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**By: The President (Administration) and Senators Blount, Hollinger, Collins, and Lawlah**

Introduced and read first time: January 22, 1996

Rule 32(d) suspended

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - School Order and Discipline**

3 FOR the purpose of requiring a continuum model of prevention and intervention  
4 activities and programs for disruptive student behaviors; requiring that proposals for  
5 funding of programs for disruptive youth satisfy certain criteria; authorizing a public  
6 school principal to suspend a student for a certain number of days; requiring a  
7 suspended or expelled student to stay away from school during certain hours;  
8 requiring a principal to confer with certain individuals under certain circumstances;  
9 authorizing a principal to require restitution under certain circumstances; requiring  
10 the State Board of Education to adopt certain regulations including a State code of  
11 student discipline; requiring local boards of education to adopt certain regulations;  
12 requiring the State Board to assist local boards with implementation of certain  
13 policies and programs; authorizing and immunizing principals, teachers, school  
14 security guards, and school-based staff for certain actions under certain  
15 circumstances; authorizing searches of students for violations of certain laws and  
16 regulations under certain circumstances; requiring the Department of Education to  
17 submit a certain report; and generally relating to the maintenance of school order  
18 and discipline.

19 BY repealing and reenacting, with amendments,  
20 Article - Education  
21 Section 7-303, 7-304, 7-305, 7-306, and 7-307  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1995 Supplement)

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

26 **Article - Education**

27 7-303.

28 (A) THE PURPOSE OF THIS SECTION IS TO REQUIRE EACH COUNTY BOARD OF  
29 EDUCATION TO PROVIDE A CONTINUUM MODEL OF PREVENTION AND

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1 INTERVENTION ACTIVITIES AND PROGRAMS THAT ENCOURAGE AND PROMOTE  
2 POSITIVE BEHAVIOR AND REDUCE DISRUPTION.

3 [(a)] (B) Each county board of education and the Board of School Commissioners  
4 of Baltimore City [may] SHALL establish special programs in the county [or] AND  
5 Baltimore City for students in the public school system who exhibit disruptive classroom  
6 behavior.

7 [(b)] (C) Two or more county boards may establish special programs for their  
8 joint use.

9 [(c)] (D) The State shall appropriate an amount of money for allocation BY THE  
10 STATE DEPARTMENT OF EDUCATION to local education agencies FOR SCHOOLS OR  
11 CLUSTERS OF SCHOOLS to support the development AND EXPANSION of special  
12 programs for disruptive youth. Within the resources available, the State Superintendent  
13 shall award funds to the local school systems which submit proposals pursuant to the  
14 criteria established in subsection [(d)] (E) of this section.

15 [(d)] (E) Each local education agency that is applying for State support for special  
16 programs for disruptive youth shall submit proposals for funding of programs to the State  
17 Department of Education that include:

18 (1) An assessment of the number of students IN EACH SCHOOL in need of  
19 special services;

20 (2) Specific plans [for solving the problem of disruptive students with  
21 objective measurable goals to be achieved by the recommended program] WITH GOALS  
22 AND MEASURABLE OBJECTIVES FOR ACTIVITIES AND PROGRAMS THAT PROVIDE A  
23 CONTINUUM MODEL FOR THE PREVENTION AND INTERVENTION OF DISRUPTIVE  
24 STUDENT BEHAVIORS INCLUDING BUT NOT LIMITED TO REMOVAL AND RE-ENTRY  
25 PROGRAMS NECESSARY FOR EFFECTIVE LEARNING;

26 (3) Adherence to the STATE BOARD REGULATIONS ON DISCIPLINARY  
27 POLICIES AND PROGRAMS AND OTHER guidelines established by the State Department  
28 of Education;

29 (4) A procedure involving the participation of [administration]  
30 ADMINISTRATORS, teachers, parents, STUDENTS, and other members of the community;  
31 and

32 (5) In-service training [of] AND STAFF DEVELOPMENT FOR  
33 ADMINISTRATORS, teachers, AND OTHER SCHOOL PERSONNEL.

34 [(e)] (F) (1) At the end of each fiscal year, each participating local education  
35 agency shall submit a written statement to the State Department of Education describing  
36 the assessment, the educational problems determined, the overall program developed  
37 with goals and [procedures] MEASURABLE OUTCOME OBJECTIVES, and a yearly  
38 evaluation of the success of the program.

39 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE STATE  
40 DEPARTMENT OF EDUCATION SHALL SUBMIT A SUMMARY OF THE REPORTS

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1 REQUIRED UNDER THIS SUBSECTION TO THE GOVERNOR AND THE GENERAL  
2 ASSEMBLY.

3 7-304.

4 (a) (1) In accordance with the rules and regulations of the county board, each  
5 principal of a public school may suspend for cause, for not more than [5] 10 school days,  
6 any student in the school who is under the direction of the principal.

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

10 (b) At the request of a principal, a county superintendent may suspend a student  
11 for more than [5] 10 school days or expel him.

