



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** August 27, 2019

**SUBJECT:** Task Force on Student Discipline Regulations

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**PURPOSE:**

The purpose of this item is to provide an overview of the report and recommendations of the *Task Force on Student Discipline Regulations* (Task Force). The Task Force was convened by the Maryland State Board of Education (State Board) and chaired by Dr. Vermelle D. Greene, State Board Member, to explore the impact and implementation of reforms in school discipline policy adopted by the State Board in 2014.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

The Maryland State Board of Education began to examine school discipline policy in 2009 following the issuance of an opinion in an appeal of the almost year-long expulsion imposed on a ninth-grade student for fighting in school. The State Board notified local school systems about concerns related to the lack of educational services provided in out-of-school suspension cases and the time taken to process appeals. The State Board also approved the Maryland State Department of Education's (MSDE) plan to study the use of long-term suspension/expulsion and whether there was meaningful access to educational services during suspension. The review of school discipline, and additional efforts that evolved, extended from 2009 to 2014. In 2014, the State Board adopted the student discipline regulations and approved *The Maryland Guidelines for a State Code of Discipline*.

In December 2018, the State Board decided it was prudent to examine the 2014 reforms in school discipline policy and convened the Task Force to explore the impact and implementation of the regulations and guidelines in Maryland's schools, whether they have achieved what the State Board intended, and what changes, if any, should be considered. Specifically, the charge of the Task Force was to:

- Consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- Identify patterns of practice in implementing State regulations/policies;
- Determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and Positive Behavioral Intervention Supports (PBIS);

- Evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Kirwan Commission, and the Commission on the School to Prison Pipeline; and
- Recommend to the State Board any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools in order to provide every student with a safe school and a world class education.

The Task Force membership reflected a broad and diverse group of 15 state organization partners representing individuals (students, educators, administrators, parents, practitioners, policy makers, and safety specialists) the State Board believed to be most familiar with the implementation and impact of the discipline policy in Maryland's public schools. In addition to the Chair Dr. Vermelle D. Greene, the members of the Task Force included representatives from the following: Maryland State Department of Education, Maryland State Education Association, Maryland Association of Resource Officers, Maryland Association of Elementary School Principals, Maryland Association of Secondary School Principals, Public School Superintendents' Association of Maryland, Maryland Association of Student Councils, Maryland Association of Boards of Education, Office of the Maryland State Attorney General, and the Maryland Parent Teacher Association; as well as two at-large members selected by the Chair.

#### **EXECUTIVE SUMMARY:**

The Task Force was established to explore reforms in student discipline policies and regulations adopted by the State Board in 2014. The Task Force held six meetings from January through June 2019, gathering information and input from stakeholders and subject matter experts through presentations, panel discussions, and the review of relevant literature and reports. This information and feedback were used to inform the work of the Task Force and its subcommittees in developing the proposed recommendations presented in the report for the State Board's consideration.

#### **ACTION:**

For information and discussion.

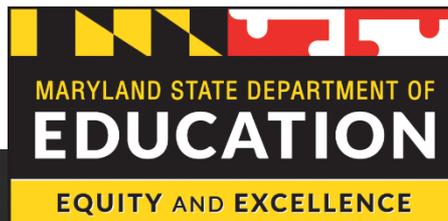
Attachments:

Task Force on Student Discipline Regulations:

A Report for the Maryland State Board of Education

August 2019

# Task Force on Student Discipline Regulations



STATE BOARD MEETING

August 27, 2019

# Task Force on Student Discipline Regulations

- Established by the State Board, December 2018
- Chaired by Dr. Vermelle Greene, member, State Board of Education
- Members of the Task Force represented the Maryland State Education Association, Maryland State Department of Education (MSDE), Baltimore Teachers Union, At-Risk Student Services, Maryland Association of School Resource Officers, Maryland Association of Elementary School Principals, Maryland Association of Secondary School Principals, Public School Superintendents' Association of Maryland, Maryland Association of Student Councils, Maryland Association of Boards of Education, Office of the Attorney General, and the Maryland Parent Teacher's Association
- Task Force met six times, January 2019 through May 2019

# Overarching Principles of the Task Force

- Every student should receive an appropriate education in a safe environment;
- No student has a right to deny another student from their free and appropriate education;
- No teacher or administrator should fear being assaulted; and
- No student should ever be deferred from their education pathway because of a negative choice made.

# Charge of the Task Force

- Consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- Identify patterns of practice in implementing State regulations/policies;
- Determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and Positive Behavioral Interventions and Supports (PBIS);
- Evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Kirwan Commission, and the Commission on the School to Prison Pipeline; and
- Recommend to the State Board any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools in order to provide every student with a safe school and a world class education.

# Legal and Historical Context

- State law defines the broad contours of the discipline of students, including discipline rules, limits on suspension and expulsion, special programs for disruptive students, arrests in the community, and the State code of discipline (Ed. Art., Subtitle 3, §7-303 - §7-306)
- The State Board has broad statutory authority.
- Following three years of study, the State Board, in 2014, adopted a comprehensive set of regulations and policies in COMAR 13A.08.01.11 *Disciplinary Action*.
- The regulations recognize the local board's of education role in establishing and imposing disciplinary policy and practice.
- The 2019 Task Force was established to explore the impact and implementation of the student discipline policies and regulations adopted in 2014.

# Presentations to the Task Force

- [\*The Status of School Discipline in State Policy\*](#)  
*Alyssa Rafa and Kate Wolff, Education Commission of the States*
- [\*Student Discipline: A Look Backward and Forward\*](#)  
*Elizabeth Kameen, MSDE Principal Counsel, Office of the Attorney General*
- [\*What We Know: Data Review and Statewide Initiatives to Improve School Climate and School Safety and Bullying Prevention\*](#)  
*Walter Sallee and Dr. Deborah Nelson, MSDE*
- [\*Maryland Schools' Codes of Conduct: Comparing Discipline Policy Across Districts\*](#)  
*Dr. Chris Curran, University of Maryland, Baltimore County (UMBC), and  
Dr. Maida Finch, Salisbury University*

# Presentations to the Task Force (continued)

- [Positive Behavioral Interventions and Supports \(PBIS\) and Restorative Practices](#)  
*Dr. Treesa Elam-Respass, St. Charles High School; Rochelle Savoy, St. Charles High School; and Portia Parker, Benjamin Stoddert Middle School*
- [Character Education: Teaching Respect and Responsibility](#)  
*Dr. Melinda B. Johnson, Director of Teacher and Scholar Effectiveness, and Marion P. Thomas Charter School, Newark, New Jersey*
- [Gender Differences in Learning and Behavior \(Video Presentation\)](#)  
*Dr. Michael Gurian, Co-Founder, The Gurian Institute*
- [Legislative Update Regarding HB 725 – Public Schools – Student Discipline – Restorative Approaches](#)  
*Ms. Tiffany Clark, MSDE, Director of Government Relations*

# Panel Discussions

- Classroom Teachers (10)
- School Administrators (15)
- Parents (11) and Students (10)

# Task Force Subcommittees

## *Charge of Subcommittee 1: MSDE Regulations and Guidelines*

- Examine and review current state discipline regulations and the impact of state policies and guidelines on students, teachers, classrooms, learning environments, and schools;
- Evaluate the scope of implementation by teachers, school-based administrators, local districts, and identify problematic policies, practices, and procedures;
- Review state and local school system discipline data and statistics, including the school climate survey; and
- Draft recommendations.

# Task Force Subcommittees

## *Charge of Subcommittee 2: Best Practices*

- Identify, research, and evaluate model programs both locally and nationally (when possible, conduct on-site visits);
- Determine the most effective interventions and programs, and gather supporting data (statistical and/or anecdotal) to prove effectiveness in improving school climate and decreasing classroom/school disruptions, discipline referrals, suspensions and/or expulsions; and
- Draft recommendations.

# Subcommittee 1: Recommendations

## Regulations:

Generally, the sub-committee agreed that the regulations were sufficient and clear; however, within COMAR 13A.08.01.11 *Disciplinary Action* the following specific areas were identified for consideration/review:

- Clarification/Definition of Terms:
  - Imminent threat of serious harm
  - Comparable educational services - for a student on suspension to promote a successful return to the classroom; and recommendation of the provision of behavioral support services
  - Definition of a student causing a "chronic and extreme disruption of the educational process"
  
- Disciplinary Action/Suspension:
  - For suspension of a PreK-2 student in certain instances, the expectation of consultation with a school psychologist or other mental health professional (when resources are not available).
  - Including the teacher in a conference following cumulative days of in-school suspension.
  - All parties to be required to provide witness lists and copies of documents in an appeal.
  - Timeline for homework and classwork being corrected by a teacher for a student on out-of-school suspension or expulsion and returned to the student.

# Subcommittee 1: Recommendations (continued)

## Guidance and Technical Assistance

- Review and update *The Maryland Guidelines for a State Code of Discipline* document to ensure alignment with student discipline regulations.
- Provide training and technical assistance by the MSDE to local school system personnel on the implementation of *The Maryland Guidelines for a State Code of Discipline*.

