

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1287  
Ways and Means

(Delegate Carter, *et al.*)

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**Education - Suspensions and Expulsions - Restrictions and Prohibitions**

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This bill prohibits a principal of a public school or a local superintendent of schools from suspending a student under the age of 10 years. In addition, a principal or local superintendent may institute an out-of-school suspension only if the principal (1) has attempted to correct the student's behavior with alternative disciplinary methods or an in-school suspension and (2) the alternative disciplinary methods or in-school suspension failed to correct the student's behavior. A principal must keep a record of all efforts to correct a student's behavior with alternative disciplinary methods or in-school suspensions.

The bill takes effect July 1, 2014.

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**Fiscal Summary**

**State Effect:** The Maryland State Department of Education can monitor the changes required by the bill using existing resources.

**Local Effect:** Local school system expenditures may increase minimally due to increased in-school suspensions. Any costs will depend on current local resources and the number of suspensions at each school.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Each local board of education must establish special programs for public school students who exhibit disruptive classroom behavior. For cause, a public school

principal may suspend a student in the principal's school for up to 10 days. A suspension for longer than 10 days or an expulsion must be made by the local superintendent of schools at the request of a principal, and a student may appeal the suspension or expulsion to the local board of education.

The student or the student's parent or guardian must be promptly given a conference with the principal and any other appropriate personnel during the suspension period. The student or the student's parent or guardian must be promptly given a community resource list provided by the local board of education.

If after the conference, the local superintendent or the local superintendent's designee finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may (1) appeal to the local board within 10 days after the determination; (2) be heard before the local board, its designated committee, or a hearing examiner, in accordance with the procedures established under law; and (3) bring counsel and witnesses to the hearing.

Unless a public hearing is requested by the parent or guardian of the student, a hearing must be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the local board of education. The appeal to the local board does not stay the decision of the local superintendent. The decision of the local board is final.

Any student expelled or suspended from school must remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school sponsored activities. 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 parent or guardian. Any person who violates this is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

If a student has been suspended or expelled, the principal or a designee 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. If the disruptive behavior results in action less than suspension, the principal or a designee must confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.

A local superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion. A school system must 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.

A student may not be suspended or expelled from school solely for attendance-related offenses.

Except as provided below, if the local superintendent or their designee finds that a student has brought a firearm onto school property, the student must be expelled for a minimum of one year. The local 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 local board, for a student who has brought a firearm onto school property.

The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, must be conducted in conformance with the requirements of the Individuals with Disabilities Education Act. If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian must be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board of Education.

Except as otherwise provided, if the student has a disability, a student in the Baltimore City School System may be transferred to the Baltimore City Alternative Learning Center if the student (1) assaults a teacher, teacher's aide, student teacher, other professional or paraprofessional school employee, or other student; (2) carries a gun, rifle, knife, or other deadly weapon onto school property; or (3) commits any other act that would be a crime if committed by an adult. The center director must review recommendations for admission of a student to the center and admit or deny admission for each student based on an assessment of the student's amenability to the services, programs, and treatment available in the center.

**Background:** There were approximately 70,000 student suspensions and expulsions and 25,000 in-school suspensions from Maryland public schools in the 2012-2013 school year. Information on out-of-school suspensions and expulsions for public school students in Maryland is available on the MSDE website at the following web address:

[http://www.marylandpublicschools.org/MSDE/divisions/planningresultstest/doc/20122013Student/susp13\\_sch\\_comb.pdf](http://www.marylandpublicschools.org/MSDE/divisions/planningresultstest/doc/20122013Student/susp13_sch_comb.pdf)

During 2013 there were a couple of high profile cases in Maryland in which an elementary school student was suspended for pretending that a harmless object was a gun. In one case, a seven-year-old child was suspended for chewing his breakfast pastry into the shape of a gun and saying, "bang, bang." In another, a six-year-old child was

suspended for pointing his finger like a gun and (allegedly) saying, “Pow.” There have been other similar cases reported across the country.

In January 2014, the Maryland State Board of Education approved new regulations guiding student discipline. The regulations are designed to keep students in school and maintain progress toward graduation, while strengthening school safety. The regulations require local school systems to adopt policies that reduce long-term out-of-school suspensions and expulsions, and use such actions only when a student poses an imminent threat of serious harm to other students or staff, or when a student is engaged in chronic or extreme disruptive behavior. In addition, the regulations seek to expedite the student discipline appeal process by allowing local boards of education to hear and decide school discipline appeals with an opportunity to extend that time period in complex cases.

In implementing the regulations, MSDE will develop a method to analyze local school discipline data to measure whether there is a disproportionate impact of disciplinary actions on minority and special education students. Local boards of education will be required to update their student discipline policies based on the new regulations by the beginning of the 2014-15 school year.

According to the regulations, the new policies and regulations at a minimum must (1) reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; (2) be designed to keep students connected to school so that they may graduate college and career ready; (3) describe the conduct that may lead to in-school and out-of-school suspension or expulsion; (4) allow for discretion in imposing discipline; (5) address the ways the educational and counseling needs of suspended students will be met; and (6) explain why and how long-term suspensions or expulsions are last-resort options.

The Maryland State Board of Education’s new regulations came weeks after federal officials called for a similar rethinking of student discipline nationwide and issued the first set of federal discipline guidelines.

**Local Expenditures:** Local school system expenditures may increase minimally due to increased in-school suspensions. Any costs will depend on the alternative method used by a school, current local resources, and the number of suspensions at each school. The in-school suspensions could be handled as simply as making a child sit in another teacher’s classroom or as complex as hiring an in-school suspension counselor to provide counseling to students who are so assigned.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2014  
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