



Maryland Compilation of School Discipline Laws and Regulations

Prepared: June 30, 2022

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of June 2022. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

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The State of Maryland contracts with LexisNexis to provide free public access to the Maryland Code. Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Courts and Judicial Proceedings

Title 5. Limitations, Prohibited Actions, and Immunities

Subtitle 8. Immunities and Prohibited Actions - Miscellaneous

§ 5-803. School employees

Criminal Law

Title 3. Other Crimes against the Person

Subtitle 6. Abuse and Other Offensive Conduct

§ 3-607. Hazing

Subtitle 8. Stalking and Harassment

Title 4. Weapon Crimes

Subtitle 1. General Provisions

§ 4-102. Deadly weapons on school property

Education

Division II. Elementary and Secondary Education

Title 4. Local School Administration

Subtitle 1. County Boards of Education

§ 4-124. Drug-free school zones

Subtitle 3. Baltimore City

§ 4-318. Baltimore City School Police Force

§ 4-319. Baltimore City Alternative Learning Center

Title 6. Teachers and Other Personnel

Subtitle 1. Personnel Matters

§ 6-122. Training for youth suicide risk and students in crisis.

Subtitle 7. Professional Standards and Teacher Education Board

§ 6-704.1. Certification renewal requirement for school counselors

Title 8. Special Programs for Exceptional Children

Subtitle 4. Children with Disabilities

§ 8-405. Meetings to discuss and evaluate educational program; extended year services

Title 7. Public Schools

Subtitle 3. Attendance and Discipline of Students

- § 7-301. Compulsory attendance
- § 7-301.1. Attendance policy for pregnant or parenting students
- § 7-302. Report of absences and maladjustment
- § 7-302.2. Truant students
- § 7-303. Arrest for reportable offense
- § 7-303.1. School principal to report student criminal activity
- § 7-304. Special programs for disruptive students
- § 7-304.1. Positive behavioral interventions and support program
- § 7-305. Suspension and expulsion [Amendment subject to contingent abrogation]
- § 7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions
- § 7-306. Corporal punishment; State code of discipline

- § 7-308. Searches of students and schools

Subtitle 4. Health and Safety of Students

- § 7-411.1. Dating violence and diabetes treatment and prevention lessons in health education curriculum
- § 7-412. Preservation of rights of student seeking to overcome drug abuse
- § 7-424. Reporting incidents of harassment or intimidation against students
- § 7-424.1. Model policy prohibiting bullying, harassment, and intimidation
- § 7-424.2. Gangs and gang activity
- § 7-424.3. Bullying, harassment, and intimidation policy
- § 7-427.1. Guidelines for trauma-informed approach
- § 7-430. Cultural competency model training curriculum
- § 7-438. Community-Partnered school behavioral health services programs
- § 7-440. Individualized or group behavioral counseling services

Subtitle 11. Student Behavior Intervention

- § 7-1101. Definitions
- § 7-1102. Use of seclusion as behavioral health intervention – Use of physical restraint as a behavioral health intervention – Use of seclusion by health care practitioner
- § 7-1103. Counting separate incidents of seclusion – notice to the department and local school system – Actions by local school system – Notice by public agency – Actions by department
- § 7-1104. Reports and guidance
- § 7-1105. Development of policies and procedures
- § 7-1106. Corrective action plan filed by school to department – Adoption of regulations
- § 7-1107. Consultation concerning training requirements

Subtitle 15. Maryland Safe to Learn Act

- § 7-1501. Definitions
- § 7-1502. Center established
- § 7-1503. School safety subcabinet
- § 7-1507. Model policy for assessment teams
- § 7-1508. School safety coordinator, school resource officers, and school security employees
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- § 7-1512. Safe schools fund

Division IV. Other Education Provisions

Title 26. Prohibitions and Penalties

Subtitle 1. School Security

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- § 26-103. Drinking or possessing intoxicating beverages on school premises

Health - General

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Subtitle 22A. Maryland Council on Advancement of School-Based Health Centers

- § 19-22A-05. Duties, other activities, reports

Maryland Regulations

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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

7-306. Corporal punishment; State code of discipline.