# Subcommittee 1: Recommendations (continued)

**Mental Health** - Provide support for the following MSDE initiatives to improve student mental health:

- Promote statewide awareness of mental health concerns of youth.
- Provide updated statewide guidance and training for local school system staff around student mental health.
- Seek external grants and other funding sources to provide annual mental health training and ensure that appropriate and properly certified personnel are delivering services.
- Review regulations regarding the role of the school psychologist and school counselor.
- Develop multi-agency and community partnerships to address mental health.
- Support the Governor's *Handle with Care* initiative.

# Subcommittee 1: Recommendations (continued)

## The Subcommittee noted additional considerations:

- Enhance regulations to recommend alignment of numbers of school counselors and school psychologists in local school systems with the national recommended ratios.
- Adhere to national staffing ratio recommendations, where possible.
- Establish ongoing Committee on Student Discipline for regular review and monitoring of policy and data, and implementation of proposed recommendations, particularly related to mental health and student well-being.

## Subcommittee 2: Recommendations

- Collect alternative discipline practices that are used in public schools that are not an in-school suspension, out-of-school suspension, or expulsion and the types of misconduct for which discipline practices are used.
  
- Identify best practices including:
  - Restorative Approaches, defined within the *Maryland Commission on the School to Prison Pipeline and Restorative Practices report December 2018* as, “A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students.”
  
  - Positive Behavior Interventions and Supports defined within COMAR 13A.08.06.01 as “the research-based, systems approach method adopted by the State Board to:
    - (a) Build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn; and
    - (b) Improve the link between research-validated practices and the environments in which teaching and learning occur.”

## Subcommittee 2: Recommendations (continued)

- Support standards which address the roles and responsibilities for school psychologists and school counselors.
- Include in best practices a focus on mental health encouraging collaboration with outside community mental health providers.
- Identify and support best practices related to character education programs and social emotional learning programs.
- Recommend that evidence based programs are selected based on individual school needs and that are age appropriate.
- Based upon local priorities defined through a root cause analysis and review of the local school system data, identify programs and/or practices to be implemented with fidelity. MSDE will provide or support access to technical assistance and training to school systems.

## Subcommittee 2: Recommendations (continued)

- Provide access to resources on implicit bias and cultural competency for local school systems that have identified disproportionality as a concern in discipline practices.
- Support the building of capacity by MSDE of local school systems by providing initial regional trainings on adverse childhood experiences (ACEs), behavior threat assessment, and trauma informed care.
- Seek ways to train all staff, including support staff, and operationalize practices in the academic, developmental, physical, emotional, and social needs of identified student groups, specifically African American males, and other marginalized student groups.

# Summary of Recommended Next Steps

- Review and clarify *The Maryland Guidelines for a State Code of Discipline*.
- Provide training and technical assistance by the MSDE for local school systems on the implementation of *The Maryland Guidelines for a State Code of Discipline*.
- Implement recommendations on addressing mental health.
- Share and provide technical support for the implementation of best practices.
- Continue to monitor and address discipline practices.

MARYLAND STATE DEPARTMENT OF EDUCATION



TASK FORCE on  
**Student Discipline  
Regulations Report**

Presented to  
**Maryland State Board of Education**  
August 27, 2019



**Brigadier General (BG) Warner I. Sumpter (Ret.)**  
President, Maryland State Board of Education

**Jean Halle**  
Vice President, Maryland State Board of Education

**Vermelle D. Greene, Ph.D.**  
Chair, Task Force on Student Discipline Regulations  
Maryland State Board of Education

**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

**Lawrence J. Hogan, Jr.**  
Governor

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For inquiries related to departmental policy, please contact: Equity Assurance and Compliance Office, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland, 21201-2595, 410-767-0433 (voice) 410-767-0431 (fax) 410-333-6442 (TTY/TDD).

## **Note from the Chair**

My sincere gratitude is extended to all the members of the Task Force who dedicated over six months of their time, energy, and effort on behalf of the students, parents, and educators in our public schools. It has been a profound pleasure to have worked with such a diverse group of people, yet we all were focused on one common objective – providing a safe and orderly environment where educational goals can be accomplished.

Members came from different backgrounds, and our discussions benefited from their wealth of expertise and personal experiences. Despite having different perspectives, there were several key issues which became evident to all. After discussion and some debate, we were able to reach a consensus and prepared recommendations based upon what we considered to be those key issues facing our schools and causing the most concern.

We examined current COMAR regulations and MSDE guidance documents to pinpoint policies that should be reviewed then perhaps revised or eliminated. Also, we were able to highlight best practices which had great potential and could be replicated in our schools, provided the necessary resources were allocated.

It is hoped that the Board will carefully study this report then work with MSDE staff and the local school districts to determine whether to retain current regulations and policies or to implement the recommendations as expeditiously as possible.

The Task Force members undoubtedly would strongly advocate for the latter.

**Vermelle D. Greene, Ph.D.**

Chair

**TASK FORCE ON STUDENT DISCIPLINE REGULATIONS  
MEMBERS**

***Dr. Vermelle D. Greene, Chair***

Maryland State Board of Education

***Cheryl Bost***

President, Maryland State Education Association

***Carmen Brown***

Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services

***Pastor Gavin Brown***

Member At-Large  
At-Risk Student Services

***Gail Bussell***

New Teacher Mentor  
Charles County Public Schools  
Member At-Large  
Chair, Regulations Subcommittee

***Jon Carrier***

President, Maryland Association of School Resource Officers  
Member, Commission on School-to-Prison Pipeline  
Co-Chair, Best Practices Subcommittee

***Lou D'Ambrosio***

President, Maryland Association of Elementary School Principals

***Dwayne Jones***

Maryland Association of Secondary School Principals

***Dr. Andrea Kane***

Superintendent, Queen Anne's County Public Schools  
Public School Superintendents Association of Maryland

***Dr. Sylvia Lawson***

Chief Performance Officer  
MSDE

***Joshua Omolola***

President, Maryland Association of Student Councils

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Maryland Association of Boards of Education

***Elliott L. Schoen***

Office of the Attorney General

***Michael Sedgewick***

Maryland Parent Teacher Association

***Rachel Spangler***

MSDE, Division of Early Intervention and Special Education Services  
Co-Chair, Best Practices Subcommittee

**Staff Support:**

***Mary Gable***, MSDE, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy

***Dr. Miya T. Simpson***, Executive Director, Office of the Maryland State Board of Education

***Walt Sallee***, MSDE, Director, Student Services and Strategic Planning

***Kimberly Buckheit***, MSDE, Specialist for School Completion and Alternative Programs

***Shane McCormick***, MSDE, Executive Assistant for the Office of School Effectiveness

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## EXECUTIVE SUMMARY

In 2014, the Maryland State Board of Education (State Board) passed a sweeping reform of the state's student discipline regulations. The regulatory process that led to these regulations produced more public comments than any State Board action in recent memory. With five years of operational work with these regulations, the State Board decided to explore the implementation and impact of these regulations in Maryland's schools. To accomplish this, the State Board established the Task Force on Student Discipline Regulations (Task Force) and set forth the following charge:

- Consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- Identify patterns of practice in implementing State regulations/policies;
- Determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and Positive Behavioral Intervention Supports (PBIS);
- Evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Kirwan Commission and the Commission on the School to Prison Pipeline;
- Make recommendations to the State Board on any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools in order to provide every student with a safe school and a world class education.

The 15-member Task Force included a broad and diverse group of stakeholders familiar with the implementation and impact of State discipline policies. This included representatives from the following: Maryland State Board of Education, Maryland State Department of Education, Maryland State Education Association, Maryland Association of Student Resource Officers, Maryland Association of Elementary School Principals, Maryland Association of Secondary School Principals, Maryland Association of Student Councils, Maryland Association of Boards of Education, Maryland Parent Teacher Association, Office of the Maryland Attorney General, and the Public School Superintendents Association of Maryland. Two at-large members were also selected by the Task Force Chair.

The Task Force held six meetings from January to June, 2019. Information was gathered from national, state, and local subject matter experts, students, parents, educators, and school-based administrators through presentations and panel discussions. Task Force members also reviewed relevant literature and reports. Two subcommittees were formed and asked to develop recommendations around the charge set forth by the State Board regarding: 1) Maryland State Department of Education (MSDE) Regulations and Guidelines; and 2) Best Practices.

Based on the information gathered over the five-month period, the following observations and recommendations are presented for the State Board's consideration:

#### Subcommittee 1: MSDE Regulations and Guidelines

The subcommittee proposed the following recommendations:

- (1) There are multiple parts to the implementation of the discipline regulations that need to be addressed to include: general clarification/understanding of terms; guidance and technical assistance from MSDE to support successful implementation; and an accountability system to monitor and ensure consistent implementation of the guidelines across local systems.
- (2) Recognize student mental health as a major factor related to the issue of discipline and provide support for MSDE initiatives to improve student mental health.
- (3) Enhance regulations regarding school counselors and school psychologists to align with nationally recommended ratios and ensure that they are available to provide adequate mental health services.
- (4) Adhere to national staffing ratio recommendations, where possible.
- (5) Establish an ongoing Task Force on Student Discipline for regular review and monitoring of policies and data, and implementation of proposed recommendations, particularly related to mental health and student well-being.

