

SENATE BILL 941

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2lr3044
CF 2lr3045

By: **Senator Hough**

Introduced and read first time: February 13, 2022

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Superintendent of Schools – Authority for Investigations – Local School**
3 **Systems**

4 FOR the purpose of authorizing the State Superintendent of Schools to investigate a local
5 school system for certain violations of law under certain circumstances; authorizing
6 the State Superintendent to take certain actions relating to an investigation of a
7 local school system; and generally relating to the State Superintendent of Schools
8 and investigations of local school systems.

9 BY repealing and reenacting, without amendments,
10 Article – Education
11 Section 2–303(a)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Education
16 Section 2–303(l)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

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

21 **Article – Education**

22 2–303.

23 (a) In addition to the other powers granted and duties imposed under this article,
24 the State Superintendent has the powers and duties set forth in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(L) (1) THE STATE SUPERINTENDENT MAY CONDUCT AN INVESTIGATION**
2 **OF A LOCAL SCHOOL SYSTEM:**

3 **(I) IF THE STATE SUPERINTENDENT DETERMINES THAT A**
4 **LOCAL SCHOOL SYSTEM IS USING PHYSICAL RESTRAINT AND SECLUSION ON AN**
5 **EXCESSIVE NUMBER OF STUDENTS IN SPECIAL EDUCATION PROGRAMS; OR**

6 **(II) IN RESPONSE TO A COMPLAINT SUBMITTED TO THE**
7 **DEPARTMENT CONCERNING AN ALLEGED VIOLATION OF:**

8 **1. THE CIVIL RIGHTS OF A STUDENT OR SCHOOL**
9 **PERSONNEL; OR**

10 **2. REQUIREMENTS IMPOSED ON THE LOCAL SCHOOL**
11 **SYSTEM BY:**

12 **A. STATE OR FEDERAL LAW OR REGULATION; OR**

13 **B. A COURT ORDER.**

14 **(2) IF THE STATE SUPERINTENDENT OPENS AN INVESTIGATION**
15 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE SUPERINTENDENT**
16 **SHALL:**

17 **(I) PROVIDE PUBLIC NOTICE TO THE APPLICABLE COUNTY**
18 **BOARD REGARDING THE REASON FOR THE INVESTIGATION;**

19 **(II) REQUIRE THE COUNTY BOARD TO HOLD A PUBLIC HEARING**
20 **TO NOTIFY THE PUBLIC OF:**

21 **1. THE REASON FOR THE INVESTIGATION;**

22 **2. EXPECTATIONS OF THE DEPARTMENT REGARDING**
23 **IMPROVEMENTS BY THE LOCAL SCHOOL SYSTEM; AND**

24 **3. POTENTIAL INTERVENTIONS AND SANCTIONS THAT**
25 **THE STATE SUPERINTENDENT MAY IMPOSE ON THE LOCAL SCHOOL SYSTEM IF THE**
26 **LOCAL SCHOOL SYSTEM FAILS TO CORRECT THE ISSUE THAT IS THE REASON FOR**
27 **THE INVESTIGATION;**

28 **(III) REQUIRE THE CHAIR OF THE COUNTY BOARD AND THE**
29 **COUNTY SUPERINTENDENT TO APPEAR BEFORE THE STATE SUPERINTENDENT OR**
30 **THE STATE SUPERINTENDENT'S DESIGNEE TO IDENTIFY:**

1 1. **THE REASON OR REASONS FOR THE ALLEGED**
2 **VIOLATION; AND**

3 2. **PLANS TO CORRECT THE VIOLATION; AND**

4 **(IV) APPOINT AN INDIVIDUAL FROM THE DEPARTMENT TO**
5 **MONITOR THE LOCAL SCHOOL SYSTEM AND REPORT TO THE STATE**
6 **SUPERINTENDENT ON ACTIONS TAKEN BY THE LOCAL SCHOOL SYSTEM TO REMEDY**
7 **THE VIOLATION THAT IS THE SUBJECT OF THE INVESTIGATION.**

8 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
9 **STATE SUPERINTENDENT SHALL PUBLISH THE FINDINGS OF THE INVESTIGATION**
10 **ON THE DEPARTMENT’S WEBSITE.**

11 **(II) BEFORE PUBLICATION OF THE REPORT REQUIRED UNDER**
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE SUPERINTENDENT MAY:**

13 1. **CLOSE THE INVESTIGATION; OR**

14 2. **DEFER FURTHER ACTION UNTIL A LATER DATE**
15 **DETERMINED BY THE STATE SUPERINTENDENT.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2022.