

HOUSE BILL 660

F1

9lr2758
CF SB 241

By: **Delegates Kaiser, Anderson, Gilchrist, Ivey, Rice, F. Turner, and Valderrama**

Introduced and read first time: February 9, 2009

Assigned to: Judiciary

Reassigned: Ways and Means, February 16, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Education – Suspension and Expulsion Procedures – Attendance-Related**
3 **Offenses**

4 FOR the purpose of prohibiting a principal from suspending or expelling a student
5 from school solely for attendance-related offenses; establishing an exception for
6 in-school suspensions for attendance-related offenses; and generally relating to
7 school suspension and expulsion procedures.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 7–305
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

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

15 **Article – Education**

16 7–305.

17 (a) (1) **[In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
18 **SECTION, IN** accordance with the rules and regulations of the county board, each

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 principal of a public school may suspend for cause, for not more than 10 school days,
2 any student in the school who is under the direction of the principal.

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

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

9 (b) **(1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
10 **SUBSECTION, A STUDENT MAY NOT BE SUSPENDED OR EXPELLED FROM SCHOOL**
11 **SOLELY FOR ATTENDANCE-RELATED OFFENSES.**

12 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO**
13 **IN-SCHOOL SUSPENSIONS FOR ATTENDANCE-RELATED OFFENSES.**

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

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

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

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

25 (4) The student or the student's parent or guardian promptly shall be
26 given a community resources list provided by the county board in accordance with §
27 7-310 of this subtitle.

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

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

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

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

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

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

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

11 [(d)] (E) (1) Any student expelled or suspended from school:

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

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

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

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

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

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

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

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

4 **[(e)] (F)** (1) In this subsection, “firearm” means a firearm as defined in
5 18 U.S.C. § 921.

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

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

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

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

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

24 **[(g)] (H)** (1) This subsection does not apply if the student is referred to
25 the Department of Juvenile Services.

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 ~~October~~ July 1, 2009.

