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State Superintendent of Schools

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**TO:** Members of the State Board of Education

**FROM:** Lillian M. Lowery, Ed.D. *Lillian M. Lowery*

**DATE:** January 22, 2013

**SUBJECT:** School Discipline Regulations and the Public Comment Process

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This memo provides our preliminary thinking on the comments received on the school discipline regulations. Most comments were generic; some were specific and detailed. Because the virtue of the public comment process is to allow one last consideration before deciding whether or not to finalize the proposed regulations “as is,” I recommend to the Board that, in doing one final review, you consider making changes to the regulations based on the comments, recognizing that some of the changes will be substantive ones requiring re-proposal of the regulations.

### **I. Overview of Comments Received**

We received 803 comments. Of those, 787 commenters made multiple suggestions for a total of 2, 213 comments. We grouped the comments into 14 categories. They are:

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 1. School Safety/Restore Language | 8. Add Collaborative Language       |
| 2. Create a Workgroup             | 9. Disproportionate Impact          |
| 3. Amend Timelines                | 10. Return After Suspension         |
| 4. Effective Date                 | 11. Legal Authority/Local Authority |
| 5. Minimum Education              | 12. Witness Intimidation            |
| 6. Ten Day Return To School       | 13. Withdraw and Start Over         |
| 7. Amend Definitions              | 14. Other                           |

To give you our initial review and recommendations, set forth below are some of the specific changes requested.

### **II. Possible Amendments to Proposed Regulations**

The amendments proposed by PSSAM, MABE, and several school systems (Talbot, Baltimore County, Montgomery County) were specific and detailed. We focus here on those because they seem to dovetail into the thousands of more generic comments submitted by MSEA, individual teachers and administrators, and other groups.

**(1) School Safety – COMAR 13A.08.01.11A**

By far the majority of comments were about school safety and expressed an opinion that that this Board was not concerned about school safety.

The regulations put the needs of the disruptive students over the need of students who come to school ready to learn and that the regulations shift focus away from safe schools. The above cited commenters asked that the State Board restore the specific language school safety deleted from COMAR 13A.08.01.11A.

.11 Disciplinary Action (deletions in[brackets], additions in *italics*)

A. Local Regulations. Each local board of education shall adopt a set of regulations [designed to maintain an environment of order and discipline necessary for effective learning. These regulations should provide for counseling and standards for appropriate disciplinary measures, and may permit suspension or expulsions] *that:*

- (1) Reflect a rehabilitative discipline philosophy on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) Are designed to keep students in school so that they may graduate college and career ready;*
- (3) Prohibit disciplinary policies that trigger automatic discipline without the use of discretion;*
- (4) Explain why and how long-term suspensions or expulsions are last resort options.*

This was the very change that Dr. Dukes, Mary Kay Finan, and James DeGraffenreidt discussed with MABE, when they met on November 5, 2012. They agreed to recommend that change to you.

In fact, those Board members had a very honest and productive conversation with MABE Board members about the State Board’s commitment to safe schools which the President of MABE summarized in his November 14, 2012 letter to Dr. Dukes:

I am pleased that we had the opportunity to clarify some essential misunderstandings concerning what “MABE believes.” For example, it has never been MABE’s contention that the State Board is not interested in safe schools as was suggested on the agenda. By focusing our dialogue on the specific language of the State Board reports and the regulations, I believe that we have created a more constructive context for future exchanges.

To this end, we are pleased to learn that you will consider restoring language that emphatically states that a major intention of discipline in the school house is to ensure a positive and safe environment that makes effective teaching and learning possible. This is an area of significant concern to local boards of education. Moreover, restoring that language in no way precludes the

simultaneous responsibility to address the needs of students who are suspended so that they can be actively re-engaged in a productive learning environment. We also are pleased at the suggestion of a preamble to the regulations that reiterates the responsibilities and authority of local boards of education to promulgate policies that accomplish both ends.

I recommend the deletion be restored.

**Other changes to COMAR 13A.08.01.11A**

MABE requested the following additional changes to COMAR 13A.08.01.11A.

