
By: **Delegates Kaiser, Bartlett, Cardin, Carter, Cryor, Dumais, Gilleland,
Healey, Heller, Hixson, Hubbard, Lee, McComas, Montgomery, Ross,
Stocksdale, Taylor, and Zirkin**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Suspended or Expelled Students - Community Resources List**

3 FOR the purpose of requiring certain students considered for suspension or expulsion
4 from school or a certain student's parent or guardian to be given a certain
5 community resources list; requiring a certain child with a disability or a certain
6 child's parent or guardian to be given a certain community resource list attached
7 to a certain procedural safeguards notice if a certain child with a disability is
8 being considered for suspension or expulsion from school; requiring each county
9 board to develop and disseminate to certain public schools a certain community
10 resources list; providing for the requirements of the community resources list;
11 making certain stylistic changes; and generally relating to a community
12 resources list for suspended or expelled students in public schools.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 7-305
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2004 Supplement)

18 BY adding to
19 Article - Education
20 Section 7-310
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Education
25 Section 7-305
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2004 Supplement)
28 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and

1 Chapter 323 of the Acts of the General Assembly of 1996)

2 Preamble

3 WHEREAS, Over 75,000 Maryland students were suspended during the
4 2002-2003 school year; and

5 WHEREAS, The suspension and expulsion of students from school is on the rise
6 in Maryland; and

7 WHEREAS, A disproportionate number of African American students are
8 suspended and expelled from school each year; and

9 WHEREAS, Practices that prevent challenging student behaviors can improve
10 academic and behavioral outcomes for students, teachers, and school systems; and

11 WHEREAS, Many families are unaware of the availability of community
12 resources for children with challenging behaviors; and

13 WHEREAS, Many families are unaware of a student's legal rights during the
14 process by which a student is suspended or expelled from school; and

15 WHEREAS, Legal and community services can help end the cycle of repeated
16 suspensions or expulsions for a student; now, therefore

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

19 **Article - Education**

20 7-305.

21 (a) (1) In accordance with the rules and regulations of the county board,
22 each principal of a public school may suspend for cause, for not more than 10 school
23 days, any student in the school who is under the direction of the principal.

24 (2) The student or [his] THE STUDENT'S parent or guardian promptly
25 shall be given a conference with the principal and any other appropriate personnel
26 during the suspension period.

27 (3) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
28 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
29 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

30 (b) At the request of a principal, a county superintendent may suspend a
31 student for more than 10 school days or expel [him] THE STUDENT.

32 (c) (1) If a principal finds that a suspension of more than 10 school days or
33 expulsion is warranted, [he] THE PRINCIPAL immediately shall report the matter in
34 writing to the county superintendent.

1 (2) The county superintendent or [his] THE COUNTY
2 SUPERINTENDENT'S designated representative promptly shall make a thorough
3 investigation of the matter.

4 (3) If after the investigation the county superintendent finds that a
5 longer suspension or expulsion is warranted, [he or his] THE COUNTY
6 SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S designated representative
7 promptly shall arrange a conference with the student and his parent or guardian.

8 (4) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
9 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
10 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

11 [(4)] (5) If after the conference the county superintendent or [his] THE
12 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
13 more than 10 school days or expulsion is warranted, the student or [his] THE
14 STUDENT'S parent or guardian may:

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

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

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

21 [(5)] (6) Unless a public hearing is requested by the parent or guardian
22 of the student, a hearing shall be held out of the presence of all individuals except
23 those whose presence is considered necessary or desirable by the board.

24 [(6)] (7) The appeal to the county board does not stay the decision of the
25 county superintendent.

26 [(7)] (8) The decision of the county board is final.

27 (d) (1) Any student expelled or suspended from school:

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) (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
32 be conducted in conformance with the requirements of the Individuals with
33 Disabilities Education Act of the United States Code.

34 (2) IF A CHILD WITH A DISABILITY IS BEING CONSIDERED FOR
35 SUSPENSION OR EXPULSION, THE CHILD OR THE CHILD'S PARENT OR GUARDIAN
36 SHALL BE GIVEN A COMMUNITY RESOURCES LIST ATTACHED TO THE PROCEDURAL
37 SAFEGUARDS NOTICE REQUIRED BY REGULATION OF THE STATE BOARD.

38 (g) (1) This subsection does not apply if the student is referred to the
39 Department of Juvenile Services.

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

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

10 7-310.

