
By: **Delegate Dembrow**

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Discipline of Students - Suspension and Expulsion**

3 FOR the purpose of requiring a county superintendent to make a determination that
4 all reasonable alternative methods of discipline have been exhausted prior to
5 expelling a student from school; establishing a right of appeal to the State Board
6 for a student or the student's parent or guardian of certain decisions of the
7 county board; and generally relating to the discipline of students in public
8 schools.

9 BY repealing and reenacting, with amendments,

10 Article - Education

11 Section 7-305(b) and (c)

12 Annotated Code of Maryland

13 (2001 Replacement Volume)

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

16 **Article - Education**

17 7-305.

18 (b) At the request of a principal, a county superintendent may, AFTER
19 MAKING A DETERMINATION THAT ALL REASONABLE ALTERNATIVE METHODS OF
20 DISCIPLINE HAVE BEEN EXHAUSTED, suspend a student for more than 10 school days
21 or expel [him] THE STUDENT.

22 (c) (1) If a principal finds that a suspension of more than 10 school days or
23 expulsion is warranted, [he] THE PRINCIPAL immediately shall report the matter in
24 writing to the county superintendent.

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

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

6 (4) If after the conference the county superintendent or [his] THE
7 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
8 more than 10 school days or expulsion is warranted, the student or [his] THE
9 STUDENT'S parent or guardian may:

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

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

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

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

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

21 (7) The STUDENT OR THE STUDENT'S PARENT OR GUARDIAN MAY
22 APPEAL THE decision of the county board [is final] TO THE STATE BOARD.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2002.