

SENATE BILL 241

F1

(9lr1472)

ENROLLED BILL

—*Education, Health, and Environmental Affairs / Ways and Means*—

Introduced by **Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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)

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.

Italics indicate opposite chamber / conference committee amendments.



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

3 **Article – Education**

4 7–305.

5 (a) (1) **[In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
6 **SECTION, IN** accordance with the rules and regulations of the county board, each
7 principal of a public school may suspend for cause, for not more than 10 school days,
8 any student in the school who is under the direction of the principal.

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

12 (3) The student or the student’s parent or guardian promptly shall be
13 given a community resources list provided by the county board in accordance with §
14 7–310 of this subtitle.

15 (b) **(1) A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
16 **SUBSECTION, A STUDENT MAY NOT BE SUSPENDED OR EXPELLED FROM SCHOOL**
17 **SOLELY FOR ATTENDANCE–RELATED OFFENSES.**

18 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO**
19 **IN–SCHOOL SUSPENSIONS FOR ATTENDANCE–RELATED OFFENSES.**

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

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

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

27 (3) If after the investigation the county superintendent finds that a
28 longer suspension or expulsion is warranted, the county superintendent or the county
29 superintendent’s designated representative promptly shall arrange a conference with
30 the student and his parent or guardian.

31 (4) The student or the student’s parent or guardian promptly shall be
32 given a community resources list provided by the county board in accordance with §
33 7–310 of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (ii) If the disruptive behavior results in action less than
34 suspension, the principal or a designee of the principal shall confer with the teacher

1 who referred the student to the principal prior to returning the student to that
2 teacher's classroom.

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

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

9 [(e)] (F) (1) In this subsection, "firearm" means a firearm as defined in
10 18 U.S.C. § 921.

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.