
By: The President (Administration) and Senators Blount, Hollinger, Collins, and
~~Lawlah~~ Lawlah, Craig, Dyson, Frosh, McCabe, Pinsky, Sfikas, Stoltzfus,
Teitelbaum, and Green

Introduced and read first time: January 22, 1996

Rule 32(d) suspended

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 1996

CHAPTER _____

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 or a designee of the principal to confer with certain individuals
 9 under certain circumstances; authorizing a county superintendent to deny school
 10 attendance to certain students under certain circumstances; requiring a school
 11 system to forward certain information to another school system under certain
 12 circumstances; authorizing requiring a principal to require restitution under certain
 13 circumstances; requiring the State Board of Education to ~~adopt certain regulations~~
 14 ~~including~~ establish guidelines that define a State code of student discipline;
 15 requiring local boards of education to adopt certain regulations; requiring the State
 16 Board to assist local boards with implementation of certain ~~policies and programs~~
 17 guidelines; authorizing and immunizing principals, teachers, school security guards,
 18 and ~~school-based staff~~ school system personnel for certain actions under certain
 19 circumstances; authorizing searches of students for violations of certain laws and
 20 regulations under certain circumstances; requiring the Department of Education to
 21 submit a certain report; and generally relating to the maintenance of school order
 22 and discipline.

23 BY repealing and reenacting, with amendments,
 24 Article - Education

2

1 Section 7-303, 7-304, 7-305, 7-306, and 7-307
2 Annotated Code of Maryland
3 (1992 Replacement Volume and 1995 Supplement)

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

6 **Article - Education**

7 7-303.

8 (A) THE PURPOSE OF THIS SECTION IS TO REQUIRE EACH COUNTY BOARD OF
9 EDUCATION TO PROVIDE A CONTINUUM MODEL OF PREVENTION AND
10 INTERVENTION ACTIVITIES AND PROGRAMS THAT ENCOURAGE AND PROMOTE
11 POSITIVE BEHAVIOR AND REDUCE DISRUPTION.

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

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

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

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

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

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

35 (3) Adherence to the STATE BOARD REGULATIONS ON DISCIPLINARY
36 POLICIES AND PROGRAMS AND OTHER guidelines established by the State Department
37 of Education;

38 (4) A procedure involving the participation of [administration]
39 ADMINISTRATORS, teachers, parents, STUDENTS, and other members of the community;
40 and

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

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

8 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE STATE
9 DEPARTMENT OF EDUCATION SHALL SUBMIT A SUMMARY OF THE REPORTS
10 REQUIRED UNDER THIS SUBSECTION TO THE GOVERNOR AND, SUBJECT TO § 2-1312
11 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

12 7-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(1)~~ (I) SHALL remain away from the school premises during those hours
5 each school day when the school the student attends is in session; AND

6 ~~(2)~~ (II) MAY NOT PARTICIPATE IN SCHOOL SPONSORED ACTIVITIES.

7 [(3)] (2) The expelled or suspended student may return to the school
8 premises during the prohibited hours only for attendance at a previously scheduled
9 appointment, and if the student is a minor then only if accompanied by his parent or
10 guardian.

11 [(4)] (3) Any person who violates [any provision] PARAGRAPH (1) OR (2)
12 of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not
13 exceeding \$100 for each violation.

14 (4) (I) IF A STUDENT HAS BEEN SUSPENDED OR EXPELLED, THE
15 PRINCIPAL OR A DESIGNEE OF THE PRINCIPAL MAY NOT RETURN THE STUDENT TO
16 THE CLASSROOM WITHOUT CONFERRING WITH THE TEACHER WHO REFERRED THE
17 STUDENT TO THE PRINCIPAL, IF THE STUDENT WAS REFERRED BY A TEACHER,
18 OTHER TEACHERS AS APPROPRIATE, OTHER APPROPRIATE SCHOOL PERSONNEL,
19 THE STUDENT, AND THE STUDENT'S PARENT OR GUARDIAN.

20 (II) IF THE DISRUPTIVE BEHAVIOR RESULTS IN ACTION LESS THAN
21 SUSPENSION, THE PRINCIPAL OR A DESIGNEE OF THE PRINCIPAL SHALL CONFER
22 WITH THE TEACHER WHO REFERRED THE STUDENT TO THE PRINCIPAL PRIOR TO
23 RETURNING THE STUDENT TO THAT TEACHER'S CLASSROOM.

24 (5) A COUNTY SUPERINTENDENT MAY DENY ATTENDANCE TO ANY
25 STUDENT WHO IS CURRENTLY EXPELLED FROM ANOTHER SCHOOL SYSTEM IN THE
26 STATE FOR A LENGTH OF TIME EQUAL TO THAT EXPULSION.

27 (6) A SCHOOL SYSTEM SHALL FORWARD INFORMATION TO ANOTHER
28 SCHOOL SYSTEM RELATING TO THE DISCIPLINE OF A STUDENT, INCLUDING
29 INFORMATION ON AN EXPULSION OF THE STUDENT, ON RECEIPT OF THE REQUEST
30 FOR INFORMATION.

31 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. §
32 921.

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

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

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

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

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

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

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

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

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

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

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

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

31 (G) (1) THIS SUBSECTION DOES NOT APPLY IF THE STUDENT IS REFERRED
32 TO THE DEPARTMENT OF JUVENILE JUSTICE.

