.32 Service Doors, Emergency Windows, Doors, and Exits.

A. Service Door.

(1) (text unchanged)

(2) There may not be a door to the left of the driver *on vehicles with a gross vehicle weight rating greater than 21,500 pounds*.

(3) — (9) (text unchanged)

B. — E. (text unchanged)

JOHN T. KUO
Administrator
Motor Vehicle Administration

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, 7-308, and 8-404, Annotated Code of Maryland

Notice of Proposed Action

[13-402-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**. This action was considered at the Maryland State Board of Education on October 30, 2013.

Statement of Purpose

The purpose of this action is to 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 and how 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.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed addition to COMAR 13A.08.01.11(F)(1)(b), Minimum Education Services, 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 Schoolmax, which allow class work and instructional materials to be posted and accessed by students and parents.

Since COMAR 13A.08.01.03 Lawful Absence was adopted, suspension from school has been deemed a lawful absence. COMAR 13A.08.01.05(B)(5), 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. The proposed addition to COMAR 13A.08.01.11(F)(1)(b), Minimum Education Services, strengthens that 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.

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, Reducing and Eliminating Disproportionate/Discrepant Impact, 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.

II. Types of Economic Impact.	Revenue (R+/R-) 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
	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	

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 expense of providing education services to suspended/expelled students is already included in their budgets. 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.

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.

Opportunity for Public Comment

Comments may be sent to Robert A. Murphy, M.Ed., Specialist, Specialist School Completion, Discipline, and Alternative Programs, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 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 accepted through January 13, 2014. 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 28, 2014, at 200 West Baltimore Street, Baltimore, MD 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 permit 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) (text unchanged)

(2) "Expulsion" means**[**, at a minimum,**]** the **[**removal**]** *exclusion* of the student from the student's regular school program **[**and may be further defined by a local board of education.**]** *for 45 school days or longer, which only may occur under the following circumstances:*

(a) The superintendent or designated representative has determined that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff;

(b) The superintendent or designated representative 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 the student's regular academic program.

(3) "Extended suspension" means the **[**temporary removal**]** *exclusion* 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.**]** *a student's regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:*

(a) The superintendent or designated representative has determined that:

(i) The student's return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and 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 designated representative 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 the student's regular academic program.

(4) (text unchanged)

(5) "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)**]** *(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)

[(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, 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, unless the local superintendent or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.

(e) If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools;

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

[(i)Appeal**]** *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.

(i) The student or the student's parent or guardian or representative:

(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.

[(e)**]** *(j)*—**[**(g)**]** *(l)* (text unchanged)

[(5)] *(4)* (text unchanged)

(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 keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a 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.

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 §G(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.

.12 Arrests on School Premises.

A.—E. (text unchanged)

F. 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.

.15 Reporting Delinquent Acts.

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.

.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.
State Superintendent of Schools

Title 22
STATE RETIREMENT AND PENSION SYSTEM

Subtitle 01 GENERAL REGULATIONS

22.01.14 Applications for Service Retirement

Authority: State Personnel and Pensions Article, §21-110, Annotated Code of Maryland

Notice of Proposed Action

[13-403-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend Regulation **.03** under **COMAR 22.01.14 Applications for Service Retirement**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on September 17, 2013, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend regulations controlling applications for service retirements. Specifically, these amendments deal with applications for service retirement for former members who are eligible to retire at the time of separation from employment. The language is clarifying in nature and eliminates redundant language.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.