
By: Delegates Stup and Hecht

Introduced and read first time: January 31, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Interim Alternative Educational Settings for Students with Disabilities Who**
3 **Bring Firearms on School Property**

4 FOR the purpose of authorizing the placement of an identified student with disabilities
5 who brings a firearm on school property in an interim alternative educational setting
6 for a specified time; authorizing a certain committee of a county board to decide on
7 the setting; establishing an exception to the specified time of placement in the
8 alternative educational setting under certain circumstances; establishing an
9 exception for conduct under this Act that is not related to a student's disability; and
10 generally relating to the discipline of identified students with disabilities.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 7-304
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

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

18 **Article - Education**

19 7-304.

20 (a) (1) In accordance with the rules and regulations of the county board, each
21 principal of a public school may suspend for cause, for not more than 5 school days, any
22 student in the school who is under the direction of the principal.

23 (2) The student or [his] THE STUDENT'S parent or guardian promptly shall
24 be given a conference with the principal and any other appropriate personnel during the
25 suspension period.

26 (b) At the request of a principal, a county superintendent may suspend a student
27 for more than 5 school days or expel [him] THE STUDENT.

28 (c) (1) If a principal finds that a suspension of more than 5 schooldays or
29 expulsion is warranted, [he] THE PRINCIPAL immediately shall report the matter in
30 writing to the county superintendent.

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1 (2) The county superintendent or [his] THE SUPERINTENDENT'S
2 designated representative promptly shall make a thorough investigation of the matter.

3 (3) If after the investigation the county superintendent finds that a longer
4 suspension or expulsion is warranted, [he] THE SUPERINTENDENT or [his] THE
5 SUPERINTENDENT'S designated representative promptly shall arrange a conference with
6 the student and [his] THE STUDENT'S parent or guardian.

7 (4) If after the conference the county superintendent or his designated
8 representative finds that a suspension of more than 10 school days or expulsion is
9 warranted, the student or his parent or guardian may:

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

11 (ii) Be heard before the county board or its designated committee; and

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

13 (5) Unless a public hearing is requested by the parent or guardian of the
14 student, a hearing shall be held out of the presence of all individuals except those whose
15 presence is considered necessary or desirable by the board.

16 (6) The appeal to the county board does not stay the decision of the county
17 superintendent.

18 (7) The decision of the county board is final.

19 (d) (1) This subsection applies to Prince George's County only.

20 (2) Any student expelled or suspended from school shall remain away from
21 the school premises during those hours each school day when the school the student
22 attends is in session.

23 (3) The expelled or suspended student may return to the school premises
24 during the prohibited hours only for attendance at a previously scheduled appointment,
25 and if the student is a minor then only if accompanied by [his] THE STUDENT'S parent
26 or guardian.

27 (4) Any person who violates any provision of this subsection is guilty of a
28 misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

29 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §
30 921.

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

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

1 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
2 PARAGRAPH, IF AN IDENTIFIED STUDENT WITH DISABILITIES BRINGS A FIREARM
3 ON SCHOOL PROPERTY, THE STUDENT MAY BE PLACED IN AN INTERIM
4 ALTERNATIVE EDUCATIONAL SETTING, IN ACCORDANCE WITH STATE BOARD
5 PROCEDURES, FOR NOT MORE THAN THE MAXIMUM NUMBER OF DAYS SPECIFIED
6 IN THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

7 (II) THE ADMISSION, REVIEW, AND DISMISSAL COMMITTEE OF THE
8 COUNTY BOARD SHALL DECIDE ON THE ALTERNATIVE EDUCATIONAL SETTING.

9 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
10 OF THIS PARAGRAPH, THE STUDENT SHALL REMAIN IN THE ALTERNATIVE
11 EDUCATIONAL SETTING DESCRIBED IN SUBPARAGRAPH (I) UNTIL ANY
12 PROCEEDINGS CONDUCTED UNDER THIS SUBSECTION ARE COMPLETED, IF:

13 1. A PARENT OR GUARDIAN OF THE STUDENT REQUESTS A
14 HEARING; AND

15 2. THE PARENTS OR GUARDIAN AND THE COUNTY BOARD
16 DO NOT AGREE TO ANOTHER INTERIM EDUCATIONAL ARRANGEMENT.

17 (IV) 1. IF THE CONDUCT OF THE IDENTIFIED STUDENT WITH
18 DISABILITIES IS UNRELATED TO THE STUDENT'S DISABILITY, THE REGULAR
19 PROCEDURES SPECIFIED IN STATE AND FEDERAL LAW FOR THESE CIRCUMSTANCES
20 SHALL BE FOLLOWED.

21 2. NOTHING IN THIS SUBSECTION SUPERSEDES THE
22 PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

23 [(4)] (5) The State Board shall adopt regulations to implement this
24 subsection.

25 (f) (1) A handicapped student may not be removed from the student's current
26 educational placement for more than 10 school days each school year unless:

27 (i) The admission, review, and dismissal committee has determined
28 that the conduct which prompted the disciplinary action was not a manifestation of the
29 student's handicapping condition and the student's parents have not appealed the
30 determination;

31 (ii) The admission, review, and dismissal committee has determined in
32 accordance with regulations adopted by the State Board of Education that the cumulative
33 effect of 2 or more suspensions totaling more than 10 school days each school year does
34 not create a pattern of exclusion that significantly impacts upon the student's educational
35 program and the student's parents have not appealed the determination;

36 (iii) The student's parents have agreed to an alternative or interim
37 educational placement; or

38 (iv) 1. The maintenance of the student's current educational
39 placement is substantially likely to result in injury to the student or to others;