A. Local Regulations. *Beginning with the 2014-2015 school year and thereafter, each, [Each] local board of education shall adopt a set of regulations [designed to maintain an environment of order and discipline necessary for effective learning. These regulations should provide for counseling and standards for appropriate disciplinary measures, and may permit suspension or expulsion that]:*

- (1) Reflect a [rehabilitative] discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) Are designed to keep students in school so that they may graduate college and career ready;*
- (3) Prohibit disciplinary policies that trigger automatic discipline without the ability to consider individual circumstances the use of discretion.*
- (4) Explain why and how extended [long-term] suspensions or expulsions are intended to maintain an environment of order and discipline necessary for effective learning [last resort options];*
- (5) Provide for counseling;*
- (6) Provide standards for appropriate disciplinary measures, including suspensions and expulsions; and*
- (7) Establish accountability for the provision of minimum education services to keep suspended or expelled students on track with classroom work, as is reasonably possible.*

Montgomery County Board of Education requested similar, but not quite as extensive, changes to COMAR 13A.08.01.11(A).

A. Local Regulations. Each local board of education shall adopt a set of regulations {designed to maintain an environment of order and discipline necessary for effective learning [provide for counseling and standards for appropriate disciplinary measures, and may permit suspension or expulsion] that}:

- (1) Reflect a ~~rehabilitative~~ discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*

- (2) *Are designed to keep students in school so that they may graduate college and career ready;*
- (3) *Prohibit disciplinary policies that trigger automatic discipline without the ability to consider individual circumstance; ~~the use of discretion~~*

The deletion of the term “rehabilitative” and consideration of the other recommended major changes warrant further discussion by the Board, before those amendments are accepted or rejected.

**(2) Appoint Task Force or Workgroup**

PSSAM and MABE called for further study. PSSAM states:

On two occasions during the State Board’s deliberation on student discipline local superintendents suggested that this matter be assigned to a task force to determine the root causes of the data analysis and in turn recommend regulatory changes and resources that properly address matters to ensure the desired outcome. Local superintendents are concerned that this recommendation was enacted as the proposed regulatory changes were published. It was a glaring oversight that school administrators, both principals and assistant principals, were not given the opportunity to sit before the State Board as were other constituent groups. This suggestion was offered on several occasions and again determined not be beneficial or necessary by the State Board.

There may be options, as set forth below to delegate short-term study of particular issues to a workgroup.

**(3) Timelines and the Appeals Process**

There were several suggestions for changing the timelines and other aspects of the appeal process.

MABE:

*(f) If an appeal is filed it shall be heard before the local board or its designated committee, or hearing ~~officer~~ examiner and completed within ~~30~~ 90 days of the date of the appeal was received by the local board.*

- (g) ~~The student or the student’s parent or guardian~~ All parties to the appeal:
  - (i) ~~shall be provided one another with their school system’s witness list and a copy of the documents they intend to ~~the school system will present~~ at the hearing five days before hearing: and~~
  - (ii) *may bring counsel and witnesses to the hearing.*

(h) *The local board shall issue its decision:*

*(i) within 10 days after the close of the hearing if heard before the local board or its designate committee; or*

*(ii) within 30 days of receipt of the hearing examiner's recommended decision in accordance with the procedures established under Section 6-203 of the Education Article of the Annotated Code of Maryland.*

PSSAM:

*If an appeal is filed, it shall be heard before the local board or its designated committee, or hearing officer and completed within 30 days of the date of appeal was received by the local board.*

**Recommendation #5: This expectation is not realistic and not indicative of how these matters currently evolve. Local superintendents suggest that this language be modified as a suggested timeline and not as a mandate that will consistently have to be adjusted unless changed.**

**Recommendation #2: Review all references to due process and timelines and institute language as appropriate that acknowledges the responsibility of the parents/guardian involved in a discipline case to support due process expectations.**

Montgomery County:

13A08.01.11 Disciplinary Action

C. Suspension and Expulsion

*(f) If an appeal is filed it shall be heard before the local board or its designated committee, or hearing officer-examiner and completed within 30-90 days of the date the appeal was received by the local board, unless the parent or guardian or his/her representative requests additional time in the proceedings.*

*(g) The student or the student's parent or guardian All parties to the appeal:*

*(i) shall be provided one another with their school system's witness list and a copy of the documents that they intend to the school system will present at the hearing at least five days before hearing: and*

*(ii) may bring counsel and witnesses to the hearing.*

*(h) the local board shall issue its decision:*

*(i) within 10 days after the close of the hearing is heard before the local board or its designated committee;*

