

HOUSE BILL 1720

F1

8lr3859

By: **Delegate Patterson**

Introduced and read first time: February 19, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Discipline – Suspension and Expulsion and Policies**

3 FOR the purpose of authorizing a principal to suspend a certain student for a certain
4 amount of time if the student's continued presence at school is a threat to certain
5 people or a disruption to the learning environment of other students; authorizing a
6 county superintendent to suspend a certain student, at the request of a certain
7 principal, for more than a certain number of days for certain reasons; requiring each
8 county board of education to adopt a certain policy on student discipline; requiring a
9 certain policy on student discipline to include certain provisions and certain
10 procedures; authorizing a certain policy on student discipline to include certain
11 provisions; requiring a county board to allocate certain funding for a certain purpose;
12 requiring each county board to provide ongoing professional development to certain
13 school personnel on certain topics; requiring the State Board of Education to develop
14 and disseminate certain model policies relating to student discipline; requiring
15 certain model policies to include certain provisions; and generally relating to student
16 discipline in public schools.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–305(a) and (c)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Education
24 Section 7–305(b)
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2017 Supplement)

27 BY adding to
28 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–305(i), (j), and (k)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2017 Supplement)

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

6 **Article – Education**

7 7–305.

8 (a) (1) **(I)** Except as provided in subsection (b) of this section and § 7–305.1
9 of this subtitle, in accordance with the rules and regulations of the county board, each
10 principal of a public school may suspend for cause, for not more than 10 school days, any
11 student in the school who is under the direction of the principal.

12 **(II) A PRINCIPAL MAY SUSPEND A STUDENT FOR CAUSE UNDER**
13 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, DETERMINED ON A CASE-BY-CASE BASIS,**
14 **WHEN:**

15 **1. THE STUDENT’S CONTINUING PRESENCE IN SCHOOL**
16 **WOULD BE A THREAT TO:**

17 **A. THE SAFETY OF THE SCHOOL;**

18 **B. THE SAFETY OF A STUDENT;**

19 **C. THE STAFF OF THE SCHOOL; OR**

20 **D. A MEMBER OF THE SCHOOL COMMUNITY; OR**

21 **2. THE STUDENT’S CONTINUING PRESENCE WOULD**
22 **CREATE A DISRUPTION TO THE LEARNING ENVIRONMENT OF OTHER STUDENTS.**

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

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

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

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

3 (c) **(1)** Except as provided in § 7-305.1 of this subtitle, at the request of a
4 principal, a county superintendent may suspend a student for more than 10 school days or
5 expel the student.

6 **(2)** A COUNTY SUPERINTENDENT MAY, AT THE REQUEST OF THE
7 PRINCIPAL, SUSPEND A STUDENT FOR MORE THAN 10 SCHOOL DAYS OR EXPEL THE
8 STUDENT, ON A CASE-BY-CASE BASIS, WHEN:

9 **(I)** THE STUDENT'S CONTINUING PRESENCE IN SCHOOL WOULD
10 BE A THREAT TO:

11 1. THE SAFETY OF THE SCHOOL;

12 2. THE SAFETY OF A STUDENT;

13 3. THE STAFF OF THE SCHOOL; OR

14 4. A MEMBER OF THE SCHOOL COMMUNITY; OR

15 **(II)** THE STUDENT'S CONTINUING PRESENCE WOULD CREATE A
16 DISRUPTION TO THE LEARNING ENVIRONMENT OF OTHER STUDENTS.

17 **(I)** **(1)** EACH COUNTY BOARD SHALL ADOPT A WRITTEN POLICY ON
18 STUDENT DISCIPLINE.

