

# State Board's Proposed Guidelines For Timely Disposition of Long Term Discipline Cases

To the Educators, Parents, Students, Advocates and Other Stakeholders:

**The Maryland State Board of Education** offers these proposed guidelines for discussion and comment to determine whether our view of the timely disposition of long-term discipline cases is one that is workable in schools.

We begin with the presumption that, in the preponderance of disciplinary cases, it is better for a student to be in school rather than out of school. Delays in the discipline process may increase the time a student is out of school.

MSDE does not collect data that could tell us whether delays actually occur in the discipline process in Maryland public schools. We will be considering data collection on this issue and will appreciate your input. Anecdotally, we believe there are individual instances of delays in the process based on phone calls or correspondence to MSDE from parents. This Board has expressed its concern that in the discipline process, justice delayed is justice denied and, obviously, education denied.

The State Board proposes these Guidelines for discussion and comment. By June 17, 2011, please send your comments to: Chuck Buckler, Maryland State Department of Education, Division of Student, Family, and School Support, 200 West Baltimore Street, Baltimore, Maryland 21201-2595; or [cbuckler@msde.state.md.us](mailto:cbuckler@msde.state.md.us); or Fax (410)333-8148.

## **I. PRE-SUPERINTENDENT DECISION TIMELINE – 10 School DAYS**

Within the 10 days of the initial suspension period the school system should complete the following steps:

- Principal makes recommendation to superintendent for a longer suspension period or expulsion;
- Superintendent or designee orders an investigation;
- The investigation is completed;
- Superintendent or designee holds a conference with parent and student; and
- Superintendent issues his/her written decision.

We have proposed the 10 day time period because statutorily that is the total number of days the student can legally be suspended from school at this juncture. We proposed that, if there is a delay beyond the 10 day suspension period, that the student be readmitted to school pending the Superintendent's decision. We are interested in knowing whether the Superintendent's conference with the parent and student is recorded in any way, taped or in writing?

## **II. POST-SUPERINTENDENT DECISION TIMELINE**

Once the Superintendent issues his written decision to suspend the student for the longer period of time (30 days? 60 days? 90 days?) or to expel the student from school (for the rest of

the year? forever?), a parent has two choices – to appeal or not to appeal. There is no “stay” of the discipline during the appeal process.

A. *“No Appeal” timeline – student should return to school on the first day after suspension time has run.*

- Student serves his suspension/expulsion time. (30 days, 60 days, 90 days, a year)
- Superintendent or designee schedules and holds parent/student and teacher conferences no later than the day on which the student is to return to school.

We propose this timeline because it reinforces the position that it is educationally essential and fair that a student be returned to school without delay. Students should not be kept out of school by a school system’s failure to schedule conferences timely. We encourage school systems to work diligently to make timely scheduling possible and convenient for the parents and teachers.

B. *“Appeal” Timeline – 30-40 calendar days – In no circumstance should a student be kept out of school awaiting the decision of the local board, if the student has served the full suspension period and met any conditions that may have been imposed (e.g. drug counseling.)*

- Parent files an appeal with the local board within ten calendar days of the Superintendent’s decision;
- Local board schedules and conducts appeal hearing within a 30 calendar day time period after the date the appeal is filed;
- Local board issues written decision within 10 calendar days of the end of the appeal hearing; and

We propose this timeline because it assures that timely decisions will be made for most students on long term suspension/expulsion. But, if the local board cannot make a timely decision the Superintendent must return the student to school on the first day after the student has served his/her time in suspension/expulsion, conducting the parent/student and teacher conferences beforehand. In this way, students who appeal would not be penalized by delay in returning to school while awaiting a decision of the local board.

We look forward to your comments on those proposed guidelines. Thank you.