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PROPOSED ACTION ON REGULATIONS

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(3) Students entering grade 9 in the 2013-2014 school year and each school year thereafter.

B. Maryland High School Diploma. Except as provided in Regulation .12B of this chapter, to be awarded a Maryland high school diploma, a student shall:

- (1) - (2) (text unchanged)
(3) Satisfy one of the following:
(a) - (c) (text unchanged)

(d) If the student is unable to meet the requirements in §B(3)(a)-(c) of this regulation, then satisfactorily complete the requirements of the Bridge Plan for Academic Validation as set forth in §F of this regulation.

[C.] F. (text unchanged)

[D.] C. Maryland High School Diploma by Examination.

(1) General Educational Development Testing Program. A Maryland High School Diploma by Examination may be awarded for satisfactory performance on approved general educational development tests if the student meets those requirements as defined in [Education] Labor and Employment Article, [§7-206] §11-308, Annotated Code of Maryland, and COMAR [13A.03.03.01] 09.37.01.04.

(2) Maryland Adult External High School Diploma Program. A Maryland High School Diploma by Examination may be awarded for demonstrating competencies in general life skills and individual skills on applied performance tests if the student meets those requirements as defined in COMAR [13A.03.03.02] 09.37.01.20.

[E.] D. - [F.] E. (text unchanged)

[G.] (proposed for repeal)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-301, 7-303-7-305, 7-308 and 8-404, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. §1232g

Notice of Proposed Action
[12-300-F]

The Maryland State Board of Education proposes to amend Regulations .11, .12, and .15, and adopt new Regulation .21 under COMAR 13A.08.01 General Regulations. This action was considered at the Maryland State Board of Education meeting on July 24, 2012.

Statement of Purpose

The purpose of this action is to have each local board of education adopt a set of regulations 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 use of discretion; and (4) explain why and how long-term suspensions or expulsions are last resort options.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed addition to COMAR 13A.08.01.11F(1)(b) requires assigning a school staff person the responsibility of serving as a liaison between teachers and the suspended student or his/her parents. Recognizing the current fiscal situation at both the State and local levels, there are a variety of

low-cost options to meet the liaison requirement, including assigning an additional planning period to a teacher, and/or designating this duty to a portion of a current administrator or counselor's job responsibilities if they have not already done so. The use of technology is another way to ensure that suspended students are able to continue their instructional program while out of school. Currently, most local school systems have instructional portals through Blackboard or Schoollmax, which allow class work and instructional materials to be posted and accessed by students and parents.

Since COMAR 13A.08.01.03 was adopted, suspension from school has been deemed a lawful absence. COMAR 13A.08.01.05B(5) has required that each local school system institute make-up work requirements including classroom teacher and student responsibilities, time limits, and grading policy for make-up work.

The proposed addition to COMAR 13A.08.01.11F(1)(b) strengthens the existing requirement by adding an explicit liaison component. The proposed regulation requires a liaison between teachers and suspended students or his/her parents. Some schools and districts already have an identified person who serves the liaison role during the suspension process. The Dropout Prevention/School Completion Intervention/Resource Guide (2011) contains a listing of alternative schools and programs reported by local school systems. Twenty-two school systems reported they provide either alternative programming and/or alternative school assignments to suspended students.

School systems that have schools with high rates of suspension are encouraged by the Department to implement Positive Behavioral Interventions and Supports (PBIS) and/or a similar evidenced-based behavior modification program to reduce the number of office referrals and suspensions. MSDE, at the 2013 PBIS Summer Institute, will give priority to schools that have high rates of out-of-school suspensions (300 + suspensions.)

For the school systems that currently have alternative education programs in place, the expense of providing education services to suspended/expelled students is already included in their budgets.

The proposed addition of data collection in COMAR 13A.08.01.12 and .15 requiring annual reporting of school arrests and referrals to law enforcement agencies or to the juvenile justice system will require changes to the Maryland Student Records System Manual and the collection of new data. The Department is able to absorb these costs through its current data collection systems.

Local school systems might experience economic impact by having to update their student data collection systems to record school arrests and referrals to law enforcement agencies or to the juvenile justice system. Estimated costs would vary depending on the local school systems' budget and technology systems.

The addition of COMAR 13A.08.01.21 will require the Department to enter into a contract with experts to design a Disproportionate Impact Model and analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. Current studies done by the Department are being expanded to include this new requirement.

