

# SENATE BILL 1213

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By: **Senator Serafini**

Introduced and read first time: February 26, 2018

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Discipline – Suspensions and Expulsions**

3 FOR the purpose of requiring the county superintendent of schools or the county  
4 superintendent's designated representative, when making a decision to extend a  
5 student's suspension, to complete a certain investigation within a certain number of  
6 days; requiring a certain student to return to school after a suspension if a certain  
7 investigation has not been completed within a certain period of time except under  
8 certain circumstances; requiring the county superintendent or the county  
9 superintendent's designated representative to send a certain notice to a certain  
10 student and the student's parent or guardian within a certain period of time if the  
11 student is not allowed to return to school after a certain suspension; requiring each  
12 county board of education to provide certain students with access to certain academic  
13 assignments under certain circumstances; requiring each principal to assign a  
14 member of the school staff to be a liaison for a certain purpose; requiring the State  
15 Department of Education to develop a method to analyze data from local school  
16 systems regarding student disciplinary practices to determine whether there is a  
17 disproportionate or disparate impact on minority students and special education  
18 students; requiring a certain county board to prepare and present a certain plan to  
19 the Department on or before a certain date each year; requiring a certain county  
20 board to submit a certain report to the Department on or before a certain date each  
21 year; defining certain terms; and generally relating to student discipline.

22 BY repealing and reenacting, with amendments,  
23 Article – Education  
24 Section 7–305  
25 Annotated Code of Maryland  
26 (2014 Replacement Volume and 2017 Supplement)

27 BY adding to  
28 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7-305.2  
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) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
9 **INDICATED.**

10 **(2) “EXPULSION” MEANS THE EXCLUSION OF A STUDENT FROM THE**  
11 **STUDENT’S REGULAR ACADEMIC PROGRAM FOR 45 SCHOOL DAYS OR LONGER,**  
12 **WHICH MAY OCCUR ONLY UNDER THE FOLLOWING CIRCUMSTANCES:**

13 **(I) THE COUNTY SUPERINTENDENT OR THE COUNTY**  
14 **SUPERINTENDENT’S DESIGNATED REPRESENTATIVE HAS DETERMINED THAT THE**  
15 **STUDENT’S RETURN TO SCHOOL BEFORE THE COMPLETION OF THE EXPULSION**  
16 **PERIOD WOULD POSE A THREAT OF HARM TO OTHER STUDENTS OR STAFF;**

17 **(II) THE COUNTY SUPERINTENDENT OR THE COUNTY**  
18 **SUPERINTENDENT’S DESIGNATED REPRESENTATIVE LIMITS THE DURATION OF THE**  
19 **EXCLUSION TO THE SHORTEST PERIOD PRACTICABLE; AND**

20 **(III) THE SCHOOL SYSTEM PROVIDES THE EXCLUDED STUDENT**  
21 **WITH EDUCATIONAL SERVICES AND FACILITATES ACCESS TO THE PROVISION OF**  
22 **APPROPRIATE BEHAVIORAL SUPPORT SERVICES TO PROMOTE THE STUDENT’S**  
23 **SUCCESSFUL RETURN TO A REGULAR ACADEMIC PROGRAM.**

24 **(3) “EXTENDED SUSPENSION” MEANS THE EXCLUSION OF A STUDENT**  
25 **FROM THE STUDENT’S REGULAR ACADEMIC PROGRAM FOR A TIME PERIOD OF 11 TO**  
26 **44 SCHOOL DAYS, WHICH MAY OCCUR ONLY UNDER THE FOLLOWING**  
27 **CIRCUMSTANCES:**

28 **(I) THE COUNTY SUPERINTENDENT OR THE COUNTY**  
29 **SUPERINTENDENT’S DESIGNATED REPRESENTATIVE HAS DETERMINED THAT:**

30 **1. THE STUDENT’S RETURN TO SCHOOL BEFORE THE**  
31 **COMPLETION OF THE EXTENDED SUSPENSION PERIOD WOULD POSE A THREAT OF**  
32 **HARM TO OTHER STUDENTS OR STAFF; OR**

1                   **2. THE STUDENT HAS ENGAGED IN FREQUENT OR**  
2 **SIGNIFICANT DISRUPTION OF THE EDUCATIONAL PROCESS THAT HAS CREATED A**  
3 **SUBSTANTIAL BARRIER TO LEARNING FOR OTHER STUDENTS, AND OTHER**  
4 **AVAILABLE AND APPROPRIATE BEHAVIORAL AND DISCIPLINARY INTERVENTIONS**  
5 **HAVE BEEN UNSUCCESSFUL;**