- (a) "Restorative approaches" defined. -
- (1) In this section, "restorative approaches" means a relationship-focused student discipline model that:
 - (i) Is preventive and proactive;
 - (ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;
 - (iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and
 - (iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.
 - (2) "Restorative approaches" may include:
 - (i) Conflict resolution;
 - (ii) Mediation;
 - (iii) Peer mediation;
 - (iv) Circle processes;
 - (v) Restorative conferences;
 - (vi) Social emotional learning;
 - (vii) Trauma-informed care;
 - (viii) Positive behavioral intervention supports; and
 - (ix) Rehabilitation.
- (b) Corporal punishment prohibited. - Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.
- (c) Standards of conduct; implementation. - The State Board shall:
- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
 - (2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
 - (3) Assist each county board with the implementation of the guidelines.
- (d) Regulations. -
- (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.
 - (2) The regulations adopted by a county board under this subsection:
 - (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

- (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
- (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

(e) Disaggregation of data. -

(1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

- (i) The State;
- (ii) Each local school system; and
- (iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) Collection of data on alternative school discipline practices. -

(1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an out-of-school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

- (i) The types of alternative school discipline practices that are used in a local school system; and
- (ii) The type of misconduct for which an alternative discipline practice is used.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) "Bullying, harassment, or intimidation" defined. - In this section, "bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

(b) In general. -

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

- (i) A statement prohibiting bullying, harassment, and intimidation in schools;
- (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
- (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
- (v) Standard consequences and remedial actions for persons found to have made false accusations;
- (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
- (vii) Model procedures for providing notice of an act of bullying, harassment, or intimidation to:

1. A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 2. A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
- (viii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
- (ix) Information about the types of support services available to the student bully, victim, and any bystanders;
- (x) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
- (xi) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.
- (3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.
- (c) Development of policy by county boards. -
- (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.
 - (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.
 - (3) A county board shall develop the policy in consultation with representatives of the following groups:
 - (i) Parents or guardians of students;
 - (ii) School employees and administrators;
 - (iii) School volunteers;
 - (iv) Students; and
 - (v) Members of the community.
 - (4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.
- (d) Publication of policy. - Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.
- (e) Reporting procedure. - Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:
- (1) A chain of command in the reporting process; and
 - (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.
- (f) Submission of policy. -
- (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.
 - (2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.
- (g) Educational programs. - Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) Limitation of liability. -

(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.3. Bullying, harassment, and intimidation policy.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

(3) "Nonpublic school" means a nonpublic school that participates in State-funded education programs.

(b) Adoption by nonpublic school. - By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(c) Contents. - The policy adopted under subsection (b) of this section shall include:

(1) A statement prohibiting bullying, harassment, and intimidation in the school;

(2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;

(4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:

(i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and

(ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;

(5) Standard consequences and remedial actions for persons found to have made false accusations;

(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;

(7) Standard procedures for providing notice of an act of bullying, harassment, or intimidation to:

(i) A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and

(ii) A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;

(8) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;

(9) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and

(10) Information about the types of support services available to a student bully or victim and any bystanders.

(d) Consultation with groups. - A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:

- (1) Parents or guardians of students;
- (2) School employees and administrators;
- (3) School volunteers; and
- (4) Students.

(e) Publication. - A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.

(f) Educational programs. - A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:

- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
- (2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) Civil liability. - An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) Construction of provisions. - The provisions of this section may not be construed to:

- (1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or
- (2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

7-1105. Development of policies and procedures.

Each public agency and nonpublic school shall develop policies and procedures in compliance with this subtitle and the regulations adopted by the Department

REGULATIONS

13A.08.01.11. Disciplinary action.

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

- (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
- (2) Be designed to keep students connected to school so that they may graduate college and career ready;
- (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
- (4) Allow for discretion in imposing discipline;
- (5) Address the ways the educational and counseling needs of suspended students will be met; and
- (6) Explain why and how long-term suspensions or expulsions are last-resort options.

Scope

LAWS

7-424. Reporting incidents of harassment or intimidation against students.

(a) Definitions. -

- (1) In this section the following words have the meanings indicated.
- (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
 - (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
 1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
 2. Sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
 3. Threatening or seriously intimidating; and
 - (ii)
 1. Occurs on school property, at a school activity or event, or on a school bus; or
 2. Substantially disrupts the orderly operation of a school.
- (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.
- (4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.
- (5) "Sexual contact" means sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

(b) Report required. -

- (1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.
- (2) An incident of bullying, harassment, or intimidation may be reported by:
 - (i) A student;
 - (ii) The parent, guardian, or close adult relative of a student; or
 - (iii) A school staff member.