#### Subcommittee 2: Best Practices

The subcommittee proposed the following recommendations:

- (1) The collection of alternative discipline practices used in public schools that are not an in-school suspension, out-of-school suspension, or expulsion.
- (2) Include a menu of programs which are best practices to address student discipline and provide training and adequate resources to ensure that programs (such as Restorative Practices and Positive Behavior Interventions and Supports) are implemented with fidelity.
- (3) Support standards which address the roles and responsibilities for school psychologists, school counselors, and other student support personnel.
- (4) Include in best practices a focus on mental health encouraging collaboration with outside community mental health providers.
- (5) Identify and support best practices related to character education programs and social emotional learning programs.
- (6) Recommend that evidence-based programs are selected based on individual school needs and are age appropriate.
- (7) Based upon local priorities defined through a root cause analysis and review of data, the local school system should identify programs and/or practices to be implemented with fidelity. The MSDE should provide or support access to technical assistance and training to school systems regarding strategies and approaches.
- (8) Provide access to resources on implicit bias and cultural competency for local school systems that have identified disproportionality as a concern in discipline practices.

- (9) The MSDE should support the building of capacity of local school systems by providing initial regional trainings on adverse childhood experiences (ACEs), behavior threat assessment, and trauma informed care.
- (10) Recognizing the disproportionality in discipline referrals, suspension, and expulsions between student groups, specifically African American males (and other marginalized student groups), schools should seek ways to train all staff to include support staff, and implement practices in the academic, developmental, physical, emotional, and social needs of identified student groups.

The following report provides legal and historical context for discipline policy in Maryland, describes the work of the Task Force, and presents the recommendations put forth for the State Board's consideration.

## INTRODUCTION

The Maryland State Board of Education (State Board) began to examine school discipline policy in 2009 following the issuance of an opinion in an appeal of the almost year-long expulsion imposed on a ninth-grade student for fighting in school. The State Board notified local school systems about concerns related to the lack of educational services provided in out-of-school suspension cases and the time taken to process appeals. The State Board also approved the Maryland State Department of Education's (MSDE) plan to study the use of long-term suspension/expulsion and whether there was meaningful access to educational services during suspension. The review of school discipline, and additional efforts that evolved, extended from 2009 to 2014. In 2014, the State Board adopted the student discipline regulations and approved *The Maryland Guidelines for a State Code of Discipline*.

In December 2018, the State Board decided it was prudent to examine the 2014 reforms in school discipline policy and convened the *Task Force on Student Discipline Regulations (Task Force)* to explore the impact and implementation of the regulations and guidelines in Maryland's schools, whether they have achieved what the State Board intended, and what changes, if any, should be considered. The proposed plan and Task Force Charge are included as Appendix I.

The Task Force membership reflected a broad and diverse group of stakeholders including students, educators, administrators, parents, practitioners, policy makers, and safety specialists. The Task Force membership represented individuals that the State Board believed to be most familiar with the implementation and impact of discipline policy in Maryland's public schools.

The State Board established the Task Force with no predetermined vision of what the outcome of work conducted by the Task Force should be. However, the State Board provided the Task Force with several overarching principles around the issue under study to include:

- Every student should receive an appropriate education in a safe environment;
- No student has a right to deny another student from their free and appropriate education;
- No teacher or administrator should fear being assaulted; and
- No student should ever be deferred from their education pathway because of a negative choice made.

Specifically, the charge of the Task Force was to:

- Consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- Identify patterns of practice in implementing State regulations/policies;
- Determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and Positive Behavioral Intervention Supports (PBIS);

- Evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Commission on Innovation and Excellence in Education (Kirwan Commission), and the Commission on the School to Prison Pipeline; and
- Recommend to the State Board any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools in order to provide every student with a safe school and a world class education.

It should be noted that the State Board recognized that many stakeholders and partner organizations throughout the State possess various perspectives on this important issue. However, given the limited time and scope of the Task Force, the State Board was intentional in its decision to limit the size of the group to school-based organizations/representatives in this exploratory work. Other organizations and members of the public were encouraged to provide input to the Task Force through written correspondence, public comment, and other coordinated data gathering activities provided by the Task Force, as appropriate.

Information related to the work of the Task Force was made available to the public at <http://www.marylandpublicschools.org/stateboard/Pages/TFSDR/index.aspx>

## **BACKGROUND: LEGAL AND HISTORICAL CONTEXT**

### **Legal Landscape**

State law defines the broad contours of the discipline of students, including discipline rules, limits on suspension and expulsion, special programs for disruptive students, arrests in the community, and the state code of discipline (Ed. Art., Subtitle 3, §7-303 - §7-306).

### **State Board Authority to Govern School Discipline in Maryland Schools**

The State Board has the broad statutory authority to adopt education policies affecting all school systems in Maryland and to carry out the provisions of State education law. To implement the provisions of State law governing school discipline, the State Board adopted a comprehensive set of regulations and policies in COMAR 13A.08.01.11 *Disciplinary Action*. The regulations recognize the local boards of education's role in establishing and imposing disciplinary policy and practice, as long as the system follows the State Board regulations.

### **State Board and MSDE Student Discipline Timeline**

The State Board began to examine school discipline policy in 2009, and in 2014 adopted new student discipline regulations (See Appendix II - School Discipline Reform Long Journey). A brief overview of the five-year process leading up to the adoption of the regulations is described below:

- During the August 2010 State Board meeting, members were briefed on and accepted the report prepared by the Department entitled *Study of Student Long Term Suspensions and Expulsions*. The report included results of: (1) a survey of local systems concerning what educational services were currently offered to long-term and expelled students; (2) response from the public to a web-based survey; (3) input from stakeholder groups; and (4) an analysis of public comment at Board meetings. The report included recommendations for amending school discipline regulations and revising the Student Records Manual to enhance data collection on long-term suspensions and expulsions.
- At the February 2011 meeting, in response to a news article on the suicide of a student suspended under the zero-tolerance policy in another state, the State Board directed the State Superintendent to discuss the tragedy with the 24 local superintendents. The State Board sought to determine if Maryland's local school systems had similar zero-tolerance discipline policies. The goal was to identify steps that could be taken to avoid such a tragedy in Maryland. As a way to address these issues, during the April 2011 meeting, the State Board approved the draft *Guidelines for the Timely Disposition of Long Term Discipline Cases* and posted the document for public comment.
- In February 2012, the State Board released a draft report entitled *A Safe School, Successful Students, and A Fair and Equitable Disciplinary Process Go Hand in Hand*. In that draft report, the State Board explained the negative effects of suspension and expulsions, reviewed discipline data, and found that over 63 percent of out-of-school suspensions were for non-violent offenses. The draft report cited data indicating that school discipline disproportionately impacted students of color and students with disabilities. The report contained a draft of "Possible Regulatory Changes." The State Board asked for public comment on the report and possible regulatory changes.
- In July 2012, the State Board issued its final report entitled *School Discipline and Academic Success: Related Parts of Maryland's Education Reform*. In that report, the State Board addressed the impact of school discipline on school safety and explained that local school systems often rely on a presumption that separating disorderly students from school will make schools safer environments to learn for students who are not disruptive. This presumption, not necessarily supported by research, raised serious questions about the effectiveness of using out-of-school suspensions as a means of providing safe schools.

### Regulatory Initiatives

In the *School Discipline and Academic Success: Related Parts of Maryland's Education Reform* report issued in 2012, the State Board announced adoption of a rehabilitative approach to school discipline and proposed a regulation directing each school system to adopt a set of regulations that:

- Reflect a rehabilitative discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;

- Are designed to keep students in school so that they may graduate college and career ready;
- Prohibit disciplinary policies that trigger automatic discipline without the use of discretion; and
- Explain why and how long-term suspension or expulsions are last resort options.

In July 2012, the State Board granted permission to publish proposed school discipline regulations. The State Board explained that to keep students in school, it was proposing a regulation that would reduce the number of long-term out-of-school suspensions for non-violent offenses. In addition to keeping students in school, the State Board was determined to end the disproportionate impact of school discipline on minorities, and on special education students. The State Board also proposed in the regulation a requirement that school systems provide “minimum education services” to all students who were suspended or expelled out of school.

In April 2013, based on suggestions from various stakeholders and public commentary, the State Board convened a Workgroup to address, among other things, when an “extended suspension” (11-45 days) or “expulsion” (over 45 days) was appropriate.

