

SENATE BILL 132

F1

71r1345

By: **Senators Pugh, Britt, Conway, Forehand, Garagiola, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Zirkin**

Introduced and read first time: January 24, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2007

CHAPTER _____

1 AN ACT concerning

2 **Education - ~~Guidelines Governing~~ Student Discipline - Review of Local**
3 **Policies and Procedures**

4 FOR the purpose of requiring the State Board of Education to ~~adopt guidelines~~
5 ~~governing student discipline; requiring local school systems to adopt rules and~~
6 ~~regulations and implement programs and activities governing student discipline~~
7 ~~that are consistent with the guidelines established by the State Board; making~~
8 ~~stylistic changes; and generally relating to the adoption and implementation of~~
9 ~~guidelines governing student discipline in the public schools~~ review certain
10 policies and procedures relating to student discipline, student suspension, and
11 student expulsion in public schools; requiring the review to include certain
12 information; requiring the Department to compile certain information and to
13 report to the Governor and the General Assembly on or before a certain date;
14 and generally relating to local policies and procedures regarding student
15 discipline.

16 ~~BY repealing and reenacting, with amendments,~~
17 ~~Article - Education~~
18 ~~Section 7-304, 7-304.1, and 7-305~~
19 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~(2006 Replacement Volume)~~

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 3 MARYLAND, That ~~the Laws of Maryland read as follows:~~ the State Department of
 4 Education shall review the policies and procedures of each county board of education
 5 relating to student discipline, student suspension, and student expulsion in public
 6 schools. The review shall include the suspension rate in the county, the reasons for
 7 suspensions in the county, and the efficacy of positive behavioral interventions and
 8 support programs if utilized in the county. On or before December 31, 2007, the
 9 Department shall compile the information obtained through the review and shall
 10 report to the Governor and, in accordance with § 2-1246 of the State Government
 11 Article, to the General Assembly, regarding the results of the review.

12 **~~Article — Education~~**

13 ~~7-304.~~

14 ~~(a) The purpose of this section is to require each county board of education to~~
 15 ~~provide a continuum model of prevention and intervention activities and programs~~
 16 ~~that encourage and promote positive behavior and reduce disruption.~~

17 ~~(b) (1) Each county board of education and the Board of School~~
 18 ~~Commissioners of Baltimore City shall establish special programs in the county and~~
 19 ~~Baltimore City for students in the public school system who exhibit disruptive~~
 20 ~~classroom behavior.~~

21 ~~(2) (I) THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR~~
 22 ~~LOCAL EDUCATION AGENCIES GOVERNING PREVENTION AND INTERVENTION~~
 23 ~~ACTIVITIES AND PROGRAMS THAT PROMOTE POSITIVE BEHAVIOR AND REDUCE~~
 24 ~~DISRUPTION AMONG STUDENTS IN THE PUBLIC SCHOOLS.~~

25 ~~(II) THE SPECIAL PROGRAMS ESTABLISHED BY EACH~~
 26 ~~COUNTY BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE~~
 27 ~~CONSISTENT WITH THE GUIDELINES ESTABLISHED BY THE STATE BOARD.~~

28 ~~(e) Two or more county boards may establish special programs for their joint~~
 29 ~~use.~~

30 ~~(d) The State shall appropriate an amount of money for allocation by the~~
 31 ~~[State Department of Education] DEPARTMENT to local education agencies for~~
 32 ~~schools or clusters of schools to support the development and expansion of special~~
 33 ~~programs for disruptive youth. Within the resources available, the State~~

1 ~~Superintendent shall award funds to the local school systems which submit proposals~~
2 ~~pursuant to the criteria established in subsection (c) of this section.~~

3 ~~(c) Each local education agency that is applying for State support for special~~
4 ~~programs for disruptive youth shall submit proposals for funding of programs to the~~
5 ~~[State Department of Education] DEPARTMENT that include:~~

6 ~~(1) An assessment of the number of students in each school in need of~~
7 ~~special services;~~

8 ~~(2) Specific plans with goals and measurable objectives for activities~~
9 ~~and programs that provide a continuum model for the prevention and intervention of~~
10 ~~disruptive student behaviors including but not limited to removal and re-entry~~
11 ~~programs necessary for effective learning;~~

12 ~~(3) Adherence to the State Board regulations on disciplinary policies~~
13 ~~and programs and other guidelines established by the [State Department of~~
14 ~~Education] DEPARTMENT;~~

15 ~~(4) A procedure involving the participation of administrators,~~
16 ~~teachers, parents, students, and other members of the community; and~~

17 ~~(5) In-service training and staff development for administrators,~~
18 ~~teachers, and other school personnel.~~

19 ~~(f) (1) At the end of each fiscal year, each participating local education~~
20 ~~agency shall submit a written statement to the [State Department of Education]~~
21 ~~DEPARTMENT that describes:~~

22 ~~(i) The assessment, the educational problems determined, the~~
23 ~~overall program developed with goals and procedures, and a yearly evaluation of the~~
24 ~~success of the program as provided under the provisions of this section; and~~

