

# EXHIBIT

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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### Suspension and Expulsion (State Law)

*Annotated Code of Maryland, Education Article*  
§7-305. Suspension and expulsion.

- (a) Suspension for not more than 10 school days.
  - (1) Except as provided in subsection (b) of this section, in accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.
  - (2) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.
  - (3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with §7-310 of this subtitle.
- (b) Suspension and expulsion procedures for attendance-related offenses.
  - (1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance-related offenses.
  - (2) Paragraph (1) of this subsection does not apply to in-school suspensions for attendance-related offenses.
- (c) Suspension for more than 10 school days or expulsion.

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

- (d) Procedure for more than 10-day suspension or expulsion.
- (1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the county superintendent.
  - (2) The county superintendent or the county superintendent's designated representative promptly shall make a thorough investigation of the matter.
  - (3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, the county superintendent or the county superintendent's designated representative promptly shall arrange a conference with the student and his parent or guardian.
  - (4) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with §7-310 of this subtitle.
  - (5) If after the conference the county superintendent or the county superintendent's designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:
    - (i) Appeal to the county board within 10 days after the determination;
    - (ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under §6-203 of this article; and
    - (iii) Bring counsel and witnesses to the hearing.
  - (6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.
  - (7) The appeal to the county board does not stay the decision of the county superintendent.
  - (8) The decision of the county board is final.

- (e) Returning to school premises or classroom.
  - (1) Any student expelled or suspended from school:
    - (i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and
    - (ii) May not participate in school sponsored activities.
  - (2) 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.
  - (3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.
  - (4)
    - (i) If a student has been suspended or expelled, the principal or a designee of the principal 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.
    - (ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.
  - (5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.
  - (6) A school system shall 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.
- (f) Students with disabilities.
  - (1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.

- (2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.
- (g) Restitution for damage to school property.
- (1) This subsection does not apply if the student is referred to the Department of Juvenile Services.
  - (2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.
  - (3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$2,500, or the student's assignment to a school work project, or both.

[1995, ch. 347; 1996, ch. 323; 2003, ch. 53,§8; 2005, ch. 414, §2.]

*Source:* Annotated Code of Maryland, Education Article, Section 7-305.

*Exhibit History:* January 1983; reviewed April 1994; revised April 2001; revised June 2010.

## **Suspension and Expulsion (State Regulation)**

### **C. Suspension and Expulsion.**

- (1) In those instances when the behavior of a student is disruptive and detrimental to the operation of the school, the student may be suspended or expelled.
- (2) In-school Suspension
  - (a) An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:

- (i) Appropriately progress in the general curriculum;
  - (ii) Receive the special education and related services specified on the student's Individualized Education Program (IEP), if the student is a student with a disability in accordance with COMAR 13A.05.01;
  - (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and
  - (iv) Participate with peers as they would in their current education program to the extent appropriate.
- (b) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- (c) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.
- (d) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.
- (e) The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.
- (f) Local school systems shall develop policies pertaining to a student's participation in extracurricular activities if the student receives an in-school suspension.
- (g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension.
- (3) Suspension for Not More Than 10 Days
- (a) In accordance with the rules and regulations of the local board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.

- (b) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.
  - (c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.
  - (d) A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.
  - (e) If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the local superintendent.
- (4) Suspension for More than 10 Days or Expulsion
- (a) At the request of a principal, a local superintendent or the designated representative may suspend a student for more than 10 school days or expel the student.
  - (b) Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the local superintendent or designated representative promptly shall make thorough investigation of the matter.
  - (c) If after the investigation the local superintendent or designated representative finds that a longer suspension or expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.
  - (d) If after the conference the local superintendent or designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:
    - (i) Appeal to the local board within 10 days after the determination.
    - (ii) Be heard before the local board or its designated committee; and

- (iii) Bring counsel and witnesses to the hearing.
  - (e) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.
  - (f) The appeal to the local board does not stay the decision of the county superintendent.
  - (g) The decision of the local board is final.
- (5) A student expelled or suspended from school shall 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 the student's parent or guardian.
  - (6) If a student has been suspended or expelled, the principal 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.
  - (7) If a student's disruptive behavior results in action less than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to that teacher's classroom. The principal may satisfy this requirement by consulting with the teacher before returning the student to the classroom.
  - (8) A local superintendent may deny attendance to a student who is currently expelled from another school system for a length of time equal to that expulsion. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion of the student, on receipt of the request for information.

D. Restitution.

Unless the student is referred to the Department of Juvenile Services, if a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on

the matter with the student, the student's parent or guardian, and other appropriate individual, the principal shall require the student or the student's parent or guardian to make restitution. The restitution may be made in the form of monetary restitution not to exceed the lesser of the fair market value of the property, or \$2,500, or by the student's assignment to a school work project, or both.

E. Corporal Punishment.

Corporal punishment may not be used to discipline a student in a public school in the State.

*Source:* Code of Maryland Regulations, Title 13A, Section 13A.08.01.11C.

*MCPS Exhibit History:* January 1983; revised April 1994; revised April 2001; August 2011