### Code of Conduct

Adoption of the new regulations was the first step in the State Board’s overall plan to support local school systems in developing and implementing policies to ensure safe, welcoming learning environments for students and families. In conjunction with revising the school discipline regulations, the State Board also appointed a Workgroup of school system representatives and other stakeholders to update the *Guidelines for a State Code of Conduct*. The *Guidelines for a State Code of Conduct* included disciplinary options for each type of infraction to reflect the school discipline reform efforts of the State Board. The Workgroup met through 2013 and early 2014 and produced *The Maryland Guidelines for a State Code of Discipline*, which was adopted in 2014. The purpose of *The Maryland Guidelines for a State Code of Discipline* was to provide a framework for local school systems to use to establish local codes of conduct and develop new discipline-related policies. *The Maryland Guidelines for a State Code of Discipline* also provided suggested prevention, intervention, restorative, and incentive-based strategies to respond to student misconduct, detailed explanations of specific student behaviors that are not permitted, and other factors for local school systems to consider in revising policies.

## **2019 TASK FORCE ON STUDENT DISCIPLINE PROCESS/METHODOLOGY**

The Task Force was established to explore the impact and implementation of the student discipline policies and regulations adopted in 2014. It was intended to be exploratory and thus was not as extensive in time and scope as that of previously convened work groups, committees, and task forces charged with examining state student discipline policies.

The Task Force held six meetings from January through June. The process involved gathering information and input from stakeholders and subject matter experts through presentations, panel discussions, subcommittee's, and the review of relevant literature and reports to inform the work of the Task Force and propose recommendations. These activities are briefly described below.

## I. Presentations:

- [\*The Status of School Discipline in State Policy\*](#)  
(Presenters: Alyssa Rafa and Kate Wolff, Education Commission of the States)

Information provided by the Education Commission of the States (2018) revealed the prevalence of gender disparities nationally related to discipline and academic performance, noting the crisis among boys. National data also indicates discipline disparities among minority and students of color compared to white students, regardless of the type of discipline. Outcomes of exclusionary discipline were shared with the task force members. With each suspension, the percentage of dropping out increased while the percentage of graduating decreased. Presenters highlighted several key factors that support implementation of policies, examples of existing state laws, information on alternative strategies to student discipline that other states have adopted, and links to available resources.

- [\*Student Discipline in Maryland\*](#)
  - [\*School Discipline: A Look Backward and Forward\*](#)  
(Elizabeth Kameen, MSDE Principal Counsel, Office of the Attorney General)

A historical perspective on the school discipline reform that occurred from 2009 to 2014 and a foundation for moving forward to study school discipline, both in terms of the legal landscape and the current research and data were provided. The presentation included an overview of the State Board's initial plan to study the use of long-term suspension/expulsion and whether there was meaningful access to educational services during suspension, and a timeline of the school discipline reform efforts to date.

- [\*What We Know: Data Review and Statewide Initiatives to Improve School Climate\*](#)  
(Presenters: Walt Sallee and Dr. Deborah Nelson, MSDE)

MSDE staff presented data collected by the department to include: suspension and expulsion, school climate data, incidents of bullying, harassment, and intimidation, and state wide initiatives to improve school climate. It was reported that incidents of bullying increased between the 2014-2015 through the 2016-2017 school years.

The suspension and expulsion data reflects a slight increase in suspension/expulsion rates between the 2014-2015 and 2017-2018 school years, ranging from 4 to 4.5 percent; however, the rates demonstrate an overall decrease from the rate, which at the highest was 9.3 percent in the 2003-2004 school year and gradually decreased over time. The lowest rates are at the elementary level (1.2 to 1.6 percent) and highest at the high school level (6.1 to 6.5 percent). Unduplicated rates are the highest for African American students (7.1 to 7.9 percent) with the next highest rates for white students (2.2 to 2.6 percent), representing a significant difference. Additionally, suspension/expulsion rates are higher for boys than girls with boys as high as 5.8 percent and girls at the highest of 2.8 percent.

- [\*School Safety and Bullying Prevention\*](#)

*(Presenters: Walt Sallee and Dr. Deborah Nelson, MSDE)*

Presentation of data on school safety and bullying revealed that bullying incidents have increased 29.2 percent from the 2015-2016 school year to the 2016-2017 school year. The highest incident of bullying includes teasing, name calling, making critical remarks, or threatening remarks followed by bullying involving physical aggression. The highest corrective actions used include student conferences, parent phone calls, student warning, and parent conferences. The MSDE is hopeful that climate surveys mandated under the Every Student Succeeds Act (ESSA) will be useful in understanding and providing insight into what is going on within the schools.

This presentation also included an overview of the Positive Behavior Intervention Supports (PBIS) framework and data on implementation of PBIS in local school systems in Maryland. Major findings on PBIS in Maryland showed improvements in school climate, and staff and school environments. Additional state level initiatives to support student behavior were shared with members, including a description of the initiative, and the level of support by the MSDE.

- [\*Maryland Schools' Codes of Conduct: Comparing Discipline Policy Across Districts\*](#)  
*(Presenters: Dr. Chris Curran, University of Maryland, Baltimore County, and Dr. Maida Finch, Salisbury University)*

Presentation of findings from a study of [\*Maryland Schools' Codes of Conduct: Comparing Discipline Policy Across Districts\*](#), which examines the [\*Maryland Guidelines for a State Code of Discipline\*](#) that was released in 2014 and implemented across the State. The study collected and coded district codes of conduct for the 2013-2014 and 2015-2016 school years, quantified changes in codes of conduct in response to revised state guidelines, and created data visualizations for comparing district codes to state guidelines. The report

identified 27 infractions, 31 responses, and infraction-response conditions in a five-tier system. Six key findings of the study were presented:

- (1) State guidelines were very broad;
- (2) School districts varied in their adherence to state recommendations;
- (3) After the state policy change, district codes of conduct included more response options, on average, per infraction than before, though the number of infractions to which in-school suspension was an option increased;
- (4) Increases in response options were generally driven by less exclusionary responses;
- (5) Variation in codes of conduct was largely unrelated to racial composition of districts; and
- (6) Measurement matters when assessing racial disparities in discipline across districts.

Presenters also shared the following recommendations for further consideration:

- Careful thought regarding the choice of measurements utilized when considering racial disparities;
  - Consider the state's intention in adopting the regulations and guidance;
  - Consider offering a prescriptive model while still allowing for local flexibility (policy making should consider what is taking place at the local level);
  - Provide training/professional development on student-centered, non-exclusionary responses;
  - Conduct research to learn more about the effectiveness of other responses;
  - Utilize multiple measures when assessing disparities; and
  - Collaborate with stakeholders and researchers.
- [\*Positive Behavioral Interventions and Supports \(PBIS\)\*](#)  
*(Presenters: Dr. Treesa Elam-Respass, St. Charles High School; Rochelle Savoy, St. Charles High School; Portia Parker, Benjamin Stoddert Middle School)*

An overview of PBIS as a framework for improving and teaching positive, socially acceptable behavior and maximizing academic achievement was presented. Presenters explained that PBIS is rooted in restorative practices, and aims to develop community, manage conflict, and facilitate positive behavior and interactions among students and staff. Examples of activities included: "Spartan Bucks" for students to spend in the cafeteria, monthly drawings for prizes, restorative circles, and quarterly character education lessons.

- [Restorative Practices](#)  
(Presenters: Dr. Treesa Elam-Respass, St. Charles High School; Rochelle Savoy, St. Charles High School; Portia Parker, Benjamin Stoddert Middle School)

Presentation of the restorative practices approach utilized by staff at St. Charles High School in achieving their goals of decreasing the overall amount of office driven referrals due to class cutting, disruptions, and disrespect, and increasing recognition of positive behavior. Presenters discussed the types of activities, training needs for effectively implementing a restorative practices framework, strategies for getting teacher buy-in, and the importance of having leaders who value and support the work. Task Force members were advised that implementing PBIS and restorative practices is an on-going process that requires time and perspective to implement effectively.

- [Character Education: Teaching Respect and Responsibility](#)  
(Presenter: Dr. Melinda B. Johnson, Director of Teacher and Scholar Effectiveness, Marion P. Thomas Charter School, Newark, NJ)

Discussion of the importance of character education and the six pillars of character that comprise the framework: *Trustworthiness; Respect; Responsibility; Fairness; Caring; Citizenship*. In the framework, each pillar is color coded for students with an explanation of the reason for each color, and a description of each pillar. Teacher-led planning sessions are used to develop grade level appropriate activities and lesson plans, followed by discourse with students to facilitate buy-in. Outcomes achieved included: establishment of a character pledge, development of a family handbook, and a monthly awards program. Meeting with multiple stakeholders (board members, parent and teacher community organizations, staff, and students) helped establish buy-in to character education and support successful implementation of the framework. High satisfactory ratings on climate surveys, maintaining low suspension rates, and developing a common language among teachers, scholars, and parents through parent-teacher conferences were noted as benefits, as well as providing a means for addressing students' mental health and emotional needs. Challenges identified included sustainability; tracking the impact; orientation of new students, teachers and staff, and families; establishing a common mindset; and issues created by social media.

