



Legislative Committee Meeting

Monday, February 13, 2017

10:00 a.m. – Noon

MABE Conference Room

Stacy KorbelaK, Legislative Committee Chair
Warner Sumpter, Legislative Committee Vice Chair

Agenda

1.	Welcome and Introductions	Information	Stacy KorbelaK	
2.	Reports from Board Members	Information & Discussion	Stacy KorbelaK/ All	15 min.
3.	Bill Decisions <ul style="list-style-type: none"> • HB 880/SB 450 – Open Meetings Act Training • HB 978/SB 871 – State ESSA Plan & Local Plans • HB 425/SB 651 – PreK-2 Suspension Ban • HB 331/SB 786 – Restraint/Seclusion Ban • HB 365 – Affirmative Consent Curriculum • HB 697/SB 945 – 211 Child Abuse Hotline & Info. • HB 270 – Lead Testing School Drinking Water 	Discussion & Decisions	Stacy KorbelaK/ John Woolums/ All	75 min.
4.	Bill Reports <ul style="list-style-type: none"> • HB 1/SB 230 – Healthy Working Families Act/ HB 382/SB 305 – Commonsense Paid Leave Act • HB 458/SB 604 – Visual Impairment PD • HB 461/SB 452 – 2% Testing Limit • HB 516/SB 581 – Universal PreK Workgroup • HB 548 – PreK Testing Moratorium • HB 696/SB 849 – Anti-Discrimination for Privates • HB 878/SB704 – Charter School Act of 2017 • HB 1080 – Universal PreK Mandate • HB 1109/SB 1001 – FY 2017 Gap Funding • SB 346 – Targeted PreK Funding • SB 538 – School Construction Funding by Dist. • SB 557 – Educational Opportunity Accounts • SB 618 – Achievement School District • SB 994 – Stadium Auth./School Const. Program 	Information & Discussion	John Woolums/ All	30 min.
5.	Adjournment	Closing Remarks		

* Meeting Materials on Reverse

Materials & Resources for February 13, 2017 Meeting

Legislative Committee Calendar

March 6, 2017; March 20, 2017; April 3, 2017; and May 1, 2017.

Agenda Item Materials

Item 3. Bill Decisions

HB 880/SB 450 – **Open Meetings Act - Required Training for Members of Public Bodies** (Del. Morales/Sen. Manno) Repealing the requirement that a public body designate a specified individual to receive training on the Open Meetings Act. Requiring that all members of public bodies complete specified online classes or submit a letter to the Compliance Board stating that the individual is unable or unwilling to complete the class within 90 days after becoming a member of a public body. ***(Bill Text Attached)***

HB 978/SB 871 – **Education - Accountability - Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017)** (Del. Luedtke/Sen. Zucker) Requiring the State Educational Accountability Program to include at least a certain number of school quality indicators; authorizing certain school quality indicators to include certain factors; prohibiting certain school quality indicators from being based on student testing; requiring that certain indicators be given equal weight under certain circumstances; prohibiting a certain total of certain indicators from exceeding a certain percentage of a certain score; requiring a county board of education to develop and implement a Comprehensive Support and Improvement Plan for certain schools under certain circumstances; etc. ***(Bill Text Attached)***

HB 425/SB 651 – **Public Schools - Suspensions and Expulsions** (Del. Lierman/Sen. Smith) Prohibiting prekindergarten students from being suspended or expelled from public schools; authorizing the suspension or expulsion of students in kindergarten, first grade, or second grade if the student has knowingly brought a firearm to school or has possessed a firearm at school; requiring the school to provide specified supports to address the student's behavior; requiring the school system to remedy the impact of the student's behavior through specified intervention methods; etc. ***(Bill Text Attached)***

HB 331/SB 786 – **Education - Behavior Intervention Plans - Physical Restraint and Seclusion** (Del. Luedtke/Sen. Zucker) Prohibiting a public agency and a nonpublic school from using physical restraint except under specified circumstances; prohibiting a public agency and a nonpublic school from using seclusion except under specified circumstances; requiring a public agency or a nonpublic school that uses seclusion to take specified actions; requiring schools to report to the State Department of Education on or before December 1 each year specified information relating to physical restraint and seclusion incidents; etc. (Oppose) ***(Bill Text Attached)***

HB 365 – **Affirmative Consent - Family Life and Human Sexuality Curriculum** (Montgomery Co. Delegation) (Note: This is a local bill, but it will be amended to be Statewide) Defines “affirmative consent” as “clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in each act within the course of sexual activity.” Requires that beginning in the 2017–2018 school year, the Montgomery County Board of Education shall provide instruction on affirmative consent as part of the family life and human sexuality curriculum in grades 7 and 10 in public schools in the county. ***(Bill Text Attached)***

HB 697/SB 945 – **Child Abuse and Neglect - Statewide Reporting - 2-1-1 Maryland** (Del. Luedtke/Sen. Smith) Expanding the duties of 2-1-1 Maryland to include serving as a statewide hotline for the reporting of child abuse and neglect. Requiring each local education agency to post certain information on its Web site; requiring each local education agency to provide certain information to parents annually; requiring the State Department of Human Resources and the State Department of Education to develop a certain poster for distribution to elementary and secondary schools throughout the State. ***(Bill Text Attached)***

HB 270 – **Environment - Testing for Lead in Drinking Water - Public and Nonpublic Schools** (Del. Lafferty) Requiring the Department of the Environment, in consultation with the State Department of Education, to adopt certain regulations, on or before a certain date, to require periodic testing for the presence of lead in each drinking water outlet located in an occupied public or nonpublic school building; authorizing the Department of the Environment, in consultation with the State Department of Education, to provide a waiver from certain testing requirements under certain circumstances; requiring the Department of the Environment and the State Department of Education jointly to submit a report to the Governor and the General Assembly on or before a certain date each year, beginning on or before a certain date; providing for the application of this Act; defining certain terms; and generally relating to testing for lead in drinking water in public and nonpublic schools. (*Bill Text Attached*)

Item 4. New Bills

HB 458/SB 604 – **Visual Impairments - Requirements for Teacher Training, Student Screening, and Maryland Medical Assistance Program Coverage** (Del. Kittleman/Sen. Bates) Requiring, on or before a certain date, the Professional Standards and Teacher Education Board to require a certificate holder applying for renewal of a certificate as a teacher to complete a course on understanding and recognizing the symptoms of visual impairments; requiring the Board to approve a course that meets certain criteria; requiring the Board to adopt certain regulations; requiring a vision screening provided to certain students in public schools to include the administration of a computerized screening for visual impairments that includes, at a minimum, certain tests. (Oppose)

HB 461/SB 452 – **Accountability Program - Assessments (Less Testing, More Learning Act of 2017)** (Del. Luedtke/Sen. Manno) Requiring the State Board of Education to adopt regulations limiting the amount of time in the aggregate that may be devoted to federal, State, and locally mandated assessments for each grade to 2% of the specified minimum required annual instructional hours; prohibiting time devoted to teacher-selected classroom quizzes and exams, portfolio reviews, or performance assessments from being counted toward the specified testing time limits; etc. (Oppose)

HB 516/SB 581 – **Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds** (Del. Atterbeary/Sen. Ferguson) The Workgroup shall: (1) estimate the number and proportion of eligible children who are 4 years old currently being served by publicly funded prekindergarten programs using the free and reduced-price meal eligibility data for kindergarten through second grade as a proxy; and (2) make recommendations regarding an implementation plan to make quality, full-day prekindergarten universally available to children who are 4 years old, including: (i) a mixed delivery system of public and private providers meeting the high quality requirement; (ii) a sliding income scale for family contribution; (iii) capacity of existing high quality providers and credentialed staff; (iv) a plan to increase capacity of high quality providers and staff; (v) the impact on school space; (vi) the impact by jurisdiction; (vii) the potential for school systems to partner with private providers or Head Start centers to increase capacity; and (viii) any options to merge various funding streams for prekindergarten to provide a seamless and diverse experience for families. The Workgroup shall report its findings and recommendations to the Commission on Innovation and Excellence in Education. (Oppose)

HB 548/SB 667 – **Education - Prekindergarten Student Assessment – Moratorium** (Del. Shoemaker/Sen. Jennings) Placing a moratorium on the administration of the early learning assessment for enrolled prekindergarten students until: (i) a complete audit of the 2016–2017 pilot year of the early learning assessment is conducted in accordance with paragraph (2) of this subsection; and (ii) the audit results in a determination that the early learning assessment is valid and reliable and is consistent with the purpose of informing instruction and targeting interventions and supports. (Oppose)

HB 696/SB 849 – Nonpublic Elementary and Secondary Schools - Discrimination – Prohibition (Del. McCray/Sen. Kagan) Prohibiting a nonpublic elementary or secondary school that receives State funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student because of specified factors; making specified provisions of law prohibiting discrimination in employment applicable to nonpublic elementary and secondary schools that receive State funds; making specified remedies and procedures regarding discrimination applicable to specified discriminatory acts; etc. (Support)

HB 878/SB704 – Public Charter School Act of 2017 (Administration) Establishing the Maryland Public Charter School Authority as a public chartering authority under the Maryland Public Charter School Program; specifying that employees of a public charter school authorized by the Authority are not public school employees, are exempt from State teacher certification requirements, and may refuse to join employee organizations; requiring the Authority to adopt specified policies regarding teacher induction, preparation, and development; etc. (Oppose)

