
By: **Delegate Montague**
Introduced and read first time: February 24, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Children in State-Supervised Care**

3 FOR the purpose of requiring a school to establish a program to ensure that
4 inappropriate behavior by a student in State-supervised care is assessed before
5 the school enrollment or performance of the student is jeopardized; establishing
6 certain procedures and guidelines for a school's program; requiring the
7 Department to adopt certain regulations; prohibiting a school from suspending
8 or expelling a student in State-supervised care in certain circumstances;
9 defining certain terms; and generally relating to students in State-supervised
10 care.

11 BY adding to
12 Article - Education
13 Section 7-304.1
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 7-305(a) and (b)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1998 Supplement)

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

23 **Article - Education**

24 7-304.1.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "CAREGIVER" MEANS:

1 (I) AN INDIVIDUAL WITH WHOM A STUDENT IN
2 STATE-SUPERVISED CARE IS PLACED UNDER THE FOSTER CARE PROGRAM UNDER §
3 5-525 OF THE FAMILY LAW ARTICLE, OR THE KINSHIP CARE PROGRAM UNDER § 5-534
4 OF THE FAMILY LAW ARTICLE; OR

5 (II) THE DIRECTOR OF A LICENSED RESIDENTIAL PROGRAM OR
6 SHELTER IN WHICH A STUDENT IN STATE-SUPERVISED CARE IS PLACED.

7 (3) "STUDENT IN STATE-SUPERVISED CARE" MEANS A STUDENT WHO:

8 (I) IS IN THE CUSTODY OR UNDER THE GUARDIANSHIP OF A LOCAL
9 DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE JUSTICE
10 AND WHO HAS BEEN PLACED IN AN OUT-OF-HOME PLACEMENT; AND

11 (II) IS ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THE STATE.

12 (B) THE PURPOSE OF THIS SECTION IS TO REQUIRE A SCHOOL TO ESTABLISH
13 A PROGRAM TO ENSURE THAT THE SCHOOL ADDRESSES INAPPROPRIATE BEHAVIOR
14 BY A STUDENT IN STATE-SUPERVISED CARE BEFORE THAT BEHAVIOR JEOPARDIZES
15 THE SCHOOL ENROLLMENT OR PERFORMANCE OF THE STUDENT.

16 (C) (1) THE PROGRAM SHALL OPERATE IN ACCORDANCE WITH THE
17 PROVISIONS OF THIS SUBSECTION.

18 (2) IF A TEACHER, ADMINISTRATOR, OR COUNSELOR BECOMES AWARE
19 OF BEHAVIOR BY A STUDENT IN STATE-SUPERVISED CARE THAT MAY JEOPARDIZE
20 THE SCHOOL ENROLLMENT OR PERFORMANCE OF THE STUDENT, THE TEACHER,
21 ADMINISTRATOR, OR COUNSELOR SHALL REFER THE STUDENT TO THE SCHOOL'S
22 MULTI-DISCIPLINARY BUILDING-LEVEL TEAM.

23 (3) THE SCHOOL'S MULTI-DISCIPLINARY BUILDING-LEVEL TEAM
24 SHALL:

25 (I) ASSESS THE SOCIAL, EMOTIONAL, BEHAVIORAL, AND
26 ACADEMIC PERFORMANCE AND NEEDS OF THE STUDENT IN STATE-SUPERVISED
27 CARE;

28 (II) DEVELOP AND IMPLEMENT A STUDENT SUPPORT PLAN TO
29 ADDRESS THE PROBLEMS OF THE STUDENT;

30 (III) ASSESS THE NEED AND ELIGIBILITY OF THE STUDENT FOR
31 SPECIAL EDUCATION SERVICES AND, IF NECESSARY, DEVELOP AN INDIVIDUAL
32 EDUCATIONAL PLAN UNDER 20 U.S.C. § 1414(D); OR

33 (IV) DEVELOP AND IMPLEMENT A PLAN UNDER § 504 OF THE
34 FEDERAL REHABILITATION ACT OF 1973 IF THE STUDENT HAS A DISABILITY BUT
35 DOES NOT QUALIFY FOR SPECIAL EDUCATION SERVICES.

36 (4) THE DEPARTMENT SHALL ADOPT REGULATIONS:

1 (I) TO IMPLEMENT THIS SECTION;

2 (II) THAT PROHIBIT A SCHOOL FROM SUSPENDING OR EXPELLING
3 A STUDENT IN STATE-SUPERVISED CARE WHO DOES NOT HAVE A STUDENT SUPPORT
4 PLAN OR A PLAN UNDER § 504 OF THE FEDERAL REHABILITATION ACT OF 1973,
5 UNLESS THE STUDENT PRESENTS A CLEAR AND IMMINENT RISK TO THE SAFETY OF
6 OTHER STUDENTS; AND

7 (III) THAT GRANT, IN THE ABSENCE OF A LEGAL GUARDIAN OR A
8 SCHOOL APPOINTED PARENT SURROGATE, A CAREGIVER OF A STUDENT IN
9 STATE-SUPERVISED CARE STANDING AS A PARENT SURROGATE IN MATTERS
10 AFFECTING THE ENROLLMENT AND EDUCATION OF THE STUDENT.

11 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A SPECIAL
12 EDUCATION STUDENT IN STATE-SUPERVISED CARE FROM BEING PLACED IN AN
13 APPROPRIATE ALTERNATIVE PUBLIC OR NONPUBLIC SCHOOL.

14 7-305.

15 (a) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
16 IN accordance with the rules and regulations of the county board, each principal of a
17 public school may suspend for cause, for not more than 10 school days, any student in
18 the school who is under the direction of the principal.

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

22 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, A PRINCIPAL OF A PUBLIC SCHOOL MAY NOT SUSPEND A STUDENT IN
24 STATE-SUPERVISED CARE UNLESS THE SCHOOL HAS DEVELOPED AND
25 IMPLEMENTED UNDER § 7-304.1 OF THIS ARTICLE A STUDENT SUPPORT PLAN OR A
26 PLAN UNDER § 504 OF THE FEDERAL REHABILITATION ACT OF 1973.

27 (II) A PRINCIPAL OF A PUBLIC SCHOOL MAY SUSPEND A STUDENT
28 IN STATE-SUPERVISED CARE IF THE STUDENT PRESENTS A CLEAR AND IMMINENT
29 RISK TO THE SAFETY OF OTHER STUDENTS.

30 (b) (1) [At] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
31 AT the request of a principal, a county superintendent may suspend a student for
32 more than 10 school days or expel him.

33 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
34 PARAGRAPH, A COUNTY SUPERINTENDENT MAY NOT SUSPEND FOR MORE THAN 10
35 SCHOOL DAYS OR EXPEL A STUDENT IN STATE-SUPERVISED CARE UNLESS THE
36 SCHOOL HAS DEVELOPED AND IMPLEMENTED UNDER § 7-304.1 OF THIS ARTICLE A
37 STUDENT SUPPORT PLAN OR A PLAN UNDER § 504 OF THE FEDERAL REHABILITATION
38 ACT OF 1973.

1 (II) A COUNTY SUPERINTENDENT MAY SUSPEND FOR MORE THAN
2 10 SCHOOL DAYS OR EXPEL A STUDENT IN STATE-SUPERVISED CARE IF THE
3 STUDENT PRESENTS A CLEAR AND IMMINENT RISK TO THE SAFETY OF OTHER
4 STUDENTS.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 1999.