*(ii) within 30 days of receipt of the hearing examiner's recommended decision in accordance with the procedures established under Section 6-203 of the Education Article of the Annotated Code of Maryland, unless the parent requests oral argument before the Board; or*

*(iii) within 30 days after oral argument.*

Talbot County:

**COMAR 13A.08.01.11 C.(3)(f)**

In the proposed regulation “If an appeal is filed it shall be heard before the local board or its designated committee, or hearing officer and completed within 30 days of the date of appeal was received by the local board” stands, it will be impossible to comply. While we strive to consider an appeal as quickly as possible, thirty days is not a realistic time frame.

I recommend that you turn over the timeline and appeal process issue to the Workgroup of MABE, PSSAM members, and others you choose to appoint to provide proposed changes to the Board.

**(4) Effective Date of the Regulations**

Several of the above-cited commenters suggested an extended effective date of the regulations - - July 1, 2013 or beginning of school year 2014-2015. If the proposed regulations are amended and republished, the Board can consider setting an effective date at that time.

**(5) Minimum Education Services**

While the above commenters generally agreed philosophically with the concept of providing minimum education services, they requested some changes to the proposed regulations.

MABE:

*F. Minimum Education Services.*

*(1) In order to establish accountability and to keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at minimum provide that:*

*(a) Each student suspended or expelled out-of-school who is not placed in an alternative education program shall ~~receive daily classwork and~~ be provided access to assignments from each teacher which shall be reviewed and corrected ~~by teachers on a weekly basis and returned and made available~~ to the student.*

*(b) Each principal shall assigned a school staff person to be the liaison between the teachers and the various students an out-of-school suspension or expulsion and to communicate ~~weekly about classwork~~ assignments and school-related issues by phone or e-mail with those out-of-school suspended/expelled students and their parents or guardian.*

PSSAM:

In order to establish accountability to and keep suspended or expelled student on track with classroom work *and related curricula supports*, each local board shall include in local policy a plan to provide education services that at a minimum provide that *the student maintain to the degree possible pace with his/her classmates. Suspended/expelled students and their*

*parents/guardians will have this process explained orally and in writing. Suspended/expelled students and their parents/guardians will have a contact in the school to facilitate the process for the duration of time out of school.*

Both of those specific recommendations, in my view, water down the requirements to provide minimum education services. I do not recommend adoption of either version.

We received 321 comments that this minimum education requirement would increase teacher workload because teachers would have to provide and review the classwork of suspended/expelled students. I understand that no one wants to see his workload increased, but it is a fact and the law that suspension is an excused absence and students are entitled to make up the work they missed. This regulation puts some concrete requirements on that existing legal obligation.

As you know, at your direction, I appointed a Best Practices Workgroup. I believe that group will provide leadership on the ways school systems can efficiently and effectively provide minimum education services, as well as effective alternative education services, to students who are suspended or expelled. I will assure that this topic is given high priority in the Best Practices Workgroup.

#### **(6) Ten-Day Return to School – COMAR 13A.08.01.11C**

The commenters suggested several changes to the ten-day return to school regulation.

MABE:

#### **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)] (1) In-School Suspension.

(a)-(g) (text unchanged)

[(3)] (2) Suspension for Not More Than 10 Days.

(a)-(e) (text unchanged)

[(4)] (3) Suspension for More Than 10 Days of Expulsion.

(a)-(b) (text unchanged)

(c) If after the investigation the local superintendent or designated representative finds that [a longer] *an extended* suspension or *an* expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent of guardian.

*(d) The process described in (a)-(c\_) of this section of the regulation shall be completed by the 10<sup>th</sup> school day of the initial suspension unless the delay is caused by the unavailability of the student of the student's parent or guardian. If additional time is necessary to complete the process, the student shall be allowed to return to school, unless the ~~local~~ ~~superintendent or designated representative determines that the conduct at issue was violent, dangerous, or a threat to the safety of the school.~~*

PSSAM:

.11.C.3 – Suspension for More than 10 Days or Expulsion – Local superintendents agree that a decision can be made by the end of the 10<sup>th</sup> day whether or not to extend the student’s suspension or return the student to school.