HB 1080 – Education - Universal Prekindergarten – Established (Del. Walker) Requiring by the 2018–2019 school year, all eligible children shall be admitted free of charge to at least a half–day of publicly funded prekindergarten programs established by each of the county boards. Providing a supplemental prekindergarten grant in the amount of the state share of the per pupil foundation amount for each full–time equivalent eligible child multiplied by 0.5. The state shall first use special funds from the education trust fund to provide the supplemental prekindergarten grants; if there are insufficient funds in the Education Trust Fund general funds shall be used to supplement the special funds. (Oppose)

HB 1109/SB 1001 – Teachers' Retirement and Pension Systems - County Boards of Education Payments (Del. Barnes/Sen. Guzzone) Providing that, for fiscal year 2017, county boards of education shall be relieved of a specified portion of a contribution for specified local employees of the Teachers' Retirement and Pension Systems; providing for a specified allocation of payment relief; requiring the Governor to provide a specified amount in fiscal year 2018 to be paid into specified accumulation funds of the State Retirement and Pension System if a specified condition is not met; etc. (Support)

SB 346 – Prekindergarten Students – Funding (Sen. Conway) The proposed legislation is intended to provide per pupil funding for half-day prekindergarten students at a “full time equivalent” (FTE) rate of 50% to align the amount of mandated per pupil funding with the half-day scope of mandated prekindergarten programs. Systems providing full-day prekindergarten programs would appropriately report those students at the 100% FTE rate. In this way, Maryland’s education funding law would include prekindergarten students as enrolled and guarantee transparent per pupil funding for the high quality prekindergarten programs offered in each of our 24 local school systems. (Support)

SB 538 – Public School Construction - Regulations - Equitable Distribution of Projects and Improvements (Sen. Salling) Requiring the Board of Public Works, at the recommendation of the Interagency Committee on School Construction, to adopt specified regulations that require each local school system to use a specified method for determining funding requests for public school construction projects and public school capital improvements that will result in an equitable distribution of projects and improvements in each legislative district within the geographical boundary of the local school system. (Oppose)

SB 557 – Maryland Education Opportunity Account Program - Established (Sen. Bates) Establishing the Maryland Education Opportunity Account Program; stating a specified goal of the State; authorizing a parent of an eligible student to enroll in the Program; declaring that a specified student remains an eligible student under specified circumstances; establishing a Maryland Education Opportunity Account Authority; establishing the membership of the Authority; authorizing specified members to designate a representative with specified rights, powers, and duties; etc. (Oppose)

SB 618 – Achievement School District – Establishment (Sen. Serafini) Establishing the Achievement School District in the State Department of Education; specifying the purpose of the Achievement School District is to transform into high quality public schools all public schools in the State determined by the Department to enroll students whose academic performance ranks in the lowest 5% in the State; specifying criteria for the absorption of specified public schools into the Achievement School District; requiring a local school system to cooperate, as specified; etc. (Oppose)

SB 994 – School Overcrowding Reduction Act of 2017 (Sen. Rosapepe) Authorizing the Maryland Stadium Authority to become the Maryland Construction Authority. Requiring a four-party MOU between the county, board of education, IAC and Authority before the Authority may provide assistance. Restructuring the IAC to be 3 members each appointed by the Governor, Senate President and House Speaker. Repealing alternative financing statute and replacing with broad authority to counties and local boards to use alternative financing methods. (Oppose)

HB 1/SB 230 – Labor and Employment - Maryland Healthy Working Families Act (Del. Clippinger/Sen. Middleton) This bill requires an employer with more than 14 employees to have a sick and safe leave policy under which an employee earns at least 1 hour of paid sick and safe leave, at the same rate as the employee normally earns, for every 30 hours an employee works. [Fiscal Note](#) (Oppose)

HB 382/SB 305 – Commonsense Paid Leave Act (Administration) This Administration bill requires an employer with 50 or more employees at each of the employer's locations to provide each employee with paid time off that can be used for any reason. The paid leave must accrue at the rate of at least 1 hour of paid leave, at the same rate as the employee normally earns, for every 30 hours an employee works. [Fiscal Note](#) (Oppose)

HOUSE BILL 880

P3

7lr1185
CF SB 450

By: **Delegates Morales, Carr, Angel, Cullison, Hill, Kelly, Lewis, Morgan, Mosby, Pena-Melnyk, Platt, Tarlau, and K. Young**

Introduced and read first time: February 6, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Required Training for Members of Public Bodies**

3 FOR the purpose of repealing the requirement that a public body designate a certain
4 individual to receive training on the Open Meetings Act and forward a certain list to
5 the Open Meetings Compliance Board; requiring that certain individuals complete
6 certain classes or submit a letter stating certain information to the Board within a
7 certain period of time after becoming a member of a public body; requiring an
8 individual who is a member of a public body on the effective date of this Act to comply
9 with certain provisions of this Act on or before a certain date except under certain
10 circumstances; and generally relating to required training for members of public
11 bodies regarding the Open Meetings Act.

12 BY repealing and reenacting, with amendments,
13 Article – General Provisions
14 Section 3–213
15 Annotated Code of Maryland
16 (2014 Volume and 2016 Supplement)

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

19 **Article – General Provisions**

20 3–213.

21 [(a) Each public body shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) designate at least one individual who is an employee, an officer, or a
2 member of the public body to receive training on the requirements of the open meetings
3 law; and

4 (2) forward a list of the individuals designated under item (1) of this
5 subsection to the Board.

6 (b)] Within 90 days after [being designated under subsection (a)(1) of this section]
7 **BECOMING A MEMBER OF A PUBLIC BODY**, an individual shall:

8 (1) complete:

9 [(1)] (I) an online class on the requirements of the open meetings law
10 offered by the Office of the Attorney General and the University of Maryland's Institute for
11 Governmental Service and Research; or

12 [(2)] (II) a class on the requirements of the open meetings law offered by
13 the Maryland Association of Counties or the Maryland Municipal League through the
14 Academy for Excellence in Local Governance; **OR**

15 (2) **SUBMIT A LETTER TO THE BOARD STATING THAT THE INDIVIDUAL**
16 **IS UNABLE OR UNWILLING TO COMPLETE A CLASS AS DESCRIBED IN ITEM (1) OF THIS**
17 **SUBSECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That an individual who is a
19 member of a public body on the effective date of this Act shall comply with § 3–213 of the
20 General Provisions Article, as enacted by Section 1 of this Act, on or before January 1, 2018,
21 unless the individual completed a class as described in § 3–213 of the General Provisions
22 Article, as enacted by Section 1 of this Act, on or before September 30, 2017.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.

HOUSE BILL 978

F1

7lr2553
CF SB 871

By: **Delegate Luedtke**

Introduced and read first time: February 6, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Accountability – Consolidated State Plan and Support and**
3 **Improvement Plans**
4 **(Protect Our Schools Act of 2017)**

5 FOR the purpose of requiring a certain educational accountability program to include at
6 least a certain number of school quality indicators; authorizing certain school quality
7 indicators to include certain factors; prohibiting certain school quality indicators
8 from being based on student testing; requiring that certain indicators be given equal
9 weight under certain circumstances; prohibiting a certain total of certain indicators
10 from exceeding a certain percentage of a certain score; requiring a county board of
11 education to develop and implement a Comprehensive Support and Improvement
12 Plan for certain schools under certain circumstances; providing for the content and
13 requirements of a Comprehensive Support and Improvement Plan; requiring a
14 school to develop and implement a Targeted Support and Improvement Plan for
15 certain schools under certain circumstances; providing for the content and
16 requirements of a Targeted Support and Improvement Plan; requiring certain
17 entities to approve, monitor, and annually review a certain plan; requiring a plan to
18 be implemented in compliance with certain collective bargaining agreements;
19 requiring the State Department of Education to distribute federal funds for the
20 implementation of a certain plan in a certain manner; requiring a county board, after
21 a certain time period, to consult with a school to develop certain strategies under
22 certain circumstances; requiring the Department, after a certain time period, to
23 collaborate with a certain county board in determining the appropriate intervention
24 strategy under certain circumstances, subject to certain limitations; providing for
25 the construction of certain provisions of this Act; and generally relating to education
26 accountability plans.

27 BY repealing and reenacting, with amendments,
28 Article – Education
29 Section 7–203
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2016 Supplement)

2 BY adding to

3 Article – Education

4 Section 7–203.4

5 Annotated Code of Maryland

6 (2014 Replacement Volume and 2016 Supplement)

7 Preamble

8 WHEREAS, All students in the State should have a fair, equal, and significant
9 opportunity to obtain a high–quality education and reach, at a minimum, proficiency on
10 challenging State academic achievement standards and State academic assessments; and

11 WHEREAS, The State should focus on closing the achievement gaps between
12 high– and low–performing students and minority and nonminority students; and

13 WHEREAS, Parents and students should hold schools, county boards of education,
14 and the State accountable for improving the academic achievement of all students, and
15 identifying and improving low–performing schools to provide a high–quality education;
16 now, therefore,

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

19 **Article – Education**

20 7–203.

21 (a) **(1)** The State Board, the State Superintendent, each county board, and
22 each public school shall implement a program of education accountability for the operation
23 and management of the public schools.

