

# HOUSE BILL 1287

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By: **Delegates Carter, Anderson, and B. Robinson**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Suspensions and Expulsions – Restrictions and Prohibitions**

3 FOR the purpose of prohibiting a principal of a public school or a county  
4 superintendent from suspending a student under a certain age; prohibiting a  
5 principal or a county superintendent from instituting an out-of-school  
6 suspension unless alternative disciplinary methods or in-school suspensions  
7 failed to correct a student's behavior; and generally relating to the suspension  
8 and expulsion of public school students.

9 BY adding to

10 Article – Education  
11 Section 7–305(a–1)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Education  
16 Section 7–305(e)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

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

21 **Article – Education**

22 7–305.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A-1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, A**  
2 **PRINCIPAL OF A PUBLIC SCHOOL OR A COUNTY SUPERINTENDENT MAY NOT**  
3 **SUSPEND A STUDENT UNDER THE AGE OF 10 YEARS.**

4           (e) (1) **[Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, ANY** student expelled or suspended from school:

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

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

9                           **(2) (I) A PRINCIPAL OR COUNTY SUPERINTENDENT MAY**  
10 **INSTITUTE AN OUT-OF-SCHOOL SUSPENSION ONLY IF THE PRINCIPAL:**

11   **1. HAS ATTEMPTED TO CORRECT THE STUDENT'S**  
12 **BEHAVIOR WITH ALTERNATIVE DISCIPLINARY METHODS OR AN IN-SCHOOL**  
13 **SUSPENSION; AND**

14   **2. THE ALTERNATIVE DISCIPLINARY METHODS OR**  
15 **IN-SCHOOL SUSPENSION FAILED TO CORRECT THE STUDENT'S BEHAVIOR.**

16   **(II) A PRINCIPAL SHALL KEEP A RECORD OF ALL EFFORTS**  
17 **TO CORRECT A STUDENT'S BEHAVIOR WITH ALTERNATIVE DISCIPLINARY**  
18 **METHODS OR IN-SCHOOL SUSPENSIONS.**

19                           **[(2)] (3)** The expelled or suspended student may return to the school  
20 premises during the prohibited hours only for attendance at a previously scheduled  
21 appointment, and if the student is a minor then only if accompanied by his parent or  
22 guardian.

23                           **[(3)] (4)** Any person who violates paragraph (1) or **[(2)] (3)** of this  
24 subsection is guilty of a misdemeanor and on conviction is subject to a fine not  
25 exceeding \$100 for each violation.

26   **[(4)] (5)** (i) If a student has been suspended or expelled, the  
27 principal or a designee of the principal may not return the student to the classroom  
28 without conferring with the teacher who referred the student to the principal, if the  
29 student was referred by a teacher, other teachers as appropriate, other appropriate  
30 school personnel, the student, and the student's parent or guardian.

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

1                    **[(5) (6)**     A county superintendent may deny attendance to any  
2 student who is currently expelled from another school system for a length of time  
3 equal to that expulsion.

4                    **[(6) (7)**     A school system shall forward information to another school  
5 system relating to the discipline of a student, including information on an expulsion of  
6 the student, on receipt of the request for information.

7                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2014.