
By: **Delegate Gilleland**

Introduced and read first time: February 6, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Student Discipline - Conferring in Face-to-Face Meeting**

3 FOR the purpose of prohibiting a certain school administrator from allowing a
4 student subject to certain disciplinary sanctions to return to school unless the
5 administrator first confers in a face-to-face meeting with certain individuals;
6 requiring a school administrator who fails to confer in a required face-to-face
7 meeting to submit certain written statements to certain individuals; requiring a
8 certain school administrator to keep certain records; requiring the State
9 Department of Education to conduct a certain annual audit; requiring the State
10 Board of Education to adopt certain regulations; and generally relating to the
11 requirement that certain individuals confer in a face-to-face meeting with
12 regard to certain student discipline matters.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 7-305
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2005 Supplement)

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

20 **Article - Education**

21 7-305.

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

25 (2) The student or the student's parent or guardian promptly shall be
26 given a conference with the principal and any other appropriate personnel during the
27 suspension period.

1 (3) The student or the student's parent or guardian promptly shall be
2 given a community resources list provided by the county board in accordance with §
3 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 the student.

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

9 (2) The county superintendent or the county superintendent's designated
10 representative promptly shall make a thorough investigation of the matter.

11 (3) If after the investigation the county superintendent finds that a
12 longer suspension or expulsion is warranted, the county superintendent or the county
13 superintendent's designated representative promptly shall arrange a conference with
14 the student and his parent or guardian.

15 (4) The student or the student's parent or guardian promptly shall be
16 given a community resources list provided by the county board in accordance with §
17 7-310 of this subtitle.

18 (5) If after the conference the county superintendent or the county
19 superintendent's designated representative finds that a suspension of more than 10
20 school days or expulsion is warranted, the student or the student's parent or guardian
21 may:

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

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

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

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

31 (7) The appeal to the county board does not stay the decision of the
32 county superintendent.

33 (8) The decision of the county board is final.

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

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

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

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

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

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

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

19 (III) 1. A PRINCIPAL OR A DESIGNEE OF A PRINCIPAL THAT FAILS
20 TO CONFER IN A FACE-TO-FACE MEETING AS REQUIRED UNDER THIS SUBSECTION
21 SHALL, WITHIN 48 HOURS OF THE TIME OF THE REQUIRED MEETING, SUBMIT A
22 WRITTEN STATEMENT OF FACTS TO THE APPROPRIATE INVOLVED SCHOOL
23 EMPLOYEES, THE COUNTY SUPERINTENDENT, AND THE COUNTY BOARD.

24 2. THE COUNTY SUPERINTENDENT SHALL REVIEW THE
25 STATEMENT OF FACTS AND MAKE A REPORT TO THE COUNTY BOARD AT THE
26 BOARD'S NEXT SCHEDULED MEETING.

27 (IV) 1. THE PRINCIPAL SHALL KEEP A RECORD OF THE
28 CONFERENCES HELD BETWEEN THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE, A
29 REFERRING TEACHER, AND A STUDENT'S PARENT OR GUARDIAN, AS REQUIRED
30 UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH.

31 2. THE DEPARTMENT SHALL CONDUCT AN ANNUAL AUDIT
32 OF THE RECORDS REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

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

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

1 (7) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT
2 THIS SUBSECTION.

3 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.
4 § 921.

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

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

13 (4) The State Board shall adopt regulations to implement this
14 subsection.

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

19 (2) If a child with a disability is being considered for suspension or
20 expulsion, the child or the child's parent or guardian shall be given a community
21 resources list attached to the procedural safeguards notice required by regulation of
22 the State Board.

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2006.