24 **(2) A CONSOLIDATED STATE PLAN TO IMPROVE STUDENT OUTCOMES**
25 **SUBMITTED BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF**
26 **EDUCATION UNDER THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT**
27 **SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.**

28 (b) (1) In this subsection, “grade band assessment” means one assessment of
29 a middle school student’s knowledge in a core academic subject area during grades 6
30 through 8.

31 (2) The education accountability program shall include the following:

32 (i) The State Board and the State Superintendent shall assist each
33 county board to establish educational goals and objectives that conform with statewide

1 educational objectives for subject areas including reading, writing, mathematics, science,
2 and social studies;

3 (ii) With the assistance of its county board, each public school shall
4 survey current student achievement in reading, language, mathematics, science, social
5 studies, and other areas to assess its needs;

6 (iii) 1. The State Board and the State Superintendent shall
7 implement assessment programs in reading, language, mathematics, science, and social
8 studies that include written responses;

9 2. The assessment program required in this subsection shall:

10 A. Provide information needed to improve public schools by
11 enhancing the learning gains of students and academic mastery of the skills and knowledge
12 set forth in the State's adopted curricula or common core curricula;

13 B. Inform the public annually of the educational progress
14 made at the school, local school system, and State levels; and

15 C. Provide timely feedback to schools and teachers for the
16 purposes of adapting the instructional program and making placement decisions for
17 students; and

18 3. Beginning in the 2014–2015 school year, the following
19 assessments shall be implemented and administered annually:

20 A. At the middle school level, a statewide, comprehensive,
21 grade band assessment program that measures the learning gains of each public school
22 student towards achieving mastery of the standards set forth in the common core curricula
23 or the State's adopted curricula for the core content areas of reading, language,
24 mathematics, science, and social studies; and

25 B. At the high school level, a statewide, standardized,
26 end-of-course assessment that is aligned with and that measures each public school
27 student's skills and knowledge of the State's adopted curricula for the core content areas of
28 reading, language, mathematics, science, and social studies;

29 (iv) Each public school shall establish as the basis for its assessment
30 of its needs, project goals and objectives that are in keeping with the goals and objectives
31 established by its county board and the State Board;

32 (v) With the assistance of its county board, the State Board, and the
33 State Superintendent, each public school shall develop programs to meet its needs on the
34 basis of the priorities it sets;

1 (vi) Evaluation programs shall be developed at the same time to
2 determine if the goals and objectives are being met; and

3 (vii) A reevaluation of programs, goals, and objectives shall be
4 undertaken regularly.

5 (3) (i) After the 2014–2015 school year, the State Board shall determine
6 whether the assessments at the middle school and high school levels required under
7 paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth
8 in the State’s adopted curricula for the core content areas of reading, language,
9 mathematics, science, and social studies.

10 (ii) If the State Board makes a determination under subparagraph
11 (i) of this paragraph that an assessment does not adequately measure the skills and
12 knowledge set forth in the State’s adopted curricula for a core content area, the Department
13 shall develop a State–specific assessment in that core content area to be implemented in
14 the 2018–2019 school year.

15 (c) (1) National standardized testing may not be the only measure for
16 evaluating educational accountability.

17 (2) (I) AN EDUCATIONAL ACCOUNTABILITY PROGRAM SHALL
18 INCLUDE AT LEAST THREE SCHOOL QUALITY INDICATORS THAT MEASURE THE
19 COMPARATIVE OPPORTUNITIES PROVIDED TO STUDENTS IN PUBLIC SCHOOLS.

20 (II) SCHOOL QUALITY INDICATORS MAY INCLUDE:

21 1. FOR SECONDARY SCHOOLS:

22 A. CLASS SIZE;

23 B. CASE LOAD;

24 C. SCHOOL CLIMATE SURVEYS;

25 D. OPPORTUNITIES TO ENROLL IN ADVANCED
26 PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;

27 E. OPPORTUNITIES FOR DUAL ENROLLMENT;

28 F. OPPORTUNITIES TO ENROLL IN CAREER AND
29 TECHNOLOGY EDUCATION PROGRAMS; AND

30 G. OPPORTUNITIES FOR INDUSTRY CERTIFICATION;

31 AND

1 **2. FOR ELEMENTARY AND MIDDLE SCHOOLS:**

2 **A. CLASS SIZE;**

3 **B. CASE LOAD;**

4 **C. CHRONIC ABSENTEEISM; AND**

5 **D. SCHOOL CLIMATE SURVEYS.**

6 **(III) THE SCHOOL QUALITY INDICATORS USED IN**
7 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE BASED ON STUDENT TESTING.**

8 **(IV) 1. BOTH ACADEMIC INDICATORS AND SCHOOL QUALITY**
9 **INDICATORS SHALL BE GIVEN EQUAL WEIGHT IN REPORTING INTERIM PROGRESS**
10 **TOWARD THE STATE BOARD'S GOALS AND OBJECTIVES.**

11 **2. THE COMBINED TOTAL OF THE ACADEMIC**
12 **INDICATORS MAY NOT EXCEED 51% OF THE COMPOSITE SCORE.**

13 (d) The Department shall assist each county board to establish an education
14 accountability program by providing:

15 (1) Guidelines for development and implementation of the program by the
16 county boards; and

17 (2) Assistance and coordination where it is needed and requested by the
18 county boards.

19 (e) (1) The Department shall survey a statewide, representative sample of
20 public schools and public school teachers annually to measure:

21 (i) The amount of instructional time spent on social studies and
22 science instruction in elementary schools;

23 (ii) The availability and use of appropriate instructional resources
24 and teaching technology in social studies and science classrooms;

25 (iii) The availability and use of appropriate professional development
26 for social studies and science teachers; and

27 (iv) The number of secondary school social studies and science classes
28 that are taught by teachers who are:

- 1 1. Certified in the subject being taught; and
- 2 2. Not certified in the subject being taught.

3 (2) The Department shall:

4 (i) Compile the results of the survey conducted under paragraph (1)
5 of this subsection; and

6 (ii) Publish the results on the Department's Web site.

7 (f) The State Superintendent shall send the Governor and, subject to § 2-1246 of
8 the State Government Article, the General Assembly a report each January that includes:

9 (1) Documentation of the progress of the Department, the county boards,
10 and each public school in this State towards their respective goals and objectives; and

11 (2) Recommendations for legislation that the State Board and the State
12 Superintendent consider necessary to improve the quality of education in this State.

13 (g) On the recommendation of the State Superintendent, the State Board shall
14 include in its annual budget request the funds it considers necessary to carry out the
15 provisions of this section.

16 **7-203.4.**

17 (A) (1) **FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**
18 **FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, THE COUNTY BOARD SHALL**
19 **DEVELOP AND IMPLEMENT A COMPREHENSIVE SUPPORT AND IMPROVEMENT PLAN**
20 **TO IMPROVE STUDENT OUTCOMES AT THE SCHOOL.**

21 (2) **THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION SHALL:**

23 (I) **BE DEVELOPED IN CONSULTATION WITH PRINCIPALS,**
24 **TEACHERS, SCHOOL STAFF, AND THE EXCLUSIVE BARGAINING REPRESENTATIVE;**

25 (II) **INCLUDE THE SCHOOL QUALITY INDICATORS DESCRIBED**
26 **UNDER § 7-203(C) OF THIS SUBTITLE;**

27 (III) **INCLUDE EVIDENCE-BASED INTERVENTIONS;**

28 (IV) **BE BASED ON SCHOOL-LEVEL NEEDS ASSESSMENTS; AND**

29 (V) **IDENTIFY RESOURCE INEQUITIES AND BUDGETARY NEEDS.**

1 **(3) THE SCHOOL AND THE COUNTY BOARD SHALL APPROVE THE**
2 **PLAN.**

3 **(4) THE DEPARTMENT SHALL MONITOR AND ANNUALLY REVIEW THE**
4 **PLAN.**

5 **(B) (1) FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**
6 **FOR TARGETED SUPPORT AND IMPROVEMENT, THE SCHOOL SHALL DEVELOP AND**
7 **IMPLEMENT A TARGETED SUPPORT AND IMPROVEMENT PLAN TO IMPROVE**
8 **STUDENT OUTCOMES AT THE SCHOOL.**

9 **(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**
10 **SUBSECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2) AND (3) OF**
11 **THIS SECTION.**

12 **(3) THE COUNTY BOARD SHALL MONITOR AND ANNUALLY REVIEW**
13 **THE PLAN.**

14 **(C) PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS**
15 **SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH EXISTING COLLECTIVE**
16 **BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE**
17 **BARGAINING REPRESENTATIVE.**

18 **(D) THE DEPARTMENT SHALL DISTRIBUTE FEDERAL FUNDS FOR THE**
19 **IMPLEMENTATION OF PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF**
20 **THIS SECTION BASED ON A FORMULA AND DRIVEN BY THE IDENTIFIED NEEDS OF**
21 **EACH SCHOOL IDENTIFIED BY THE DEPARTMENT.**

22 **(E) (1) AFTER A 2-YEAR PERIOD FROM THE DATE OF A PLAN'S**
23 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF A**
24 **COUNTY BOARD DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A**
25 **PUBLIC SCHOOL, THE COUNTY BOARD SHALL CONSULT WITH THE SCHOOL TO**
26 **DEVELOP ADDITIONAL STRATEGIES AND INTERVENTIONS INCLUDING FUNDING,**
27 **COMMUNITY SUPPORTS, AND GRANTS PROVIDED IN THE PUBLIC SCHOOL**
28 **OPPORTUNITIES ENHANCEMENT PROGRAM.**

29 **(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**
30 **AUTHORIZE THE DEPARTMENT TO REQUIRE A COUNTY BOARD TO IMPLEMENT A**
31 **SPECIFIC INTERVENTION STRATEGY.**

32 **(F) (1) AFTER A 3-YEAR PERIOD FROM THE DATE OF A PLAN'S**
33 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF THE**

1 DEPARTMENT DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A
2 PUBLIC SCHOOL AND INTERVENTION IS NECESSARY, THE DEPARTMENT SHALL
3 COLLABORATE WITH THE COUNTY BOARD IN DETERMINING THE APPROPRIATE
4 INTERVENTION STRATEGY, SUBJECT TO EXISTING COLLECTIVE BARGAINING
5 AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING
6 REPRESENTATIVE.

