
By: Senator Astle

Introduced and read first time: January 22, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Student and Teacher Safety Act**

3 FOR the purpose of requiring each county Board of Education and the Board of School
4 Commissioners of Baltimore City to establish comprehensive programs for
5 disruptive students; requiring each school to establish a certain committee to
6 develop certain plans for dealing with disruptive students; requiring the State
7 Department of Education to provide assistance for the development of certain
8 programs; adding certain crimes to the list of reportable offenses; requiring a
9 principal to notify certain persons when a student has committed a certain offense;
10 prohibiting a principal from returning a student who has committed a certain
11 offense to the classroom under certain circumstances; prohibiting a principal from
12 returning a student to a classroom under certain circumstances unless certain
13 persons are notified; requiring a county superintendent to suspend a student under
14 certain circumstances and place the student in a certain program; requiring a county
15 superintendent to return a student to the student's regularly assigned school under
16 certain circumstances; requiring a county superintendent to arrange a conference
17 with the student and the student's parent or guardian; authorizing the student or
18 the student's parent or guardian to take certain actions; defining certain terms;
19 making stylistic changes; and generally relating to student and teacher safety.

20 BY repealing and reenacting, with amendments,

21 Article - Education
22 Section 7-302.1 and 7-304
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

25 BY adding to

26 Article - Education
27 Section 7-302.2 and 7-303.1
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1995 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Education**

2 7-302.1.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Law enforcement agency" means the law enforcement agencies listed in
5 Article 27, § 727(b) of the Code.

6 (3) "Local school system" means the schools and school programs under the
7 supervision of the local superintendent.

8 (4) "Local superintendent" means the county superintendent, for the county
9 in which a child is enrolled, or a designee of the superintendent, who is an administrator.

10 (5) "Reportable offense" means:

11 (i) A crime of violence, as defined in Article 27, § 643B of the Code;

12 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts
13 Article; [or]

14 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code;

15 (IV) A VIOLATION OF ARTICLE 27, § 286, § 287, OR § 287A OF THE
16 CODE; OR

17 (V) A VIOLATION OF ARTICLE 27, § 59 OF THE CODE.

18 (b) If a child enrolled in the public school system is arrested for a reportable
19 offense, the law enforcement agency making the arrest shall notify the local
20 superintendent of the arrest and the charges within 24 hours of the arrest or as soon as
21 practicable.

22 (c) The State's Attorney shall promptly notify the local superintendent of the
23 disposition of the reportable offense required to be reported under subsection (b) of this
24 section.

25 (d) Except by order of a juvenile court or other court upon good cause shown, the
26 information obtained by a local superintendent pursuant to subsections (b) and (c) of this
27 section:

28 (1) Is confidential and may not be redisclosed by subpoena or otherwise
29 except as provided pursuant to subsection (e) of this section; and

30 (2) May not be made part of the child's permanent educational record.

31 (e) By no later than September 1, 1995, the State Board shall adopt regulations to
32 ensure that information obtained by a local superintendent under subsections (b) and (c)
33 of this section is:

34 (1) Used to provide appropriate educational programming and related
35 services to the child and to maintain a safe and secure school environment for students
36 and school personnel; and

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1 (2) Transmitted only to the school principal of the school in which the child
2 is enrolled and other school personnel necessary to carry out the purposes set forth in
3 subsection (e)(1) of this section.

4 (f) Nothing in this section is intended to limit the manner in which a local school
5 obtains information or uses information obtained by any lawful means other than that set
6 forth in subsections (b) and (c) of this section.

7 7-302.2.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "LAW ENFORCEMENT AGENCY" MEANS THE LAW ENFORCEMENT
11 AGENCIES LISTED IN ARTICLE 27, § 727(B) OF THE CODE.

12 (3) "SCHOOL OFFENSE" MEANS THE ASSAULT OF:

13 (I) A TEACHER OR ANY OTHER SCHOOL PERSONNEL BY A
14 STUDENT; OR

15 (II) A STUDENT BY A STUDENT.

