

HOUSE BILL 425

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7lr1722
CF 7lr0584

By: **Delegates Lierman, Anderson, Angel, Atterbeary, D. Barnes, Brooks, Conaway, Davis, Fennell, Glenn, Gutierrez, Hayes, Haynes, Hettleman, Hill, Jones, Kelly, Korman, Krimm, McCray, McIntosh, McKay, A. Miller, Moon, Morales, Oaks, Patterson, Queen, Rosenberg, Sanchez, Sydnor, Tarlau, Turner, A. Washington, and M. Washington**

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Suspensions and Expulsions**

3 FOR the purpose of prohibiting the suspension or expulsion of prekindergarten students
4 from public schools; authorizing the suspension or expulsion of students in
5 kindergarten, first grade, or second grade under certain circumstances; requiring the
6 school to return a suspended student to school under a certain manner; requiring the
7 school to provide certain supports to address the student's behavior; requiring the
8 school system to remedy the impact of the student's behavior through certain
9 intervention methods; requiring the State Department of Education to adopt certain
10 regulations on or before a certain date; defining certain terms; and generally relating
11 to the suspension and expulsion of students in public schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 4–319(d) and 7–305
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

17 BY adding to
18 Article – Education
19 Section 7–305.1
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

1
2 4–319.

3 (d) (1) Except as otherwise provided in [§ 7–305(g)] §§ 7–305(G) AND
4 7–305.1 of this article, a student in the Baltimore City School System may be transferred
5 to the Center if the student:

6 (i) Assaults a teacher, teacher’s aide, student teacher, other
7 professional or paraprofessional school employee, or other student;

8 (ii) Carries a gun, rifle, knife, or other deadly weapon onto school
9 property; or

10 (iii) Commits any other act that would be a crime if committed by an
11 adult.

12 (2) The Director shall review recommendations for admission of students
13 to the Center and admit or deny admission for each student based on an assessment of the
14 student’s amenability to the services, programs, and treatment available in the Center.

15 7–305.

16 (a) (1) Except as provided in subsection (b) of this section AND § 7–305.1 OF
17 THIS SUBTITLE, in accordance with the rules and regulations of the county board, each
18 principal of a public school may suspend for cause, for not more than 10 school days, any
19 student in the school who is under the direction of the principal.

20 (2) The student or the student’s parent or guardian promptly shall be given
21 a conference with the principal and any other appropriate personnel during the suspension
22 period.

23 (3) The student or the student’s parent or guardian promptly shall be given
24 a community resources list provided by the county board in accordance with § 7–310 of this
25 subtitle.

26 (b) (1) Except as provided in paragraph (2) of this subsection, a student may
27 not be suspended or expelled from school solely for attendance–related offenses.

28 (2) Paragraph (1) of this subsection does not apply to in–school suspensions
29 for attendance–related offenses.

30 (c) [At] EXCEPT AS PROVIDED IN § 7–305.1 OF THIS SUBTITLE, AT the
31 request of a principal, a county superintendent may suspend a student for more than 10
32 school days or expel the student.

1 (d) (1) If a principal finds that a suspension of more than 10 school days or
2 expulsion is warranted, the principal immediately shall report the matter in writing to the
3 county superintendent.

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

6 (3) If after the investigation the county superintendent finds that a longer
7 suspension or expulsion is warranted, the county superintendent or the county
8 superintendent's designated representative promptly shall arrange a conference with the
9 student and his parent or guardian.

10 (4) The student or the student's parent or guardian promptly shall be given
11 a community resources list provided by the county board in accordance with § 7–310 of this
12 subtitle.

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

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

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

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

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

25 (7) The appeal to the county board does not stay the decision of the county
26 superintendent.

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

28 (e) (1) Any student expelled or suspended from school:

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

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

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

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

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

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

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

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

19 (f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §
20 921.

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

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

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

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

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

1 (h) (1) This subsection does not apply if the student is referred to the
2 Department of Juvenile Services.