7 (2) AN INTERVENTION STRATEGY DETERMINED UNDER PARAGRAPH
8 (1) OF THIS SUBSECTION MAY NOT INCLUDE:

9 (I) CREATING A STATE-RUN SCHOOL DISTRICT;

10 (II) CONVERTING A PUBLIC SCHOOL TO A CHARTER SCHOOL;

11 (III) ISSUING SCHOLARSHIPS TO PUBLIC SCHOOL STUDENTS TO
12 ATTEND NONPUBLIC SCHOOLS THROUGH DIRECT VOUCHERS, TAX CREDIT
13 PROGRAMS, OR EDUCATION SAVINGS ACCOUNTS; AND

14 (IV) CONTRACTING WITH A FOR-PROFIT COMPANY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2017.

HOUSE BILL 425

F1

7lr1722
CF 7lr0584

By: **Delegates Lierman, Anderson, Angel, Atterbeary, D. Barnes, Brooks, Conaway, Davis, Fennell, Glenn, Gutierrez, Hayes, Haynes, Hettleman, Hill, Jones, Kelly, Korman, Krimm, McCray, McIntosh, McKay, A. Miller, Moon, Morales, Oaks, Patterson, Queen, Rosenberg, Sanchez, Sydnor, Tarlau, Turner, A. Washington, and M. Washington**

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Suspensions and Expulsions**

3 FOR the purpose of prohibiting the suspension or expulsion of prekindergarten students
4 from public schools; authorizing the suspension or expulsion of students in
5 kindergarten, first grade, or second grade under certain circumstances; requiring the
6 school to return a suspended student to school under a certain manner; requiring the
7 school to provide certain supports to address the student's behavior; requiring the
8 school system to remedy the impact of the student's behavior through certain
9 intervention methods; requiring the State Department of Education to adopt certain
10 regulations on or before a certain date; defining certain terms; and generally relating
11 to the suspension and expulsion of students in public schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 4–319(d) and 7–305
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

17 BY adding to
18 Article – Education
19 Section 7–305.1
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

1
2 4–319.

3 (d) (1) Except as otherwise provided in [§ 7–305(g)] §§ 7–305(G) AND
4 7–305.1 of this article, a student in the Baltimore City School System may be transferred
5 to the Center if the student:

6 (i) Assaults a teacher, teacher’s aide, student teacher, other
7 professional or paraprofessional school employee, or other student;

8 (ii) Carries a gun, rifle, knife, or other deadly weapon onto school
9 property; or

10 (iii) Commits any other act that would be a crime if committed by an
11 adult.

12 (2) The Director shall review recommendations for admission of students
13 to the Center and admit or deny admission for each student based on an assessment of the
14 student’s amenability to the services, programs, and treatment available in the Center.

15 7–305.

16 (a) (1) Except as provided in subsection (b) of this section AND § 7–305.1 OF
17 THIS SUBTITLE, in accordance with the rules and regulations of the county board, each
18 principal of a public school may suspend for cause, for not more than 10 school days, any
19 student in the school who is under the direction of the principal.

20 (2) The student or the student’s parent or guardian promptly shall be given
21 a conference with the principal and any other appropriate personnel during the suspension
22 period.

23 (3) The student or the student’s parent or guardian promptly shall be given
24 a community resources list provided by the county board in accordance with § 7–310 of this
25 subtitle.

26 (b) (1) Except as provided in paragraph (2) of this subsection, a student may
27 not be suspended or expelled from school solely for attendance–related offenses.

28 (2) Paragraph (1) of this subsection does not apply to in–school suspensions
29 for attendance–related offenses.

30 (c) [At] EXCEPT AS PROVIDED IN § 7–305.1 OF THIS SUBTITLE, AT the
31 request of a principal, a county superintendent may suspend a student for more than 10
32 school days or expel the student.

1 (d) (1) If a principal finds that a suspension of more than 10 school days or
2 expulsion is warranted, the principal immediately shall report the matter in writing to the
3 county superintendent.

4 (2) The county superintendent or the county superintendent's designated
5 representative promptly shall make a thorough investigation of the matter.

6 (3) If after the investigation the county superintendent finds that a longer
7 suspension or expulsion is warranted, the county superintendent or the county
8 superintendent's designated representative promptly shall arrange a conference with the
9 student and his parent or guardian.

10 (4) The student or the student's parent or guardian promptly shall be given
11 a community resources list provided by the county board in accordance with § 7–310 of this
12 subtitle.

13 (5) If after the conference the county superintendent or the county
14 superintendent's designated representative finds that a suspension of more than 10 school
15 days or expulsion is warranted, the student or the student's parent or guardian may:

16 (i) Appeal to the county board within 10 days after the
17 determination;

18 (ii) Be heard before the county board, its designated committee, or a
19 hearing examiner, in accordance with the procedures established under § 6–203 of this
20 article; and

21 (iii) Bring counsel and witnesses to the hearing.

22 (6) Unless a public hearing is requested by the parent or guardian of the
23 student, a hearing shall be held out of the presence of all individuals except those whose
24 presence is considered necessary or desirable by the board.

25 (7) The appeal to the county board does not stay the decision of the county
26 superintendent.

27 (8) The decision of the county board is final.

28 (e) (1) Any student expelled or suspended from school:

29 (i) Shall remain away from the school premises during those hours
30 each school day when the school the student attends is in session; and

31 (ii) May not participate in school sponsored activities.

1 (2) The expelled or suspended student may return to the school premises
2 during the prohibited hours only for attendance at a previously scheduled appointment,
3 and if the student is a minor then only if accompanied by his parent or guardian.

4 (3) Any person who violates paragraph (1) or (2) of this subsection is guilty
5 of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

6 (4) (i) If a student has been suspended or expelled, the principal or a
7 designee of the principal may not return the student to the classroom without conferring
8 with the teacher who referred the student to the principal, if the student was referred by a
9 teacher, other teachers as appropriate, other appropriate school personnel, the student, and
10 the student's parent or guardian.

11 (ii) If the disruptive behavior results in action less than suspension,
12 the principal or a designee of the principal shall confer with the teacher who referred the
13 student to the principal prior to returning the student to that teacher's classroom.

14 (5) A county superintendent may deny attendance to any student who is
15 currently expelled from another school system for a length of time equal to that expulsion.

16 (6) A school system shall forward information to another school system
17 relating to the discipline of a student, including information on an expulsion of the student,
18 on receipt of the request for information.

19 (f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §
20 921.

21 (2) Except as provided in paragraph (3) of this subsection, if the county
22 superintendent or the superintendent's designated representative finds that a student has
23 brought a firearm onto school property, the student shall be expelled for a minimum of 1
24 year.

25 (3) The county superintendent may specify, on a case by case basis, a
26 shorter period of expulsion or an alternative educational setting, if alternative educational
27 settings have been approved by the county board, for a student who has brought a firearm
28 onto school property.

29 (4) The State Board shall adopt regulations to implement this subsection.

30 (g) (1) The discipline of a child with a disability, including the suspension,
31 expulsion, or interim alternative placement of the child for disciplinary reasons, shall be
32 conducted in conformance with the requirements of the Individuals with Disabilities
33 Education Act of the United States Code.

34 (2) If a child with a disability is being considered for suspension or
35 expulsion, the child or the child's parent or guardian shall be given a community resources
36 list attached to the procedural safeguards notice required by regulation of the State Board.

1 (h) (1) This subsection does not apply if the student is referred to the
2 Department of Juvenile Services.

3 (2) If a student violates a State or local law or regulation and during or as
4 a result of the commission of that violation damaged, destroyed, or substantially decreased
5 the value of school property or property of another that was on school property at the time
6 of the violation, as part of a conference on the matter with the student, the student's parent
7 or guardian and any other appropriate person, the principal shall require the student or
8 the student's parent to make restitution.

9 (3) The restitution may be in the form of monetary restitution not to exceed
10 the lesser of the fair market value of the property or \$2,500, or the student's assignment to
11 a school work project, or both.

12 **7-305.1.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "PUBLIC PREKINDERGARTEN PROGRAM" MEANS:

16 (I) ANY PUBLICLY FUNDED PREKINDERGARTEN PROGRAM
17 ESTABLISHED UNDER § 7-101.1 OF THIS TITLE; OR

18 (II) ANY QUALIFIED VENDOR OF PREKINDERGARTEN SERVICES
19 AS DEFINED IN § 7-101.2(A)(7) OF THIS TITLE.