(c) Contents; distribution. -

- (1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.
- (2) Each victim of bullying, harassment, or intimidation report form shall:
 - (i) Identify the victim and the alleged perpetrator, if known;
 - (ii) Indicate the age of the victim and alleged perpetrator;
 - (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
 - (iv) Indicate the location of the incident;
 - (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
 - (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;

(vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program. -

(1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.

(2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.

(3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system websites, and other locations that the county board determines are necessary or appropriate.

(4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:

(i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and

(ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality. -

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. - The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly. -

(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the bullying, harassment, or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

- (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
- (v) The number of days a student is absent from school, if any, as a result of the incident; and
- (vi) The number of false allegations reported.

7-424.3. Bullying, harassment, and intimidation policy.

(a) Definitions. -

- (1) In this section the following words have the meanings indicated.
- (2) "Bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.
- (3) "Nonpublic school" means a nonpublic school that participates in State-funded education programs.

(b) Adoption by nonpublic school. - By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(c) Contents. - The policy adopted under subsection (b) of this section shall include:

- (1) A statement prohibiting bullying, harassment, and intimidation in the school;
- (2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
- (4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:
 - (i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and
 - (ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;
- (5) Standard consequences and remedial actions for persons found to have made false accusations;
- (6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;
- (7) Standard procedures for providing notice of an act of bullying, harassment, or intimidation to:
 - (i) A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 - (ii) A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
- (8) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;
- (9) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and
- (10) Information about the types of support services available to a student bully or victim and any bystanders.

(d) Consultation with groups. - A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:

- (1) Parents or guardians of students;
- (2) School employees and administrators;
- (3) School volunteers; and
- (4) Students.

(e) Publication. - A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.

(f) Educational programs. - A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) Civil liability. - An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) Construction of provisions. - The provisions of this section may not be construed to:

(1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or

(2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

REGULATIONS

13A.02.04.02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Official school day" means the regular school day with a designated starting time and ending time as defined by the local school system.

(2) "School buildings" means local school system owned or leased buildings.

(3) "School grounds" means local school system owned or leased land that surrounds a school building.

(4) Tobacco.

(a) "Tobacco" means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed.

(b) "Tobacco" does not include nicotine replacement therapy.

13A.08.01.12-1. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

(1) "Alternative educational setting" means an alternative education program that allows the student to continue the student's education within the public school system and, if in a secondary school, the opportunity to earn credit.

(2) "Expulsion" means at a minimum the removal of a student from the student's regular school program.

(3) "Firearm" means a weapon as defined in 18 U.S.C. § 921.

(4) "School property" means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.

(5) "Year" means a calendar year of 12 months.

B. General Provisions.

(1) Except as provided in § B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

(3) Nothing in this regulation applies to a firearm:

(a) That is lawfully stored inside a locked vehicle on school property; or

(b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, § 7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

D. Administrative Procedures.

(1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:

(a) Written certification that the local school system is in compliance with the requirements of this regulation;

(b) A description of the circumstances surrounding any expulsions imposed under State law as required by § B(1) of this regulation;

(c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;

(d) The name of the school where each incident took place;

(e) The type of firearm involved;

(f) The disposition of each case, including the number of students:

(i) Expelled from each school, and

(ii) Placed in alternative educational settings; and

(g) A description of alternative educational settings used in compliance with this regulation.

(2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

13A.08.01.14. Searches.

A. Search of Student by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

(a) A criminal offense under the laws of this State; or

(b) A violation of:

- (i) Any other State law; or
- (ii) A rule or regulation of the local board.

(2) A search under § A(1) of this regulation shall be made in the presence of a third party.

B. Search of School by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students.

(2) The right of a principal, assistant principal, or school security guard to search lockers of students under § B(1) of this regulation shall be announced or published previously in the school.

C. Search of Student on School-Sponsored Trip by Teacher.

(1) A local board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

- (a) A criminal offense under the laws of this State; or
- (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.

(2) To qualify to conduct a search under § C(1) of this regulation, a teacher shall:

- (a) Be designated in writing by a principal; and
- (b) Receive training to conduct a search commensurate with the training received by a principal.