6                   **(II) THE COUNTY SUPERINTENDENT OR THE COUNTY**  
7 **SUPERINTENDENT'S DESIGNATED REPRESENTATIVE LIMITS THE DURATION OF THE**  
8 **EXCLUSION TO THE SHORTEST PERIOD PRACTICABLE; AND**

9                   **(III) THE SCHOOL SYSTEM PROVIDES THE EXCLUDED STUDENT**  
10 **WITH EDUCATIONAL SERVICES AND FACILITATES ACCESS TO THE PROVISION OF**  
11 **APPROPRIATE BEHAVIORAL SUPPORT SERVICES TO PROMOTE THE STUDENT'S**  
12 **SUCCESSFUL RETURN TO A REGULAR ACADEMIC PROGRAM.**

13                   **(4) "IN-SCHOOL SUSPENSION" MEANS THE REMOVAL OF A STUDENT**  
14 **FROM THE STUDENT'S CURRENT EDUCATION PROGRAM TO A LOCATION WITHIN THE**  
15 **SCHOOL BUILDING FOR NOT MORE THAN 10 DAYS IN A SCHOOL YEAR FOR**  
16 **DISCIPLINARY REASONS AS DETERMINED BY THE PRINCIPAL.**

17                   **(5) "LONG-TERM SUSPENSION" MEANS THE REMOVAL OF A STUDENT**  
18 **FROM SCHOOL BY THE PRINCIPAL FOR A TIME PERIOD OF 4 TO 10 SCHOOL DAYS FOR**  
19 **DISCIPLINARY REASONS.**

20                   **(6) "SHORT-TERM SUSPENSION" MEANS THE REMOVAL OF A**  
21 **STUDENT FROM SCHOOL BY THE PRINCIPAL FOR NOT MORE THAN 3 SCHOOL DAYS**  
22 **FOR DISCIPLINARY REASONS.**

23                   **(7) (I) "SUSPENSION" MEANS APPLICATION OF IN-SCHOOL**  
24 **SUSPENSION, SHORT-TERM SUSPENSION, LONG-TERM SUSPENSION, OR EXTENDED**  
25 **SUSPENSION.**

26                   **(II) "SUSPENSION" DOES NOT INCLUDE THE TIME A STUDENT IS**  
27 **PLACED IN AN ALTERNATIVE EDUCATION PROGRAM.**

28                   **[(a)] (A-1) (1) Except as provided in subsection (b) of this section and §**  
29 **7-305.1 of this subtitle, in accordance with the rules and regulations of the county board,**  
30 **each principal of a public school may suspend for cause, for not more than 10 school days,**  
31 **any student in the school who is under the direction of the principal.**

32                   **(2) The student or the student's parent or guardian promptly shall be given**  
33 **a conference with the principal and any other appropriate personnel during the suspension**  
34 **period.**

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

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

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

8           (c)     Except as provided in § 7–305.1 of this subtitle, at the request of a principal,  
9 a county superintendent may suspend a student for more than 10 school days or expel the  
10 student.

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

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

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

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

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

26                           (i)     Appeal to the county board within 10 days after the  
27 determination;

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

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

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

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

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

4           **(D-1) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY**  
5 **SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S DESIGNATED**  
6 **REPRESENTATIVE SHALL COMPLETE THE INVESTIGATION REQUIRED UNDER**  
7 **SUBSECTION (D)(2) OF THIS SECTION BY THE 10TH DAY OF A STUDENT'S INITIAL**  
8 **SUSPENSION.**

9           **(2) IF AN INVESTIGATION CANNOT BE COMPLETED WITHIN THE TIME**  
10 **PERIOD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BECAUSE OF**  
11 **DELAYS DUE TO PARENT OR GUARDIAN UNAVAILABILITY OR THE COMPLEXITY OF**  
12 **THE INVESTIGATION, THE STUDENT SHALL RETURN TO SCHOOL UNLESS:**

13           **(I) THE COUNTY SUPERINTENDENT OR THE COUNTY**  
14 **SUPERINTENDENT'S DESIGNATED REPRESENTATIVE DETERMINES THAT THE**  
15 **STUDENT'S RETURN TO SCHOOL WOULD POSE A THREAT OF HARM TO OTHER**  
16 **STUDENTS OR STAFF; OR**

17           **(II) 1. THE STUDENT HAS ENGAGED IN FREQUENT OR**  
18 **SIGNIFICANT DISRUPTION OF THE EDUCATIONAL PROCESS THAT HAS CREATED A**  
19 **SUBSTANTIAL BARRIER TO LEARNING FOR OTHER STUDENTS; AND**

20                   **2. OTHER AVAILABLE AND APPROPRIATE BEHAVIORAL**  
21 **AND DISCIPLINARY INTERVENTIONS HAVE BEEN UNSUCCESSFUL.**