25 ~~(ii) Information regarding the number of students identified as~~
26 ~~being habitually truant as provided under the provisions of § 7-302(c) of this subtitle.~~

27 ~~(2) On or before December 1 of each year, the [State Department of~~
28 ~~Education] DEPARTMENT shall submit a summary of the reports required under this~~
29 ~~subsection to the Governor and, subject to § 2-1246 of the State Government Article,~~
30 ~~to the General Assembly.~~

31 ~~7-304.1.~~

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

6 (b) (1) ~~Each county board of education and the Board of School~~
 7 ~~Commissioners of Baltimore City shall require an elementary school that has a~~
 8 ~~suspension rate that exceeds the standard specified in paragraph (2) of this subsection~~
 9 ~~to implement:~~

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

11 (ii) ~~An alternative behavioral modification program in~~
 12 ~~collaboration with the Department.~~

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

15 (i) ~~18 percent of its enrollment for the 2005-2006 school year;~~

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

17 (iii) ~~14 percent of its enrollment for the 2007-2008 school year;~~

18 (iv) ~~12 percent of its enrollment for the 2008-2009 school year;~~

19 ~~and~~

20 (v) ~~10 percent of its enrollment for the 2009-2010 school year~~
 21 ~~and each school year thereafter.~~

22 (c) (1) ~~The State Board shall adopt regulations to implement the~~
 23 ~~provisions of this section.~~

24 (2) ~~THE POSITIVE INTERVENTIONS AND SUPPORT PROGRAM~~
 25 ~~IMPLEMENTED BY A COUNTY BOARD UNDER THIS SECTION SHALL BE~~
 26 ~~CONSISTENT WITH THE REGULATIONS ADOPTED BY THE STATE BOARD.~~

27 ~~7-305.~~

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

4 ~~(2) The student or the student's parent or guardian promptly shall be~~
5 ~~given a conference with the principal and any other appropriate personnel during the~~
6 ~~suspension period.~~

7 ~~(3) The student or the student's parent or guardian promptly shall be~~
8 ~~given a community resources list provided by the county board in accordance with §~~
9 ~~7-310 of this subtitle.~~

10 ~~(b) At the request of a principal, a county superintendent may suspend a~~
11 ~~student for more than 10 school days or expel the student.~~

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

15 ~~(2) The county superintendent or the county superintendent's~~
16 ~~designated representative promptly shall make a thorough investigation of the matter.~~

17 ~~(3) If after the investigation the county superintendent finds that a~~
18 ~~longer suspension or expulsion is warranted, the county superintendent or the county~~
19 ~~superintendent's designated representative promptly shall arrange a conference with~~
20 ~~the student and [his] THE STUDENT'S parent or guardian.~~

21 ~~(4) The student or the student's parent or guardian promptly shall be~~
22 ~~given a community resources list provided by the county board in accordance with §~~
23 ~~7-310 of this subtitle.~~

24 ~~(5) If after the conference the county superintendent or the county~~
25 ~~superintendent's designated representative finds that a suspension of more than 10~~
26 ~~school days or expulsion is warranted, the student or the student's parent or guardian~~
27 ~~may:~~

28 ~~(i) Appeal to the county board within 10 days after the~~
29 ~~determination;~~

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

1 ~~(iii) Bring counsel and witnesses to the hearing.~~

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

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

7 ~~(8) The decision of the county board is final.~~

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

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

11 ~~(ii) May not participate in school sponsored activities.~~

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

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

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

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

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

1 ~~(6) A school system shall forward information to another school~~
2 ~~system relating to the discipline of a student, including information on an expulsion of~~
3 ~~the student, on receipt of the request for information.~~

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

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

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

14 ~~(4) The State Board shall adopt regulations to implement this~~
15 ~~subsection.~~

16 ~~(f) (1) The discipline of a child with a disability, including the suspension,~~
17 ~~expulsion, or interim alternative placement of the child for disciplinary reasons, shall~~
18 ~~be conducted in conformance with the requirements of the Individuals with~~
19 ~~Disabilities Education Act of the United States Code.~~

20 ~~(2) If a child with a disability is being considered for suspension or~~
21 ~~expulsion, the child or the child's parent or guardian shall be given a community~~
22 ~~resources list attached to the procedural safeguards notice required by regulation of~~
23 ~~the State Board.~~

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

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

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

4 ~~(H) (1) THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR~~
5 ~~COUNTY BOARDS GOVERNING THE SUSPENSION OR EXPULSION OF A STUDENT~~
6 ~~FROM A PUBLIC SCHOOL.~~

7 ~~(2) THE RULES AND REGULATIONS ADOPTED BY A COUNTY~~
8 ~~BOARD GOVERNING THE SUSPENSION OR EXPULSION OF A STUDENT FROM ITS~~
9 ~~PUBLIC SCHOOLS SHALL BE CONSISTENT WITH THE GUIDELINES ESTABLISHED~~
10 ~~BY THE STATE BOARD.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.