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

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

12 **7-305.1.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "PUBLIC PREKINDERGARTEN PROGRAM" MEANS:

16 (I) ANY PUBLICLY FUNDED PREKINDERGARTEN PROGRAM
17 ESTABLISHED UNDER § 7-101.1 OF THIS TITLE; OR

18 (II) ANY QUALIFIED VENDOR OF PREKINDERGARTEN SERVICES
19 AS DEFINED IN § 7-101.2(A)(7) OF THIS TITLE.

20 (3) "RESTORATIVE PRACTICES" MEANS PRACTICES CONDUCTED IN A
21 WHOLE-SCHOOL ETHOS OR CULTURE THAT SUPPORTS PEACEMAKING AND SOLVES
22 CONFLICT BY BUILDING A COMMUNITY AND ADDRESSING HARM IN A SCHOOL
23 SETTING AND THAT:

24 (I) ARE CONDUCTED BY TRAINED STAFF;

25 (II) FOCUS ON REPAIRING THE HARM TO THE COMMUNITY
26 THROUGH DIALOGUE THAT EMPHASIZES INDIVIDUAL ACCOUNTABILITY; AND

27 (III) HELP BUILD A SENSE OF BELONGING, SAFETY, AND SOCIAL
28 RESPONSIBILITY IN THE SCHOOL COMMUNITY.

29 (B) (1) A STUDENT MAY NOT BE SUSPENDED OR EXPELLED FROM SCHOOL
30 IF THE STUDENT IS ENROLLED IN A PUBLIC PREKINDERGARTEN PROGRAM.

1 **(2) A STUDENT MAY BE SUSPENDED OR EXPELLED FROM SCHOOL IF**
2 **THE STUDENT:**

3 **(I) IS ENROLLED IN KINDERGARTEN, FIRST GRADE, OR SECOND**
4 **GRADE; AND**

5 **(II) 1. HAS KNOWINGLY BROUGHT A FIREARM TO SCHOOL;**
6 **OR**

7 **2. HAS KNOWINGLY POSSESSED A FIREARM AT SCHOOL.**

8 **(C) THE SCHOOL SHALL RETURN ANY STUDENT SUSPENDED UNDER**
9 **SUBSECTION (B) OF THIS SECTION TO THE LOCAL SCHOOL SYSTEM BY A MEANS THAT**
10 **MINIMIZES, TO THE GREATEST EXTENT POSSIBLE, ANY DISRUPTION OF THE**
11 **STUDENT'S ACADEMIC INSTRUCTION.**

12 **(D) (1) THE SCHOOL SHALL PROVIDE SUPPORT TO ADDRESS THE**
13 **STUDENT'S BEHAVIOR IF THE STUDENT IS:**

14 **(I) SUSPENDED UNDER SUBSECTION (B) OF THIS SECTION; OR**

15 **(II) ENROLLED IN PREKINDERGARTEN, KINDERGARTEN, FIRST**
16 **GRADE, OR SECOND GRADE AND:**

17 **1. IS DISRUPTIVE TO THE SCHOOL ENVIRONMENT; OR**

18 **2. COMMITS AN ACT THAT WOULD BE CONSIDERED AN**
19 **OFFENSE SUBJECT TO SUSPENSION BUT FOR THE STUDENT'S GRADE.**

20 **(2) SUPPORT PROVIDED UNDER PARAGRAPH (1) OF THIS**
21 **SUBSECTION INCLUDES:**

22 **(I) POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS;**

23 **(II) A BEHAVIOR INTERVENTION PLAN;**

24 **(III) A REFERRAL TO A STUDENT SUPPORT TEAM;**

25 **(IV) A REFERRAL TO AN INDIVIDUALIZED EDUCATION PROGRAM**
26 **TEAM; AND**

27 **(V) A REFERRAL FOR APPROPRIATE COMMUNITY-BASED**
28 **SERVICES.**

1 **(E) THE SCHOOL SYSTEM SHALL REMEDY THE IMPACT OF A STUDENT'S**
2 **BEHAVIOR THROUGH APPROPRIATE INTERVENTION METHODS THAT MAY INCLUDE**
3 **RESTORATIVE PRACTICES.**

4 **(F) ON OR BEFORE MAY 1, 2018, THE DEPARTMENT SHALL ADOPT**
5 **REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2017.