, Executive Director

This bill establishes certain rights for each student in a public school. The bill also alters the types of conduct for which a public school student in grades three or higher may be suspended or expelled, such that they may be suspended or expelled only for unsafe behavior (instead of for cause). Unsafe behavior means any behavior that is dangerous to the health or safety of students or others. Unsafe behavior does not include an act (1) that the student intends only to be disruptive, as specified, or (2) that is disrespectful to an adult or other students but is nonthreatening and does not physically harm another.

The Public School Superintendents' Association of Maryland (PSSAM), representing all twenty-four local school superintendents, **opposes HB 1152**.

PSSAM appreciates the sponsor's interest and intentions in bringing this bill forward, but we believe it is unnecessary at this time. Local school systems strive to provide the safest and most nurturing environments for our students to learn and grow and become career and college ready. We believe the current framework for student discipline as codified by the General Assembly in state law and by the State Board of Education by regulation, provide sufficient guidance and clear parameters for the appropriate use suspension and expulsion.

Additionally, in 2019 legislation was enacted that required local school systems to revise their student discipline policies to include restorative practices. The use of restorative practices has grown exponentially with many systems reporting universal usage in their schools. The remaining systems have a mixture of school specific programs but are finalizing systemwide training and implementation due to the delays caused by Covid. The initial data and feedback on these efforts has been positive and will continue to reduce suspensions and expulsions.

Speaking specifically to the bill there are very concerning provisions, including the language regarding a student's intention regarding disruption. This language is very vague and open to misinterpretation and inconsistent implementation. The bill also establishes "rights," which could be interpreted as to create new legal causes of action against school systems.

Existing state law recognizes the important need for discretion by principals and superintendents in making discipline decisions "as warranted" (Sec. 7-305, Education Article). Additionally, state regulations have historically given appropriate deference to local decision making while providing appropriate guidance on ensuring safe learning environment.

Again, we appreciate the sponsor's good intentions to create a supportive and safe educational setting, but for the reasons stated above, PSSAM **OPPOSES HB 1152** and requests an **unfavorable** committee report.