

## **CHAPTER 367**

**(Senate Bill 96)**

AN ACT concerning

### **Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs**

FOR the purpose of requiring a county board of education to require certain schools with certain truancy rates to implement a positive behavioral interventions and support program or certain behavior modification programs in collaboration with the State Department of Education under certain circumstances; requiring certain schools to expand certain programs under certain circumstances; clarifying language; and generally relating to the requirement that certain schools implement certain programs relating to truancy rates.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 1–101(a) and (d)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–304.1  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

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

#### **Article – Education**

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(d) “County board” means the board of education of a county and includes the Baltimore City Board of School Commissioners.

7–304.1.

(a) In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

(b) (1) **[Each] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH** county board [of education and the Board of School Commissioners of Baltimore City] shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative ~~behavioral~~ **BEHAVIOR** modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:

(i) 18 percent of its enrollment for the 2005–2006 school year;

(ii) 16 percent of its enrollment for the 2006–2007 school year;

(iii) 14 percent of its enrollment for the 2007–2008 school year;

(iv) 12 percent of its enrollment for the 2008–2009 school year;

and

(v) 10 percent of its enrollment for the 2009–2010 school year and each school year thereafter.

**(3) AN ELEMENTARY SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE~~ A BEHAVIOR MODIFICATION PROGRAM UNDER SUBSECTION (C) OF THIS SECTION SHALL EXPAND ITS EXISTING PROGRAM IF IT HAS A SUSPENSION RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.**

(c) (1) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH COUNTY BOARD SHALL REQUIRE A SCHOOL THAT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION TO IMPLEMENT:**

**(I) A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM; OR**

**(II) AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE BEHAVIOR MODIFICATION PROGRAM IN COLLABORATION WITH THE DEPARTMENT.**

**(2) A SCHOOL IS SUBJECT TO THIS SUBSECTION IF IT HAS A TRUANCY RATE THAT EXCEEDS:**

**(I) 8 PERCENT OF ITS ENROLLMENT FOR THE 2008-2009 SCHOOL YEAR;**

**(II) 6 PERCENT OF ITS ENROLLMENT FOR THE 2009-2010 SCHOOL YEAR;**

**(III) 4 PERCENT OF ITS ENROLLMENT FOR THE 2010-2011 SCHOOL YEAR;**

**(IV) 2 PERCENT OF ITS ENROLLMENT FOR THE 2011-2012 SCHOOL YEAR; AND**

**(V) 1 PERCENT OF ITS ENROLLMENT FOR THE 2012-2013 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.**

**(3) A SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE A BEHAVIORAL BEHAVIOR MODIFICATION PROGRAM UNDER SUBSECTION (B) OF THIS SECTION~~ SHALL EXPAND ITS PROGRAM IF IT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.**

**(D)** The State Board shall adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

**Approved by the Governor, May 13, 2008.**