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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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 1996

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CHAPTER \_\_\_\_

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 determine the placement or reassignment of expelled students within County public  
5 schools or other facilities administered by the Board; authorizing the Board to  
6 establish an academy for students who have been expelled from the County public  
7 school system; specifying certain requirements of the academy; requiring the county  
8 board to adopt certain regulations; and generally relating to an academy for  
9 students expelled from Prince George's County public schools.

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

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

17 **Article - Education**

18 7-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (V) THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION MAY  
35 DETERMINE THE PLACEMENT OR REASSIGNMENT OF AN EXPELLED STUDENT  
36 WITHIN ANY PRINCE GEORGE'S COUNTY PUBLIC SCHOOL OR OTHER FACILITY  
37 ADMINISTERED BY THE COUNTY BOARD.

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

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

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

7 (IV) 1. THE COUNTY BOARD SHALL ADOPT REGULATIONS  
8 NECESSARY TO IMPLEMENT AN ACADEMY ESTABLISHED IN ACCORDANCE WITH  
9 THIS SUBSECTION.

10 2. REGULATIONS ADOPTED BY THE COUNTY BOARD UNDER  
11 THIS SUBSECTION SHALL PROVIDE FOR EDUCATIONAL INSTRUCTION AND A  
12 RIGOROUS SCHEDULE OF EXERCISE AND PHYSICAL ACTIVITY FOR STUDENTS IN  
13 THE ACADEMY.

14 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §  
15 921.

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

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

24 (4) The State Board shall adopt regulations to implement this 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;