**Recommendation #4: Local superintendents or the designee have the discretion to extend the suspension if it is necessary to complete the investigation. The decision to return the student to school or not after 10 school days while an investigation is ongoing will depend upon the perceived impact on the school learning environment.**

Montgomery County:

13A.08.01.11 Disciplinary Action

C. Suspension and Expulsion

(3)(d) *The process described in §C(3)(a)-(c) of this regulation shall be completed by the 10<sup>th</sup> school day of the initial suspension, unless the delay is caused by the unavailability of the student or the student’s parents or guardian. If additional time is necessary to complete the process, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the conduct at issue ~~was violent, dangerous, or a threat to the safety of the school~~ poses a danger of harm to others in the school.*

I recommend changing the proposed regulation to reflect that, if the delay is the fault of parent or student, the 10 day decision time window can be extended. The student, however, would still return to school unless circumstances precluded return. The circumstances that would preclude re-entry after the 10<sup>th</sup> day may be a subject you want to refer to the Workgroup I recommended you appoint.

**(7) Definition of Long-Term Suspension, Extended Suspension, Expulsion**

Several of the commenters wanted to tweak the definition of those terms in various ways.

MABE:

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(1) (text unchanged)

(2) “Expulsion means, [at a minimum, the removal of the student from the student’s regular school program and may be further defined by a local board of education] the total exclusion of a student from the student’s regular school program and any available alternative educational program for 45 school days or longer for conduct that the superintendent determines, on a case by case basis, is violent or poses a ~~serious~~ danger of ~~physical~~ harm to others in the school.

(3) “Extended suspension” means the temporary removal of a student from [school for a specified period of time longer than 10 school days for disciplinary reasons by the local superintendent or the local superintendent’s designated representative] *the student’s regular*



*school program and any available alternative educational program for a time period between 11-45 school days for conduct that the superintendent determines, on a case by case basis, poses a danger of harm to others in the school.*

(4) (text unchanged)

(5) *“Long-term suspension” means the removal of a student from school for a time period between 4-10 days for disciplinary reasons by the principal.*

[(5)](6) “Principal” means the principal of a school or the principal’s designee.

[(6)](7) “Short-term suspension” means the removal of a student from school for up to but not more than [10] 3 school days for disciplinary reasons by the principal.

[(7)](8) “Suspension” means the application of extended suspension, in-school suspension, or short-term suspension *or long-term suspension.*

I do not recommend exclusion from alternative education programs for expelled students or students given extended suspensions. This is contrary to the goal of keeping students connected to school.

Baltimore County:

The very strict definition that the regulation uses for the expulsion and extended suspension, “danger of physical harm to others in a school,” needs to be broadened to protect the safety and academic climate within the school. Suggested revision of both the expulsion (2) and extended suspension (3) should include the following:

*...on a case by case basis, **creates a significant disruption of to the academic climate, is violent, or poses a serious danger of physical harm to others in the school.***

This suggestion may warrant further discussion at a later Board meeting or be referred to the Workgroup I recommended that you appoint.

Baltimore County:

The definition of long-term suspension should be increased from six to ten days, allowing for the short-term suspensions of one to five days. Currently, principals may suspend up to ten days. The new regulation will reduce the days from ten to three days. If principals assign a suspension longer than the five days, since by law they may suspend up to ten days, the liaison provision in the new regulations would be implemented by the school on day six as well. This change would restore the principal’s authority to suspend to a reasonable level and the student would still have the right to make up all work for suspension of the one to five days, because since a suspension is an excused absence. This time line seems more reasonable to the process that works for schools and places some responsibility for the situation on the student to request and do the make-up work.

I do not recommend accepting this change. We adhere to the belief that a suspension for longer than 3 days is a “long-term” suspension. A student out-of-school for 5 days misses one full week in the classroom. That is a significant amount of time.

## **(8) Adding Collaborative Language**

MABE suggested:

.12 Arrests on School Premises.

A.-E. (Text unchanged)

F. *Beginning in the 2013-2014 school year, data on school arrests shall be reported in manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.*

.15 Reporting Delinquent Acts.

A.-B. (Text unchanged)

C. *Beginning in the 2013-201 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department, in consultation with local school systems, and approved by the State Board.*

I recommend making these changes and considering whether collaborative language should be addressed in other places in the regulations.

## **(9) Disproportionate Impact**

Several commenters suggested the following changes.

