
By: **Senator Pinsky**

Introduced and read first time: February 18, 1999

Assigned to: Rules

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; establishing that a county board is
13 not required to pay for an assessment or recommended treatment; requiring the
14 State Board of Education to establish certain reporting requirements for
15 assessments; making technical changes; and generally relating to an
16 assessment of a child who has been suspended for an extended period of time or
17 expelled.

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 7-305(c)
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1998 Supplement)

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

25 **Article - Education**

26 7-305.

27 (c) (1) If a principal finds that a suspension of more than 10 school days or
28 expulsion is warranted, he immediately shall report the matter in writing to the
29 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, LEARNING,
20 OR 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) ON RECEIPT OF A BEHAVIORAL OR MENTAL HEALTH
25 ASSESSMENT A SCHOOL SHALL ARRANGE A CONFERENCE WITH A PARENT OR
26 GUARDIAN, THE STUDENT, THE PRINCIPAL OR THE PRINCIPAL'S DESIGNATED
27 REPRESENTATIVE, THE PUPIL PERSONNEL WORKER, AND OTHER RELEVANT SCHOOL
28 PERSONNEL TO ADDRESS THE RECOMMENDATIONS OF THE ASSESSMENT AND ANY
29 REMAINING BEHAVIORAL CONCERNS.

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

32 (V) A COUNTY BOARD SHALL DEVELOP AN INDIVIDUALIZED
33 INCENTIVE PROGRAM THAT REDUCES THE LENGTH OF A SUSPENSION OF MORE
34 THAN 10 SCHOOL DAYS OR EXPULSION FOR A STUDENT WHO OBTAINS AN
35 ASSESSMENT AND FOLLOWS ITS RECOMMENDATIONS.

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

1 (VII) A COUNTY BOARD IS NOT REQUIRED TO PAY THE COSTS OF AN
2 ASSESSMENT OR A RECOMMENDED INTERVENTION OR TREATMENT PLAN UNDER
3 THIS SECTION.

4 (VIII) 1. THE STATE BOARD SHALL ESTABLISH REPORTING
5 REQUIREMENTS ON BEHAVIORAL AND MENTAL HEALTH ASSESSMENTS WITH WHICH
6 A COUNTY BOARD SHALL COMPLY ANNUALLY.

7 2. REPORTING SHALL INCLUDE DATA ON:

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

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

12 C. THE NUMBER OF ASSESSMENTS PERFORMED;

13 D. THE NUMBER OF STUDENTS WHO COMPLY WITH THE
14 RECOMMENDATIONS;

15 E. THE NUMBER OF STUDENTS WHO COMPLY WITH THE
16 RECOMMENDATIONS AND DO NOT RECEIVE FURTHER SUSPENSIONS OF MORE THAN
17 10 SCHOOL DAYS OR EXPULSIONS;

18 F. THE NUMBER OF STUDENTS WHO RETURN TO THEIR
19 ORIGINAL SCHOOLS;

20 G. THE NUMBER OF DAYS THE STUDENTS WERE ABSENT
21 FROM SCHOOL BECAUSE OF THE SUSPENSION OF MORE THAN 10 SCHOOL DAYS OR
22 EXPULSION; AND

23 H. THE NUMBER AND TYPES OF INCENTIVES GIVEN UNDER
24 THE INCENTIVE PROGRAM.

25 (5) If after the conference the county superintendent or [his] THE
26 SUPERINTENDENT'S designated representative finds that a suspension of more than
27 10 school days or expulsion is warranted, the student or his parent or guardian may:

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

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

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

34 [(5)] (6) Unless a public hearing is requested by the parent or guardian
35 of the student, a hearing shall be held out of the presence of all individuals except
36 those whose presence is considered necessary or desirable by the board.

1 [(6)] (7) The appeal to the county board does not stay the decision of the
2 county superintendent.

3 [(7)] (8) The decision of the county board is final.

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