
By: Senator Amoss

Introduced and read first time: January 31, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Students With Disabilities - Suspension and Expulsion**

3 FOR the purpose of applying certain provisions of law concerning the suspension and
4 expulsion of students to students with disabilities under specified circumstances;
5 making certain stylistic changes; and generally relating to the suspension and
6 expulsion of students with disabilities.

7 BY repealing and reenacting, without amendments,
8 Article - Education
9 Section 7-304(a), (b), and (c)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 7-304(f)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article - Education**

20 7-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (f) (1) [A] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (4) OF THIS
22 SUBSECTION, A [handicapped] DISABLED student may not be removed from the
23 student's current educational placement for more than 10 school days each school year
24 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] DISABILITY and the student's parents have not
28 appealed the 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 or to others;

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

