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By: **Senator Pinsky**  
Introduced and read first time: February 18, 1999  
Assigned to: Rules  
Re-referred to: Economic and Environmental Affairs, February 25, 1999

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 23, 1999

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CHAPTER \_\_\_\_\_

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:

1 **Article - Education**

2 7-305.

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

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

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

13 (4) (I) WITH THE CONSENT OF THE PARENT OR GUARDIAN, AFTER AN  
14 INVESTIGATION AND CONFERENCE THAT DETERMINES THAT A SUSPENSION OF  
15 MORE THAN 10 SCHOOL DAYS OR EXPULSION IS WARRANTED, THE COUNTY  
16 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNATED REPRESENTATIVE  
17 SHALL REFER THE STUDENT FOR A BEHAVIORAL OR MENTAL HEALTH ASSESSMENT,  
18 INCLUDING PSYCHOLOGICAL TESTING, BY A LICENSED CLINICAL SOCIAL WORKER,  
19 PSYCHOLOGIST, NURSE PSYCHOTHERAPIST, OR PSYCHIATRIST TO:

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

22 2. RECOMMEND A SPECIFIC BEHAVIORAL INTERVENTION  
23 OR TREATMENT PLAN TO TEACH THE CHILD TO SUBSTITUTE POSITIVE BEHAVIOR  
24 FOR INAPPROPRIATE BEHAVIOR; AND

25 3. IDENTIFY UNDIAGNOSED MENTAL HEALTH, LEARNING,  
26 OR EMOTIONAL PROBLEMS.

27 (II) A PARENT SHALL BE ALLOWED AND ENCOURAGED TO  
28 PARTICIPATE IN THE ASSESSMENT PROCESS TO THE EXTENT POSSIBLE AND SHALL  
29 RECEIVE A COPY OF THE COMPLETED ASSESSMENT.

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

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

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

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

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

13 2. REPORTING SHALL INCLUDE DATA ON:

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

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

18 C. THE NUMBER OF ASSESSMENTS PERFORMED;

19 D. THE NUMBER OF STUDENTS WHO COMPLY WITH THE  
20 RECOMMENDATIONS;

21 E. THE NUMBER OF STUDENTS WHO COMPLY WITH THE  
22 RECOMMENDATIONS AND DO NOT RECEIVE FURTHER SUSPENSIONS OF MORE THAN  
23 10 SCHOOL DAYS OR EXPULSIONS;

24 F. THE NUMBER OF STUDENTS WHO RETURN TO THEIR  
25 ORIGINAL SCHOOLS;

26 G. THE NUMBER OF DAYS THE STUDENTS WERE ABSENT  
27 FROM SCHOOL BECAUSE OF THE SUSPENSION OF MORE THAN 10 SCHOOL DAYS OR  
28 EXPULSION; AND

29 H. THE NUMBER AND TYPES OF INCENTIVES GIVEN UNDER  
30 THE INCENTIVE PROGRAM.

31 (5) If after the conference the county superintendent or [his] THE  
32 SUPERINTENDENT'S designated representative finds that a suspension of more than  
33 10 school days or expulsion is warranted, the student or his parent or guardian may:

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

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

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

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

8 [(6)] (7) The appeal to the county board does not stay the decision of the  
9 county superintendent.

10 [(7)] (8) The decision of the county board is final.

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