

# HOUSE BILL 1152

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By: **Delegates Washington and Ivey**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Bill of Rights and Prohibitions on Suspensions and**  
3 **Expulsions**

4 FOR the purpose of providing that each student in a public school in the State has certain  
5 rights; altering the types of conduct for which a student may be suspended or  
6 expelled; and generally relating to student rights and student discipline in public  
7 schools.

8 BY adding to

9 Article – Education

10 Section 7–129

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 7–305

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Education

20 Section 7–305.1(b)

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2021 Supplement)

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

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-129.

2 EACH STUDENT IN A PUBLIC SCHOOL IN THE STATE HAS THE FOLLOWING  
3 RIGHTS:

4 (1) THE RIGHT TO A SAFE, CARING, AND WELCOMING SCHOOL  
5 ENVIRONMENT;

6 (2) THE RIGHT TO SUPPORT FOR STUDENT LEARNING SO THAT ALL  
7 STUDENTS HAVE A SAFE SPACE TO MAKE MISTAKES;

8 (3) THE RIGHT TO A SCHOOL IN WHICH ALL STUDENTS ARE ACCEPTED  
9 REGARDLESS OF BACKGROUND OR DIFFERENCES;

10 (4) THE RIGHT TO A STUDENT VOICE SO THAT THE STUDENT'S IDEAS  
11 AND OPINIONS ARE HEARD AND CONSIDERED AND THE STUDENT IS GIVEN AN  
12 OPPORTUNITY FOR SELF-EXPRESSION;

13 (5) THE RIGHT TO A SCHOOL ENVIRONMENT THAT ACCOMMODATES  
14 THE STUDENT'S INDIVIDUAL ACADEMIC, EMOTIONAL, AND SOCIAL NEEDS,  
15 RECOGNIZES THE STUDENT'S DIFFERENT ABILITIES, AND SUPPORTS THE  
16 EXPLORATION AND EXPRESSION OF IDENTITY;

17 (6) THE RIGHT TO BE INFORMED ABOUT AND EDUCATED ON  
18 DISCIPLINARY AND USE OF FORCE POLICIES IN OPERATION AT THE STUDENT'S  
19 SCHOOL;

20 (7) THE RIGHT TO CONSISTENT AND EQUITABLE DISCIPLINE  
21 PRACTICES;

22 (8) THE RIGHT TO COUNSELORS WHO ENCOURAGE THE STUDENT TO  
23 TAKE COURSEWORK AND ACCESS RESOURCES AND CLASSROOM INSTRUCTION THAT  
24 LEAD TO COLLEGE READINESS;

25 (9) THE RIGHT TO HEALTHY AND NUTRITIOUS FOOD; AND

26 (10) THE RIGHT TO EQUAL ACCESS TO SCHOOL SPORTS AND  
27 SCHOOL-SANCTIONED EXTRACURRICULAR ACTIVITIES.

28 7-305.

29 (A) (1) IN THIS SECTION, "UNSAFE BEHAVIOR" MEANS ANY BEHAVIOR  
30 THAT IS DANGEROUS TO THE HEALTH OR SAFETY OF STUDENTS OR OTHERS.

1           **(2) “UNSAFE BEHAVIOR” DOES NOT INCLUDE AN ACT:**

2                   **(I) THAT THE STUDENT INTENDS ONLY TO BE DISRUPTIVE OF A**  
3 **SCHOOL ACTIVITY, FUNCTION, PROCESS, OR THE LEARNING ENVIRONMENT; OR**

4                   **(II) THAT IS DISRESPECTFUL TO AN ADULT OR OTHER**  
5 **STUDENTS BUT IS NONTHREATENING AND DOES NOT PHYSICALLY HARM ANOTHER.**

6           **[(a)] (B)**     (1)     Except as provided in subsection **[(b)] (C)** of this section and §  
7 7–305.1 of this subtitle, in accordance with the rules and regulations of the county board,  
8 each principal of a public school may suspend for **[cause] UNSAFE BEHAVIOR**, for not more  
9 than 10 school days, any student in the school who is under the direction of the principal.

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

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

16           **[(b)] (C)**     (1)     Except as provided in paragraph (2) of this subsection, a student  
17 may not be suspended or expelled from school solely for attendance–related offenses.

18                   (2)     Paragraph (1) of this subsection does not apply to in–school suspensions  
19 for attendance–related offenses.

20           **[(c)] (D)**     Except as provided in § 7–305.1 of this subtitle, at the request of a  
21 principal, a county superintendent may suspend a student for more than 10 school days or  
22 expel the student **FOR UNSAFE BEHAVIOR**.

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

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

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

32                   (4)     The student or the student’s parent or guardian promptly shall be given  
33 a community resources list provided by the county board in accordance with § 7–310 of this  
34 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 school  
3 days or expulsion is warranted, the student or the student's parent or guardian may:

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

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

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

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

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

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

16 ~~[(e)]~~ (F) (1) Any student expelled or suspended from school:

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

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

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

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

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

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

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

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

6           **[(f)] (G)** (1) In this subsection, “firearm” means a firearm as defined in 18  
7 U.S.C. § 921.

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

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

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

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

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

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

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

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

35 7–305.1.

1 (b) (1) Except as provided in paragraph (2) of this subsection, a student  
2 enrolled in a prekindergarten program, kindergarten, first grade, or second grade may not  
3 be suspended or expelled from school.

4 (2) A student described under paragraph (1) of this subsection may only be:

5 (i) Expelled from school if required by federal law; or

6 (ii) Suspended for not more than 5 school days if the school  
7 administration, in consultation with a school psychologist or other mental health  
8 professional, determines that there is an imminent threat of serious harm to other students  
9 or staff that cannot be reduced or eliminated through interventions and supports.

10 (3) The principal or school administration shall promptly contact the  
11 parent or guardian of a student suspended or expelled under paragraph (2) of this  
12 subsection.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2022.