- [Gender Differences in Learning and Behavior \(Video Presentation\)](#)  
(Presenter: Dr. Michael Gurian, Co-Founder, The Gurian institute)  
<https://www.youtube.com/watch?reload=9&v=bEsIncVkUgM&feature=youtu.be> ;  
<https://www.youtube.com/watch?v=2sr6LW0p7-o&feature=youtu.be>)

Research regarding factors that have been identified as contributing to the learning and development differences between males and females, including

nature, nurture, and culture was presented. Findings indicate all children need encouragement, but that males tend to be more skeptical of praise without action; whereas females tend to be more accepting of verbal praise. Discussion of the benefits and limitations of single-gender academies compared to co-educational academies and discrepancies in the gender achievement gap revealed that males are underperforming across the board and that most instructional programs are mismatched to the learning process of the male brain. Recommendations for addressing gender and racial disparities included training/professional development for staff in male and female brain differences and incorporating this focus in teacher preparation programs.

- *Legislative Update Regarding HB 725 – Public Schools – Student Discipline – Restorative Approaches*  
(Presenter: Ms. Tiffany Clark, MSDE, Director of Government Relations)

Brief update to the Task Force on House Bill (HB) 725-*Public Schools-Student Discipline-Restorative Approaches* (introduced and passed during the 2019 Maryland General Assembly Legislative Session and enacted under Article II, Section 17(c) of the Maryland Constitution – Chapter 691). HB 725 requires the State Board of Education to provide technical assistance and training to county boards of education regarding the use of restorative practices and the circumstances under which these practices may be utilized.

## **II. Panel Discussions**

As part of the information gathering process, Task Force members expressed interest in hearing from various school-based stakeholders across the State regarding their experiences, insights, and suggestions for improvements related to student discipline policy and practices. Three panels were organized comprised of: 1) classroom teachers; 2) school-based administrators (primarily assistant/vice principals); and 3) parents and students. Recommendations for panel participants were received from Task Force members, school-based leaders, and community partners/organizations.

A total of 46 individuals (10 classroom teachers, 15 school-based administrators, 11 parents, and 10 students) representing 17 local school systems participated in the panel discussions. Panels were diverse in race/ethnicity, gender, school system, size, level (elementary, middle, and high school), and geographical location.

Task Force members submitted questions for each panel. Questions and a summary of responses received from each group are provided in Appendix III.

Common themes that emerged across all groups included:

- Disrespectful behavior, lack of respect for authority, and issues around the use of cell phones were identified as some of the top discipline issues in schools/classrooms.

- The use of PBIS and restorative practices was seen as positive and effective in addressing student behaviors where there was complete buy-in and implementation by school staff. However, it was noted that training in restorative practices requires a long-term commitment (3-5 years) and possibly time missed from instruction during the school day.
- Mental health plays a major role in addressing student discipline, and there is a need for greater access to services and appropriately trained professional staff (counselors, psychiatrists, and behavior specialists) to provide necessary counseling and support.
- Wrap around services<sup>1</sup>, community engagement, and State and local collaboration and partnerships are encouraged.
- There is a need for consistent consequences and greater parental involvement, responsibility, and accountability in addressing disruptive student behavior.
- Appropriate training and professional development for staff to include effective discipline techniques, implicit bias and diversity training, and behavioral intervention strategies should be provided. Teacher training in restorative practices is an integral part.

### **III. Subcommittees:**

Two subcommittees were formed and each member was asked to indicate their preference for assignment. Each subcommittee was tasked with specific responsibilities organized around the charge set forth by the State Board as described below:

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<sup>1</sup> As defined in Senate Bill 1030 Chapter 771, *The Blueprint for Maryland's Future*, wraparound services includes: (I) Extended learning time, including before and after school, weekends, summer school, and an extended school year; (II) Safe transportation to school; (III) Vision and dental care services; (IV) Establishing or expanding school-based health center services; (V) Additional social workers, mentors, counselors, psychologists, and restorative practice coaches; (VI) Enhancing physical wellness, including providing healthy food for in-school and out-of-school time and linkages to community providers; (VII) Enhancing behavioral health services, including access to mental health practitioners and providing professional development to school staff to provide trauma-informed interventions; (VIII) Providing family and community engagement and supports, including informing parents of academic course offerings, language classes, workforce development training, opportunities for children, and available social services as well as educating families on how to monitor a child's learning; (IX) Establishing and enhancing linkages to Judy Centers and other early education programs that feed into the school; (X) Enhancing student enrichment experiences; (XI) Improving student attendance; Ch. 771 2019 Laws of Maryland – 14; (XII) Improving the learning environment at the school; and (XIII) Any other professional development for teachers and school staff to quickly identify students who are in need of these resources.

*Subcommittee 1: MSDE Regulations and Guidelines:*

- Examine and review current state discipline regulations and the impact of state policies and guidelines on students, teachers, classrooms, learning environments, and schools;
- Evaluate the scope of implementation by teachers, school-based administrators, and local districts and identify problematic policies, practices, and procedures;
- Review state and local school system discipline data and statistics, including the school climate survey; and
- Draft recommendations.

*Subcommittee 2: Best Practices:*

- Identify, research, and evaluate model programs both locally and nationally (when possible, conduct on-site visits);
- Determine the most effective interventions and programs, and gather supporting data (statistical and/or anecdotal) to prove effectiveness in improving school climate and decreasing classroom/school disruptions, discipline referrals, suspensions and/or expulsions; and
- Draft recommendations.

**IV. Review of Relevant Literature and Reports:**

Task Force members were provided a variety of readings and resources to provide additional understanding and insights to inform the work to be accomplished. Subcommittee members were assigned and asked to summarize specific readings to be discussed and guiding questions were used to facilitate group discussions (Reading and Resources included in Appendix IV).

*Subcommittee 1: MSDE Regulations and Guidelines*

- Discipline Related Code of Maryland Regulations (COMAR)
- Maryland Schools' Codes of Conduct
- The Maryland Guidelines for a State Code of Discipline
- Maryland's Model Policy to Address Bullying, Harassment, or Intimidation
- Framework for Statewide School Discipline Plan
- COMAR 13A.08.01 General Regulations (Adoption- January 28, 2014)
- Overview on Reducing and Eliminating Disproportionate/Discrepant Impact (COMAR 13A.08.01.21)
- Overview of School Discipline in Maryland

*Subcommittee 2: Best Practices*

- School Discipline in Maryland
- Baltimore City – CASEL Report

- Maryland Commission on School-to-Prison Pipeline and Restorative Practices
- The Science and Practice of Social and Emotional Learning: Implications for State Policymaking
- Resource Guide of Maryland School Discipline Practices
- Alternative School Discipline Strategies
- Advancing School Discipline Reform

## RECOMMENDATIONS/FINDINGS

Based on information and feedback gathered over the five-month period from presentations, panel discussions, subcommittee and large group discussions, and the review of related literature, each subcommittee developed recommendations for the State Board's consideration. These recommendations are presented below:

### **Subcommittee 1: MSDE Regulations and Guidelines**

The subcommittee proposed the following recommendations:

*(1) The subcommittee recognized that there are multiple parts to the implementation of the discipline regulations, to include sufficiency and general clarity/understanding of the discipline regulations in COMAR, guidance and technical assistance provided, and implementation and accountability.*

#### **a. Discipline Regulations in COMAR**

Generally, the sub-committee agreed that the regulations were sufficient and clear; however, within COMAR 13A.08.01.11 *Disciplinary Action* the following specific areas were identified for consideration/review:

- Clarification/Definition of Terms
  - Definition/understanding of "imminent threat of serious harm."
  - Definition of the provision of "comparable educational services" to a student on suspension to promote a successful return to the classroom; and recommendation of the provision of behavioral support services.
  - Definition of a student causing a "chronic and extreme disruption of the educational process."
- Disciplinary Action/Suspension:
  - For suspension of a PreK-2 student in certain instances, access to school psychologist or other mental health professional is limited in certain areas where resources are not available.

- Including the teacher in a conference following cumulative days of in-school suspension or out-of-school suspension.
- All parties to be required to provide witness lists and copies of documents in an appeal.
- Timeline for homework and classwork being corrected by a teacher for a student on out-of-school suspension or expulsion and returned to the student.

**b. Guidance and Technical Assistance**

The sub-committee indicated that there appears to be a disconnect in the interpretation and implementation of *The Maryland Guidelines for a State Code of Discipline*. The subcommittee agreed that guidance on the regulations should be updated to support a more effective implementation of the regulations. Specifically:

- The subcommittee recommends that *The Maryland Guidelines for a State Code of Discipline* document be reviewed and updated to ensure alignment with student discipline regulations. The updated document should also include additional information and further guidance regarding implementation. For example, many school administrators believe that *The Maryland Guidelines for a State Code of Discipline* requires that actions must be applied in the order that are listed in the document when actually, administrators can select the action appropriate to the offense in no particular order. To update *The Maryland Guidelines for a State Code of Discipline* the subcommittee recommends that the *Guidelines* be updated and shared with stakeholders for input.