19 **(2)** THE POLICY SHALL:

20 **(I)** INCLUDE STAFF REPORTING AND REFERRAL METHODS;

21 **(II)** ESTABLISH PROCEDURES FOR A SCHOOL COUNSELOR OR
22 OTHER DESIGNATED SCHOOL REPRESENTATIVE TO WORK WITH A STUDENT WHO
23 ENGAGES IN DISRUPTIVE BEHAVIOR IN ORDER TO ATTEMPT TO AVOID REPEATED
24 ACTS OF DISRUPTION;

25 **(III)** ESTABLISH A PROCEDURE TO REFER A STUDENT IN ORDER
26 TO MAINTAIN A SAFE AND ORDERLY LEARNING ENVIRONMENT IN THE CLASSROOM;

27 **(IV)** IMPLEMENT A GRADUATED SET OF AGE-APPROPRIATE
28 RESPONSES TO MISCONDUCT THAT ARE FAIR, NONDISCRIMINATORY, AND
29 PROPORTIONATE TO EACH STUDENT'S INDIVIDUAL CONDUCT; AND

(V) BE DESIGNED TO:

1. PROVIDE OPPORTUNITIES FOR STUDENTS TO LEARN FROM THEIR MISTAKES;

2. FOSTER POSITIVE LEARNING COMMUNITIES;

3. KEEP STUDENTS IN SCHOOL AND ATTENDING CLASS;

4. EMPLOY A RANGE OF STRATEGIES FOR PREVENTION, INTERVENTION, AND DISCIPLINE THAT TAKE INTO ACCOUNT A STUDENT'S DEVELOPMENTAL CAPACITIES AND THAT ARE PROPORTIONATE TO THE DEGREE AND SEVERITY OF THE STUDENT'S BEHAVIOR;

5. TO THE EXTENT PRACTICABLE, USE APPROACHES THAT ARE SHOWN THROUGH RESEARCH TO BE EFFECTIVE IN REDUCING STUDENT MISBEHAVIOR AND PROMOTING SAFE AND PRODUCTIVE SOCIAL BEHAVIOR;

6. PROTECT STUDENTS AND SCHOOL EMPLOYEES FROM HARM; AND

7. EMPOWER A TEACHER TO MANAGE THE TEACHER'S CLASSROOM.

(3) THE POLICY MAY INCLUDE PROVISIONS TO:

(I) IMMEDIATELY REMOVE A STUDENT FROM THE CLASSROOM SETTING WHEN THE STUDENT THREATENS TO INJURE ANOTHER PERSON OR TO DAMAGE SCHOOL PROPERTY;

(II) PLACE A STUDENT IN A SETTING OUTSIDE THE CLASSROOM WHERE THE STUDENT'S BEHAVIOR WILL RECEIVE IMMEDIATE ATTENTION FROM THE APPROPRIATE SCHOOL PERSONNEL:

1. UNTIL THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE AND THE TEACHER HAVE DETERMINED THE STUDENT CAN RETURN TO THE CLASSROOM; OR

2. FOR NOT MORE THAN 2 DAYS;

(III) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, REQUIRE A SCHOOL TO OBTAIN AN EVALUATION OF A STUDENT BY A LICENSED MENTAL HEALTH PROFESSIONAL, DESIGNATED BY THE COUNTY BOARD, BEFORE

1 ALLOWING THE STUDENT TO RETURN TO THE CLASSROOM SETTING; AND

2 (IV) REQUIRE A SCHOOL ADMINISTRATOR TO PROVIDE THE
3 PARENT OR LEGAL GUARDIAN OF THE STUDENT WITH A NOTIFICATION THAT
4 DESCRIBES THE STUDENT'S BEHAVIOR AND THE SCHOOL'S RESPONSE.

5 (4) A POLICY ADOPTED UNDER THIS SUBSECTION THAT INCLUDES A
6 PROVISION TO REQUIRE A SCHOOL TO OBTAIN AN EVALUATION OF A STUDENT BY A
7 LICENSED MENTAL HEALTH PROFESSIONAL UNDER PARAGRAPH (3)(III) OF THIS
8 SUBSECTION, MAY NOT ALLOW A STUDENT TO BE REMOVED FROM SCHOOL FOR
9 MORE THAN 10 SCHOOL DAYS FOR THE EVALUATION UNLESS THE PRINCIPAL IS
10 ABLE TO SHOW GOOD CAUSE THAT THE EVALUATION COULD NOT HAVE BEEN
11 COMPLETED WITHIN 10 SCHOOL DAYS.