20 (3) "RESTORATIVE PRACTICES" MEANS PRACTICES CONDUCTED IN A
21 WHOLE-SCHOOL ETHOS OR CULTURE THAT SUPPORTS PEACEMAKING AND SOLVES
22 CONFLICT BY BUILDING A COMMUNITY AND ADDRESSING HARM IN A SCHOOL
23 SETTING AND THAT:

24 (I) ARE CONDUCTED BY TRAINED STAFF;

25 (II) FOCUS ON REPAIRING THE HARM TO THE COMMUNITY
26 THROUGH DIALOGUE THAT EMPHASIZES INDIVIDUAL ACCOUNTABILITY; AND

27 (III) HELP BUILD A SENSE OF BELONGING, SAFETY, AND SOCIAL
28 RESPONSIBILITY IN THE SCHOOL COMMUNITY.

29 (B) (1) A STUDENT MAY NOT BE SUSPENDED OR EXPELLED FROM SCHOOL
30 IF THE STUDENT IS ENROLLED IN A PUBLIC PREKINDERGARTEN PROGRAM.

1 **(2) A STUDENT MAY BE SUSPENDED OR EXPELLED FROM SCHOOL IF**
2 **THE STUDENT:**

3 **(I) IS ENROLLED IN KINDERGARTEN, FIRST GRADE, OR SECOND**
4 **GRADE; AND**

5 **(II) 1. HAS KNOWINGLY BROUGHT A FIREARM TO SCHOOL;**
6 **OR**

7 **2. HAS KNOWINGLY POSSESSED A FIREARM AT SCHOOL.**

8 **(C) THE SCHOOL SHALL RETURN ANY STUDENT SUSPENDED UNDER**
9 **SUBSECTION (B) OF THIS SECTION TO THE LOCAL SCHOOL SYSTEM BY A MEANS THAT**
10 **MINIMIZES, TO THE GREATEST EXTENT POSSIBLE, ANY DISRUPTION OF THE**
11 **STUDENT'S ACADEMIC INSTRUCTION.**

12 **(D) (1) THE SCHOOL SHALL PROVIDE SUPPORT TO ADDRESS THE**
13 **STUDENT'S BEHAVIOR IF THE STUDENT IS:**

14 **(I) SUSPENDED UNDER SUBSECTION (B) OF THIS SECTION; OR**

15 **(II) ENROLLED IN PREKINDERGARTEN, KINDERGARTEN, FIRST**
16 **GRADE, OR SECOND GRADE AND:**

17 **1. IS DISRUPTIVE TO THE SCHOOL ENVIRONMENT; OR**

18 **2. COMMITS AN ACT THAT WOULD BE CONSIDERED AN**
19 **OFFENSE SUBJECT TO SUSPENSION BUT FOR THE STUDENT'S GRADE.**

20 **(2) SUPPORT PROVIDED UNDER PARAGRAPH (1) OF THIS**
21 **SUBSECTION INCLUDES:**

22 **(I) POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS;**

23 **(II) A BEHAVIOR INTERVENTION PLAN;**

24 **(III) A REFERRAL TO A STUDENT SUPPORT TEAM;**

25 **(IV) A REFERRAL TO AN INDIVIDUALIZED EDUCATION PROGRAM**
26 **TEAM; AND**

27 **(V) A REFERRAL FOR APPROPRIATE COMMUNITY-BASED**
28 **SERVICES.**

1 **(E) THE SCHOOL SYSTEM SHALL REMEDY THE IMPACT OF A STUDENT'S**
2 **BEHAVIOR THROUGH APPROPRIATE INTERVENTION METHODS THAT MAY INCLUDE**
3 **RESTORATIVE PRACTICES.**

4 **(F) ON OR BEFORE MAY 1, 2018, THE DEPARTMENT SHALL ADOPT**
5 **REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2017.

HOUSE BILL 331

F1

7lr1283
CF 7lr2175

By: **Delegates Luedtke and Ebersole**

Introduced and read first time: January 25, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Behavior Intervention Plans – Physical Restraint and Seclusion**

3 FOR the purpose of prohibiting a public agency and a nonpublic school from using physical
4 restraint except under certain circumstances; prohibiting a public agency and a
5 nonpublic school from using seclusion except under certain circumstances; requiring
6 a public agency or a nonpublic school that uses seclusion to document the completion
7 of a certain assessment, observe the student at all times, limit the period of seclusion
8 to a certain amount of time, discontinue the seclusion after a certain time, and
9 consider alternative behavior interventions under certain circumstances; requiring
10 schools to report to the State Department of Education on or before a certain date
11 each year certain information relating to physical restraint and seclusion incidents;
12 requiring the Department to adopt certain regulations; requiring the State
13 Superintendent of Schools to consult with certain individuals relating to training
14 requirements for teachers and administrators regarding evidence-based positive
15 behavioral interventions, strategies, and supports, and trauma-informed
16 interventions; requiring the Department to coordinate with public agencies and
17 nonpublic schools to ensure that certain individuals who work directly with students
18 receive certain initial and periodic professional development; altering a certain
19 definition; defining certain terms; repealing certain obsolete provisions of law; and
20 generally relating to behavior intervention plans.

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 7–1101, 7–1103, and 7–1104
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2016 Supplement)

26 BY repealing
27 Article – Education
28 Section 7–1102
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education

Section 7–1102

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

7–1101.

(a) In this subtitle the following terms have the meanings indicated.

(b) “Behavior intervention plan” means a proactive plan designed to address
[problem] CHALLENGING behavior exhibited by a student in the educational setting
through the use of [positive]:

(1) POSITIVE behavioral interventions, strategies, and supports; **AND**

(2) TRAUMA–INFORMED INTERVENTIONS.

(c) “Exclusionary time out” means the circumstance in which a student is
removed to a designated time–out room or other area for a fixed period not to exceed 30
minutes.

(d) “Functional behavior assessment” means the systematic process of:

(1) Describing problematic behavior exhibited in the educational setting,
including identification of environmental and other factors and settings that contribute to
or predict:

(i) The occurrence or nonoccurrence of the behavior; and

(ii) The maintenance of the behavior over time; and

(2) Using the information gathered to guide the development of an effective
and efficient behavior intervention plan.

(e) (1) “Mechanical restraint” means the use of any device or material attached
or adjacent to the student’s body that restricts freedom of movement or normal access to
any portion of the student’s body and that the student cannot easily remove.

1 (2) “Mechanical restraint” does not include a protective or stabilizing
2 device ordered by a physician when it is used as prescribed.

3 (f) “Nonpublic school” means a school that receives funds from the Department
4 for the purpose of providing special education and related services to students with
5 disabilities.

6 (g) (1) “Physical restraint” means the use of physical force, without the use of
7 any device or material, to restrict the free movement of all or a portion of a student’s body.

8 (2) “Physical restraint” does not include:

9 (i) Briefly holding a student in order to calm or comfort the student;

10 (ii) Holding a student’s hand or arm to escort the student safely from
11 one area to another;

12 (iii) Moving a disruptive student who is unwilling to leave the area
13 when other methods such as counseling have been unsuccessful; or

14 (iv) Breaking up a fight in the school building or on school grounds.

15 **(H) “PUBLIC AGENCY” MEANS THE DEPARTMENT, A LOCAL SCHOOL**
16 **SYSTEM, OR ANY STATE AGENCY RESPONSIBLE FOR PROVIDING EDUCATION TO**
17 **STUDENTS.**

18 **[(h)] (I) “Seclusion” means the confinement of a student ALONE in a [locked]**
19 **room, [closet, box] AN ENCLOSURE, or ANY other space from which the student is**
20 **physically prevented from leaving.**

21 **(J) “TRAUMA-INFORMED INTERVENTIONS” MEANS AN APPROACH TO A**
22 **BEHAVIOR INTERVENTION PLAN THAT IS INFORMED BY THE RECOGNITION OF THE**
23 **IMPACT THAT TRAUMA, INCLUDING VIOLENCE, ABUSE, NEGLECT, DISASTER,**
24 **TERRORISM, AND WAR MAY HAVE ON AN INDIVIDUAL’S PHYSICAL AND EMOTIONAL**
25 **HEALTH AND ABILITY TO FUNCTION.**

26 [7-1102.

27 (a) The State Superintendent shall appoint a task force to propose regulations to
28 the State Board regarding student behavior intervention practices.

29 (b) The task force shall consist of:

30 (1) Representatives of the Department;

1 (2) Representatives of local school systems, including teachers,
2 administrators, school psychologists, and social workers;

3 (3) Representatives of advocacy communities;

4 (4) Representatives from nonpublic special education facilities; and

5 (5) Individuals with knowledge of and expertise in positive behavioral
6 interventions.