33 (2) IF A STUDENT VIOLATES A STATE OR LOCAL LAW OR REGULATION
34 AND DURING OR AS A RESULT OF THE COMMISSION OF THAT VIOLATION DAMAGED,
35 DESTROYED, OR SUBSTANTIALLY DECREASED THE VALUE OF SCHOOL PROPERTY
36 OR PROPERTY OF ANOTHER THAT WAS ON SCHOOL PROPERTY AT THE TIME OF THE
37 VIOLATION, AS PART OF A CONFERENCE ON THE MATTER WITH THE STUDENT, THE
38 STUDENT'S PARENT OR GUARDIAN AND ANY OTHER APPROPRIATE PERSON, THE
39 PRINCIPAL ~~MAY~~ SHALL REQUIRE THE STUDENT OR THE STUDENT'S PARENT TO
40 MAKE RESTITUTION.

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1 (3) THE RESTITUTION MAY BE IN THE FORM OF MONETARY
 2 RESTITUTION NOT TO EXCEED THE LESSER OF THE FAIR MARKET VALUE OF THE
 3 PROPERTY OR \$2,500, OR THE STUDENT'S ASSIGNMENT TO A SCHOOL WORK
 4 PROJECT, OR BOTH.

5 7-305.

6 (a) Notwithstanding any bylaw, rule, or regulation made or approved by the State
 7 Board, a principal, vice-principal, or other employee may not administer corporal
 8 punishment to discipline a student in a public school in the State.

9 (B) THE STATE BOARD OF EDUCATION ~~IN CONSULTATION WITH THE~~
 10 ~~CABINET COUNCIL ON CRIMINAL AND JUVENILE JUSTICE~~ SHALL:

11 (1) ~~ADOPT REGULATIONS ESTABLISHING~~ ESTABLISH GUIDELINES THAT
 12 DEFINE A STATE CODE OF DISCIPLINE FOR ALL PUBLIC SCHOOLS WITH ~~MINIMUM~~
 13 ~~STRINGENT~~ STANDARDS OF CONDUCT AND ~~SPECIFIED~~ CONSEQUENCES FOR
 14 VIOLATIONS OF THE STANDARDS; AND

15 (2) ASSIST EACH COUNTY BOARD WITH THE IMPLEMENTATION OF THE
 16 ~~REGULATIONS~~ GUIDELINES.

17 [(b)] (C) (1) Subject to the provisions of [subsection (a)] SUBSECTIONS (A)
 18 AND (B) of this section, each county board shall adopt regulations designed to CREATE
 19 AND maintain within the [schools] SCHOOL COMMUNITY under its jurisdiction the
 20 atmosphere of order and discipline necessary for effective learning.

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

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

24 (ii) [May permit] SHALL PROVIDE ALTERNATIVE PROGRAMS,
 25 INCLUDING WHICH MAY INCLUDE IN-SCHOOL SUSPENSION, suspension, expulsion, or
 26 other disciplinary measures that are deemed appropriate.

27 7-306.

28 (a) (1) A principal, teacher, [or] school security guard, OR OTHER SCHOOL
 29 ~~BASED STAFF~~ SYSTEM PERSONNEL in any public school may [intervene in a fight or
 30 physical struggle that takes place in his presence in a school building or on school
 31 grounds, whether the fight is among students or other individuals] TAKE REASONABLE
 32 ACTION NECESSARY TO PREVENT VIOLENCE ON SCHOOL PREMISES OR ON A
 33 SCHOOL-SPONSORED TRIP, INCLUDING INTERVENING IN A FIGHT OR PHYSICAL
 34 STRUGGLE THAT TAKES PLACE IN HIS OR HER PRESENCE, WHETHER THE FIGHT IS
 35 AMONG STUDENTS OR OTHER INDIVIDUALS.

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

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1 (b) A principal, teacher, [or] school security guard, OR OTHER SCHOOL BASED
2 ~~STAFF SYSTEM PERSONNEL~~ who is hurt while TAKING PREVENTIVE ACTION OR
3 intervening in a fight under this section:

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

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

9 (c) In any suit, claim, or criminal charge brought by a parent or other claimant of
10 one of the combatants against the principal, teacher, [or] school security guard, OR
11 OTHER SCHOOL BASED ~~STAFF SYSTEM PERSONNEL~~ because of the PREVENTIVE
12 ACTION OR intervention, the county board:

13 (1) Shall provide legal counsel for the principal, teacher, [or] school
14 security guard, OR OTHER SCHOOL BASED ~~STAFF SYSTEM PERSONNEL~~ or may provide
15 reimbursement for the reasonable expenses of the legal defense of any criminal charge if
16 the county board considers it appropriate; and

17 (2) Shall save the principal, teacher, [or] school security guard, OR OTHER
18 SCHOOL BASED ~~STAFF SYSTEM PERSONNEL~~ harmless from any award or decree against
19 him.

20 7-307.

21 (a) (1) A principal, assistant principal, or school security guard of a public
22 school may make a reasonable search of a student on the school premises OR ON A
23 SCHOOL-SPONSORED TRIP if he has a reasonable belief that the student has in his
24 possession an item, the possession of which is a criminal offense under the laws of this
25 State OR A VIOLATION OF ANY OTHER STATE LAW OR A RULE OR REGULATION OF
26 THE COUNTY BOARD.

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

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

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

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

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

