

November 30, 2012

Dr. Charlene Dukes, President
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dr. Lillian Lowery
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear President Dukes and Superintendent Lowery:

The Maryland Association of Boards of Education (MABE), on behalf of all twenty-four local boards of education, offers the following comments in response to the State Board of Education's proposed revisions to regulations regarding the local administration of student discipline decisions, under COMAR 13A.08.01.11, .12, .15, and .21. These comments were developed by a workgroup of school attorneys representing the majority of Maryland's school systems, and approved by MABE's executive committee.

MABE fully supports the intent to fortify Maryland regulations governing local student discipline policies to ensure school safety, the fair administration of student discipline, and uninterrupted student learning. MABE has drafted two versions (Version I and II) of amendments for the State Board's consideration and, in both versions, MABE supports retaining the State Board's expansion of the purposes of local student discipline regulations to include:

- prohibiting "zero tolerance" policies;
- reflecting a philosophy that fosters positive behavior;
- providing continuous education services to all suspended and expelled students; and
- holding school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

Again, both Versions I and II adhere to the State Board's intention to address the four principles outline above. However, MABE is submitting as Version I a set of amendments consistent with our belief that many of the changes proposed by the State Board in sections B through E of COMAR 13A.08.01.11 exceed the State Board's legal authority. We believe Maryland statute is unambiguous in providing broad discretion for principals and superintendents to make student discipline decisions "as warranted" under Section 7-305 of the Education Article. Despite this concern, MABE offers Version II as a set of comprehensive amendments in the spirit of not only facilitating the intended policy objectives of the State Board (which we believe are achieved by Version I), but also to identify several necessary corrections and clarifications to the regulations published on November 2, 2012.

As discussed in our meeting on November 5, 2012, our amendments would restore the language proposed to be eliminated to retain the foundational principle that “Each local board of education shall adopt a set of regulations designed to maintain an environment of order and discipline necessary for effective learning.” In addition, MABE has identified numerous other substantive and technical amendments, which are individually explained in the enclosed documents. The amendments offered focus on identifying a reasonable effective date for such a comprehensive revision of student discipline policies and procedures, and establishing a balanced and achievable adjudicative process. Again, we firmly believe that these amendments are consistent with the State Board’s intended policy objectives.

MABE looks forward to the opportunity to discuss these comments with the State Board in the coming weeks and months. We are particularly interested in better understanding the relationship of these regulations with the ongoing work of the best practices and code of conduct workgroups being coordinated by the department.

Thank you for your attention to the enclosed comments on the proposed regulations. Should you have any questions, or wish to schedule a meeting, please do not hesitate to contact me.

Sincerely,



Rodger C. Janssen, President

Enclosures:

MABE’s comments (Version I and Version II)
on the proposed amendments to
COMAR 13A.08.01.11, .12, .15, and .21

Cc:

Charles Buckler, MSDE
MABE Board of Directors
Board Presidents/Chairs and Superintendents of Schools/Chief Executive Officers
Dr. Carl Roberts, PSSAM
David Helfman, MSEA