7 (c) The task force shall consider:

8 (1) The circumstances under which, and the schools or types of schools in
9 which, physical restraint, mechanical restraint, and seclusion shall be prohibited;

10 (2) The definitions of involuntary and other types of time out;

11 (3) The use of physical restraint, mechanical restraint, voluntary time out,
12 and involuntary time out, including:

13 (i) The types of permissible and prohibited physical holds and
14 mechanical restraints;

15 (ii) The size and characteristics of a time out room or other area; and

16 (iii) The amount of time and examples of circumstances under which
17 students may be placed in physical restraint, voluntary time out, and involuntary time out;

18 (4) The circumstances under which review of a student's individualized
19 education program would occur if restraints or involuntary time out are used with the
20 student as a behavior intervention;

21 (5) The circumstances under which the special education evaluation
22 process shall be initiated for students not in special education who are restrained or placed
23 in involuntary time out as a behavior intervention;

24 (6) The circumstances under which a functional assessment and a behavior
25 intervention plan will be conducted for the students described in items (4) and (5) of this
26 subsection;

27 (7) Appropriate behavioral interventions, including but not limited to crisis
28 intervention and prevention techniques;

29 (8) Definitions of "positive behavioral supports" and "behavior
30 interventions and strategies plan";

1 (9) How to document properly the need for and use of behavioral
2 interventions with students, including notice requirements to parents;

3 (10) Training requirements for school staff regarding behavioral
4 interventions, including the need to individualize behavioral interventions based on a
5 student's behavioral, medical, and psychological history and disability characteristics;

6 (11) Minimum requirements for policies and procedures to be developed by
7 local school systems, State operated programs, and nonpublic schools; and

8 (12) Standards for monitoring compliance by local school systems, State
9 operated programs, and nonpublic schools with the requirements of this subtitle.

10 (d) The Department shall submit proposed regulations to the State Board of
11 Education on or before December 31, 2002.]

12 **7-1102.**

13 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
14 **PUBLIC AGENCY AND A NONPUBLIC SCHOOL MAY NOT USE PHYSICAL RESTRAINT.**

15 **(2) A PUBLIC AGENCY AND A NONPUBLIC SCHOOL MAY USE PHYSICAL**
16 **RESTRAINT ONLY IF:**

17 **(I) PHYSICAL RESTRAINT IS NECESSARY TO PROTECT A**
18 **STUDENT OR ANOTHER INDIVIDUAL FROM IMMINENT SERIOUS PHYSICAL HARM;**
19 **AND**

20 **(II) OTHER LESS INTRUSIVE, NONPHYSICAL INTERVENTIONS**
21 **HAVE BEEN DEMONSTRATED BY EMPIRICAL EVIDENCE TO BE INEFFECTIVE.**

22 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
23 **PUBLIC AGENCY AND A NONPUBLIC SCHOOL MAY NOT USE SECLUSION.**

24 **(2) A PUBLIC AGENCY AND A NONPUBLIC SCHOOL MAY USE**
25 **SECLUSION ONLY IF:**

26 **(I) SECLUSION IS NECESSARY TO PROTECT THE STUDENT OR**
27 **ANOTHER INDIVIDUAL FROM IMMINENT SERIOUS PHYSICAL HARM;**

28 **(II) OTHER LESS INTRUSIVE INTERVENTIONS HAVE BEEN**
29 **DEMONSTRATED BY EMPIRICAL EVIDENCE TO BE INEFFECTIVE; AND**

1 **(III) ONE OF THE FOLLOWING INDIVIDUALS HAS AUTHORIZED**
2 **THE USE OF SECLUSION:**

3 **1. A PHYSICIAN WHO IS LICENSED TO PRACTICE**
4 **MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;**

5 **2. A CLINICAL PSYCHOLOGIST WHO IS LICENSED TO**
6 **PRACTICE PSYCHOLOGY UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE;**
7 **OR**

8 **3. A CLINICAL SOCIAL WORKER WHO IS LICENSED TO**
9 **PRACTICE CLINICAL SOCIAL WORK UNDER TITLE 19 OF THE HEALTH OCCUPATIONS**
10 **ARTICLE.**

11 **(3) BEFORE AN INDIVIDUAL DESCRIBED IN PARAGRAPH (2)(III) OF**
12 **THIS SUBSECTION MAY AUTHORIZE THE USE OF SECLUSION, THE INDIVIDUAL MUST:**

13 **(I) HAVE RECEIVED TRAINING IN EACH OF THE PRACTICES AND**
14 **STANDARDS AREAS SPECIFIED IN COMAR 13A.08.04.06(C)(3);**

15 **(II) BE FAMILIAR WITH THE STUDENT; AND**

16 **(III) HAVE COMPLETED A RISK ASSESSMENT OF THE STUDENT**
17 **TO DETERMINE WHETHER SECLUSION IS CONTRAINDICATED FOR MEDICAL,**
18 **PHYSICAL, PSYCHOLOGICAL, PSYCHOSOCIAL, OR ANOTHER REASON AND HAVE**
19 **CONCLUDED THAT SECLUSION IS NOT CONTRAINDICATED.**

20 **(4) IF THE DOOR TO A ROOM USED FOR SECLUSION HAS A LOCKING**
21 **MECHANISM:**

22 **(I) THE LOCKING MECHANISM MAY BE ENGAGED ONLY WHEN**
23 **IT IS HELD IN POSITION BY AN INDIVIDUAL; OR**

24 **(II) IF THE LOCKING MECHANISM IS ELECTRONICALLY**
25 **ENGAGED, THE LOCKING MECHANISM MUST AUTOMATICALLY RELEASE IF A FIRE**
26 **ALARM IS ACTIVATED.**

27 **(C) (1) IF A PUBLIC AGENCY OR NONPUBLIC SCHOOL USES SECLUSION IN**
28 **ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE SECLUSION SHALL BE**
29 **CONDUCTED IN ACCORDANCE WITH THIS SUBSECTION.**

1 **(2) THE PUBLIC AGENCY OR NONPUBLIC SCHOOL SHALL DOCUMENT**
2 **THE COMPLETION OF THE RISK ASSESSMENT REQUIRED UNDER SUBSECTION**
3 **(B)(3)(III) OF THIS SECTION:**

4 **(I) AT EACH ANNUAL INDIVIDUALIZED EDUCATION PROGRAM**
5 **MEETING FOR A STUDENT WHO IS RECEIVING SPECIAL EDUCATION SERVICES;**

6 **(II) WHENEVER A PLACEMENT CHANGE OF A STUDENT IS MADE;**
7 **AND**

8 **(III) AT OTHER TIMES AS WARRANTED, INCLUDING WHEN THERE**
9 **IS A CHANGE IN THE STUDENT'S HEALTH STATUS OR A TRAUMATIC EVENT OCCURS**
10 **IN THE STUDENT'S LIFE.**

11 **(3) THE STUDENT SHALL BE DIRECTLY OBSERVED AT ALL TIMES.**

12 **(4) THE PERIOD OF SECLUSION MAY NOT EXCEED 30 MINUTES.**

13 **(5) THE SECLUSION SHALL BE DISCONTINUED AS SOON AS IT IS NO**
14 **LONGER NECESSARY TO PROTECT THE STUDENT OR ANOTHER INDIVIDUAL FROM**
15 **IMMINENT SERIOUS PHYSICAL HARM.**

16 **(6) IF THE STUDENT'S BEHAVIOR ESCALATES WITH THE USE OF**
17 **SECLUSION OR THE STUDENT IS OTHERWISE ADVERSELY AFFECTED BY THE USE OF**
18 **SECLUSION, THE NEED FOR ALTERNATIVE BEHAVIOR INTERVENTIONS SHALL BE**
19 **CONSIDERED AS FOLLOWS:**

20 **(I) IF THE STUDENT IS RECEIVING SPECIAL EDUCATION**
21 **SERVICES, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL CONVENE AN**
22 **EXPEDITED TEAM MEETING; OR**

23 **(II) IF THE STUDENT IS NOT RECEIVING SPECIAL EDUCATION**
24 **SERVICES, THE PUBLIC AGENCY OR NONPUBLIC SCHOOL SHALL CONVENE AN**
25 **EXPEDITED PUPIL PERSONNEL MEETING.**

26 **(D) BEGINNING WITH THE 2018–2019 SCHOOL YEAR, ON OR BEFORE**
27 **DECEMBER 1 EACH YEAR, EACH SCHOOL SHALL SUBMIT TO THE DEPARTMENT A**
28 **REPORT FOR THE PRIOR SCHOOL YEAR ON THE NUMBER OF PHYSICAL RESTRAINT**
29 **AND SECLUSION INCIDENTS, DISAGGREGATED BY THE STUDENT'S JURISDICTION,**
30 **DISABILITY, RACE, GENDER, AND TYPE OF PLACEMENT.**

31 **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
32 **SECTION.**

1 7-1103.

2 Each [local school system, State operated program,] **PUBLIC AGENCY** and nonpublic
3 school shall develop policies and procedures in compliance with this subtitle and the
4 regulations adopted by the Department.

5 7-1104.

6 **(A)** The State Superintendent shall consult with representatives of institutions of
7 higher education and the Professional Standards and Teacher Education Board under Title
8 6, Subtitle 7 of this article with respect to the training requirements for teachers **AND**
9 **ADMINISTRATORS** to ensure that sufficient training is available regarding
10 **EVIDENCE-BASED** positive behavioral interventions [and], strategies, **AND SUPPORTS**
11 **AND TRAUMA-INFORMED INTERVENTIONS** consistent with professionally accepted
12 practices and standards for persons entering the field of education.

13 **(B) THE DEPARTMENT SHALL COORDINATE WITH EACH PUBLIC AGENCY**
14 **AND NONPUBLIC SCHOOL TO ENSURE THAT ALL SCHOOL ADMINISTRATORS,**
15 **TEACHERS, BEHAVIORAL SUPPORT SPECIALISTS, PARAPROFESSIONALS, AIDES, AND**
16 **OTHER PERSONNEL WHO DIRECTLY WORK WITH STUDENTS ON A DAILY OR ROUTINE**
17 **BASIS RECEIVE INITIAL AND PERIODIC PROFESSIONAL DEVELOPMENT REGARDING**
18 **EVIDENCE-BASED POSITIVE BEHAVIORAL INTERVENTIONS, STRATEGIES, AND**
19 **SUPPORTS, AND TRAUMA-INFORMED INTERVENTIONS TO CHALLENGING BEHAVIOR.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2017.

