

SENATE BILL 132

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By: **Senators Pugh, Britt, Conway, Forehand, Garagiola, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Zirkin**

Introduced and read first time: January 24, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Guidelines Governing Student Discipline**

3 FOR the purpose of requiring the State Board of Education to adopt guidelines
4 governing student discipline; requiring local school systems to adopt rules and
5 regulations and implement programs and activities governing student discipline
6 that are consistent with the guidelines established by the State Board; making
7 stylistic changes; and generally relating to the adoption and implementation of
8 guidelines governing student discipline in the public schools.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–304, 7–304.1, and 7–305
12 Annotated Code of Maryland
13 (2006 Replacement Volume)

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

16 **Article – Education**

17 7–304.

18 (a) The purpose of this section is to require each county board of education to
19 provide a continuum model of prevention and intervention activities and programs
20 that encourage and promote positive behavior and reduce disruption.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Each county board of education and the Board of School
2 Commissioners of Baltimore City shall establish special programs in the county and
3 Baltimore City for students in the public school system who exhibit disruptive
4 classroom behavior.

5 (2) (I) **THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR**
6 **LOCAL EDUCATION AGENCIES GOVERNING PREVENTION AND INTERVENTION**
7 **ACTIVITIES AND PROGRAMS THAT PROMOTE POSITIVE BEHAVIOR AND REDUCE**
8 **DISRUPTION AMONG STUDENTS IN THE PUBLIC SCHOOLS.**

9 (II) **THE SPECIAL PROGRAMS ESTABLISHED BY EACH**
10 **COUNTY BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**
11 **CONSISTENT WITH THE GUIDELINES ESTABLISHED BY THE STATE BOARD.**

12 (c) Two or more county boards may establish special programs for their joint
13 use.

14 (d) The State shall appropriate an amount of money for allocation by the
15 [State Department of Education] **DEPARTMENT** to local education agencies for
16 schools or clusters of schools to support the development and expansion of special
17 programs for disruptive youth. Within the resources available, the State
18 Superintendent shall award funds to the local school systems which submit proposals
19 pursuant to the criteria established in subsection (e) of this section.

20 (e) Each local education agency that is applying for State support for special
21 programs for disruptive youth shall submit proposals for funding of programs to the
22 [State Department of Education] **DEPARTMENT** that include:

23 (1) An assessment of the number of students in each school in need of
24 special services;

25 (2) Specific plans with goals and measurable objectives for activities
26 and programs that provide a continuum model for the prevention and intervention of
27 disruptive student behaviors including but not limited to removal and re-entry
28 programs necessary for effective learning;

29 (3) Adherence to the State Board regulations on disciplinary policies
30 and programs and other guidelines established by the [State Department of
31 Education] **DEPARTMENT**;

1 (4) A procedure involving the participation of administrators,
2 teachers, parents, students, and other members of the community; and

3 (5) In-service training and staff development for administrators,
4 teachers, and other school personnel.

5 (f) (1) At the end of each fiscal year, each participating local education
6 agency shall submit a written statement to the [State Department of Education]
7 **DEPARTMENT** that describes:

8 (i) The assessment, the educational problems determined, the
9 overall program developed with goals and procedures, and a yearly evaluation of the
10 success of the program as provided under the provisions of this section; and

11 (ii) Information regarding the number of students identified as
12 being habitually truant as provided under the provisions of § 7-302(c) of this subtitle.

13 (2) On or before December 1 of each year, the [State Department of
14 Education] **DEPARTMENT** shall submit a summary of the reports required under this
15 subsection to the Governor and, subject to § 2-1246 of the State Government Article,
16 to the General Assembly.

17 7-304.1.

18 (a) In this section, “Positive Behavioral Interventions and Support Program”
19 means the research-based, systems approach method adopted by the State Board to
20 build capacity among school staff to adopt and sustain the use of positive, effective
21 practices to create learning environments where teachers can teach and students can
22 learn.

23 (b) (1) Each county board of education and the Board of School
24 Commissioners of Baltimore City shall require an elementary school that has a
25 suspension rate that exceeds the standard specified in paragraph (2) of this subsection
26 to implement:

27 (i) A positive behavioral interventions and support program; or

28 (ii) An alternative behavioral modification program in
29 collaboration with the Department.

30 (2) An elementary school is subject to this subsection if it has a
31 suspension rate that exceeds:

- 1 (i) 18 percent of its enrollment for the 2005–2006 school year;
2 (ii) 16 percent of its enrollment for the 2006–2007 school year;
3 (iii) 14 percent of its enrollment for the 2007–2008 school year;
4 (iv) 12 percent of its enrollment for the 2008–2009 school year;
5 and
6 (v) 10 percent of its enrollment for the 2009–2010 school year
7 and each school year thereafter.

8 (c) (1) The State Board shall adopt regulations to implement the
9 provisions of this section.

10 (2) **THE POSITIVE INTERVENTIONS AND SUPPORT PROGRAM**
11 **IMPLEMENTED BY A COUNTY BOARD UNDER THIS SECTION SHALL BE**
12 **CONSISTENT WITH THE REGULATIONS ADOPTED BY THE STATE BOARD.**

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 the student’s parent or guardian promptly shall be
18 given a conference with the principal and any other appropriate personnel during the
19 suspension period.

20 (3) The student or the student’s parent or guardian promptly shall be
21 given a community resources list provided by the county board in accordance with §
22 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 the student.

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

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

3 (3) If after the investigation the county superintendent finds that a
4 longer suspension or expulsion is warranted, the county superintendent or the county
5 superintendent's designated representative promptly shall arrange a conference with
6 the student and [his] **THE STUDENT'S** parent or guardian.

7 (4) The student or the student's parent or guardian promptly shall be
8 given a community resources list provided by the county board in accordance with §
9 7-310 of this subtitle.

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

14 (i) Appeal to the county board within 10 days after the
15 determination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (4) The State Board shall adopt regulations to implement this
2 subsection.

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

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

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

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

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

22 **(H) (1) THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR**
23 **COUNTY BOARDS GOVERNING THE SUSPENSION OR EXPULSION OF A STUDENT**
24 **FROM A PUBLIC SCHOOL.**

25 **(2) THE RULES AND REGULATIONS ADOPTED BY A COUNTY**
26 **BOARD GOVERNING THE SUSPENSION OR EXPULSION OF A STUDENT FROM ITS**
27 **PUBLIC SCHOOLS SHALL BE CONSISTENT WITH THE GUIDELINES ESTABLISHED**
28 **BY THE STATE BOARD.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2007.