Baltimore County:

In the last section of the regulations .21, “Reducing and Eliminating Disproportionate/Discrepant Impact,” it is requested that the regulations address whether this is by the system level data or at the individual school level. If it is at the school level, then a minimum number of students to comprise the subgroups is needed since this will drive the data of many schools. The need to understand that small subgroups could be impacted by a single event and not removing students who are a danger or violent because that will cause a discrepant impact is not appropriate.

MABE:

.21 Reducing and Eliminating Disproportionate/Discrepant Impact

- A. *The Department shall develop a method to analyze school systems discipline data to determine whether there is disproportionate impact on minority students.*
- B. *The Department may use the discrepancy model to assess the impact of discipline on special education students.*
- C. *If the Department identifies a ~~school's~~ school system's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State*

- Board a measurable multi-year plan to immediately reduce and ultimately eliminate the impact within 1 year and eliminate it within 3 years.*
- D. *The local school system will report its progress annually to the State Board.*

Montgomery County:

#### 13A.08.01.21 Reducing and Eliminating Disproportionate/Discrepant Impact

*C. ~~If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the~~ Each local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years multi-year plan to reduce any disproportionate or discrepant impacts of suspension on minority and special education students with the ultimate goal of eliminating such impacts.*

Because the Department is working with consultants to develop a model to assess disproportionate impact, I recommend no specific changes concerning how the model will work. Discussion of the timeline for correcting disproportionate impact may be something you will want to refer to the Workgroup I suggested you appoint.

#### **(10) Return to School After Suspension/Expulsion**

MABE supports an amendment to ensure that in cases in which there is an agreement with the parents or guardian, the regulations not unintentionally provide the expectation of the right to return to the student's regular school, e.g., parents may support withdrawal from school for the purpose of taking the GED, or a long-term placement in an alternative education program.

*(5)~~A~~ Unless previously agreed to by the student's parent or guardian, a student suspended or expelled from school shall be allowed to return to an appropriate school setting on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension or expulsion.*

(6)-(7) (text unchanged)

(8) A local superintendent may deny attendance to a student who is currently expelled or on *extended suspension* from another school for a length of time equal to that expulsion of *extended suspension*. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or *extended suspension* of the student, on receipt of the request for information.

I do not recommend this change. I believe it could encourage "push-outs" of students from school.

#### **(11) Local Autonomy/State Board Authority**

At the heart of many of the comments is the tension between local autonomy and State Board authority. MABE explains:

MABE believes that many of the changes proposed in these sections exceed the State Board's legal authority in light of the broad discretion provided in statute for principals and superintendents to make student discipline decisions "as warranted" under Section 7-305 of the Education Article. To be clear, MABE believes that the changes contained in Version I achieve the intended policy objectives of the State Board, but without unduly encroaching on the local discretion provided in statute.

PSSAM set forth its position.

Student discipline is the responsibility of the local school board that directs the local superintendent through local policy that is compatible with COMAR. In turn each superintendent is responsible to implement regulations that meet those policy expectations. In the proposed changes that the State Board of Education is contemplating, superintendents respectfully suggest that you have imposed your philosophy and will on local school systems. While superintendents agree that each student should be given opportunity to grow and learn from his/her actions, the primary purpose for student discipline regulation continuously reiterated by local citizens is school safety and security. Each parent sending a child to school each day expects that the school will provide a safe nurturing environment where maximum growth can be experienced.

Although this issue is sometimes couched as a "legal issue", *i.e.*, the State Board is exceeding its statutory authority, it is also a philosophical/policy issue involving concepts of shared power, flexibility, and the friction that may result when one entity is the impetus for change.

While there is no way to fully resolve this issue - - it is indeed an inherent tension in the federal/State local partnership in education - - I recommend adoption of MABE's suggestion that the State Board include a preamble to the regulation that "reiterates the responsibilities and authority of the local boards of education to promulgate policies" that create safe schools and also address the needs of suspended students.

## **(12) Witness Intimidation/Bullying**

Many of the comments (372) were concerned that the proposed regulation that calls for sharing of witness lists and documents before an evidentiary suspension hearing is held would result in intimidation of student witnesses or bullying of student witnesses. We conducted a preliminary survey of 3 or 4 school systems and found that they do not use students as witnesses in discipline cases. Further they usually redact student names from discipline reports and

documents when they are used in hearings. We plan to survey all school systems on this issue and return with a recommendation to you.