**c. Implementation and Monitoring/Accountability**

The subcommittee identified a need for an accountability system to monitor and ensure consistent implementation of the guidelines across local systems.

- The subcommittee recommends that the MSDE provide training and technical assistance to local school system personnel on the implementation of *The Maryland Guidelines for a State Code of Discipline*. The MSDE, through routine interactions with local school systems, including local school system student services onsite reviews, should monitor implementation and ensure that implementation is consistent with the regulations.

*(2) The subcommittee agreed that student mental health was a major factor related to the issue of discipline and recommends support for the following MSDE initiatives to improve student mental health:*

- Promote statewide awareness of mental health concerns of youth.
- Provide updated statewide guidance and training for local school system staff around student mental health, e.g. trauma-informed approaches to educate students with adverse childhood experiences (ACEs).
- Seek external grants and other funding sources to provide annual mental health training and ensure that appropriate and properly certified personnel are delivering services.
- Review regulations regarding the role of the school psychologist and school counselor to ensure adequate services to students.
- Develop multi-agency and community partnerships to address mental health.
- Support the Governor’s Handle with Care initiative.

*(3) The subcommittee noted the following additional recommendations:*

- Enhance regulations regarding school counselors and school psychologists to align with nationally recommended ratios and ensure that they are available to provide adequate mental health services.
- Adhere to national staffing ratio recommendations, where possible.
- Establish an ongoing Task Force on Student Discipline for regular review and monitoring of policy and data, and implementation of proposed recommendations, particularly related to mental health and student well-being.

### **Subcommittee 2: Best Practices**

The subcommittee proposed the following recommendations:

*(1) The collection of alternative discipline practices used in public schools that are not an in-school suspension, out-of-school suspension, or expulsion.*

- The collection should include the types of school discipline practices that are used in a local school system and the types of misconduct for which discipline practices are used. The subcommittee acknowledges that this recommendation is part of recent legislation House Bill 725 *Public Schools – Student Discipline – Restorative Approaches* and recommends that the MSDE complete this action and share the results with the State Board upon the completion of the report for the Governor and General Assembly by October

1, 2019. This information will also be used to update the *Resource Guide of Maryland School Discipline Practices* prepared by the MSDE.

- (2) *Include a menu of programs which are best practices to address student discipline. Provide training and adequate resources to ensure that programs are implemented with fidelity. Programs should include, but are not limited to the following:*
  - a. Restorative Approaches, as recommended and defined within the *Maryland Commission on the School to Prison Pipeline and Restorative Practices report (December 2018)* as, “A restorative approach combines a relationship-focused mindset and distinctive tools that create a school climate and culture that is inherently just, racially equitable, and conducive to learning for all students.”
  - b. Positive Behavior Interventions and Supports (PBIS) defined within COMAR 13A.08.06.01 as “the research-based, systems approach method adopted by the State Board to: (a) Build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn; and (b) Improve the link between research-validated practices and the environments in which teaching and learning occur.”
- (3) *Support standards which address the roles and responsibilities for school psychologists, school counselors, and other student support personnel.*
- (4) *Include in best practices a focus on mental health encouraging collaboration with outside community mental health providers.*
- (5) *Identify and support best practices related to character education programs and social emotional learning programs.*
- (6) *Recommend that evidence-based programs are selected based on individual school needs and are age appropriate. A variety of strategies should be identified to address the needs of students at the elementary, middle, and high school levels.*
- (7) *Based upon local priorities defined through a root cause analysis and review of data, the local school system should identify programs and/or practices to be implemented with fidelity. The MSDE should provide or support access to technical assistance and training to school systems regarding strategies and approaches.*
- (8) *Provide access to resources on implicit bias and cultural competency for local school systems that have identified disproportionality as a concern in discipline practices.*

*(9) The MSDE will support the building of capacity of local school systems by providing initial regional trainings on adverse childhood experiences (ACEs), behavior threat assessment, and trauma informed care.*

*(10) Recognizing the disproportionality in discipline referrals, suspension, and expulsions between student groups, specifically African American males (and other marginalized student groups), schools should seek ways to train all staff to include support staff, and implement practices in the academic, developmental, physical, emotional, and social needs of identified student groups.*

## APPENDIX I

### Maryland State Board of Education Task Force on Student Discipline Regulations

#### **Background:**

About five years ago, the State Board passed a sweeping reform of the state's student discipline regulations. The regulatory process that led to these regulations produced more public comments than any State Board action in recent memory. With five years of operational work with these regulations, it seems prudent to ask what the impact of these regulations has been in our schools, whether they have achieved what the State Board intended, and whether and how they might need to be changed if at all.

#### **Charge:**

The Task Force on Student Discipline Regulations (Task Force) will:

- Consider the impact that current discipline regulations have on Maryland students, teachers, classrooms, learning environments, and schools;
- Identify patterns of practice in implementing State regulations/policies;
- Determine best practices in student discipline inside and outside of Maryland, including, but not limited to, restorative justice and Positive Behavioral Intervention Supports (PBIS);
- Evaluate recommendations and findings from other groups and commissions, including, but not limited to, the Kirwan Commission and the Commission on the School to Prison Pipeline;
- Based on consideration of the foregoing and the understanding that all students in Maryland should receive an education in a safe school, make recommendations to the State Board on any regulatory, policy, or guidance changes that should be adopted to improve the disciplinary environment in Maryland schools in order to provide every student with a safe school and a world class education.

#### **Members:**

The Task Force will be comprised of:

- 1 member selected by the State Board of Education  
The State Superintendent or her designee
- 1 member selected by Maryland Association of Boards of Education (MABE)
- 1 member selected by Public School Superintendents Association of Maryland (PSSAM)
- 1 member selected by the state Maryland Parent Teacher Association (MPTA)
- 1 member selected by Maryland State Educators Association (MSEA)
- 1 member selected by Baltimore Teachers Union (BTU)
- 1 member selected by the Maryland Association of Secondary School Principals (MASSP)
- 1 member selected by the Maryland Association of Elementary School Principals (MAESP)
- 1 member selected by the Maryland Attorney General's Office with expertise in education law
- 1 member appointed by Student Government/Maryland Association of Student Councils (MASC)
- 1 member selected by the Maryland Association of School Resource Officers (MASRO)
- 1 Member-At-Large Appointed by the Chair
- 1 Member to Represent: Special Education (1) and At-Risk (1) Populations

The Task Force will report its findings and recommendations to the State Board by June 25, 2019.

## APPENDIX II

### School Discipline Reform

#### LONG JOURNEY

2009	2010	2011	2012	2013	2014	2015-2016	2017
August – Opinion issued announcing the State Board’s intent to study school discipline issues	April – State Board hears testimony and comments from Stakeholders	February – State Board discusses zero tolerance policies	February – State Board publishes draft report, <i>A Safe School, Successful Students, and Fair and Equitable Disciplinary Process Go Hand in Hand and Possible Regulatory Changes</i>	January – State Board reviews 2,213 suggestions for changes to the proposed regulations	January – State Board reviews 3,278 comments on the proposed regulations and adopts the regulations as final	MSDE studies various methods for assessing disproportionality	January – State Board adopts a methodology for measuring disproportionality in discipline
December – MSDE approved to study use of long-term suspension & access to educational services	August – MSDE report issued on educational services provided to suspended students	April – State Board issues “ <i>Guidelines for Timely Disposition of Long Term Discipline (Guidelines)</i> ” for public comment	May and June – State Board reviewed and discussed the over 200 comments received on the proposed regulatory changes	April – State Board convenes a workgroup to address specific issues raised in the comments about when long-term suspension is appropriate	July – State Board adopts the <i>Maryland State Code of Discipline Guidelines</i> based on the recommendations of a workgroup		
		August – December Panels of stakeholders present comments on the <i>Guidelines</i>	July – State Board issues final report – <i>School Discipline and Academic Success</i> and publishes proposed regulations	October – State Board adopts workgroup recommendations and re-proposes regulations published in December Maryland Register			

## APPENDIX III

### FEEDBACK FROM PANEL DISCUSSIONS

#### CLASSROOM TEACHERS

**What would you say is your major concern regarding discipline at your school?**

Cell phones significantly inhibit controlling student behavior and enforcing discipline; students feel they are entitled to have cell phones and headphones at all times; repeated issues of hallway and classroom disruptions, students have exhibited disrespectful behavior towards teachers and staff; and many of the issues among the students come from the community and the parents.

**What percentage of your day is spent dealing with student discipline and do you feel that dealing with student discipline is a team or solo effort?**

At least 2.5 hours per week are spent contacting parents; in a forty-five-minute class, at least ten minutes are spent redirecting student behavior; and that at least one hour per week is spent calling parents, with additional time spent on email notification(s).

**What are barriers you experience or observe in addressing student behavior?**

Communication with the parents has been a significant barrier, and in many cases parents do not follow through with their students; cultural issues; parents at times do not quickly see the problem on the same level as the teacher.