12 (c) (1) If a principal finds that a suspension of more than [5] 10 school days or  
13 expulsion is warranted, he immediately shall report the matter in writing to the county  
14 superintendent.

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

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

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

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

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

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

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

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

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

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

33 (2)] Any student expelled or suspended from school [shall]:

34 (1) SHALL remain away from the school premises during those hours each  
35 school day when the school the student attends is in session; AND

36 (2) MAY NOT PARTICIPATE IN SCHOOL SPONSORED ACTIVITIES.

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1                    [(3)] (2) The expelled or suspended student may return to the school  
2 premises during the prohibited hours only for attendance at a previously scheduled  
3 appointment, and if the student is a minor then only if accompanied by his parent or  
4 guardian.

5                    [(4)] (3) Any person who violates [any provision] PARAGRAPH (1)OR (2)  
6 of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not  
7 exceeding \$100 for each violation.

8                    (4) IF A STUDENT HAS BEEN SUSPENDED OR EXPELLED, THE PRINCIPAL  
9 MAY NOT RETURN THE STUDENT TO THE CLASSROOM WITHOUT CONFERRING WITH  
10 TEACHERS, OTHER APPROPRIATE SCHOOL PERSONNEL, THE STUDENT, AND THE  
11 STUDENT'S PARENT OR GUARDIAN.

12                  (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §  
13 921.

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

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

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

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

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

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

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

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

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



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1 (2) The regulations adopted by a county board under this subsection:

2 (i) Shall provide for EDUCATIONAL AND BEHAVIORAL  
3 INTERVENTIONS, counseling, [or] AND STUDENT AND PARENT conferencing; and

4 (ii) [May permit] SHALL PROVIDE ALTERNATIVE PROGRAMS,  
5 INCLUDING IN-SCHOOL SUSPENSION, suspension, expulsion, or other disciplinary  
6 measures that are deemed appropriate.

7 7-306.

8 (a) (1) A principal, teacher, [or] school security guard, OR OTHER SCHOOL  
9 BASED STAFF in any public school may [intervene in a fight or physical struggle that  
10 takes place in his presence in a school building or on school grounds, whether the fight is  
11 among students or other individuals] TAKE REASONABLE ACTION NECESSARY TO  
12 PREVENT VIOLENCE ON SCHOOL PREMISES OR ON A SCHOOL-SPONSORED TRIP,  
13 INCLUDING INTERVENING IN A FIGHT OR PHYSICAL STRUGGLE THAT TAKES PLACE  
14 IN HIS OR HER PRESENCE, WHETHER THE FIGHT IS AMONG STUDENTS OR OTHER  
15 INDIVIDUALS.

16 (2) The degree and force of the intervention may be as reasonably necessary  
17 to PREVENT VIOLENCE, restore order and to protect the safety of the combatants and  
18 surrounding individuals.

19 (b) A principal, teacher, [or] school security guard, OR OTHER SCHOOL BASED  
20 STAFF who is hurt while TAKING PREVENTIVE ACTION OR intervening in a fight under  
21 this section:

22 (1) Shall be compensated by the county board for any necessary medical  
23 expenses that result directly from the PREVENTIVE ACTION OR intervention; and

24 (2) May not lose any compensation for time lost from school duties that  
25 results directly from the PREVENTIVE ACTION OR intervention, but compensation may  
26 be reduced by any payments made under the Maryland Workers' Compensation Act.

27 (c) In any suit, claim, or criminal charge brought by a parent or other claimant of  
28 one of the combatants against the principal, teacher, [or] school security guard, OR  
29 OTHER SCHOOL BASED STAFF because of the PREVENTIVE ACTION OR intervention,  
30 the county board:

31 (1) Shall provide legal counsel for the principal, teacher, [or] school  
32 security guard, OR OTHER SCHOOL BASED STAFF or may provide reimbursement for the  
33 reasonable expenses of the legal defense of any criminal charge if the county board  
34 considers it appropriate; and

35 (2) Shall save the principal, teacher, [or] school security guard, OR OTHER  
36 SCHOOL BASED STAFF harmless from any award or decree against him.

37 7-307.

38 (a) (1) A principal, assistant principal, or school security guard of a public  
39 school may make a reasonable search of a student on the school premises OR ON A  
40 SCHOOL-SPONSORED TRIP if he has a reasonable belief that the student has in his

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1 possession an item, the possession of which is a criminal offense under the laws of this  
2 State OR A VIOLATION OF ANY OTHER STATE LAW OR A RULE OR REGULATION OF  
3 THE COUNTY BOARD.

4 (2) The search shall be made in the presence of a third party.

5 (b) (1) A principal, assistant principal, or school security guard of a public  
6 school may make a search of the physical plant of the school and its appurtenances  
7 including the lockers of students.

8 (2) The right of the school official to search the locker shall be announced  
9 or published previously in the school.

10 (c) The Department shall adopt rules and regulations relating to these searches  
11 permitted under this section.

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