

SENATE BILL 1058

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3lr3408

By: **Senator Jennings**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Education – The Reasonable School Discipline Act of 2013**

3 FOR the purpose of prohibiting a principal from suspending or expelling a student
4 who brings to school or possesses on school property a picture of a gun, a
5 computer image of a gun, a facsimile of a gun, or any other object that
6 resembles a gun but serves another purpose; prohibiting a principal from
7 suspending or expelling a student who makes a hand shape or gesture
8 resembling a gun; authorizing a principal to suspend or expel a student who
9 performs a certain action as a direct act of violence against another student on
10 school property; establishing the maximum discipline for a student in
11 kindergarten through grade eight who performs a certain action; establishing
12 the maximum discipline for a student in grades nine through twelve who
13 performs a certain action; prohibiting a certain action from being recorded in a
14 certain school record under certain circumstances; authorizing a parent or
15 guardian of a certain student to appeal a certain suspension; establishing
16 certain grounds for discipline of a principal, a vice principal, a teacher, or any
17 other employee who violates a certain provision of law; defining certain terms;
18 and generally relating to the discipline of a student who brings certain objects
19 or images of guns to school or makes a hand shape or gesture resembling a gun.

20 BY adding to

21 Article – Education

22 Section 7–306.1

23 Annotated Code of Maryland

24 (2008 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article – Education

2 **7-306.1.**

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) “DIRECT ACT OF VIOLENCE” MEANS:

6 (I) INTENTIONAL INFLICTION OF GRIEVOUS BODILY HARM;

7 OR

8 (II) PHYSICAL CONTACT WITH MALICIOUS INTENT.

9 (3) “STUDENT” MEANS A STUDENT IN:

10 (I) A PUBLIC SCHOOL IN THE STATE; OR

11 (II) A STUDENT IN A NONPUBLIC SCHOOL IN THE STATE
12 THAT RECEIVES STATE FUNDS.

13 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
14 SUBSECTION, A PRINCIPAL MAY NOT SUSPEND OR EXPEL A STUDENT WHO:

15 (I) BRINGS TO SCHOOL OR POSSESSES ON SCHOOL
16 PROPERTY A PICTURE OF A GUN, A COMPUTER IMAGE OF A GUN, A FACSIMILE
17 OF A GUN, OR ANY OTHER OBJECT THAT RESEMBLES A GUN BUT SERVES A
18 DIFFERENT PURPOSE; OR

19 (II) MAKES A HAND SHAPE OR GESTURE RESEMBLING A
20 GUN.

21 (2) A PRINCIPAL MAY SUSPEND OR EXPEL A STUDENT WHO
22 PERFORMS AN ACTION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION AS A
23 DIRECT ACT OF VIOLENCE AGAINST ANOTHER STUDENT ON SCHOOL PROPERTY
24 IN ACCORDANCE WITH § 7-305 OF THIS SUBTITLE.

25 (C) (1) FOR A STUDENT IN KINDERGARTEN THROUGH GRADE EIGHT,
26 THE MAXIMUM DISCIPLINE FOR A STUDENT WHO PERFORMS AN ACTION
27 SPECIFIED IN SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION SHALL BE AS
28 PROVIDED IN THIS SUBSECTION.

1 **(2) THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN**
2 **SHALL PROMPTLY BE REQUESTED TO ATTEND A CONFERENCE WITH THE**
3 **PRINCIPAL AND OTHER APPROPRIATE PERSONNEL DURING WHICH THE**
4 **FOLLOWING SHALL BE PROVIDED TO THE STUDENT:**

5 **(I) COUNSELING REGARDING THE PROVISIONS OF THIS**
6 **SECTION; AND**

7 **(II) A LIST OF THE OBJECTS SPECIFIED IN SUBSECTION**
8 **(B)(1)(I) OF THIS SECTION THAT MAY NOT BE BROUGHT TO SCHOOL.**

9 **(3) A RECORD OF THE STUDENT'S ACTION AND ANY DISCIPLINARY**
10 **MEASURES TAKEN MAY NOT BE RECORDED IN THE PERMANENT SCHOOL**
11 **RECORD OF THE STUDENT.**

12 **(D) (1) FOR A STUDENT IN GRADES NINE THROUGH TWELVE, THE**
13 **MAXIMUM DISCIPLINE FOR A STUDENT WHO PERFORMS AN ACTION SPECIFIED**
14 **IN SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION SHALL BE AS PROVIDED IN**
15 **THIS SUBSECTION.**

16 **(2) FOR A FIRST OFFENSE:**

17 **(I) THE STUDENT AND THE STUDENT'S PARENT OR**
18 **GUARDIAN SHALL PROMPTLY BE REQUESTED TO ATTEND A CONFERENCE WITH**
19 **THE PRINCIPAL AND OTHER APPROPRIATE PERSONNEL DURING WHICH THE**
20 **FOLLOWING SHALL BE PROVIDED TO THE STUDENT:**

21 **1. COUNSELING REGARDING THE PROVISIONS OF**
22 **THIS SECTION; AND**

23 **2. A LIST OF THE OBJECTS SPECIFIED IN**
24 **SUBSECTION (B)(1)(I) OF THIS SECTION THAT MAY NOT BE BROUGHT TO**
25 **SCHOOL;**

26 **(II) THE PRINCIPAL MAY ISSUE THE STUDENT DETENTION;**
27 **AND**

28 **(III) A RECORD OF THE STUDENT'S ACTION AND ANY**
29 **DISCIPLINARY ACTIONS TAKEN MAY NOT BE RECORDED IN THE PERMANENT**
30 **SCHOOL RECORD OF THE STUDENT.**

31 **(3) FOR A SECOND OFFENSE:**

1 **(I) THE PRINCIPAL MAY PROHIBIT THE STUDENT FROM**
2 **PARTICIPATING IN EXTRACURRICULAR ACTIVITIES;**

3 **(II) THE OFFENSE MAY BE RECORDED IN THE PERMANENT**
4 **RECORD OF THE STUDENT; AND**

5 **(III) THE PRINCIPAL MAY SUSPEND THE STUDENT IF THE**
6 **STUDENT DEMONSTRATES AN INTENTION NOT TO COMPLY WITH THE**
7 **PROVISIONS OF SUBSECTION (B) OF THIS SECTION.**

8 **(E) A PARENT OR GUARDIAN OF THE STUDENT MAY APPEAL AN ACTION**
9 **UNDER SUBSECTION (D)(3)(III) OF THIS SECTION TO THE COUNTY BOARD AS**
10 **PROVIDED IN § 7-305 OF THIS SUBTITLE.**

11 **(F) A PRINCIPAL, A VICE PRINCIPAL, A TEACHER, OR ANY OTHER**
12 **EMPLOYEE WHO VIOLATES A PROVISION OF THIS SECTION:**

13 **(1) FOR THE FIRST TIME DURING A SCHOOL YEAR, SHALL**
14 **RECEIVE COUNSELING RELATING TO THE PROCEDURES REQUIRED UNDER THIS**
15 **SECTION;**

16 **(2) MORE THAN ONCE DURING A SCHOOL YEAR, SHALL BE**
17 **PLACED ON ADMINISTRATIVE LEAVE FOR A PERIOD OF 1 MONTH; AND**

18 **(3) MORE THAN TWICE DURING A SCHOOL YEAR, SHALL BE**
19 **DISMISSED BY THE COUNTY BOARD IN ACCORDANCE WITH § 6-202(A)(2), (3),**
20 **(4), AND (5) OF THIS ARTICLE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2013.