**How much support do you receive from administration, parent/guardian, and/or counselors that is effective?**

Appreciation for support of administrative and guidance staff within her school, but noted that staff is limited because some staff members also teach; as a special educator the educator's role varies at times, and in some cases, a school psychologist is serving multiple schools within the school district; within some schools staff have support, but not support on the level that staff feel that they need.

**In your opinion, how often do threats of physical harm against students and staff manifest themselves in action on the part of the perpetrator, when are you actually made aware that a threat has been made?**

Teachers generally agreed that threats against students are a present and constant concern within schools.

**Have you ever been involved in the readmit process for a suspended student in your class with the principal, parent/guardian, and student? If yes, can you give us the details of the process?**

Overall, multiple panelists indicated they had been involved in such cases.

**On a scale from 1 to 5, with 5 being the highest, how would you rate your school's discipline referral process?**

Ratings ranged from 3.5 – 4. Respondents indicated there have been cases where the student has remained in the classroom while the referral process is taking place to allow the student to continue learning. A respondent who rated his school's process as a 4, explained that the administrative and counseling staff find the time to actively instruct students with the referral process as ongoing.

**What positive discipline or conflict resolution program(s) does your school and district employ? Do you consider them effective? How and why?**

Multiple panelists indicated their schools utilize restorative practices and that there are positive attributes to restorative practices. However, there has not been complete buy-in among all staff. Additional responses included: the school has implemented safe, or calm down zones within classrooms to allow for students to calm down and eventually rejoin the class; and that while restorative practices have not been successful within their particular school, there was acknowledgement of other schools where practices have been effective.

**Do you have any thoughts or recommendations about student discipline that you think might be helpful to the Task Force?**

The consequence does not have to be suspension, but it is necessary to have consequences and accountability; teachers need to feel that they have input in discipline and establishing consequences; ideally parents will provide greater involvement, and that greater accountability needs to be placed upon parents; and teachers are not adequately trained on effective discipline techniques and how to engage students.

**SCHOOL-BASED ADMINISTRATORS**

**What are the greatest challenges you face as it relates to student behavior? What kinds of supports – either from the state or your local district -- would help you overcome those challenges?**

Panelists expressed that lack of funding for additional staff and services has restricted what staff are able to do to address student behavior, but that in instances where additional funding is available, it is of great value.

**It appears that many across the state are seeing an increase in physical aggression of younger students (PreK-2) towards staff. However, state law limits the use of suspension for this age group. Have you seen similar changes in your younger populations, and how are you responding to those changes?**

Panelists expressed developing a sense of community is important with students at the elementary level, including mentorship and relationship building between students in grades 3-5 towards students in grades K-2.

**Maryland Public Schools' discipline data show that most out-of-school suspensions in Maryland are for non-violent offenses such as insubordination, disrespect, or continued class disruptions. Should students be suspended (in-school or out-of-school) for non-violent behavior? If so, under what circumstances would this be appropriate? If not, what other actions could be taken?**

Panelists expressed that when there has been a pattern of repeated misbehavior, and when all protocols and standard mediation practices have been followed, such as parent-teacher and parent-administrator conferences, that suspension should be considered.

**What experiences have you had in partnering with community-based mental health support resources?**

Panelists expressed that it varies by county. Some counties do not have the resources to provide assistance to students and families in need, while others have formed multi-county partnerships to provide services.

**What educational services are provided to students who receive out of school suspensions?**

Examples given included one-on-one tutoring, after-school programs with tutoring opportunities, fifth period study hall, twilight programs for middle and high school students, and Saturday school.

**What alternative programs does your school offer in the place of suspension? Explain. What are the pros and cons of the program?**

Examples given included Saturday school, one-hour lunch period, and alternative education programs. The panelists indicated that the major limitation to services is that the amount of time allocated may limit the potential impact.

**Several school districts have established alternative schools. By a show of hands, which counties have alternative schools? For elementary students? For secondary students?**

The majority of panelists indicated their counties have at least one alternative school.

**What types of behavior would result in a student being assigned to an alternative school?**

Repeated cases of oppositional defiance, chronic and repeated misbehavior, and cases of drug or weapon possession would necessitate assigning a student to an alternative school.

**On a scale of 1 (little knowledge) to 5 (very knowledgeable), how familiar are you with COMAR [Code of Maryland Regulations] dealing with school discipline? Do you have access to a copy?**

Overall, by show of hands, panelists indicated average/some familiarity with COMAR. Some panelists candidly expressed that they may not be entirely familiar with COMAR, but noted that they have a copy of/access to the regulations to reference.

**Do you feel pressured by your local school system to address the discipline reported data but not the underlying behaviors?**

Some panelists indicated that conversations about reporting data are always ongoing and both administrators and county officials are aware of data. Panelists did not express a consensus that the focus was to reduce the reported data. However, panelists agreed that limitations on discipline exist because of definitions within COMAR, and due to state law and regulations being limiting in terms of the actions that can be taken.

**What is your understanding in COMAR pertaining to suspensions for students with Individual Education Plans (IEP)?**

The panelists expressed they were familiar with the requirements within COMAR. Generally, panelists stated that the regulations are not the main issue. The underlying issue is the lack of resources to have staff in place and services available to students with documented disabilities.

**What strategies or innovative practices are used at your school or other schools in your district that have proven effective in decreasing discipline problems and improving school climate?**

Panelists highlighted placing an emphasis on relationship building between teachers and students, developing a support system among teachers, fostering an open dialogue and open space for students, and developing the right school culture.

**Restorative Practices and PBIS – among others - have received much attention and are being advocated for use in Maryland schools. How effective are they in improving behavior and your school environment?**

Panelists expressed that restorative practices have proven effective in reducing the number of discipline cases, but that it is a “work in progress”. The degree of effectiveness is directly proportional to the buy-in of the staff.

**Please share any observations regarding the rate of disciplinary infractions based on gender.**

The consensus of the panelists was that the majority of disciplinary infractions based on physical altercations are committed by males, but that the majority of disciplinary infractions for minor disruptions are committed by females.

**What professional development or training should teachers be required to have...**

- a. ...to better prepare them to work with culturally diverse student populations?

**b. ...to establish a safe and orderly environment in their classes?**

**c. ...to support the school's discipline plan?**

Panelists indicated training is needed on such topics as mental health, equity, cultural biases and diversity training, crisis management and life-space crisis intervention, partnering with families, and special education.

**What recommendations do you believe that if enacted immediately could help every school in Maryland maintain a safe and orderly environment where teachers could teach, children could learn, and the administrative team could focus on being instructional leaders.**

- Panelists suggested and described best practices:
  - A school-wide program (like PBIS) provides a structure for consistent behavior expectations with clear plans to hold students accountable and celebrate their successes. The program would come with support from experts who can guide the school in trouble-shooting kinks within implementation as the school works to build clear, consistent and fair expectations.
  - Restorative practices/justice should be a requirement for certification for teachers. Some teachers are resistant to it because they aren't trained, but Restorative practices are the most effective way to prevent bullying and violence. It teaches our young people how to process feelings and communicate concerns.
  - Use a program or initiative that aims to build a strong school culture and community among students and among staff. Havre de Grace Elementary School has implemented the House Initiative. They work done each day to maintain a strong, positive culture and climate which opens the door to trust and strong relationships among all stakeholders. This results in a safe, orderly environment where teachers can teach, students can learn and become leaders, and the administrative team can be instructional leaders.
  
- Panelists suggested changes to the penalties as outlined in the *Maryland Guidelines for a State Code of Discipline*:
  - Regarding "Disruption 704" the phrase "directly affects the safety of others" should be removed. Student should be able to be suspended for intentionally engaging in moderate to serious and persistent misbehavior that distracts from teaching and learning.
  - "Drugs/Controlled Substances" should go all the way to level 5 for using/possessing illegal drugs. Using, possessing, or selling tobacco/e-cigarettes 204 should be the same level 5 as alcohol. What is in an e-cigarette cannot be determined and, with the advancement in medical marijuana, these activities must be taken seriously.

- “Other Guns 302 and Other Weapons 303” should be level 5 for possessing using or threatening with a loaded or unloaded weapon.
- Panelists expressed the need for greater accountability for students and parents with increased efforts to reach out to families:
    - Hold chronically disruptive students and parents accountable using current judicial consequences, up to and including removal from the general school population.
    - Require parents [of chronically disruptive students] to attend parenting classes.
    - Enlist more support from the community and families. For some reason there is a high distrust of schools from some parents. But we need to get everyone back to the philosophy that it takes a village. Ideas are as follows: Offer education classes to parents (similar to parenting classes); encourage our parents to visit the school, i.e. invite them into the building for class presentations; require parent participation in conferences. But so many times we have students failing and we reach out multiple times and hear nothing.
  - Panelists expressed the need more resources, specialists, and wrap around services:
    - Mandate wrap around services for students that engage in substance abuse and/or severe behavioral issues.
    - More professional resources are needed. One panelist indicated that his school, with 1000 students in 6<sup>th</sup> – 8<sup>th</sup> grades, are always trying to find people to meet their needs and teachers were stretched so thin. He felt very lucky to have one counselor for each grade level.
    - Mental health professionals should be available in schools to support children who have behavior struggles resulting from trauma in their lives. These human resources would be available to counsel and provide intervention for children in moments of crisis as well as provide support that would be preventative.
    - Partner with outside resources to provide more behavior coaches, behavioral specialists, psychiatrists, and therapists in schools for staff and students. More special education teachers, counselors, psychologists are needed.
    - Establish an alternative school with all the resources needed for wraparound services and where the learner could graduate.
  - Panelists indicated a need for more equity and sharing of resources between the districts:
    - Share this report and findings with all districts and support those districts where the report shows the greatest or highest area of need and support.

