

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 1058 (Senator Jennings)  
Education, Health, and Environmental Affairs

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**Education - The Reasonable School Discipline Act of 2013**

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This bill generally prohibits the suspension or expulsion of a public school student, or a student in a nonpublic school that receives State funds, who (1) possesses at school a picture, computer image, or facsimile of a gun, or any object that resembles a gun but serves a different purpose or (2) makes a hand shape or gesture resembling a gun. The bill provides an exception from this prohibition for a student who, in addition to the offenses described above, performs a direct act of violence against another student on school property. The bill sets the maximum discipline for a student that possesses objects resembling a gun or makes a gun-like hand shape or gesture; this includes suspension of a student in grades 9-12 (subject to appeal by the parent) who after a second offense demonstrates an intention to persist in these offenses. The bill specifies consequences, including dismissal, for school employees that violate provisions of the bill.

The bill takes effect July 1, 2013.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** It is assumed that school system administrative and personnel costs are minimally affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** For a kindergarten through grade 8 student who commits an offense under the bill, the maximum discipline includes a prompt conference among the student, the student's parent, the school principal, and appropriate personnel during which the student must be provided with a list of specified objects that may not be brought to school and counseled regarding provisions of the bill. For students in kindergarten through grade 8, the student's action and any resulting disciplinary action may not be recorded in the student's permanent record.

For a student in grades 9-12, the maximum discipline for a first offense is the same as for students in earlier grades except that the principal may issue the student detention. For a second offense, the student may be prohibited from participating in extracurricular activities, the offense may be recorded in the student's permanent record, and the student may be suspended if he or she demonstrates an intention to continue to be noncompliant. The student's parent may appeal such a suspension to the local board of education.

A school employee who violates a provision of the bill in a school year for the first time, must receive counseling related to procedures required by the bill; for the second time, must be placed on administrative leave for a period of one month; and for a third time, must be dismissed by the local board of education.

For cause, a public school principal may suspend a student for up to 10 days. A suspension for longer than 10 days or an expulsion must be made by the local superintendent of schools at the request of a principal, and a student may appeal the suspension or expulsion to the local board of education. With the exception of in-school suspensions, a student may not be suspended or expelled from school solely for attendance-related offences.

A student who has been found to have brought a firearm onto school property must be expelled for a minimum of one year. However, the local superintendent of schools may specify, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting for a student who has brought a firearm onto school property.

**Background:** Typically local board of education policy regarding student discipline matches the consequences to a student for exhibiting given unwanted behaviors to the frequency, type, and/or severity of the behavior(s) exhibited by the student. Enforcement of these policies depends upon the judgment of school administrators.

On December 14, 2012, a 20-year-old gunman fatally shot 20 children and six adult staff members at Sandy Hook Elementary School in Newtown, Connecticut. This has heightened concern nationwide about gun-related violence on school property.

Various news reports indicate that a high school student in Arizona was suspended after setting a picture of a gun as the desktop background of his computer and that a kindergarten student in Pennsylvania was suspended after allegedly discussing the use of her bubble gun with other students. Montgomery County Public Schools advises that it rescinded the suspension of an elementary school student who reportedly made a hand gesture mimicking a gun. Citing the need to protect the confidentiality of student-specific matters, Anne Arundel County Public Schools was unable to confirm reports that a student was suspended after shaping a food item into a gun-like shape, but was able to provide a letter sent to parents by a school principal indicating that a student was sent home for using food to make disruptive and inappropriate gestures. Both school systems indicated that a suspension often follows a progression of disciplinary actions and therefore generally should not be assumed to result from any one incident.

**Local Fiscal Effect:** It is assumed that suspensions and expulsions of the nature covered by the bill are rare under current law and would be even less frequent once the bill takes effect. Further, it is assumed that it would be highly unlikely for a given school employee to violate provisions of the bill more than once during a school year. Therefore it is estimated that the bill will have minimal effect on local administrative costs; any effect on personnel costs related to the suspension or dismissal of school system employees will also be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel and Montgomery counties; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2013  
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