Title 13A
STATE BOARD OF EDUCATION
Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-303—7-305, 7-307, 7-309, and 8-404, Annotated Code of Maryland

Notice of Proposed Action
[13 301-P]

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.

Statement of Purpose
The purpose of this action is to have each local board of education adopt a set of discipline policies and regulations that (1) Address school safety; (2) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; (3) Are designed to keep students in school so that they may graduate, college and career ready; (4) Provide for disciplinary policies based on the use of discretion; (5) Explain why long-term suspensions or expulsions are last resort options; and (6) Explain how the education and counseling needs of suspended students will be met.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

I. Summary of Economic Impact

A. On issuing agency: NONE
B. On other State agencies: NONE
C. On local governments: NONE
D. On regulated industries: NONE
E. On other industries or trade group: NONE
F. Direct and indirect effects on public:\n
II. Assumptions:

A. Lawful Absence was adopted, suspension from school has been deemed a lawful absence.
B. Student Attendance Policy, 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.
C. For the school systems that currently have alternative education programs in place, the expertise of providing education services to suspended/expelled students is already included in their budgets.

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

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

Economic Impact on Small Businesses
The proposed action adds minimal or no economic impact on small businesses.

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

Opportunity for Public Comment
Comments may be sent to Robert A. Murphy, M.Ed., Specialist, School Completion, Discipline, and Alternative Programs, Maryland State Department of Education, Division of Student, Family and School Support, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0305 (TTY 410-333-6442), or email to rmurphy@msde.state.md.us, or fax to 410-333-8148. Comments will be considered and evaluated prior to finalizing the proposed rule.
be accepted through November 4, 2013. 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 December 10, 2013, at 200 West Baltimore Street, Baltimore, Maryland 21201.

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 provide for suspension or expulsion. [Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:

(1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
(2) Be designed to keep students connected to school so that they may graduate college and career ready;
(3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
(4) Allow for discretion in imposing discipline;
(5) Address the ways the educational and counseling needs of suspended students will be met; and
(6) 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) "Expiration" means, at a minimum, the removal of a student from school for a specified period of time based on a regular school day for 45 school days or longer, which may occur under the following circumstances:

(a) The superintendent or designee has determined that the student’s return to school prior to the completion of the suspension period poses an imminent threat of serious harm to other students or staff;
(b) The suspension or designee limits the duration of the exclusion to the shortest period practicable; and
(c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program.

(2) "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 designee. A student’s regular program for a time period between 11 and 45 school days, which may occur under the following circumstances:

(a) The superintendent or designee has determined that:

(i) The student’s return to school prior to the completion of the suspension period poses an imminent threat of serious harm to other students or staff; or
(ii) The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

(b) The superintendent or designee limits the duration of the exclusion to the shortest period practicable; and
(c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program.

(3) [Text unchanged]

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

(5) [Text unchanged]

(6) [Text unchanged]

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

(8) [Text unchanged]

(9) "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) [Text unchanged]

(3) [Text unchanged]

(4) [Text unchanged]

(5) [Text unchanged]

(6) If the investigation results in the local superintendent or designee determines that [a] less than 1 extended suspension or [an] expulsion is warranted, the superintendent or designee shall promptly arrange a conference with the student and the student’s parent or guardian.

(a) The procedures described in §[5(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, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school. If the student’s return to school is allowed by the local superintendent or designee, the student will be given an opportunity to return to school, provided that the student’s return to school would pose an imminent threat of serious harm to other students or staff.

(b) If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry.

(c) If after the conference the local superintendent or designee determines that [a] an extended suspension [or] an expulsion is warranted, the student’s parent or guardian may:

(i) File an appeal to the local board within 10 days after the determination;

(ii) Be heard before the local board or its designated committee; and

(iii) Bring counsel and witnesses to the hearing.

(g) If an appeal is filed, the local board or its designated committee or hearing officer shall have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows:

(i) This timeline period may be extended if the parent, guardian, or his/her representative requests additional time; and

(ii) This timeline shall also apply in the event that the local board elects to use a hearing examiner.

(h) If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.
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(i) The student or the student's parent or guardian or representative;
(ii) Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 3 days before hearing; and
(iii) May bring counsel and witnesses to the hearing.

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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. (a) A local superintendent may deny attendance to a student who is currently expelled or on an 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 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 classroom assignments and school-related issues by phone or email with those out-of-school suspended and expelled students and their parents.

G. Education Services During Short-Term Suspensions.

(1) For short-term suspensions, the local board of education shall inform all schools under their jurisdiction:

(a) To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and

(b) To provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in §3.1.1.(a) is met.

(2) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for makeup work in the event of any other excused absence.

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A.—E. (text unchanged)

B. Beginning in the 2015-2016 school year, data on school arrests shall be reported in a manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.


A.—B. (text unchanged)

C. Beginning in the 2015-2016 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.

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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.
State Superintendent of Schools

Title 18

DEPARTMENT OF ASSESSMENTS AND TAXATION

Subtitle 02 REAL PROPERTY ASSESSMENTS

18.02.02 Valuation


Notice of Proposed Action [13-307.3]

The Director of Assessments and Taxation proposes to amend Regulation .04 under COMAR 18.02.02 Valuation.

Statement of Purpose

The purpose of this action is to make the monetary value of substantially improved improvements consistent with Tax Property Article, §8-104, Annotated Code of Maryland, and to generalize the amount so that the regulation will not have to be amended every time the statute is amended.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has no economic impact on small businesses.

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 Cluster, State Supervisor of Assessments, State Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-1199, or email to ccluster@statemdl.us, or fax to 410-333-7275. Comments will be accepted through November 4, 2013. A public hearing has not been scheduled.

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