

SENATE BILL 1033

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By: **Senator Rosapepe**

Introduced and read first time: February 28, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Education – Alternative Schooling**

3 FOR the purpose of adding an exception to the requirement that certain students
4 attend a public school regularly during the entire school year; requiring the
5 State Department of Education to adopt certain standards for the suspension or
6 expulsion of a certain student under a certain provision of law and the
7 readmission of a certain student to a certain school; requiring county boards of
8 education and the Board of School Commissioners of Baltimore City to establish
9 alternative schooling for certain students under certain circumstances;
10 authorizing a county superintendent to recommend the filing of a certain
11 complaint alleging delinquency under certain circumstances; defining certain
12 terms; prohibiting the implementation of certain provisions of this Act until
13 county boards of education, the Board of School Commissioners of Baltimore
14 City, and the State Department of Education have met certain requirements;
15 and generally relating to alternative schooling for certain students.

16 BY adding to

17 Article – Education
18 Section 7–301(a) and 7–304.2
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Education
23 Section 7–301(a)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2012 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Education
28 Section 7–301(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2012 Supplement)
3 (As enacted by Section 1 of Chapter 494 of the Acts of the General Assembly of
4 2012)

5 BY repealing and reenacting, without amendments,
6 Article – Education
7 Section 7–301(a–1)(1)
8 Annotated Code of Maryland
9 (2008 Replacement Volume and 2012 Supplement)
10 (As enacted by Section 1 of Chapter 494 of the Acts of the General Assembly of
11 2012)

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–301(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2012 Supplement)
17 (As enacted by Section 2 of Chapter 494 of the Acts of the General Assembly of
18 2012)

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 7–301(a–1)(1)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2012 Supplement)
24 (As enacted by Section 2 of Chapter 494 of the Acts of the General Assembly of
25 2012)

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

28 **Article – Education**

29 7–301.

30 **(A) THIS SECTION DOES NOT APPLY TO A STUDENT WHO HAS BEEN**
31 **SUSPENDED OR EXPELLED FROM THE SCHOOL THE STUDENT NORMALLY WOULD**
32 **ATTEND AND IS RECEIVING ALTERNATIVE SCHOOLING UNDER § 7–304.2 OF THIS**
33 **SUBTITLE.**

34 **[(a)] (A–1)** (1) Except as otherwise provided in this section, each
35 child who resides in this State and is 5 years old or older and under 16 shall attend a
36 public school regularly during the entire school year unless the child is otherwise
37 receiving regular, thorough instruction during the school year in the studies usually
38 taught in the public schools to children of the same age.

1 (10) Subject to the approval of the county superintendent, has been
2 expelled under § 7–305 of this subtitle;

3 (11) Is pregnant or a parent and is enrolled in an alternative
4 educational program;

5 (12) Attends an alternative educational program, **WHICH MAY**
6 **INCLUDE RECEIVING ALTERNATIVE SCHOOLING IN ACCORDANCE WITH §**
7 **7–304.2 OF THIS SUBTITLE;**

8 (13) Subject to written parental consent and written agreement with
9 the county board, attends a public school on a part–time basis and attends a private
10 career school as defined under § 10–101 of this article; or

11 (14) Is waived from the provisions of this section by the State
12 Superintendent.

13 (a–1) (1) Except as otherwise provided in this section, each child who
14 resides in this State and is 5 years old or older and under 17 shall attend a public
15 school regularly during the entire school year.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 Article – Education

19 7–301.

20 (a) This section does not apply to a child under the age of 18 years who:

21 (1) Has obtained a Maryland high school diploma, an equivalent
22 out–of–state high school diploma, or a GED;

23 (2) Is a student with disabilities and has completed the requirements
24 for a Maryland high school certificate of completion;

25 (3) Is receiving regular, thorough instruction during the school year in
26 the studies usually taught in the public schools to children of the same age;

27 (4) Has completed an instruction program under item (3) of this
28 subsection;

29 (5) Is severely ill and requires home or hospital instruction;

30 (6) Is married;

31 (7) Is in military service;

1 (8) Is committed by court order to an institution without an
2 educational program;

3 (9) Provides financial support to the child's family as documented by a
4 local department of social services;

5 (10) Subject to the approval of the county superintendent, has been
6 expelled under § 7-305 of this subtitle;

7 (11) Is pregnant or a parent and is enrolled in an alternative
8 educational program;

9 (12) Attends an alternative educational program, **WHICH MAY**
10 **INCLUDE RECEIVING ALTERNATIVE SCHOOLING IN ACCORDANCE WITH §**
11 **7-304.2 OF THIS SUBTITLE;**

12 (13) Subject to written parental consent and written agreement with
13 the county board, attends a public school on a part-time basis and attends a private
14 career school as defined under § 10-101 of this article; or

15 (14) Is waived from the provisions of this section by the State
16 Superintendent.

17 (a-1) (1) Except as otherwise provided in this section, each child who
18 resides in this State and is 5 years old or older and under 18 shall attend a public
19 school regularly during the entire school year.