HOUSE BILL 365

F3

7lr0698

By: **Montgomery County Delegation**

Introduced and read first time: January 25, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Family Life and Human Sexuality Curriculum –**
3 **Affirmative Consent**

4 **MC 14–17**

5 FOR the purpose of requiring the Montgomery County Board of Education to provide
6 instruction on affirmative consent as part of the Family Life and Human Sexuality
7 curriculum in specified grades in public schools in the county beginning in a certain
8 school year; defining a certain term; and generally relating to the Family Life and
9 Human Sexuality curriculum in Montgomery County.

10 BY adding to

11 Article – Education

12 Section 7–440

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2016 Supplement)

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

17 **Article – Education**

18 **7–440.**

19 **(A) IN THIS SECTION, “AFFIRMATIVE CONSENT” MEANS CLEAR,**
20 **UNAMBIGUOUS, KNOWING, INFORMED, AND VOLUNTARY AGREEMENT BETWEEN ALL**
21 **PARTICIPANTS TO ENGAGE IN EACH ACT WITHIN THE COURSE OF SEXUAL ACTIVITY.**

22 **(B) BEGINNING IN THE 2017–2018 SCHOOL YEAR, THE MONTGOMERY**
23 **COUNTY BOARD OF EDUCATION SHALL PROVIDE INSTRUCTION ON AFFIRMATIVE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CONSENT AS PART OF THE FAMILY LIFE AND HUMAN SEXUALITY CURRICULUM IN**
2 **GRADES 7 AND 10 IN PUBLIC SCHOOLS IN THE COUNTY.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2017.

HOUSE BILL 697

D4, O4

7lr1753
CF 7lr2606

By: **Delegates Luedtke, Atterbeary, Carr, and C. Wilson**

Introduced and read first time: February 1, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Statewide Reporting – 2–1–1 Maryland**

3 FOR the purpose of expanding the duties of 2–1–1 Maryland to include serving as a
4 statewide hotline for the reporting of child abuse and neglect; requiring that 2–1–1
5 Maryland accept reports of child abuse and neglect 7 days a week, 24 hours a day;
6 requiring the Health and Human Services Board in consultation with the State
7 Department of Human Resources to develop policies for the proper training of
8 2–1–1 Maryland service provider staff in responding to reports of child abuse and
9 neglect; requiring 2–1–1 Maryland to notify a local department of social services or
10 local law enforcement agency of a report of child abuse or neglect; requiring a local
11 department or law enforcement agency to take certain action on receipt of a report
12 of child abuse or neglect from 2–1–1 Maryland; requiring the State Department of
13 Human Resources to post certain information on its Web site; requiring each local
14 education agency to post certain information on its Web site; requiring each local
15 education agency to provide certain information to parents annually; requiring the
16 State Department of Human Resources and the State Department of Education to
17 develop a certain poster for distribution to elementary and secondary schools
18 throughout the State; requiring 2–1–1 Maryland, in coordination with the State
19 Department of Human Resources, to report certain data on the reporting of child
20 abuse and neglect through 2–1–1 Maryland annually to the Maternal and Child
21 Health Bureau, the Center for Injury and Sexual Assault Prevention, the State
22 Council on Child Abuse and Neglect, the Citizens Review Board for Children, and
23 the Governor’s Office of Crime Control and Prevention; requiring the State
24 Department of Human Resources in consultation with the Department of Health and
25 Mental Hygiene to adopt certain regulations; authorizing the State Department of
26 Human Resources to adopt certain regulations; defining certain terms; and generally
27 relating to the reporting of child abuse and neglect.

28 BY adding to
29 Article – Family Law
30 Section 5–716

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 24–1205(a)
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2016 Supplement)

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

10 **Article – Family Law**

11 **5–716.**

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) “2–1–1” MEANS THE ABBREVIATED DIALING CODE ASSIGNED BY
15 THE FEDERAL COMMUNICATIONS COMMISSION FOR CONSUMER ACCESS TO
16 COMMUNITY INFORMATION AND REFERRAL SERVICES.

17 (3) “2–1–1 MARYLAND” MEANS THE MARYLAND INFORMATION
18 NETWORK 2–1–1 MARYLAND, A 501(C)(3) CORPORATION IN THE STATE.

19 (4) “2–1–1 MARYLAND CALL CENTER” MEANS A NONPROFIT AGENCY
20 OR ORGANIZATION DESIGNATED BY 2–1–1 MARYLAND TO PROVIDE 2–1–1 SERVICES.

21 (B) (1) IN ADDITION TO THOSE DUTIES REQUIRED UNDER TITLE 24,
22 SUBTITLE 12 OF THE HEALTH – GENERAL ARTICLE, 2–1–1 MARYLAND SHALL
23 SERVE AS A STATEWIDE HOTLINE FOR THE REPORTING OF CHILD ABUSE AND
24 NEGLECT.

25 (2) 2–1–1 MARYLAND SHALL ACCEPT REPORTS OF CHILD ABUSE AND
26 NEGLECT 24 HOURS A DAY, 7 DAYS A WEEK.

27 (3) THE HEALTH AND HUMAN SERVICES BOARD, IN CONSULTATION
28 WITH THE DEPARTMENT, SHALL DEVELOP POLICIES AND PROCEDURES TO ENSURE
29 THAT 2–1–1 MARYLAND SERVICE PROVIDER STAFF ARE PROPERLY TRAINED USING
30 EVIDENCE–BASED BEST PRACTICES FOR RESPONDING TO REPORTS OF CHILD ABUSE
31 AND NEGLECT.

1 **(C) (1) ON RECEIPT OF A REPORT OF CHILD ABUSE OR NEGLECT, 2-1-1**
2 **MARYLAND STAFF SHALL NOTIFY THE APPROPRIATE LOCAL DEPARTMENT OR LAW**
3 **ENFORCEMENT AGENCY.**

4 **(2) ON RECEIPT OF A REPORT OF CHILD ABUSE OR NEGLECT FROM**
5 **2-1-1 MARYLAND STAFF, A LOCAL DEPARTMENT OR LAW ENFORCEMENT AGENCY**
6 **SHALL INVESTIGATE THE REPORT AS PROVIDED UNDER § 5-706 OF THIS SUBTITLE.**

7 **(D) (1) THE DEPARTMENT SHALL POST INFORMATION ON THE**
8 **REPORTING OF CHILD ABUSE AND NEGLECT THROUGH 2-1-1 MARYLAND**
9 **PROMINENTLY ON ITS WEB SITE.**

10 **(2) EACH LOCAL EDUCATION AGENCY SHALL:**

11 **(I) POST INFORMATION ON THE REPORTING OF CHILD ABUSE**
12 **AND NEGLECT THROUGH 2-1-1 MARYLAND ON THE AGENCY'S WEB SITE; AND**

13 **(II) ANNUALLY DISTRIBUTE INFORMATION TO PARENTS ON THE**
14 **REPORTING OF CHILD ABUSE AND NEGLECT THROUGH 2-1-1 MARYLAND.**

15 **(3) THE DEPARTMENT, IN COOPERATION WITH THE STATE**
16 **DEPARTMENT OF EDUCATION, SHALL DEVELOP AN INFORMATIONAL POSTER ON**
17 **THE REPORTING OF CHILD ABUSE AND NEGLECT THROUGH 2-1-1 MARYLAND AND**
18 **DISSEMINATE THE POSTER TO ALL PUBLIC AND PRIVATE ELEMENTARY AND**
19 **SECONDARY SCHOOLS IN THE STATE TO BE PROMINENTLY DISPLAYED BY THE**
20 **SCHOOLS.**

21 **(E) (1) 2-1-1 MARYLAND, IN COORDINATION WITH THE DEPARTMENT,**
22 **SHALL SUBMIT TO THE MATERNAL AND CHILD HEALTH BUREAU, THE CENTER FOR**
23 **INJURY AND SEXUAL ASSAULT PREVENTION, THE STATE COUNCIL ON CHILD**
24 **ABUSE AND NEGLECT, THE CITIZENS REVIEW BOARD FOR CHILDREN, AND THE**
25 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AN ANNUAL REPORT**
26 **THAT INCLUDES:**

27 **(I) THE TOTAL NUMBER OF REPORTS OF CHILD ABUSE AND**
28 **NEGLECT RECEIVED BY 2-1-1 MARYLAND IN THE PREVIOUS CALENDAR YEAR;**

29 **(II) THE NUMBER OF REPORTS RECEIVED DISAGGREGATED BY**
30 **TYPE OF ABUSE;**

31 **(III) THE NUMBER OF REPORTS RECEIVED THAT WERE**
32 **SCREENED OUT OR RULED OUT;**

1 (IV) THE NUMBER OF REPORTS RECEIVED THAT RESULTED IN A
2 FINDING OF INDICATED OR UNSUBSTANTIATED; AND

3 (V) FOR THOSE REPORTS RESULTING IN A FINDING OF
4 INDICATED OR UNSUBSTANTIATED:

5 1. THE AGE, RACE, ETHNICITY, AND GENDER OF THE
6 VICTIM;

7 2. THE AGE, RACE, ETHNICITY, AND GENDER OF THE
8 MALTREATOR OR ALLEGED MALTREATOR; AND

9 3. THE RELATIONSHIP BETWEEN THE VICTIM AND THE
10 MALTREATOR OR ALLEGED MALTREATOR.

