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By: **Senators Britt, Forehand, Grosfeld, and Hollinger**

Introduced and read first time: February 10, 2005

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2005

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Committee Report: Favorable with amendments

Senate action: Adopted

March 20, 2005

Returned to second reading: March 24, 2005

Senate action: Adopted with floor amendments

Read second time: Read second time: March 24, 2005

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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 expulsions; 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

1 Section 7-310  
2 Annotated Code of Maryland  
3 (2004 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article - Education  
6 Section 7-305  
7 Annotated Code of Maryland  
8 (2004 Replacement Volume and 2004 Supplement)  
9 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and  
10 Chapter 323 of the Acts of the General Assembly of 1996)

11 Preamble

12 WHEREAS, Over 75,000 Maryland students were suspended during the  
13 2002-2003 school year; and

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

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

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

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

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

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

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

28 **Article - Education**

29 7-305.

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

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

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

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

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

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

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

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

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

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

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

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

32 [(5)] (6) Unless a public hearing is requested by the parent or guardian  
33 of the student, a hearing shall be held out of the presence of all individuals except  
34 those whose presence is considered necessary or desirable by the board.

35 [(6)] (7) The appeal to the county board does not stay the decision of the  
36 county superintendent.

37 [(7)] (8) The decision of the county board is final.

- 1 (d) (1) Any student expelled or suspended from school:  
2 (i) Shall remain away from the school premises during those hours  
3 each school day when the school the student attends is in session; and  
4 (ii) May not participate in school sponsored activities.
- 5 (2) The expelled or suspended student may return to the school premises  
6 during the prohibited hours only for attendance at a previously scheduled  
7 appointment, and if the student is a minor then only if accompanied by his parent or  
8 guardian.
- 9 (3) Any person who violates paragraph (1) or (2) of this subsection is  
10 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for  
11 each violation.
- 12 (4) (i) If a student has been suspended or expelled, the principal or a  
13 designee of the principal may not return the student to the classroom without  
14 conferring with the teacher who referred the student to the principal, if the student  
15 was referred by a teacher, other teachers as appropriate, other appropriate school  
16 personnel, the student, and the student's parent or guardian.
- 17 (ii) If the disruptive behavior results in action less than suspension,  
18 the principal or a designee of the principal shall confer with the teacher who referred  
19 the student to the principal prior to returning the student to that teacher's classroom.
- 20 (5) A county superintendent may deny attendance to any student who is  
21 currently expelled from another school system for a length of time equal to that  
22 expulsion.
- 23 (6) A school system shall forward information to another school system  
24 relating to the discipline of a student, including information on an expulsion of the  
25 student, on receipt of the request for information.
- 26 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.  
27 § 921.
- 28 (2) Except as provided in paragraph (3) of this subsection, if the county  
29 superintendent or the superintendent's designated representative finds that a  
30 student has brought a firearm onto school property, the student shall be expelled for  
31 a minimum of 1 year.
- 32 (3) The county superintendent may specify, on a case by case basis, a  
33 shorter period of expulsion or an alternative educational setting, if alternative  
34 educational settings have been approved by the county board, for a student who has  
35 brought a firearm onto school property.
- 36 (4) The State Board shall adopt regulations to implement this  
37 subsection.

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

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

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

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

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

20 7-310.

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

24 (B) ~~(1)~~ THE COMMUNITY RESOURCES LIST ~~SHALL~~ MAY INCLUDE THE NAME  
 25 AND CONTACT INFORMATION OF LOCAL AND STATEWIDE SOCIAL SERVICES;  
 26 ~~NONPROFIT LEGAL,~~ AND ~~NONPROFIT~~ HEALTH CARE PROVIDERS THAT PROVIDE  
 27 NONDISCRIMINATORY SERVICES TO CHILDREN AND FAMILIES IN NEED OF  
 28 ASSISTANCE.

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

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

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

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

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

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

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

36 ~~(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 IT BE 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.



