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By: **Delegate Gilleland**

Introduced and read first time: February 6, 2006

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

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CHAPTER \_\_\_\_\_

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; making stylistic changes; and  
11 generally relating to the requirement that certain individuals confer in a  
12 face-to-face meeting with 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:

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**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 the student's parent or guardian promptly shall be  
7 given a conference with the principal and any other appropriate personnel during the  
8 suspension period.

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

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

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

19 (3) If after the investigation the county superintendent finds that a  
20 longer suspension or expulsion is warranted, the county superintendent or the county  
21 superintendent's designated representative promptly shall arrange a conference with  
22 the student and ~~his~~ THE STUDENT'S parent or guardian.

23 (4) The student or the student's parent or guardian promptly shall be  
24 given a community resources list provided by the county board in accordance with §  
25 7-310 of this subtitle.

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

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

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

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

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

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

6 (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~~ THE  
 14 STUDENT'S parent or 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;

21 1. IN A FACE-TO-FACE MEETING with the teacher who  
 22 referred the student to the principal, if the student was referred by a teacher; AND

23 2. WITH other teachers as appropriate, other appropriate  
 24 school personnel, the student, and the student's parent or guardian.

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

29 (III) ~~4.~~ A PRINCIPAL OR A DESIGNEE OF A PRINCIPAL THAT FAILS  
 30 TO CONFER IN A FACE-TO-FACE MEETING AS REQUIRED UNDER THIS SUBSECTION  
 31 SHALL, WITHIN ~~48~~ 72 HOURS OF THE TIME OF THE REQUIRED MEETING, SUBMIT A  
 32 WRITTEN STATEMENT OF FACTS TO THE APPROPRIATE INVOLVED SCHOOL  
 33 EMPLOYEES, ~~THE COUNTY SUPERINTENDENT,~~ AND THE COUNTY BOARD.

34 ~~2.~~ ~~THE COUNTY SUPERINTENDENT SHALL REVIEW THE~~  
 35 ~~STATEMENT OF FACTS AND MAKE A REPORT TO THE COUNTY BOARD AT THE~~  
 36 ~~BOARD'S NEXT SCHEDULED MEETING.~~

1 (IV) ~~+~~ THE PRINCIPAL SHALL KEEP A RECORD OF THE  
2 CONFERENCES HELD BETWEEN THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE, A  
3 REFERRING TEACHER, AND A STUDENT'S PARENT OR GUARDIAN, AS REQUIRED  
4 UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH.

5 ~~2.~~ ~~THE DEPARTMENT SHALL CONDUCT AN ANNUAL AUDIT~~  
6 ~~OF THE RECORDS REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.~~

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

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

13 (7) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT  
14 THIS SUBSECTION.

15 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.  
16 § 921.

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

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

25 (4) The State Board shall adopt regulations to implement this  
26 subsection.

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

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

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

37 (2) If a student violates a State or local law or regulation and during or  
38 as a result of the commission of that violation damaged, destroyed, or substantially

1 decreased the value of school property or property of another that was on school  
2 property at the time of the violation, as part of a conference on the matter with the  
3 student, the student's parent or guardian and any other appropriate person, the  
4 principal shall require the student or the student's parent to make restitution.

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

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