22           **(3) IF A STUDENT IS NOT ALLOWED TO RETURN TO SCHOOL AFTER**  
23 **THE 10TH DAY OF THE SUSPENSION UNDER PARAGRAPH (2) OF THIS SUBSECTION,**  
24 **THE COUNTY SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S DESIGNATED**  
25 **REPRESENTATIVE SHALL:**

26           **(I) SEND A WRITTEN NOTICE TO THE STUDENT AND THE**  
27 **STUDENT'S PARENT OR GUARDIAN REGARDING THE DENIAL OF THE STUDENT'S**  
28 **RETURN TO SCHOOL WITHIN 24 HOURS AND PROVIDE THE REASONS FOR THE DELAY**  
29 **IN COMPLETING THE REQUIRED INVESTIGATION; AND**

30           **(II) SEND A COPY OF THE NOTICE UNDER ITEM (I) OF THIS**  
31 **PARAGRAPH TO THE STATE SUPERINTENDENT.**

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

33                   (i)     Shall remain away from the school premises during those hours

1 each school day when the school the student attends is in session; and

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

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

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

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

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

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

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

21 (f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §  
22 921.

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

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

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

32 (g) (1) The discipline of a child with a disability, including the suspension,  
33 expulsion, or interim alternative placement of the child for disciplinary reasons, shall be  
34 conducted in conformance with the requirements of the Individuals with Disabilities  
35 Education Act of the United States Code.

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

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

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

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

15 **(I) (1) (I) A COUNTY BOARD SHALL PROVIDE EACH STUDENT WHO IS  
16 SUSPENDED OR EXPELLED FROM SCHOOL AND WHO IS NOT PLACED IN AN  
17 ALTERNATIVE EDUCATION PROGRAM WITH ACCESS TO THE STUDENT'S  
18 ASSIGNMENTS.**

19 **(II) A STUDENT'S ASSIGNMENTS UNDER SUBPARAGRAPH (I) OF  
20 THIS PARAGRAPH SHALL BE REVIEWED AND CORRECTED BY AN APPROPRIATE  
21 TEACHER AND MADE AVAILABLE TO THE STUDENT BY THE SCHOOL LIAISON UNDER  
22 PARAGRAPH (2) OF THIS SUBSECTION.**

23 **(2) EACH PRINCIPAL SHALL ASSIGN A MEMBER OF THE SCHOOL  
24 STAFF TO BE THE LIAISON BETWEEN THE TEACHERS AND ANY STUDENT WHO IS  
25 SUSPENDED OR EXPELLED FROM SCHOOL AND THE PARENT OR GUARDIAN OF THE  
26 STUDENT TO COMMUNICATE WEEKLY ABOUT ACADEMIC ASSIGNMENTS AND  
27 SCHOOL-RELATED ISSUES BY TELEPHONE OR E-MAIL.**

28 **7-305.2.**

29 **(A) THE DEPARTMENT SHALL DEVELOP A METHOD TO ANALYZE DATA FROM  
30 LOCAL SCHOOL SYSTEMS REGARDING STUDENT DISCIPLINARY PRACTICES TO  
31 DETERMINE WHETHER THERE IS A DISPROPORTIONATE OR DISPARATE IMPACT ON  
32 MINORITY STUDENTS AND SPECIAL EDUCATION STUDENTS.**

33 **(B) ON OR BEFORE OCTOBER 1, 2018, AND EACH YEAR THEREAFTER, IF THE  
34 DEPARTMENT DETERMINES THAT THE STUDENT DISCIPLINARY PRACTICES OF A  
35 LOCAL SCHOOL SYSTEM HAVE A DISPROPORTIONATE OR DISPARATE IMPACT ON**

1 MINORITY STUDENTS OR SPECIAL EDUCATION STUDENTS, THE DEPARTMENT SHALL  
2 PROVIDE NOTICE TO THE COUNTY BOARD THAT THE COUNTY BOARD SHALL  
3 PREPARE AND PRESENT TO THE DEPARTMENT A MEASURABLE MULTIYEAR PLAN TO  
4 REDUCE AND ELIMINATE THE DISPROPORTIONATE OR DISPARATE IMPACT OF THE  
5 STUDENT DISCIPLINARY PRACTICES.

6 (C) ON OR BEFORE JULY 30, 2019, AND EACH YEAR THEREAFTER, IF A  
7 COUNTY BOARD IS REQUIRED TO PREPARE A REPORT UNDER SUBSECTION (B) OF  
8 THIS SECTION, THE COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT  
9 ON THE LOCAL SCHOOL SYSTEM'S PROGRESS IN REDUCING THE  
10 DISPROPORTIONATE OR DISPARATE IMPACT OF THE STUDENT DISCIPLINARY  
11 PRACTICES ON MINORITY STUDENTS AND SPECIAL EDUCATION STUDENTS.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2018.