(3) A search under § C(1) of this regulation shall be made in the presence of a third party.

D. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.

E. A school official may not conduct a search of the person of a student at the request of a police officer unless a search warrant has been issued authorizing the search.

F. Every effort shall be made to conduct searches in a manner which will minimize disruption of the normal school routine and minimize embarrassment to students affected.

Communication of Policy

LAWS

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) Development of policy by county boards. -

(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

- (i) Parents or guardians of students;
- (ii) School employees and administrators;
- (iii) School volunteers;
- (iv) Students; and
- (v) Members of the community.

(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.

(b) Publication of policy. - Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.

7-424.2. Gangs and gang activity.

(d) Policy or regulations by local school system. -

(1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

- (i) Parents or guardians of students;
- (ii) School employees and administrators;
- (iii) School volunteers;
- (iv) Students;
- (v) Local law enforcement;
- (vi) Gang prevention and intervention programs;
- (vii) The Office of the Public Defender;
- (viii) The Maryland State's Attorneys Association; and
- (ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. - Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. - Each local school system shall publicize its policy or regulations in student handbooks, on school system websites, and at any other location or venue the local school system determines is necessary or appropriate.

REGULATIONS

13A.02.04.04. Notification of a tobacco-free environment.

Each local school system shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

13A.08.01.14. Searches.

A. Search of Student by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

- (a) A criminal offense under the laws of this State; or
- (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.

(2) A search under § A(1) of this regulation shall be made in the presence of a third party.

B. Search of School by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students.

(2) The right of a principal, assistant principal, or school security guard to search lockers of students under § B(1) of this regulation shall be announced or published previously in the school.

C. Search of Student on School-Sponsored Trip by Teacher.

(1) A local board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

(a) A criminal offense under the laws of this State; or

(b) A violation of:

(i) Any other State law; or

(ii) A rule or regulation of the local board.

(2) To qualify to conduct a search under § C(1) of this regulation, a teacher shall:

(a) Be designated in writing by a principal; and

(b) Receive training to conduct a search commensurate with the training received by a principal.

(3) A search under § C(1) of this regulation shall be made in the presence of a third party.

D. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.

E. A school official may not conduct a search of the person of a student at the request of a police officer unless a search warrant has been issued authorizing the search.

F. Every effort shall be made to conduct searches in a manner which will minimize disruption of the normal school routine and minimize embarrassment to students affected.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

- (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
- (2) Be designed to keep students connected to school so that they may graduate college and career ready;
- (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
- (4) Allow for discretion in imposing discipline;
- (5) Address the ways the educational and counseling needs of suspended students will be met; and
- (6) Explain why and how long-term suspensions or expulsions are last-resort options.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

7-305. Suspension and expulsion [Amendment subject to contingent abrogation].

(a) Suspension for not more than 10 school days. -

- (1) Except as provided in subsection (b) of this section and § 7-305.1 of this subtitle, in accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.
- (2) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.
- (3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7-310 of this subtitle.

(b) Suspension and expulsion procedures for attendance-related offenses. -

(1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance-related offenses.

(2) Paragraph (1) of this subsection does not apply to in-school suspensions for attendance-related offenses.

(c) Suspension for more than 10 school days or expulsion. - Except as provided in § 7-305.1 of this subtitle, at the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student.

(d) Procedure for more than 10-day suspension or expulsion. -

(1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the county superintendent.

(2) The county superintendent or the county superintendent's designated representative promptly shall make a thorough investigation of the matter.

(3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, the county superintendent or the county superintendent's designated representative promptly shall arrange a conference with the student and his parent or guardian.

(4) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7-310 of this subtitle.

(5) If after the conference the county superintendent or the county superintendent's designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:

(i) Appeal to the county board within 10 days after the determination;

(ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under § 6-203 of this article; and

(iii) Bring counsel and witnesses to the hearing.

(6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.

(7) The appeal to the county board does not stay the decision of the county superintendent.

(8) The decision of the county board is final.

(e) Returning to school premises or classroom. -

(1) Any student expelled or suspended from school:

(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and

(ii) May not participate in school sponsored activities.

(2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.

(3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 for each violation.

(4)(i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.

(5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.

(6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.

(f) Students with disabilities. -

(1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.

(2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.

