

SENATE BILL 368

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1999 Regular Session
9r2057
CF 9r1230

By: **Senator McFadden**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Suspension and Expulsion - Behavioral or Mental Health**
3 **Assessment**

4 FOR the purpose of requiring a county superintendent of schools to refer for a certain
5 assessment a child who has been suspended for an extended period of time or
6 expelled; establishing certain information and recommendations to be included
7 in an assessment; requiring a parent to be included in the assessment process
8 under certain circumstances; requiring a county board to develop a certain
9 incentive program; prohibiting an assessment from delaying a student's return
10 to school; requiring certain persons to address an assessment and any
11 remaining behavioral concerns; requiring a school to consider an assessment in
12 providing educational services to a student; authorizing the State Board of
13 Education to establish certain reporting requirements for assessments; making
14 technical changes; and generally relating to an assessment of a child who has
15 been suspended for an extended period of time or expelled.

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 7-305(c)
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 7-305.

25 (c) (1) If a principal finds that a suspension of more than 10 school days or
26 expulsion is warranted, he immediately shall report the matter in writing to the
27 county superintendent.

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

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

8 (4) (I) WITH THE CONSENT OF THE PARENT OR GUARDIAN, AFTER AN
9 INVESTIGATION AND CONFERENCE THAT DETERMINES THAT A SUSPENSION OF
10 MORE THAN 10 SCHOOL DAYS OR EXPULSION IS WARRANTED, THE COUNTY
11 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNATED REPRESENTATIVE
12 SHALL REFER THE STUDENT FOR A BEHAVIORAL OR MENTAL HEALTH ASSESSMENT
13 BY A LICENSED CLINICAL SOCIAL WORKER, PSYCHOLOGIST, OR PSYCHIATRIST TO:

14 1. ADDRESS THE UNDERLYING CAUSE OF THE BEHAVIOR
15 LEADING TO THE SUSPENSION OF MORE THAN 10 SCHOOL DAYS OR EXPULSION;

16 2. RECOMMEND A SPECIFIC BEHAVIORAL INTERVENTION
17 OR TREATMENT PLAN TO TEACH THE CHILD TO SUBSTITUTE POSITIVE BEHAVIOR
18 FOR INAPPROPRIATE BEHAVIOR; AND

19 3. IDENTIFY UNDIAGNOSED MENTAL HEALTH OR
20 EMOTIONAL PROBLEMS.

21 (II) A PARENT SHALL BE ALLOWED AND ENCOURAGED TO
22 PARTICIPATE IN THE ASSESSMENT PROCESS TO THE EXTENT POSSIBLE AND SHALL
23 RECEIVE A COPY OF THE COMPLETED ASSESSMENT.

24 (III) A COUNTY BOARD SHALL DEVELOP AN INCENTIVE PROGRAM
25 THAT REDUCES THE LENGTH OF A SUSPENSION OF MORE THAN 10 SCHOOL DAYS OR
26 EXPULSION FOR A STUDENT WHO OBTAINS AN ASSESSMENT AND FOLLOWS ITS
27 RECOMMENDATIONS.

28 (IV) A STUDENT'S RETURN TO SCHOOL MAY NOT BE DELAYED
29 PENDING THE COMPLETION OF AN ASSESSMENT.

30 (V) ON RECEIPT OF A BEHAVIORAL OR MENTAL HEALTH
31 ASSESSMENT A SCHOOL SHALL ARRANGE A CONFERENCE WITH A PARENT OR
32 GUARDIAN, THE STUDENT, THE PRINCIPAL OR THE PRINCIPAL'S DESIGNATED
33 REPRESENTATIVE, THE PUPIL PERSONNEL WORKER, AND OTHER RELEVANT SCHOOL
34 PERSONNEL TO ADDRESS THE RECOMMENDATIONS OF THE ASSESSMENT AND ANY
35 REMAINING BEHAVIORAL CONCERNS.

36 (VI) A SCHOOL SHALL CONSIDER THE ASSESSMENT IN PROVIDING
37 EDUCATIONAL SERVICES TO THE STUDENT.

1 (VII) 1. THE STATE BOARD MAY ESTABLISH REPORTING
2 REQUIREMENTS ON BEHAVIORAL AND MENTAL HEALTH ASSESSMENTS WITH WHICH
3 A COUNTY BOARD SHALL COMPLY ANNUALLY.

4 2. REPORTING SHALL INCLUDE DATA ON:

5 A. THE NUMBER OF STUDENTS GIVEN SUSPENSIONS OF
6 MORE THAN 10 SCHOOL DAYS AND EXPULSIONS;

7 B. THE LENGTH OF THE SUSPENSIONS OF MORE THAN 10
8 SCHOOL DAYS AND EXPULSIONS;

9 C. THE NUMBER OF ASSESSMENTS PERFORMED;

10 D. THE NUMBER OF STUDENTS WHO COMPLY WITH THE
11 RECOMMENDATIONS;

12 E. THE NUMBER OF STUDENTS WHO RETURN TO THEIR
13 ORIGINAL SCHOOLS;

14 F. THE NUMBER OF DAYS THE STUDENTS WERE ABSENT
15 FROM SCHOOL BECAUSE OF THE SUSPENSION OF MORE THAN 10 SCHOOL DAYS OR
16 EXPULSION; AND

17 G. THE NUMBER AND TYPES OF INCENTIVES GIVEN UNDER
18 THE INCENTIVE PROGRAM.

19 (5) If after the conference the county superintendent or [his] THE
20 SUPERINTENDENT'S designated representative finds that a suspension of more than
21 10 school days or expulsion is warranted, the student or his parent or guardian may:

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

24 (ii) Be heard before the county board, its designated committee, or
25 a hearing examiner, in accordance with the procedures established under § 6-203 of
26 this article; and

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

28 [(5)] (6) Unless a public hearing is requested by the parent or guardian
29 of the student, a hearing shall be held out of the presence of all individuals except
30 those whose presence is considered necessary or desirable by the board.

31 [(6)] (7) The appeal to the county board does not stay the decision of the
32 county superintendent.

33 [(7)] (8) The decision of the county board is final.

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

