

BILL: House Bill 1152
TITLE: Public Schools - Student Bill of Rights and Prohibitions on Suspensions and Expulsions
POSITION: Support with Amendments
DATE: March 9, 2022
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 1152 with amendments to remove the inclusion of the proposed student rights in state law and replace these with a provision requiring local boards to adopt codes of student rights and responsibilities. Regarding the provision prohibiting the use of exclusionary discipline for disruption, MABE requests amendments to clarify the definition of disruption and the exceptions to the prohibition.

State regulations already require each local board to develop and approve a document articulating student rights and responsibilities (COMAR 13A.08.01.10). In this context, MABE requests consideration of mirroring this longstanding regulation in the Education Article. However, MABE opposes the strictures proposed to be included in statute under House Bill 1152 by placing certain broadly defined rights under state law. MABE cautions that enumerating specific rights in statute would give rise to confusion, an array of disputes concerning state and local budgets and policies, and to costly litigation. For example, the bill proposes to guarantee “equal access to school sports” in a manner that could be interpreted to severely limit the operation of selective participation on teams or participation in specific athletic events. More broadly, notwithstanding how reasonable the descriptions of many of the rights listed in the bill may seem, by adopting them in statute the potential for litigation is certainly heightened.

Every local board of education places a high priority on establishing policies and procedures concerning student rights and responsibilities, codes of conduct, and student discipline, based on the frameworks established by the General Assembly and the State Board of Education. State law reflects the legislature’s recognition that principals and superintendents have certain discretion to make student discipline decisions “as warranted”, but that state regulations have supplemented state law by providing much more detailed requirements. State regulations now balance deference to local decision making, placing a clear emphasis on maintaining a safe learning environment for all students, and ensuring progressive discipline policies including restorative practices.

MABE strongly agrees that restorative approaches should play an integral role in the administration of Maryland’s public schools. Such proactive practices, implemented following appropriate professional development and training of all staff, can make significant improvements in school climate and the learning conditions for all students to learn. Maryland school systems are committed to each and all of their students becoming college and career ready and ensuring that the appropriate administration of policies on student rights and responsibilities, student codes of conduct, and school discipline policies, furthers that goal.

Again, MABE appreciates the goal of this bill to limit the administration of exclusionary discipline in response to student behavior which is merely disrespectful or disruptive. However, the current state guidelines for locally adopted student codes of discipline includes much different definitions of terms and descriptions of appropriate consequences for such behavior. Therefore, MABE requests that any limitations in statute conform to the progressive discipline guidelines already in place.

For the reasons outlined above, MABE requests a favorable report on House Bill 1152 with the amendments described above.