

UNOFFICIAL COPY OF HOUSE BILL 1074

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(51r2434)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Kaiser, Bartlett, Cardin, Carter, Cryor, Dumais, Gilleland, Healey, Heller, Hixson, Hubbard, Lee, McComas, Montgomery, Ross, Stocksdale, Taylor, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education - Suspended or Expelled Students - Community Resources List**

3 FOR the purpose of requiring certain students considered for suspension or expulsion
4 from school or a certain student's parent or guardian to be given a certain
5 community resources list; requiring a certain child with a disability or a certain
6 child's parent or guardian to be given a certain community ~~resource~~ resources
7 list attached to a certain procedural safeguards notice if a certain child with a
8 disability is being considered for suspension or expulsion from school; requiring
9 each county board to develop and disseminate to certain public schools a certain
10 community resources list; providing ~~for the requirements of that~~ the community
11 resources list may include certain information; making certain stylistic changes;
12 providing that this Act may not be construed to delay or preempt certain
13 suspensions or certain ~~expulsion~~ expulsions; and generally relating to a
14 community resources list for suspended or expelled students in public schools.

15 BY repealing and reenacting, with amendments,

1 Article - Education
2 Section 7-305
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2004 Supplement)

5 BY adding to
6 Article - Education
7 Section 7-310
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-305
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2004 Supplement)
15 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and
16 Chapter 323 of the Acts of the General Assembly of 1996)

17 Preamble

18 WHEREAS, Over 75,000 Maryland students were suspended during the
19 2002-2003 school year; and

20 WHEREAS, The suspension and expulsion of students from school is on the rise
21 in Maryland; and

22 WHEREAS, A disproportionate number of African American students are
23 suspended and expelled from school each year; and

24 WHEREAS, Practices that prevent challenging student behaviors can improve
25 academic and behavioral outcomes for students, teachers, and school systems; and

26 WHEREAS, Many families are unaware of the availability of community
27 resources for children with challenging behaviors; and

28 WHEREAS, Many families are unaware of a student's legal rights during the
29 process by which a student is suspended or expelled from school; and

30 WHEREAS, Legal and community services can help end the cycle of repeated
31 suspensions or expulsions for a student; now, therefore

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

1 **Article - Education**

2 7-305.

3 (a) (1) In accordance with the rules and regulations of the county board,
4 each principal of a public school may suspend for cause, for not more than 10 school
5 days, any student in the school who is under the direction of the principal.

6 (2) The student or [his] THE STUDENT'S parent or guardian promptly
7 shall be given a conference with the principal and any other appropriate personnel
8 during the suspension period.

9 (3) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
10 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
11 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

12 (b) At the request of a principal, a county superintendent may suspend a
13 student for more than 10 school days or expel [him] THE STUDENT.

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

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

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

24 (4) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
25 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
26 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

27 [(4)] (5) If after the conference the county superintendent or [his] THE
28 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
29 more than 10 school days or expulsion is warranted, the student or [his] THE
30 STUDENT'S parent or guardian may:

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

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

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

1 [(5)] (6) Unless a public hearing is requested by the parent or guardian
2 of the student, a hearing shall be held out of the presence of all individuals except
3 those whose presence is considered necessary or desirable by the board.

4 [(6)] (7) The appeal to the county board does not stay the decision of the
5 county superintendent.

6 [(7)] (8) The decision of the county board is final.

7 (d) (1) Any student expelled or suspended from school:

8 (i) Shall remain away from the school premises during those hours
9 each school day when the school the student attends is in session; and

10 (ii) May not participate in school sponsored activities.

11 (2) The expelled or suspended student may return to the school premises
12 during the prohibited hours only for attendance at a previously scheduled
13 appointment, and if the student is a minor then only if accompanied by his parent or
14 guardian.

15 (3) Any person who violates paragraph (1) or (2) of this subsection is
16 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for
17 each violation.

18 (4) (i) If a student has been suspended or expelled, the principal or a
19 designee of the principal may not return the student to the classroom without
20 conferring with the teacher who referred the student to the principal, if the student
21 was referred by a teacher, other teachers as appropriate, other appropriate school
22 personnel, the student, and the student's parent or guardian.

23 (ii) If the disruptive behavior results in action less than suspension,
24 the principal or a designee of the principal shall confer with the teacher who referred
25 the student to the principal prior to returning the student to that teacher's classroom.

