

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 1213 (Senator Serafini)  
Education, Health, and Environmental Affairs

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**Public Schools - Student Discipline - Suspensions and Expulsions**

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This bill specifies (1) the conditions under which students may be expelled or suspended from public schools and procedures that must be followed in each instance and (2) the circumstances under which suspended students may return to the classroom. It also requires the Maryland State Department of Education (MSDE) to determine if disciplinary practices have a disproportionate or disparate effect on minority and special education students and, if so, report annually and provide notice to specified local school systems to develop, implement, and report annually on a plan to address the disproportionate or disparate effect. **The bill takes effect July 1, 2018.**

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**Fiscal Summary**

**State Effect:** The bill generally codifies provisions currently in the Code of Maryland Regulations. MSDE can implement this bill with existing resources.

**Local Effect:** Local school systems can implement the bill with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** “Expulsion” is defined as the exclusion of a student from the regular academic program for at least 45 school days. A student may be expelled from a public school only if:

- the local superintendent or the superintendent’s representative determines that the student’s return to school during the term of the expulsion would pose a threat of harm to other students or staff;
- the superintendent or representative limits the duration of the exclusion to the shortest period practicable; and
- the local school system provides the student with educational services and facilitates access to the provision of appropriate behavioral support services to promote the student’s successful return to a regular academic program.

“Extended suspension” is defined as the exclusion of a student from the regular academic program for 11 to 44 school days, which may occur only if:

- the local superintendent or representative has determined that the students return to school during the extended suspension would pose a threat of harm to other students or staff or that the student has engaged in frequent or significant disruption of the educational process, as specified;
- the local superintendent or representative limits the duration of the exclusion to the shortest period practicable; and
- the school system provides the student with educational services and facilitates access to the provision of appropriate behavioral support services to promote the student’s successful return to a regular academic program.

The bill also defines “in-school suspension,” “long-term suspension,” and “short-term suspension,” and specifies that “suspension” encompasses all types of suspension but does not include time spent in an alternative education program. Each student who is suspended or expelled and not placed in an alternative education program must be given access to assignments. A student’s assignments must be reviewed and corrected by an appropriate teacher, and the school must assign a liaison between the student and his or her teachers.

In cases where a student is suspended for more than 10 days, the bill specifies that an investigation of the matter required under current law must be completed within 10 days. If the investigation cannot be completed due to parent or guardian unavailability or the complexity of the investigation, the student must be returned to school after 10 days unless:

- the local superintendent or representative determines that the student’s return to school would pose a threat of harm to other students or staff; or
- the student has engaged in frequent or significant disruption of the educational process and other available and appropriate behavioral and disciplinary interventions have been unsuccessful.

If a student is not allowed to return to school after 10 days, the local school system must notify the parents or guardians and the State Superintendent of Schools.

MSDE must develop a method to analyze disciplinary data from local school systems to determine if there is a disproportionate or disparate effect on minority or special education students. By October 1 of each year, if MSDE finds a disproportionate or disparate effect in a local school system, MSDE must notify the local school system that it must develop a measurable multiyear plan to reduce and eliminate the effects of its disciplinary practices. Local school boards required to develop plans must report to MSDE on their progress by July 1 of each year.

**Current Law:** Each local school board must establish special programs for public school students who exhibit disruptive classroom behavior. Two or more local boards may establish joint programs.

### *Suspension and Expulsion in General*

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student's parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parents or guardians.

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

### *Suspension and Expulsion of Young Children*

Chapters 843 and 844 of 2017 prohibit students in public prekindergarten, kindergarten, or first or second grades from being suspended or expelled, except that:

- a student in those grades may be expelled if required by federal law (generally, for bringing a firearm to school); and
- a student in those grades may be suspended for up to five days if the school administration, in consultation with a school psychologist or other mental health

professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

For students in prekindergarten through grade 2 who are suspended or who commit an act that would otherwise be grounds for suspension, local school systems must provide intervention and support to address the student's behavior. Intervention and support include (1) positive behavior interventions and supports; (2) a behavior intervention plan; (3) a referral to a student support team; (4) a referral to an individualized education program; and (5) a referral for appropriate community-based services. The school system must remedy the effect of a student's behavior through appropriate intervention methods including restorative practices.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Garrett County; Maryland State Department of Education; Department of Legislative Services

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