Revenue (R+/R-)

II. Types of Economic Impact.

Expenditure (E+/E-) Magnitude

A. On issuing agency: NONE

B. On other State agencies: NONE

C. On local governments:

Costs on local education agency (E+) Minimal

** ✓ indicates that regulation has been changed based on stakeholder recommendations or comments.*

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	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

Impact on Individuals with Disabilities
The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Charles Bunkler, Executive Director, Division of Student, Family and School Support, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0292 (TTY 410-333-6442), or email to cbunkler@msde.state.md.us, or fax to 410-333-8148. Comments will be accepted through December 3, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 22, 2013 at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

III. Assumptions. (Identified by Impact Letter and Number from Section II)

C. Twenty-two of the 24 local education agencies report that they have alternative programs and/or schools currently in place. These program staff could serve the role of liaison. The number of schools reporting out-of-school suspensions of greater than 200 students and the alternative programs currently available for each local education agency is set forth as follows:

- Allegany Co., 1 school, Alternative School, Grades 7—12;
- Anns Arundel Co., 19 schools, Evening high school alternative education programs through home and hospital teaching and Mary Moss Academy;
- Baltimore City, 7 schools, Afternoon Middle School Learning Centers and Alternative Middle and High Schools;
- Baltimore Co., 32 schools, Afternoon middle and high schools and alternative middle and high schools;
- Calvert Co., 3 schools, Calvert County Alternative School and alternative programs, Grades 6—12;
- Caroline Co., 1 school, Caroline Alternative Program, Grades 6—12;
- Carroll Co., 0 schools, Gateway School and P.R.I.D.E, Grades 6—12;
- Cecil Co., 8 schools, Alternative suspension program and Cecil Alternative program;
- Charles Co., 9 schools, Behavior Education Program;
- Dorchester Co., 3 schools, Alternative Learning Center, Grades 6—12;
- Garrett Co., 0 schools, None reported;
- Frederick Co., 6 schools, Heather Ridge School and Heather Ridge Twilight Program;
- Harford Co., 6 schools, Alternative education programs;
- Howard Co., 1 school, Gateway High School, Grades 9—12, and In School Alternative Education Programs, Grades K—12;
- Kent Co., 0 schools, None reported;
- Montgomery Co., 1 school, Alternative Programs, Grades 6—12;
- Prince George's Co., 20 schools, Alternative Centers;
- Queen Anne's Co., 0 schools, Alternative Program, Queen Anne's County High School, Grades 9—12, and Mid-Shore Alternative Collaboration with Caroline County Public Schools, Grades 6—8;
- St. Mary's Co., 5 schools, Alternative school;
- Somerset Co., 1 school, Alternative Learning Center, Grades 6—10;
- Talbot Co., 0 schools, Alternative Educational Center, Grades K—12;
- Washington Co., 1 school, Washington County Evening High School, Grades 9—12;
- Wicomico Co., 7 schools, Alternative school; and
- Worcester Co., 0 schools, Stephen Decatur High School Evening Program, Grades 9—12, and alternative school.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

.11 Disciplinary Action.

** ✓* 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 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 use of discretion; and
- (4) Explain why and how long-term suspensions or expulsions are last resort options.

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 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 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) (text unchanged)

[(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.

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) — [(3)] (2) (text unchanged)

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[(4)] (3) Suspension for More than 10 Days or 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 or guardian.

(d) The process described in §C(3)(a)—(c) of this regulation shall be completed by the 10th school day of the initial suspension. 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.

[(d)] (e) If after the conference the local superintendent or designated representative finds that an extended suspension [of more than 10 school days] or an expulsion is warranted, the student or the student's parent or guardian may[:]

[(f)] [Appeal] appeal to the local board within 10 days after the determination[.].

[(f)] Be heard before the local board or its designated committee; and

[(f)] Bring counsel and witnesses to the hearing.

(f) 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.

(g) The student or the student's parent or guardian:

(i) Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and

(ii) May bring counsel and witnesses to the hearing.

(h) The local board shall issue its decision within 10 days after the close of the hearing.

[(e)] (j) — [(g)] (k) (text unchanged)

[(5)] (4) A student expelled [under] 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.

(5) A student suspended or expelled from school shall be allowed to return to school 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.

(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 system for a length of time equal to that expulsion or 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.

D. — E. (text unchanged)

F. Minimum Education Services. 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:

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

(2) Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-

school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.

.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 a manner and format developed by the Department and approved by the State Board.

.15 Reporting Delinquent Acts.

A. — B. (text unchanged)

C. Beginning in the 2013-2014 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 and approved by the State Board.

.21 Reducing and Eliminating Disproportionate/Discrepant Impact.

A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a 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 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 plan to reduce 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.

LILLIAN M. LOWERY, Ed.D.
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Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), 6-202, and 6-701—6-705; Family Law Article, §10-119.3, Annotated Code of Maryland

Notice of Proposed Action

[12-299-P]

The Maryland State Board of Education proposes to amend Regulations .02, .06, and .11 under COMAR 13A.12.01 General Provisions. This action was considered at the Maryland State Board of Education meeting on August 28, 2012.

Statement of Purpose

The purpose of this action is to provide a fourth option for issuance of an Advanced Professional Certificate which is independent of course work.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.