### **(13) Withdraw and Start Over**

We received 302 comments that said the State Board should withdraw the regulations and start over. I do not, of course, recommend a start over. This Board has spent two years thoughtfully listening and considering this very important issue.

If you decide to make the changes to the regulations that I recommend here, I do recommend that you withdraw the regulations as proposed and move forward with amending the regulations.

### **(14) Other Concerns**

One frequent question was what research supported the proposed regulations and the school discipline reform effort (38 comments). Fifty-one commenters said that the State Board needed to do more research.

We will, of course, continue to follow the significant research being done in this area. For example, a new study of 182,000 Florida students conducted by the Everyone Graduates Center at Johns Hopkins recently found that even one suspension can push a student of the road to graduation. A study in 2009 of 54,000 Mobile, Alabama student records found that two out-of-school suspensions in high school is a red-light indicator for dropping out.

The research shows that suspensions are a major stumbling block to graduation. That does not mean that all we need to do is reduce the number of suspensions to increase our graduation rate. It means looking at effective ways to keep students, even disruptive ones, in school and learning. A recent Maryland Task Force that studied the relationship between dropping out-of-school and the criminal justice system came to that same conclusion - - based on the research.

The research shows over and over and over again that we cannot suspend our way either to school safety or improved graduation rates. We cited that research in the two reports we issued, and the bibliography is included below.

There will always be questions about the data, research, and the conclusions drawn. We will endeavor to answer the questions, provide evidence, and support innovation and change. It is our quest, through our collaborative efforts with educators, policymakers, students, parents, and key stakeholders, to remain focused on the vision of providing a world class education for all in the state of Maryland.

### **Summary**

I have recommended specific amendments to the proposed regulations. They are:

- (1) To add the language deleted from proposed COMAR 13A.08.01.11A.

- (2) To appoint a time-limited Workgroup to address specific topics identified by the Board.
- (3) To amend proposed COMAR 13A.08.01.11 to reflect that if delay is the fault of the parent or student, the 10 day decision time window can be extended.
- (4) To amend proposed COMAR 13A.08.01.12 and .15 to add collaborative language.
- (5) To amend the regulations to add a preamble that reiterates the responsibilities and authority of local boards to promulgate policies that create safe schools and address the needs of suspended students.

If you vote to adopt those recommendations, the amendments would result in substantive changes to the regulations. Thus, the regulations would need to be re-published as new proposed regulations. Therefore, I recommend that the proposed regulations be withdrawn at this time subject to republication after your deliberation process is complete.

I note that there will be other items for discussion at the upcoming board meetings including:

- (1) Considering other changes to COMAR 13A.08.01.11A proposed by PSSAM and MABE;
- (2) Reviewing changes to the effective date;
- (3) Understanding what circumstances warrant expulsion or extended suspensions;
- (4) Engaging in a dialogue focused on the witness intimidation surveys.
- (5) Considering the recommendation of the Workgroup you may decide to appoint.

I have also recommended that no change be made to some sections of the regulations even though the commenters suggested changes. I recommend that the following regulations remain “as is.”

- (1) No change to the Minimum Education Services regulation;
- (2) No exclusion of expelled students from alternative education programs;
- (3) No change to the 1-3 day short-term suspension definition;
- (4) No change to the Disproportionate Impact regulation;
- (5) No change to the Return to School after Suspension regulation.

If you agree with those recommendations, no further action is necessary. If you do not agree, you may wish to discuss those issues further at an upcoming meeting.

### **Action**

I request action on the following items:

To adopt the recommended amendments to the proposed regulations:

- (1) To add the language deleted from proposed COMAR 13A.08.01.11A.
- (2) To appoint a time-limited Workgroup to address specific topics identified by the Board.
- (3) To amend proposed COMAR 13A08.01.11 to reflect that if delay is the fault of the parent or student, the 10 day decision time window can be extended.
- (4) To amend proposed COMAR 13A08.01.12 and.15 to add collaborative language.
- (5) To amend the regulations to add a preamble that reiterates the responsibilities and authority of local boards to promulgate policies that create safe schools and address the needs of suspended students.

If you vote to adopt those amendments, I request that the proposed regulations be withdrawn subject to republication after the full amendment process is concluded.