(g) Restitution for damage to school property. -

(1) This subsection does not apply if the student is referred to the Department of Juvenile Services.

(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.

(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$ 2,500, or the student's assignment to a school work project, or both.

7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions.

(a)(1) Definitions. - In this section the following words have the meanings indicated.

(3) "Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

(i) Are conducted by trained staff;

(ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

(iii) Help build a sense of belonging, safety, and social responsibility in the school community. [...]

(d) Remedying impact of behavior. - The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

7-306. Corporal punishment; State code of discipline.

(a) "Restorative approaches" defined. -

(1) In this section, "restorative approaches" means a relationship-focused student discipline model that:

(i) Is preventive and proactive;

(ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;

(iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and

(iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

(2) "Restorative approaches" may include:

- (i) Conflict resolution;
- (ii) Mediation;
- (iii) Peer mediation;
- (iv) Circle processes;
- (v) Restorative conferences;
- (vi) Social emotional learning;
- (vii) Trauma-informed care;
- (viii) Positive behavioral intervention supports; and
- (ix) Rehabilitation. [...]

(c) Standards of conduct; implementation. - The State Board shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;

(2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and

(3) Assist each county board with the implementation of the guidelines.

(d) Regulations. -

(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

7-306. Corporal punishment; State code of discipline.

(b) Corporal punishment prohibited. - Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

E. Corporal Punishment. Corporal punishment may not be used to discipline a student in a public school in the State.

Search and Seizure

LAWS

7-308. Searches of students and schools.

(a) Authority to search student. - A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(b) Authority to search student - By teacher. -

(1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(2) To qualify to conduct a search under this subsection, a teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal.

(c) Presence of third party required. - A search under subsection (a) or (b) of this section shall be made in the presence of a third party.

(d) Authority to search school. -

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.

(2) The right of the school official to search the locker shall be announced or published previously in the school.

(e) Rules and regulations. - The Department shall adopt rules and regulations relating to the searches permitted under this section.

REGULATIONS

13A.08.01.14. Searches.

A. Search of Student by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

- (a) A criminal offense under the laws of this State; or
- (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.

(2) A search under § A(1) of this regulation shall be made in the presence of a third party.

B. Search of School by Principal, Assistant Principal, or School Security Guard.

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students.

(2) The right of a principal, assistant principal, or school security guard to search lockers of students under § B(1) of this regulation shall be announced or published previously in the school.

C. Search of Student on School-Sponsored Trip by Teacher.

(1) A local board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is:

- (a) A criminal offense under the laws of this State; or
- (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.

(2) To qualify to conduct a search under § C(1) of this regulation, a teacher shall:

- (a) Be designated in writing by a principal; and
- (b) Receive training to conduct a search commensurate with the training received by a principal.

(3) A search under § C(1) of this regulation shall be made in the presence of a third party.

D. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.

E. A school official may not conduct a search of the person of a student at the request of a police officer unless a search warrant has been issued authorizing the search.

F. Every effort shall be made to conduct searches in a manner which will minimize disruption of the normal school routine and minimize embarrassment to students affected.

Restraint and Seclusion

LAWS

7-1101. Definitions.

- (a) In this subtitle the following terms have the meanings indicated.
- (b) Behavior intervention plan. - "Behavior intervention plan" means a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
- (c) Nonpublic school. - "Nonpublic school" means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities.
- (d) Physical restraint. -
- (1) "Physical restraint" means A personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely that occurs during school hours.
 - (2) "Physical restraint" does not include:
 - (i) Briefly holding a student in order to calm or comfort the student;
 - (ii) Holding a student's hand or arm to escort the student safely from one area to another;
 - (iii) Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
 - (iv) Breaking up a fight in the school building or on school grounds.
- (e) "Public agency" means the Department, a local school system, the Juvenile Services Education Program, the Maryland School for the Deaf, or the Maryland School for the Blind.
- (1) Seclusion. - "Seclusion" means the confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving. During school hours.
 - (2) "seclusion" does not include a behavior intervention plan of separating a student by placing the student:
 - (i) into a nonlocked room from which the student is allowed to leave; or
 - (ii) within a separate location in a classroom from which the student is not physically prevented from leaving.
 - (f) "trauma-informed intervention" means an approach to behavior intervention that is informed by the recognition that the experience of trauma, including the experience of violence, abuse, neglect, disaster, terrorism, and war, may have a significant impact on an individual's physical and emotional health and ability to function.