26 (5) A county superintendent may deny attendance to any student who is
27 currently expelled from another school system for a length of time equal to that
28 expulsion.

29 (6) A school system shall forward information to another school system
30 relating to the discipline of a student, including information on an expulsion of the
31 student, on receipt of the request for information.

32 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.
33 § 921.

34 (2) Except as provided in paragraph (3) of this subsection, if the county
35 superintendent or the superintendent's designated representative finds that a
36 student has brought a firearm onto school property, the student shall be expelled for
37 a minimum of 1 year.

1 (3) The county superintendent may specify, on a case by case basis, a
 2 shorter period of expulsion or an alternative educational setting, if alternative
 3 educational settings have been approved by the county board, for a student who has
 4 brought a firearm onto school property.

5 (4) The State Board shall adopt regulations to implement this
 6 subsection.

7 (f) (1) The discipline of a child with a disability, including the suspension,
 8 expulsion, or interim alternative placement of the child for disciplinary reasons, shall
 9 be conducted in conformance with the requirements of the Individuals with
 10 Disabilities Education Act of the United States Code.

11 (2) IF A CHILD WITH A DISABILITY IS BEING CONSIDERED FOR
 12 SUSPENSION OR EXPULSION, THE CHILD OR THE CHILD'S PARENT OR GUARDIAN
 13 SHALL BE GIVEN A COMMUNITY RESOURCES LIST ATTACHED TO THE PROCEDURAL
 14 SAFEGUARDS NOTICE REQUIRED BY REGULATION OF THE STATE BOARD.

15 (g) (1) This subsection does not apply if the student is referred to the
 16 Department of Juvenile Services.

17 (2) If a student violates a State or local law or regulation and during or
 18 as a result of the commission of that violation damaged, destroyed, or substantially
 19 decreased the value of school property or property of another that was on school
 20 property at the time of the violation, as part of a conference on the matter with the
 21 student, the student's parent or guardian and any other appropriate person, the
 22 principal shall require the student or the student's parent to make restitution.

23 (3) The restitution may be in the form of monetary restitution not to
 24 exceed the lesser of the fair market value of the property or \$2,500, or the student's
 25 assignment to a school work project, or both.

26 7-310.

27 (A) EACH COUNTY BOARD SHALL DEVELOP AND DISSEMINATE TO EACH
 28 PUBLIC SCHOOL WITHIN THE COUNTY BOARD'S JURISDICTION A ~~ONE PAGE~~
 29 COMMUNITY RESOURCES LIST.

30 (B) ~~(+)~~ THE COMMUNITY RESOURCES LIST ~~SHALL~~ MAY INCLUDE THE NAME
 31 AND CONTACT INFORMATION OF LOCAL AND STATEWIDE SOCIAL SERVICES;
 32 ~~NONPROFIT LEGAL,~~ AND NONPROFIT HEALTH CARE PROVIDERS THAT PROVIDE
 33 NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF
 34 ASSISTANCE.

35 ~~(2)~~ ~~THE COMMUNITY RESOURCES LIST SHALL INCLUDE:~~

36 ~~(1)~~ ~~COALITION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH;~~

37 ~~(1)~~ ~~THE LOCAL CORE SERVICE AGENCY;~~

- 1 ~~(III) PARENTS PLACE OF MARYLAND;~~
- 2 ~~(IV) THE LOCAL PARTNERS FOR SUCCESS CENTER;~~
- 3 ~~(V) LEGAL AID BUREAU;~~
- 4 ~~(VI) MARYLAND VOLUNTEER LAWYER SERVICES;~~
- 5 ~~(VII) MARYLAND DISABILITY LAW CENTER; AND~~
- 6 ~~(VIII) THE NAME OF ANY OTHER NONPROFIT SOCIAL SERVICES,~~
- 7 ~~LEGAL, OR HEALTH CARE PROVIDER THAT PROVIDES THE APPROPRIATE AND~~
- 8 ~~NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF~~
- 9 ~~ASSISTANCE.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Education**

13 7-305.

14 (a) (1) In accordance with the rules and regulations of the county board,
15 each principal of a public school may suspend for cause, for not more than 10 school
16 days, any student in the school who is under the direction of the principal.