16 (B) IF A STUDENT ENROLLED IN THE PUBLIC SCHOOL SYSTEM HAS
17 COMMITTED A SCHOOL OFFENSE, THE PRINCIPAL SHALL NOTIFY:

18 (1) THE COUNTY SUPERINTENDENT;

19 (2) THE LOCAL LAW ENFORCEMENT AGENCY;

20 (3) THE PARENT OR GUARDIAN OF THE STUDENT WHO HAS
21 COMMITTED THE OFFENSE; AND

22 (4) THE PARENT OR GUARDIAN OF THE STUDENT WHO WAS THE
23 VICTIM OF THE OFFENSE.

24 (C) UPON NOTIFICATION OF A SCHOOL OFFENSE, THE LAW ENFORCEMENT
25 AGENCY MAY CONDUCT AN INVESTIGATION INTO THE OFFENSE.

26 (D) (1) IF A STUDENT HAS BEEN DISCIPLINED BY THE PRINCIPAL FOR
27 ASSAULTING A TEACHER, THE PRINCIPAL MAY NOT RETURN THE STUDENT TO THAT
28 TEACHER'S CLASSROOM.

29 (2) THE PRINCIPAL MAY RECOMMEND TO THE COUNTY
30 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNATED REPRESENTATIVE
31 THAT THE STUDENT BE PLACED IN AN ALTERNATIVE SCHOOL FOR DISRUPTIVE
32 YOUTH OR A SPECIAL PROGRAM FOR DISRUPTIVE YOUTH.

33 7-303.1.

34 (A) IN THIS SECTION, "DISRUPTIVE STUDENT" MEANS A PRESCHOOL
35 THROUGH GRADE 12 STUDENT WHOM A TEACHER OR OTHER SCHOOL PERSONNEL
36 IDENTIFIES AS EXHIBITING BEHAVIOR THAT KEEPS OTHER STUDENTS FROM
37 LEARNING.

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1 (B) (1) EACH COUNTY BOARD OF EDUCATION AND THE BOARD OF SCHOOL
2 COMMISSIONERS OF BALTIMORE CITY SHALL ESTABLISH COMPREHENSIVE
3 PROGRAMS FOR DISRUPTIVE STUDENTS.

4 (2) THE PROGRAMS MAY BE DIFFERENT FOR EACH SCHOOL.

5 (C) (1) EACH COUNTY BOARD SHALL REQUIRE EACH SCHOOL TO
6 ESTABLISH A COMMITTEE OF PARENTS, STUDENTS, TEACHERS, AND MEMBERS OF
7 THE COMMUNITY .

8 (2) THE COMMITTEE SHALL DEVELOP SPECIFIC PLANS FOR DEALING
9 WITH DISRUPTIVE STUDENTS INCLUDING:

10 (I) A SCHOOL CODE OF ETHICS;

11 (II) SCHOOL STANDARDS OF BEHAVIOR; AND

12 (III) RULES OF CONDUCT.

13 (D) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE
14 COUNTY BOARDS FOR THE DEVELOPMENT OF PROGRAMS FOR DISRUPTIVE
15 STUDENTS.

16 7-304.

17 (a) (1) 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 5 school days, any
19 student in the school who is under the direction of the principal.

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

23 (3) IF A STUDENT HAS BEEN REFERRED TO THE PRINCIPAL BY A
24 TEACHER AND THE PRINCIPAL HAS DETERMINED THAT SUSPENSION IS NOT
25 WARRANTED, THE PRINCIPAL MAY NOT RETURN THE STUDENT TO THE REFERRING
26 TEACHER'S CLASSROOM WITHOUT PRIOR CONSULTATION WITH THE STUDENT'S
27 PARENT OR GUARDIAN AND THE REFERRING TEACHER.

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

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

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

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

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1 (4) If after the conference the county superintendent or [his] THE
2 SUPERINTENDENT'S designated representative finds that a suspension of more than 10
3 school days or expulsion is warranted, the student or [his] THE STUDENT'S parent or
4 guardian may:

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

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

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

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

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

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

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

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

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

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

24 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §
25 921.