12 (5) A COUNTY BOARD SHALL ALLOCATE FUNDS NECESSARY FOR
13 SCHOOLS TO IMPLEMENT THE POLICIES ADOPTED UNDER THIS SUBSECTION.

14 (J) EACH COUNTY BOARD SHALL PROVIDE ONGOING PROFESSIONAL
15 DEVELOPMENT ON RESTORATIVE PRACTICES, CULTURAL SENSITIVITY, AND
16 DEVELOPMENTALLY APPROPRIATE DISCIPLINARY METHODS THAT PROMOTE A
17 POSITIVE AND HEALTHY SCHOOL CLIMATE TO:

18 (1) TEACHERS;

19 (2) ADMINISTRATORS;

20 (3) SCHOOL BOARD MEMBERS;

21 (4) SCHOOL RESOURCE OFFICERS; AND

22 (5) SCHOOL STAFF.

23 (K) (1) THE STATE BOARD SHALL DEVELOP AND DISSEMINATE THE
24 FOLLOWING MODEL POLICIES:

25 (I) STUDENT CODE OF CONDUCT;

26 (II) STUDENT SUPPORT SERVICES;

27 (III) PROGRESSIVE DISCIPLINE PROCESS; AND

28 (IV) PARENT OR GUARDIAN INVOLVEMENT PROCESS.

1 **(2) THE MODEL STUDENT CODE OF CONDUCT POLICY DEVELOPED**
2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE STANDARDS FOR**
3 **STUDENT BEHAVIOR THAT INCLUDES THE EXPECTATION THAT EACH STUDENT**
4 **SHALL:**

5 **(I) BEHAVE IN A MANNER THAT FACILITATES A POSITIVE**
6 **LEARNING ENVIRONMENT FOR ALL STUDENTS;**

7 **(II) RESPECT OTHER STUDENTS AND SCHOOL EMPLOYEES;**

8 **(III) OBEY STUDENT BEHAVIOR POLICIES; AND**

9 **(IV) SUBMIT TO THE AUTHORITY OF THE CLASSROOM TEACHER.**

10 **(3) THE MODEL PROGRESSIVE DISCIPLINE PROCESS POLICY**
11 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE**
12 **FOLLOWING PROVISIONS:**

13 **(I) SCHOOL DISCIPLINARY ACTIONS THAT ARE**
14 **PROPORTIONATE TO THE SEVERITY OF THE BEHAVIOR REQUIRING THE DISCIPLINE;**

15 **(II) THE IMPOSITION OF STUDENT SUSPENSION ONLY AFTER**
16 **CONSIDERATION OF, AS APPROPRIATE, STUDENT SUPPORT SERVICES AVAILABLE**
17 **THROUGH THE SCHOOL, THE SCHOOL SYSTEM, COMMUNITY ORGANIZATIONS, OR**
18 **PUBLIC ENTITIES THAT MAY HELP THE STUDENT ADDRESS THE STUDENT'S**
19 **BEHAVIORAL PROBLEMS;**

20 **(III) CONSIDERATION OF THE STUDENT'S PREVIOUS DISCIPLINE**
21 **HISTORY AND OTHER RELEVANT FACTORS; AND**

22 **(IV) APPLICATION OF DUE PROCESS PROCEDURES REQUIRED**
23 **BY FEDERAL AND STATE LAW.**

24 **(4) THE MODEL PARENTAL INVOLVEMENT PROCESS POLICY**
25 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE**
26 **FOLLOWING PROVISIONS:**

27 **(I) THE EXPECTATION THAT PARENTS AND GUARDIANS,**
28 **TEACHERS, AND SCHOOL ADMINISTRATORS WILL WORK TOGETHER TO IMPROVE**
29 **AND ENHANCE STUDENT BEHAVIOR AND ACADEMIC PERFORMANCE; AND**

30 **(II) THE EXPECTATION THAT TEACHERS AND SCHOOL**
31 **ADMINISTRATORS WILL COMMUNICATE FREELY TO A STUDENT'S PARENT OR**

1 GUARDIAN CONCERNS ABOUT, AND ACTIONS IN RESPONSE TO, STUDENT BEHAVIOR
2 THAT DETRACTS FROM THE LEARNING ENVIRONMENT.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2018.