17 (2) The student or [his] THE STUDENT'S parent or guardian promptly
18 shall be given a conference with the principal and any other appropriate personnel
19 during the suspension period.

20 (3) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
21 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
22 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

23 (b) At the request of a principal, a county superintendent may suspend a
24 student for more than 10 school days or expel [him] THE STUDENT.

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

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

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

1 (4) THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN PROMPTLY
2 SHALL BE GIVEN A COMMUNITY RESOURCES LIST PROVIDED BY THE COUNTY BOARD
3 IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

4 [(4)] (5) If after the conference the county superintendent or [his] THE
5 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
6 more than 10 school days or expulsion is warranted, the student or [his] THE
7 STUDENT'S parent or guardian may:

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

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

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

14 [(5)] (6) Unless a public hearing is requested by the parent or guardian
15 of the student, a hearing shall be held out of the presence of all individuals except
16 those whose presence is considered necessary or desirable by the board.

17 [(6)] (7) The appeal to the county board does not stay the decision of the
18 county superintendent.

19 [(7)] (8) The decision of the county board is final.

20 (d) (1) Any student expelled or suspended from school:

21 (i) Shall remain away from the school premises during those hours
22 each school day when the school the student attends is in session; and

23 (ii) May not participate in school sponsored activities.

24 (2) The expelled or suspended student may return to the school premises
25 during the prohibited hours only for attendance at a previously scheduled
26 appointment, and if the student is a minor then only if accompanied by his parent or
27 guardian.

28 (3) Any person who violates paragraph (1) or (2) of this subsection is
29 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for
30 each violation.

31 (4) (i) If a student has been suspended or expelled, the principal or a
32 designee of the principal may not return the student to the classroom without
33 conferring with the teacher who referred the student to the principal, if the student
34 was referred by a teacher, other teachers as appropriate, other appropriate school
35 personnel, the student, and the student's parent or guardian.

1 (ii) If the disruptive behavior results in action less than suspension,
2 the principal or a designee of the principal shall confer with the teacher who referred
3 the student to the principal prior to returning the student to that teacher's classroom.

4 (5) A county superintendent may deny attendance to any student who is
5 currently expelled from another school system for a length of time equal to that
6 expulsion.

7 (6) A school system shall forward information to another school system
8 relating to the discipline of a student, including information on an expulsion of the
9 student, on receipt of the request for information.

10 (e) (1) The discipline of a child with a disability, including the suspension,
11 expulsion, or interim alternative placement of the child for disciplinary reasons, shall
12 be conducted in conformance with the requirements of the Individuals with
13 Disabilities Education Act of the United States Code.

14 (2) IF A CHILD WITH A DISABILITY IS BEING CONSIDERED FOR
15 SUSPENSION OR EXPULSION, THE CHILD OR THE CHILD'S PARENT OR GUARDIAN
16 SHALL BE GIVEN A COMMUNITY RESOURCES LIST ATTACHED TO THE PROCEDURAL
17 SAFEGUARDS NOTICE REQUIRED BY REGULATION OF THE STATE BOARD.

18 (f) (1) This subsection does not apply if the student is referred to the
19 Department of Juvenile Services.

20 (2) If a student violates a State or local law or regulation and during or
21 as a result of the commission of that violation damaged, destroyed, or substantially
22 decreased the value of school property or property of another that was on school
23 property at the time of the violation, as part of a conference on the matter with the
24 student, the student's parent or guardian and any other appropriate person, the
25 principal shall require the student or the student's parent to make restitution.

26 (3) The restitution may be in the form of monetary restitution not to
27 exceed the lesser of the fair market value of the property or \$2,500, or the student's
28 assignment to a school work project, or both.

29 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
30 take effect on the taking effect of the contingency specified in Section 2 of Chapter 347
31 of the Acts of the General Assembly of 1995 and Section 2 of Chapter 323 of the Acts
32 of the General Assembly of 1996. If that contingency takes effect, § 7-305 of Article -
33 Education as enacted by Section 1 of this Act shall be abrogated and of no further
34 force and effect.

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be
36 construed to delay or preempt the suspension or expulsion of a student under § 7-305
37 of the Education Article.

38 SECTION 4. 5. AND BE IT FURTHER ENACTED, That, subject to the
39 provisions of Section 3 of this Act, this Act shall take effect July 1, 2005.

