

CHAPTER 312

(Senate Bill 132)

AN ACT concerning

Education – ~~Guidelines Governing Student Discipline~~ – Review of Local Policies and Procedures

FOR the purpose of requiring the State Board of Education to ~~adopt guidelines governing student discipline; requiring local school systems to adopt rules and regulations and implement programs and activities governing student discipline that are consistent with the guidelines established by the State Board; making stylistic changes; and generally relating to the adoption and implementation of guidelines governing student discipline in the public schools~~ review certain policies and procedures relating to student discipline, student suspension, and student expulsion in public schools; requiring the review to include certain information; requiring the Department to compile certain information and to report to the Governor and the General Assembly on or before a certain date; and generally relating to local policies and procedures regarding student discipline.

~~BY repealing and reenacting, with amendments,~~
Article – Education
 Section ~~7-304, 7-304.1, and 7-305~~
 Annotated Code of Maryland
 (2006 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows:~~ the State Department of Education shall review the policies and procedures of each county board of education relating to student discipline, student suspension, and student expulsion in public schools. The review shall include the suspension rate in the county, the reasons for suspensions in the county, and the efficacy of positive behavioral interventions and support programs if utilized in the county. On or before December 31, 2007, the Department shall compile the information obtained through the review and shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, regarding the results of the review.

~~Article – Education~~

~~7-304.~~

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

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

~~(2) (i) THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR LOCAL EDUCATION AGENCIES GOVERNING PREVENTION AND INTERVENTION ACTIVITIES AND PROGRAMS THAT PROMOTE POSITIVE BEHAVIOR AND REDUCE DISRUPTION AMONG STUDENTS IN THE PUBLIC SCHOOLS.~~

~~(ii) THE SPECIAL PROGRAMS ESTABLISHED BY EACH COUNTY BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH THE GUIDELINES ESTABLISHED BY THE STATE BOARD.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~7-304.1.~~

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

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

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

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

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

~~(i) 18 percent of its enrollment for the 2005-2006 school year;~~

~~(ii) 16 percent of its enrollment for the 2006-2007 school year;~~

~~(iii) 14 percent of its enrollment for the 2007-2008 school year;~~

~~(iv) 12 percent of its enrollment for the 2008-2009 school year;~~

and

~~(v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.~~

~~(e) (1) The State Board shall adopt regulations to implement the provisions of this section.~~

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

~~7-305.~~

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

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

~~(3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7-310 of this subtitle.~~

~~(b) At the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(ii) May not participate in school-sponsored activities.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.