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**By: Senators Trotter, Lawlah, Currie, and Green**

Introduced and read first time: January 22, 1996

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Education - Academy for Expelled Students**

3 FOR the purpose of authorizing the Prince George's County Board of Education to  
4 establish an academy for students who have been expelled from the County public  
5 school system; specifying certain requirements of the academy; requiring the county  
6 board to adopt certain regulations; and generally relating to an academy for  
7 students expelled from Prince George's County public schools.

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

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

15 **Article - Education**

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 parent or guardian promptly shall be given a  
21 conference with the principal and any other appropriate personnel during the suspension  
22 period.

23 (b) At the request of a principal, a county superintendent may suspend a student  
24 for more than 5 school days or expel him.

25 (c) (1) If a principal finds that a suspension of more than 5 schooldays or  
26 expulsion is warranted, he immediately shall report the matter in writing to the county  
27 superintendent.

28 (2) The county superintendent or his designated representative promptly  
29 shall make a thorough investigation of the matter.

1 (3) If after the investigation the county superintendent finds that a longer  
2 suspension or expulsion is warranted, he or his designated representative promptly shall  
3 arrange a conference with the student and his parent or guardian.

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

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

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

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

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

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

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

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

17 [(2)] (II) Any student expelled or suspended from school shall remain away  
18 from the school premises during those hours each school day when the school the student  
19 attends is in session.

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

24 [(4)] (IV) Any person who violates any provision of this subsection is guilty of  
25 a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each  
26 violation.

27 (2) (I) THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION MAY  
28 ESTABLISH AN ACADEMY FOR STUDENTS WHO HAVE BEEN EXPELLED FROM PRINCE  
29 GEORGE'S COUNTY PUBLIC SCHOOLS.

30 (II) THE ACADEMY SHALL BE A RESIDENTIAL PROGRAM AT WHICH  
31 PARTICIPANTS RESIDE DURING THE SCHOOL WEEK.

32 (III) ENROLLMENT IN THE ACADEMY SHALL BE VOLUNTARY.

33 (IV) 1. THE COUNTY BOARD SHALL ADOPT REGULATIONS  
34 NECESSARY TO IMPLEMENT AN ACADEMY ESTABLISHED IN ACCORDANCE WITH  
35 THIS SUBSECTION.

36 2. REGULATIONS ADOPTED BY THE COUNTY BOARD UNDER  
37 THIS SUBSECTION SHALL PROVIDE FOR EDUCATIONAL INSTRUCTION AND A

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1 RIGOROUS SCHEDULE OF EXERCISE AND PHYSICAL ACTIVITY FOR STUDENTS IN  
2 THE ACADEMY.

3 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §  
4 921.

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

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

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

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

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

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

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

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

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

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

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

39 (3) Whenever a student has been enjoined from attending the student's  
40 current educational placement under paragraph (1)(iv)3 of this subsection, the county

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1 superintendent shall ensure that the student continues to receive appropriate educational  
2 and related services to the extent practicable.

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