11 (A) EACH COUNTY BOARD SHALL DEVELOP AND DISSEMINATE TO EACH
12 PUBLIC SCHOOL WITHIN THE COUNTY BOARD'S JURISDICTION A ONE PAGE
13 COMMUNITY RESOURCES LIST.

14 (B) (1) THE COMMUNITY RESOURCES LIST SHALL INCLUDE THE NAME AND
15 CONTACT INFORMATION OF LOCAL AND STATEWIDE SOCIAL SERVICES, LEGAL, AND
16 HEALTH CARE PROVIDERS THAT PROVIDE NONDISCRIMINATORY SERVICES TO
17 CHILDREN AND FAMILIES IN NEED OF ASSISTANCE.

18 (2) THE COMMUNITY RESOURCES LIST SHALL INCLUDE:

19 (I) COALITION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH;

20 (II) THE LOCAL CORE SERVICE AGENCY;

21 (III) PARENTS PLACE OF MARYLAND;

22 (IV) THE LOCAL PARTNERS FOR SUCCESS CENTER;

23 (V) LEGAL AID BUREAU;

24 (VI) MARYLAND VOLUNTEER LAWYER SERVICES;

25 (VII) MARYLAND DISABILITY LAW CENTER; AND

26 (VIII) THE NAME OF ANY OTHER NONPROFIT SOCIAL SERVICES,
27 LEGAL, OR HEALTH CARE PROVIDER THAT PROVIDES THE APPROPRIATE AND
28 NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF
29 ASSISTANCE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
31 read as follows:

Article - Education

1 7-305.

2 (a) (1) In accordance with the rules and regulations of the county board,
3 each principal of a public school may suspend for cause, for not more than 10 school
4 days, any student in the school who is under the direction of the principal.

5 (2) The student or [his] THE STUDENT'S parent or guardian promptly
6 shall be given a conference with the principal and any other appropriate personnel
7 during the suspension period.

8 (3) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
9 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
10 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

11 (b) At the request of a principal, a county superintendent may suspend a
12 student for more than 10 school days or expel [him] THE STUDENT.

13 (c) (1) If a principal finds that a suspension of more than 10 school days or
14 expulsion is warranted, [he] THE PRINCIPAL immediately shall report the matter in
15 writing to the county superintendent.

16 (2) The county superintendent or [his] THE COUNTY
17 SUPERINTENDENT'S designated representative promptly shall make a thorough
18 investigation of the matter.

19 (3) If after the investigation the county superintendent finds that a
20 longer suspension or expulsion is warranted, [he or his] THE COUNTY
21 SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S designated representative
22 promptly shall arrange a conference with the student and his parent or guardian.

23 (4) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
24 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
25 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

26 [(4)] (5) If after the conference the county superintendent or [his] THE
27 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
28 more than 10 school days or expulsion is warranted, the student or [his] THE
29 STUDENT'S parent or guardian may:

30 (i) Appeal to the county board within 10 days after the
31 determination;

32 (ii) Be heard before the county board, its designated committee, or
33 a hearing examiner, in accordance with the procedures established under § 6-203 of
34 this article; and

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

1 [(5)] (6) Unless a public hearing is requested by the parent or guardian
2 of the student, a hearing shall be held out of the presence of all individuals except
3 those whose presence is considered necessary or desirable by the board.

4 [(6)] (7) The appeal to the county board does not stay the decision of the
5 county superintendent.

6 [(7)] (8) The decision of the county board is final.

7 (d) (1) Any student expelled or suspended from school:

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

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

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

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

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

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

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

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

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

36 (2) IF A CHILD WITH A DISABILITY IS BEING CONSIDERED FOR
37 SUSPENSION OR EXPULSION, THE CHILD OR THE CHILD'S PARENT OR GUARDIAN

1 SHALL BE GIVEN A COMMUNITY RESOURCES LIST ATTACHED TO THE PROCEDURAL
2 SAFEGUARDS NOTICE REQUIRED BY REGULATION OF THE STATE BOARD.

3 (f) (1) This subsection does not apply if the student is referred to the
4 Department of Juvenile Services.

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
15 take effect on the taking effect of the contingency specified in Section 2 of Chapter 347
16 of the Acts of the General Assembly of 1995 and Section 2 of Chapter 323 of the Acts
17 of the General Assembly of 1996. If that contingency takes effect, § 7-305 of Article -
18 Education as enacted by Section 1 of this Act shall be abrogated and of no further
19 force and effect.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
21 of Section 3 of this Act, this Act shall take effect July 1, 2005.