
By: Senator Baker

Introduced and read first time: January 24, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Suspension or Expulsion of Students - Appeal - Stay of Decision of the County**
3 **Superintendent**

4 FOR the purpose of providing that a decision of a county superintendent to suspend a
5 student for a certain number of school days or to expel the student is stayed while
6 review by the county board of education is pending; making certain stylistic changes;
7 and generally relating to the staying of a decision of a county superintendent to
8 suspend or expel a student while review by the county board of education is
9 pending.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-304(a), (b), and (c)
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] THE STUDENT'S parent or guardian promptly shall
23 be given a conference with the principal and any other appropriate personnel during the
24 suspension period.

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

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

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

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

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

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

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

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

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

17 (6) The appeal to the county board [does not stay] STAYS the decision of
18 the county superintendent.

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

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