- There should be more equitable allocation of resources and supports for less affluent districts that do not have the resources to support wrap around services and other interventions for their students.
  - Facilitate sharing of best practices from districts that are experiencing success with other districts that are not. This could be done through shadowing, exchange, and cooperation opportunities.
- Panelists expressed the need for teacher training:
- Most importantly schools need adequately trained staff that could ensure a safe and orderly environment for all learners.
  - Partner with colleges and universities to add intense classroom management coursework to include components that are culturally appropriate and taught by experts in the field.

## **PARENTS AND STUDENTS**

### **What do you see as the top three discipline issues in your school or district?**

Panelists described issues with students refusing to do work, which stems from a lack of respect for authority within the school. This encourages other students to also not complete work. The panelists expressed that the issues are not just in the actions of students but how schools and school systems process discipline issues. Several panelists also expressed that they receive no communication from their children's school about school-wide discipline issues. Additional responses included class-cutting, fighting, bullying, and cell phone usage.

### **How do the administrators make your child's school/class safe and orderly?**

Panelists stated that some teachers are focused more on redirecting student's attention but not getting to the root cause of why students are being disruptive. Some of the parent panelists expressed that administrative red-tape and restrictions within the student code of conduct limit what administrators can do, and that in other instances administrators are disinterested in addressing issues.

### **How has disruption in the classroom impacted your student academically, physically, emotionally, or psychologically?**

Panelists said disruptions are stressful and impactful, partly stemming from the inconsistency of discipline from case to case. Multiple panelists described physical and emotional issues such as anxiety, loss of appetite, loss of sleep, nightmares, and other manifestations.

### **Should parents be held more accountable for their child's behavior? If so, how could this be done?**

Panelists unanimously agreed that parents need to be held accountable and stressed that discipline starts at home. Teachers should not have to bear the responsibility of disciplining students in the absence of parents.

**How can local school systems and the State help address student discipline and disruptive behaviors and the parent’s role/responsibility?**

Panelists expressed community engagement and development involving wrap-around services are crucial to addressing the problem. Addressing the issues requires collaboration among multiple state and local agencies, including the Maryland State Department of Education, Department of Mental Health, and others. Panelists expressed concerns regarding the lack of counseling and mental health staff available within the local school systems and in their counties and limited resources that could provide assistance to both students and parents.

**How much instruction time in a given day during school/class would you say teachers lose dealing with discipline and classroom disruptions?**

The student panelists expressed that there are teachers who do not have total control over the classroom. The duration of time lost ranged from fifteen minutes to forty-five minutes total within a given class period. Students noted that the amount of class time lost depends on class size, and that larger classes tend to result in more time being spent addressing disruptions.

**By show of hands, how would you rate the preparedness of teachers to address discipline issues?**

The majority of panelists indicated that teachers were either unprepared or very unprepared to address discipline issues.

**What alternative programs, such as PBIS or restorative circles, are being used in your schools and how would you rate their effectiveness?**

Some panelists expressed that such practices are being used in their schools but that there are limitations to their effectiveness.

**How many of the parents are members of the Parent/Teacher Association (PTA)? If a member, are there discussions around discipline issues during the meetings?**

Panelists who were involved in the PTA strongly expressed that getting parents to attend monthly meetings is extremely difficult. A respondent who is not a member of the PTA shared that in her experiences some parents have been made to feel uncomfortable or excluded at PTA meetings and therefore choose not to attend.

**Do you know of students who have been suspended out-of-school? Has it been effective in changing their behavior? How about in-school suspension?**

Student panelists expressed that out-of-school suspension was not effective in changing behavior because being sent home allows for students to do leisurely activities such as playing video games and not receiving an education. Students said they knew other students who posted about their activities during out-of-school suspension on social media such as Facebook.

The parents expressed that out-of-school suspensions can be effective for some students if the parents reinforce discipline and expectations at home while the student is out of school. The parents expressed that there is a difference between punishment and correcting the behavior, and that suspension has to be more than a punishment in order to be effective.

Students expressed that being assigned to in-school suspension was not considered to be a serious consequence. When assigned, one student claimed to use the time to sleep.

**The Maryland legislature recently considered a bill that would require parents to spend one day along with their child in the in-school suspension room. What do you think about such a plan?**

Panelists were split on their approval of such legislation, with some expressing that such legislation reflected a macro-level solution that may not fit on a micro-level; while others shared that from their personal experiences having a parent attend a suspension with them proved effective.

**Have you been able to access student discipline policies regarding your LSS/School District to help you understand or navigate the process?**

Panelists indicated that policies are made public but some policies are vague and many parents are not going to understand what the policies and codes of conduct entail.

## APPENDIX IV

### READINGS AND RESOURCES

COMAR 13A.08.01 General Regulations (2014)

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/COMAR13A.08.01GeneralRegulations012014.pdf>

Discipline Related COMAR

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/DisciplineRelatedCodeCOMAR.pdf>

Framework for Statewide School Discipline Plan (2014) COMAR General

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/FrameworkStatewideSchoolDisciplinePlan2014.pdf>

Learning Style Differences: What are some differences in how girls and boys learn?

<https://www.singlesexschools.org/research-learning.htm>

The Maryland Guidelines for a State Code of Discipline

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/MarylandGuidelinesStateCodeDiscipline2014.pdf>

Maryland's Model Policy to Address Bullying, Harassment, or Intimidation

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/MarylandModelPolicyAddressBullyingHarassmentIntimidation.pdf>

Maryland Schools Code of Conduct Report

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/MarylandSchoolsCodeofConductComparingDisciplinePolicyAcrossDistricts.pdf>

Overview of Recent Studies on School Discipline

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/OverviewRecentStudiesSchoolDiscipline.pdf>

Overview of Reducing and Eliminating Disproportionate/Discrepant Impact – COMAR 13A.08.01.21 (2016)

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/OverviewReducingEliminatingDisproportionate2016.pdf>

Overview of School Discipline Policy and Regulations in Maryland

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/OverviewSchoolDisciplinePolicyRegulations.pdf>

PBIS and the Responsive Classroom® Approach

[https://www.responsiveclassroom.org/sites/default/files/pdf\\_files/PBIS\\_whitepaper.pdf](https://www.responsiveclassroom.org/sites/default/files/pdf_files/PBIS_whitepaper.pdf)

Quick Start Guide to Restorative Approaches in the Classroom for Teachers

[https://www.iirp.edu/images/pdf/dsrm\\_RA\\_Quick\\_Start\\_Guide\\_Apr\\_30\\_2017.pdf](https://www.iirp.edu/images/pdf/dsrm_RA_Quick_Start_Guide_Apr_30_2017.pdf)

School Discipline: A Look Backward and Forward

<http://marylandpublicschools.org/stateboard/Documents/01242019/RR/SchoolDisciplineALookBackwardForward.pdf>

Smart & Good High Schools: Integrating Excellence and Ethics for Success in School, Work, and Beyond

(Summary)

<http://www2.cortland.edu/dotAsset/248330.pdf>

Task Force on the Education of Maryland's African-American Males

<https://files.eric.ed.gov/fulltext/ED496696.pdf>

Smart and Good Schools

<http://www2.cortland.edu/dotAsset/194001.pdf>

Teaching the Male Brain

[https://www.theibsc.org/uploaded/IBSC/Conference\\_and\\_workshops/Toronto\\_Workshops/James\\_TeachingTheMaleBrain-handout.pdf](https://www.theibsc.org/uploaded/IBSC/Conference_and_workshops/Toronto_Workshops/James_TeachingTheMaleBrain-handout.pdf)

With Boys and Girls in Mind

<http://www.ascd.org/publications/educational-leadership/nov04/vol62/num03/With-Boys-and-Girls-in-Mind.aspx#.XJbojPxima8.email>

Answering Those Who Believe Boys and Girls Do Not Learn Differently

<https://gurianinstitute.com/answering-those-who-believe-boys-and-girls-do-not-learn-differently/>

Department of Education Rolls Back School Discipline Guidelines (Article)

<https://foxbaltimore.com/news/project-baltimore/departement-of-education-rolls-back-school-discipline-guidelines-02-28-2019>

A Report to the Nation Smart & Good High Schools Integrating Excellence and Ethics for Success in School, Work, and Beyond

<http://www2.cortland.edu/dotAsset/248332.pdf>