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

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

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

35 (F) (1) UPON NOTIFICATION FROM THE STATE'S ATTORNEY THAT A
36 STUDENT HAS BEEN ARRESTED FOR A REPORTABLE OFFENSE, AS DEFINED BY §
37 7-302.1(A)(5) OF THIS SUBTITLE, THE COUNTY SUPERINTENDENT OR THE
38 SUPERINTENDENT'S DESIGNATED REPRESENTATIVE SHALL SUSPEND THE STUDENT
39 FROM THE STUDENT'S REGULARLY ASSIGNED SCHOOL AND PLACE THE STUDENT IN

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1 AN ALTERNATIVE SCHOOL FOR DISRUPTIVE YOUTH OR A SPECIAL PROGRAM FOR
2 DISRUPTIVE YOUTH.

3 (2) THE STUDENT'S PARENT OR GUARDIAN SHALL BE RESPONSIBLE
4 FOR TRANSPORTATION TO THE ASSIGNED SCHOOL OR PROGRAM.

5 (3) THE COUNTY SUPERINTENDENT OR THE SUPERINTENDENT'S
6 DESIGNATED REPRESENTATIVE SHALL RETURN THE STUDENT TO THE STUDENT'S
7 REGULARLY ASSIGNED SCHOOL IF THE STUDENT HAS BEEN FOUND NOT GUILTY OF
8 THE REPORTABLE OFFENSE.

9 (4) THE STUDENT SHALL REMAIN IN THE ALTERNATIVE SCHOOL OR
10 SPECIAL PROGRAM UNTIL THE STUDENT HAS GRADUATED IF THE STUDENT HAS
11 BEEN FOUND GUILTY, PLEAD NOLO CONTENDERE, OR GRANTED PROBATION
12 BEFORE JUDGMENT FOR THE REPORTABLE OFFENSE.

13 (5) (I) BEFORE PLACING THE STUDENT IN AN ALTERNATIVE SCHOOL
14 OR A SPECIAL PROGRAM, THE COUNTY SUPERINTENDENT OR THE
15 SUPERINTENDENT'S DESIGNATED REPRESENTATIVE SHALL PROMPTLY ARRANGE A
16 CONFERENCE WITH THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN.

17 (II) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN
18 MAY:

19 1. APPEAL TO THE COUNTY BOARD WITHIN 10 DAYS AFTER
20 THE CONFERENCE;

21 2. BE HEARD BEFORE THE COUNTY BOARD OR ITS
22 DESIGNATED COMMITTEE; AND

23 3. BRING COUNSEL TO THE HEARING.

24 (III) UNLESS A PUBLIC HEARING IS REQUESTED BY THE PARENT OR
25 GUARDIAN OF THE STUDENT, A HEARING SHALL BE HELD OUT OF THE PRESENCE
26 OF ALL INDIVIDUALS EXCEPT THOSE WHOSE PRESENCE IS CONSIDERED NECESSARY
27 OR DESIRABLE BY THE BOARD.

28 (IV) THE APPEAL TO THE COUNTY BOARD DOES NOT STAY THE
29 DECISION OF THE COUNTY SUPERINTENDENT.

30 (V) THE DECISION OF THE COUNTY BOARD IS FINAL.

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

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

37 (ii) The admission, review, and dismissal committee has determined in
38 accordance with regulations adopted by the State Board of Education that the cumulative
39 effect of 2 or more suspensions totaling more than 10 school days each school year does

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1 not create a pattern of exclusion that significantly impacts upon the student's educational
2 program and the student's parents have not appealed the determination;

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

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

7 2. The student's parents have not agreed to an alternative or
8 interim educational placement; and

9 3. A court of competent jurisdiction has temporarily enjoined
10 the student from remaining in the student's current educational placement.

11 (2) In injunctive proceedings under paragraph (1)(iv)3 of this subsection,
12 there is a presumption in favor of maintaining the student's current educational
13 placement. The county superintendent or the superintendent's designated representative
14 may overcome this presumption by showing that maintaining the student's current
15 educational placement is substantially likely to result in injury either to the student or to
16 others.

17 (3) Whenever a student has been enjoined from attending the student's
18 current educational placement under paragraph (1)(iv)3 of this subsection, the county
19 superintendent shall ensure that the student continues to receive appropriate educational
20 and related services to the extent practicable.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1996.