20 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 Article - Education

23 7-304.2.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
25 MEANINGS INDICATED.

26 (2) "ALTERNATIVE SCHOOLING" MEANS A PROGRAM OF
27 INSTRUCTION PROVIDED OUTSIDE THE SCHOOL ROOMS A STUDENT NORMALLY
28 WOULD ATTEND THAT PROVIDES A PROGRAM OF REGULAR INSTRUCTION, OR
29 INSTRUCTION LEADING TO A GED DIPLOMA, FOR STUDENTS IN THE PUBLIC
30 SCHOOL SYSTEM WHO EXHIBIT CONTINUALLY DISRUPTIVE OR INSUBORDINATE
31 BEHAVIOR.

32 (3) "EXPULSION" MEANS:

1 **(I) THE REMOVAL OF A STUDENT WHO EXHIBITS**
2 **CONTINUALLY DISRUPTIVE OR INSUBORDINATE BEHAVIOR FROM THE SCHOOL**
3 **ROOMS THE STUDENT NORMALLY WOULD ATTEND BUT NOT FROM THE LOCAL**
4 **SCHOOL SYSTEM; AND**

5 **(II) THE PROVISION OF ALTERNATIVE SCHOOLING TO THE**
6 **STUDENT.**

7 **(4) “LOCAL SCHOOL SYSTEM” MEANS THE SCHOOLS AND SCHOOL**
8 **PROGRAMS UNDER THE SUPERVISION OF THE COUNTY SUPERINTENDENT.**

9 **(5) “SUSPENSION” MEANS:**

10 **(I) THE TEMPORARY REMOVAL OF A STUDENT WHO**
11 **EXHIBITS CONTINUALLY DISRUPTIVE OR INSUBORDINATE BEHAVIOR FROM THE**
12 **SCHOOL ROOMS THE STUDENT NORMALLY WOULD ATTEND; AND**

13 **(II) THE PROVISION WITH ALTERNATIVE SCHOOLING TO**
14 **THE STUDENT.**

15 **(B) THE DEPARTMENT SHALL ADOPT STANDARDS FOR:**

16 **(1) THE SUSPENSION OR EXPULSION OF A STUDENT UNDER THIS**
17 **SECTION AND THE PROVISION OF ALTERNATIVE SCHOOLING TO THE STUDENT;**
18 **AND**

19 **(2) READMISSION OF A STUDENT WHO HAS BEEN SUSPENDED TO**
20 **THE SCHOOL ROOMS THE STUDENT NORMALLY WOULD ATTEND BASED ON**
21 **CORRECTED BEHAVIOR.**

22 **(C) EACH COUNTY BOARD OF EDUCATION AND THE BOARD OF SCHOOL**
23 **COMMISSIONERS OF BALTIMORE CITY SHALL ESTABLISH ALTERNATIVE**
24 **SCHOOLING FOR STUDENTS IN THE PUBLIC SCHOOL SYSTEM:**

25 **(1) WHO EXHIBIT CONTINUALLY DISRUPTIVE OR INSUBORDINATE**
26 **BEHAVIOR; AND**

27 **(2) WHO HAVE BEEN SUSPENDED OR EXPELLED FROM THE**
28 **SCHOOL ROOMS THE STUDENTS NORMALLY WOULD ATTEND.**

29 **(D) IF THE COUNTY SUPERINTENDENT DETERMINES THAT A STUDENT**
30 **WHO HAS BEEN PROVIDED WITH ALTERNATIVE SCHOOLING UNDER SUBSECTION**

1 **(C) OF THIS SECTION IS UNABLE TO CORRECT THE BEHAVIOR FOR WHICH THE**
2 **STUDENT WAS SUSPENDED OR EXPELLED, THE COUNTY SUPERINTENDENT MAY**
3 **RECOMMEND THE FILING OF A COMPLAINT ALLEGING DELINQUENCY UNDER §**
4 **3-8A-10 OF THE COURTS ARTICLE.**

5 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 through 3 of
6 this Act may not be implemented until each county board of education, the Board of
7 School Commissioners of Baltimore City, and the State Department of Education have
8 met the requirements set forth under § 7-304.2 of the Education Article, as enacted by
9 Section 4 of this Act. The State Department of Education is responsible for certifying
10 compliance with those requirements.

11 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
12 take effect July 1, 2017, the effective date of Section 2 of Chapter 494 of the Acts of the
13 General Assembly of 2012. If the effective date of Section 2 of Chapter 494 is amended,
14 Section 3 of this Act shall take effect on the taking effect of Section 2 of Chapter 494.

15 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect July 1, 2015, the effective date of Section 1 of Chapter 494 of the Acts of the
17 General Assembly of 2012. If the effective date of Section 1 of Chapter 494 is amended,
18 Section 2 of this Act shall take effect on the taking effect of Section 1 of Chapter 494.

19 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
20 Sections 6 and 7 of this Act, this Act shall take effect July 1, 2013.