

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 582 (Senator Jones, *et al.*)
Education, Health, and Environmental Affairs

Education - Multiple Suspensions

This bill requires that a student who is subject to multiple suspensions totaling more than 10 school days in a school year be referred to the pupil services team in the student's school. In addition, a principal must notify the local superintendent of schools in writing if a student who has been suspended more than 10 days is subsequently suspended again.

Fiscal Summary

State Effect: Any additional administrative responsibilities for the Maryland State Department of Education could be absorbed within its existing budget.

Local Effect: Local school expenditures could increase by an estimated \$6.8 million to \$13.6 million in FY 2009 to add pupil personnel and social workers to handle added referrals. Future year expenditures would reflect inflation and any changes in suspension patterns. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Within 5 days after a suspension that brings the cumulative number of days a student is absent from school to more than 10 days in a school year, the principal of the school must refer the student to the school's pupil services team and provide written notice to the student and the student's parent or guardian that the team will be meeting. Written notice must be provided in the native language of the student's parent or guardian.

Within 10 days after referral to the pupil services team, the team must meet with the student and the student's parent or guardian to develop a plan to prevent further suspensions, identify resources to minimize additional suspensions, and review the student's record and other relevant information to determine whether the student may have a disability that warrants referral to an individualized education program team. The group must also determine dates and times for subsequent meetings when the plan can be reviewed and revised as needed.

Current Law: For cause, a public school principal may suspend any student in the principal's school for up to 10 days. The student or the student's parent or guardian must be given a conference with the principal and any other appropriate personnel during the suspension period. While suspended, a student has to remain away from school premises during school hours and may not participate in school-sponsored activities.

At the request of a principal, a local school superintendent may suspend a student for more than 10 school days or may expel a student after an investigation and a conference with the student and the student's parent or guardian. A student or the parent or guardian of a student may appeal the superintendent's decision to the local board of education.

By regulation, school personnel must consider the need to initiate a referral to a pupil services team if a nondisabled student has experienced excessive suspensions to determine if the student has a disability that requires special education services.

Background: Excluding in-school suspensions, 74,518 students were suspended a total of 131,629 times in the 2006-2007 school year. This represented 9% of the student population. Approximately 28,431 students, or 38% of all suspended students, were suspended multiple times. **Exhibit 1** shows the number of students who had multiple suspensions by local school system. Although Baltimore and Prince George's counties had the highest total numbers of multiple suspendees, multiple suspendees as a percentage of total enrollment was highest in five Eastern Shore school systems: Somerset (8.4%); Wicomico (7.7%); Dorchester (7.6%); Cecil (6.4%); and Kent (6.3%).

Exhibit 1
Students with Multiple Suspensions
2006-2007 School Year

<u>School System</u>	<u>Students with Multiple Suspensions</u>	<u>K-12 Enrollment Sept. 2006</u>	<u>% of Enrollment with Multiple Suspensions</u>
Allegany	272	9,084	3.0%
Anne Arundel	2,934	71,800	4.1%
Baltimore City	3,713	81,015	4.6%
Baltimore	5,187	101,915	5.1%
Calvert	448	17,112	2.6%
Caroline	203	5,309	3.8%
Carroll	469	28,346	1.7%
Cecil	1,013	15,924	6.4%
Charles	1,237	25,822	4.8%
Dorchester	338	4,472	7.6%
Frederick	1,159	39,482	2.9%
Garrett	40	4,528	0.9%
Harford	1,199	38,666	3.1%
Howard	599	48,148	1.2%
Kent	140	2,226	6.3%
Montgomery	1,738	134,792	1.3%
Prince George's	5,190	125,398	4.1%
Queen Anne's	187	7,460	2.5%
St. Mary's	527	15,911	3.3%
Somerset	233	2,772	8.4%
Talbot	105	4,224	2.5%
Washington	233	21,079	1.1%
Wicomico	1,110	14,390	7.7%
Worcester	157	6,486	2.4%
Total	28,431	826,361	3.4%

Source: Maryland State Department of Education

The most common categories of suspensions were disrespect/insubordination/disruption, which accounted for 37% of suspensions in the 2006-2007 school year, and attacks/threats/fighting, which accounted for 28% of suspensions. Attendance suspensions comprised 8% of the total.

MSDE notes that, depending on the school system, pupil services teams may consist of a school administrator, a teacher, a health service professional, a pupil personnel worker, a school counselor, a social worker, a school psychologist, and/or a special educator.

Currently, a student who is suspended for more than 10 days in a single suspension must meet with the local superintendent of schools or the superintendent's representative, and the student must at least be given a community resources list that can be used to obtain further services. There were 4,415 students in the 2006-2007 school year who were suspended for more than 10 days in a single suspension or expelled from school entirely. Not including those students for whom any one suspension exceeded 10 days, MSDE reports that 6,672 students in the 2004-2005 school year, 6,927 students in the 2005-2006 school year, and 7,133 students in the 2006-2007 school year had multiple suspensions that added to more than 10 days. Data by local school system were not immediately available.

Local Expenditures: Based on data from the last three school years, it is estimated that the bill would result in approximately 6,900 required referrals to pupil services teams annually. It is assumed that local school systems would need additional personnel, mostly pupil personnel workers and social workers, to handle the added referrals. The additional staff that any one school system would need depends on the number of added referrals in the system, the services currently provided in the system, the types of school staff included on pupil services teams, and any caseload limits currently placed on pupil personnel and social workers.

Assuming an increase of one pupil personnel/social worker for every 50 to 100 referrals, local school systems would need to hire another 69 to 138 employees in fiscal 2009 to meet the added demand. Estimating 3% annual growth in the fiscal 2007 average salary for the workers (\$74,622) and fringe benefits at 23% of salary, the additional fiscal 2009 cost would be in the range of \$6.7 million to \$13.4 million statewide. The expenses would continue in future years and would reflect salary increases and any changes to suspension patterns.

Additional Information

Prior Introductions: Identical cross filed bills were introduced in 2007 as SB 242/HB 639. SB 242 was amended into a more limited pilot program and was passed by the Senate. HB 639 and the amended version of SB 242 received unfavorable reports from the House Committee on Ways and Means.

Cross File: HB 139 (Delegate Stukes, *et al.*) – Ways and Means.

Information Source(s): Maryland State Department of Education, Allegany County and Harford County public school systems, Department of Legislative Services

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mll/mwc

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