

SENATE BILL 241

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9lr1472
CF HB 660

By: **Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 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; and generally relating to
6 school suspension and expulsion procedures.

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

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

14 **Article - Education**

15 7-305.

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

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

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

7 **(b) A STUDENT MAY NOT BE SUSPENDED OR EXPELLED FROM SCHOOL**
8 **SOLELY FOR ATTENDANCE–RELATED OFFENSES.**

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

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

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

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

20 (4) 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 (5) If after the conference the county superintendent or the county
24 superintendent’s designated representative finds that a suspension of more than 10
25 school days or expulsion is warranted, the student or the student’s parent or guardian
26 may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 [(e)] (F) (1) In this subsection, "firearm" means a firearm as defined in
31 18 U.S.C. § 921.

32 (2) Except as provided in paragraph (3) of this subsection, if the
33 county superintendent or the superintendent's designated representative finds that a

1 student has brought a firearm onto school property, the student shall be expelled for a
2 minimum of 1 year.

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

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.