11 (2) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT
12 OF HEALTH AND MENTAL HYGIENE AND OTHER APPROPRIATE STAKEHOLDERS,
13 SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

14 (F) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS
15 SECTION.

16 **Article – Health – General**

17 24–1205.

18 (a) The Board shall:

19 (1) Maintain public information available from State agencies, programs,
20 and departments that provide health and human services;

21 (2) Support projects and activities that further the development of 2–1–1
22 Maryland;

23 (3) Examine and make recommendations to maximize the use of
24 information technology in making 2–1–1 services available throughout the State;

25 (4) Evaluate the performance of each 2–1–1 Maryland call center;

26 (5) Make recommendations to 2–1–1 Maryland regarding the quality of
27 service provided by call centers or the performance of call centers when issues related to
28 service quality and performance are presented to the Board;

29 (6) Make recommendations regarding corrective action to be taken by a call
30 center, as appropriate; [and]

1 (7) Develop policies and procedures governing conflict of interest standards
2 for Board members; AND

3 **(8) PERFORM THOSE DUTIES REQUIRED UNDER § 5-716 OF THE**
4 **FAMILY LAW ARTICLE REGARDING THE REPORTING OF CHILD ABUSE AND**
5 **NEGLECT.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.

HOUSE BILL 270

M3, F1

7lr0614

By: **Delegates Lafferty, Platt, Bromwell, Glenn, Hettleman, Lierman, McIntosh, Oaks, Rosenberg, and M. Washington**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Testing for Lead in Drinking Water – Public and Nonpublic**
3 **Schools**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 State Department of Education, to adopt certain regulations, on or before a certain
6 date, to require periodic testing for the presence of lead in each drinking water outlet
7 located in an occupied public or nonpublic school building; authorizing the
8 Department of the Environment, in consultation with the State Department of
9 Education, to provide a waiver from certain testing requirements under certain
10 circumstances; requiring the Department of the Environment and the State
11 Department of Education jointly to submit a report to the Governor and the General
12 Assembly on or before a certain date each year, beginning on or before a certain date;
13 providing for the application of this Act; defining certain terms; and generally
14 relating to testing for lead in drinking water in public and nonpublic schools.

15 BY adding to

16 Article – Environment

17 Section 6–1501 and 6–1502 to be under the new subtitle “Subtitle 15. Lead in
18 Drinking Water”

19 Annotated Code of Maryland

20 (2013 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Environment**

24 **SUBTITLE 15. LEAD IN DRINKING WATER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-1501.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) (1) “DRINKING WATER OUTLET” MEANS A POTABLE WATER FIXTURE
5 THAT IS USED OR POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION.

6 (2) “DRINKING WATER OUTLET” INCLUDES:

7 (I) A WATER FOUNTAIN, FAUCET, OR TAP THAT IS USED OR
8 POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION; AND

9 (II) ICE-MAKING AND HOT DRINK MACHINES.

10 (C) “ELEVATED LEVEL OF LEAD” MEANS A LEAD CONCENTRATION IN
11 DRINKING WATER THAT EXCEEDS THE STANDARD RECOMMENDED BY THE U.S.
12 ENVIRONMENTAL PROTECTION AGENCY IN TECHNICAL GUIDANCE.

13 (D) “PUBLIC WATER SYSTEM” HAS THE MEANING STATED IN § 9-401 OF THIS
14 ARTICLE.

15 (E) (1) “TECHNICAL GUIDANCE” MEANS THE MOST RECENT TECHNICAL
16 GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
17 REDUCING LEAD IN DRINKING WATER IN SCHOOLS.

18 (2) “TECHNICAL GUIDANCE” INCLUDES:

19 (I) 3TS FOR REDUCING LEAD IN DRINKING WATER IN
20 SCHOOLS (2006); AND

21 (II) ANY SUBSEQUENT TECHNICAL GUIDANCE ISSUED BY THE
22 U.S. ENVIRONMENTAL PROTECTION AGENCY FOR REDUCING LEAD IN DRINKING
23 WATER IN SCHOOLS.

24 **6-1502.**

25 (A) THIS SECTION DOES NOT APPLY TO A PUBLIC OR NONPUBLIC SCHOOL
26 THAT IS CLASSIFIED AS A PUBLIC WATER SYSTEM.

27 (B) ON OR BEFORE OCTOBER 1, 2017, THE DEPARTMENT, IN
28 CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL ADOPT
29 REGULATIONS TO REQUIRE PERIODIC TESTING FOR THE PRESENCE OF LEAD IN

1 EACH DRINKING WATER OUTLET LOCATED IN AN OCCUPIED PUBLIC OR NONPUBLIC
2 SCHOOL BUILDING.

3 (C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

4 (1) REQUIRE INITIAL TESTING TO BE CONDUCTED ON OR BEFORE
5 JANUARY 1, 2018;

6 (2) ESTABLISH A SAMPLING METHOD FOR THE REQUIRED TESTING
7 THAT IS CONSISTENT WITH TECHNICAL GUIDANCE;

8 (3) ESTABLISH THE FREQUENCY FOR THE REQUIRED TESTING;

9 (4) REQUIRE TEST SAMPLES FROM DRINKING WATER OUTLETS TO BE
10 ANALYZED BY AN ENTITY APPROVED BY THE DEPARTMENT;

11 (5) PROVIDE AN EXEMPTION FOR SCHOOLS CONSTRUCTED WITH
12 PLUMBING MATERIALS THAT MEET THE DEFINITION OF "LEAD-FREE" UNDER THE
13 FEDERAL SAFE DRINKING WATER ACT; AND

14 (6) IF AN ANALYSIS OF A TEST SAMPLE INDICATES AN ELEVATED
15 LEVEL OF LEAD IN A DRINKING WATER OUTLET, REQUIRE THAT:

16 (I) THE RESULTS OF THE ANALYSIS BE REPORTED TO THE
17 DEPARTMENT, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
18 HEALTH AND MENTAL HYGIENE, AND THE APPROPRIATE LOCAL HEALTH
19 DEPARTMENT;

20 (II) ACCESS TO THE DRINKING WATER OUTLET BE CLOSED;

21 (III) AN ADEQUATE SUPPLY OF SAFE DRINKING WATER BE
22 PROVIDED TO SCHOOL OCCUPANTS;

23 (IV) THE SCHOOL TAKE APPROPRIATE REMEDIAL MEASURES,
24 INCLUDING:

25 1. PERMANENTLY SHUTTING OR CLOSING OFF ACCESS
26 TO THE DRINKING WATER OUTLET;

27 2. MANUAL OR AUTOMATIC FLUSHING OF THE
28 DRINKING WATER OUTLET;

1 **3. INSTALLING AND MAINTAINING A FILTER AT THE**
2 **DRINKING WATER OUTLET; AND**

3 **4. REPAIRING OR REPLACING THE DRINKING WATER**
4 **OUTLET, PLUMBING, OR SERVICE LINE CONTRIBUTING TO THE ELEVATED LEVEL OF**
5 **LEAD;**

6 **(v) THE SCHOOL CONDUCT FOLLOW-UP TESTING; AND**

7 **(vi) NOTICE OF THE ELEVATED LEVEL OF LEAD BE:**

8 **1. PROVIDED TO THE PARENT OR LEGAL GUARDIAN OF**
9 **EACH STUDENT ATTENDING THE SCHOOL; AND**

10 **2. POSTED ON THE WEB SITE OF THE SCHOOL.**

11 **(d) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
12 **OF EDUCATION, MAY GRANT A WAIVER FROM THE TESTING REQUIRED UNDER THIS**
13 **SECTION IF:**

14 **(1) THE DRINKING WATER OUTLETS IN THE SCHOOL BUILDING HAVE**
15 **BEEN TESTED FOR THE PRESENCE OF LEAD IN A MANNER THAT SUBSTANTIALLY**
16 **COMPLIES WITH REGULATIONS ISSUED UNDER THIS SECTION; AND**

17 **(2) THE TEST RESULTS INDICATE NO ELEVATED LEVELS OF LEAD IN**
18 **ANY OF THE DRINKING WATER OUTLETS IN THE SCHOOL BUILDING.**

19 **(e) ON OR BEFORE DECEMBER 1, 2018, AND ON OR BEFORE DECEMBER 1**
20 **EACH YEAR THEREAFTER, THE DEPARTMENT AND THE STATE DEPARTMENT OF**
21 **EDUCATION JOINTLY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
22 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**
23 **ON THE FINDINGS OF THE TESTING REQUIRED UNDER THIS SECTION, INCLUDING:**

24 **(1) THE NAME AND ADDRESS OF EACH SCHOOL FOUND TO HAVE**
25 **ELEVATED LEVELS OF LEAD IN ITS DRINKING WATER; AND**

26 **(2) THE TYPE, LOCATION IN THE BUILDING, AND USE OF EACH**
27 **DRINKING WATER OUTLET WITH AN ELEVATED LEVEL OF LEAD.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2017.