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

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

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; and generally relating to a community
 14 resources list for suspended or expelled students in public schools.

15 BY repealing and reenacting, with amendments,
 16 Article - Education
 17 Section 7-305
 18 Annotated Code of Maryland
 19 (2004 Replacement Volume and 2004 Supplement)

20 BY adding to
 21 Article - Education
 22 Section 7-310
 23 Annotated Code of Maryland

1 (2004 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Education

4 Section 7-305

5 Annotated Code of Maryland

6 (2004 Replacement Volume and 2004 Supplement)

7 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and

8 Chapter 323 of the Acts of the General Assembly of 1996)

9 Preamble

10 WHEREAS, Over 75,000 Maryland students were suspended during the
11 2002-2003 school year; and

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

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

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

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

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

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

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

26 **Article - Education**

27 7-305.

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

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

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

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

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

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

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

19 [(4)] (5) If after the conference the county superintendent or [his] THE
20 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
21 more than 10 school days or expulsion is warranted, the student or [his] THE
22 STUDENT'S parent or guardian may:

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

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

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

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

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

34 [(7)] (8) The decision of the county board is final.

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

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

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

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

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

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

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

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

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

25 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.
26 § 921.

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

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

35 (4) The State Board shall adopt regulations to implement this
36 subsection.

37 (f) (1) The discipline of a child with a disability, including the suspension,
38 expulsion, or interim alternative placement of the child for disciplinary reasons, shall

1 be conducted in conformance with the requirements of the Individuals with
2 Disabilities Education Act of the United States Code.

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

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

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

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

18 7-310.

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

22 (B) ~~(+)~~ THE COMMUNITY RESOURCES LIST ~~SHALL~~ MAY INCLUDE THE NAME
23 AND CONTACT INFORMATION OF LOCAL AND STATEWIDE SOCIAL SERVICES,
24 NONPROFIT LEGAL, AND NONPROFIT HEALTH CARE PROVIDERS THAT PROVIDE
25 NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF
26 ASSISTANCE.

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

28 ~~(I)~~ ~~COALITION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH;~~

29 ~~(II)~~ ~~THE LOCAL CORE SERVICE AGENCY;~~

30 ~~(III)~~ ~~PARENTS PLACE OF MARYLAND;~~

31 ~~(IV)~~ ~~THE LOCAL PARTNERS FOR SUCCESS CENTER;~~

32 ~~(V)~~ ~~LEGAL AID BUREAU;~~

33 ~~(VI)~~ ~~MARYLAND VOLUNTEER LAWYER SERVICES;~~

34 ~~(VII)~~ ~~MARYLAND DISABILITY LAW CENTER; AND~~

1 ~~(VIII) THE NAME OF ANY OTHER NONPROFIT SOCIAL SERVICES,~~
 2 ~~LEGAL, OR HEALTH CARE PROVIDER THAT PROVIDES THE APPROPRIATE AND~~
 3 ~~NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF~~
 4 ~~ASSISTANCE.~~

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

7 **Article - Education**

8 7-305.

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

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

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

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

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

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

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

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

33 [(4)] (5) If after the conference the county superintendent or [his] THE
 34 COUNTY SUPERINTENDENT'S designated representative finds that a suspension of
 35 more than 10 school days or expulsion is warranted, the student or [his] THE
 36 STUDENT'S parent or guardian may:

- 1 (i) Appeal to the county board within 10 days after the
2 determination;
- 3 (ii) Be heard before the county board, its designated committee, or
4 a hearing examiner, in accordance with the procedures established under § 6-203 of
5 this article; and
- 6 (iii) Bring counsel and witnesses to the hearing.
- 7 [(5)] (6) Unless a public hearing is requested by the parent or guardian
8 of the student, a hearing shall be held out of the presence of all individuals except
9 those whose presence is considered necessary or desirable by the board.
- 10 [(6)] (7) The appeal to the county board does not stay the decision of the
11 county superintendent.
- 12 [(7)] (8) The decision of the county board is final.
- 13 (d) (1) Any student expelled or suspended from school:
- 14 (i) Shall remain away from the school premises during those hours
15 each school day when the school the student attends is in session; and
- 16 (ii) May not participate in school sponsored activities.
- 17 (2) The expelled or suspended student may return to the school premises
18 during the prohibited hours only for attendance at a previously scheduled
19 appointment, and if the student is a minor then only if accompanied by his parent or
20 guardian.
- 21 (3) Any person who violates paragraph (1) or (2) of this subsection is
22 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for
23 each violation.
- 24 (4) (i) If a student has been suspended or expelled, the principal or a
25 designee of the principal may not return the student to the classroom without
26 conferring with the teacher who referred the student to the principal, if the student
27 was referred by a teacher, other teachers as appropriate, other appropriate school
28 personnel, the student, and the student's parent or guardian.
- 29 (ii) If the disruptive behavior results in action less than suspension,
30 the principal or a designee of the principal shall confer with the teacher who referred
31 the student to the principal prior to returning the student to that teacher's classroom.
- 32 (5) A county superintendent may deny attendance to any student who is
33 currently expelled from another school system for a length of time equal to that
34 expulsion.

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

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

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

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

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

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

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

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

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