7-1102. Use of seclusion as behavioral health intervention – Use of physical restraint as a behavioral health intervention – Use of seclusion by health care practitioner.

- (a) This section does not apply to the Juvenile Services Education Program.
- (b) A public agency may not use seclusion as a behavioral health intervention for a student.
- (c) Neither a public agency nor a nonpublic school may use physical restraint on a student as a behavioral health intervention unless:
- (1) Physical restraint is necessary to protect the student or another individual from imminent serious physical harm; and
 - (2) Other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

- (d)(1) A nonpublic school may not use seclusion as a behavioral health intervention for a student unless:
- (i) Seclusion is necessary to protect the student or another individual from imminent serious physical harm;
 - (ii) Other, less intrusive interventions have failed or been demonstrated to be inappropriate for the student;
 - (iii) A health care practitioner who qualifies under subsection (e) of this section is on site and is directly observing the student during the seclusion;
 - (iv) The health care practitioner concludes that seclusion is not contraindicated for the physical, psychological, or psychosocial health of the student;
 - (v) If the door to the room in which the student is being secluded has a locking mechanism, the locking mechanism is engaged only if held in place by an individual or, if operated electronically, automatically releases in the case of an active fire alarm; and
 - (vi) The period of seclusion lasts the lesser of:
 - 1. 30 minutes; or
 - 2. A point in time during which the student no longer poses a threat of imminent serious physical harm.
- (2) (i) For a student who has an individualized education program and is placed in seclusion, the individualized education program team, in consultation with the health care practitioner who observed the seclusion, shall review the student's physical, psychological, and psychosocial health history to determine whether seclusion is contraindicated for the student.
- (ii) A determination under this paragraph shall be made:
- 1. At each annual review of the student's individualized education program; and
 - 2. Within 10 days of a student's placement being changed.
- (3) (i) If a student's behavior is adversely affected after being placed in seclusion, the nonpublic school shall convene a pupil personnel meeting on an expedited basis or at the earliest opportunity to discuss alternative behavioral health treatments.
- (ii) If the behavior of a student with an individualized education program is adversely affected after being placed in seclusion, the student's individualized education program team shall convene a meeting on an expedited basis or at the earliest opportunity to discuss alternative behavioral health treatments.
- (e) Before a health care practitioner may use seclusion as a behavioral health intervention for a student in a nonpublic school, the health care practitioner shall:
- (1) (i) Be a physician, licensed to practice under Title 14 of the Health Occupations Article;
 - (ii) Be a psychologist, licensed to practice under Title 18 of the Health Occupations Article;
 - (iii) Be a clinical social worker, licensed to practice under Title 19 of the Health Occupations Article;
 - (iv) Be a registered nurse, licensed to practice under Title 8 of the Health Occupations Article; or
 - (v) Be a clinical professional counselor, licensed to practice under Title 17 of the Health Occupations Article;
- (2) Have received training in all topics required under COMAR 13A.08.04.06, in effect on June 30, 2022; and
- (3) Be clinically familiar with a student.

7-1103. Counting separate incidents of seclusion — Notice to the department and local school system — Actions by local school system — Notice by public agency — Actions by department.

(a) In this section, each incident during a behavioral health intervention in which a student is enclosed in a room, enclosure, or other space and prevented from leaving, shall be counted as a separate incident of seclusion regardless of the duration of the incident.

(b) (1) If a student enrolled in a public school is physically restrained 10 times or more in a school year, the public school shall provide notice to the Department and the local school system at the earliest opportunity, but not longer than 4 business days after the student's 10th incident of physical restraint.

(2) If a student placed in a nonpublic school by the local school system is physically restrained or placed in seclusion 10 times or more in a school year, the nonpublic school shall provide notice to the Department and the local school system at the earliest opportunity, but not longer than 4 business days after the student's 10th incident of physical restraint or seclusion.

(c) On receipt of notice from a public school or nonpublic school under subsection (b) of this section, the local school system shall:

(1) Review the student's case, including the circumstances of each incident of physical restraint or seclusion;

(2) Assess the public school or nonpublic school's pattern of behavioral health interventions to evaluate whether the public school or nonpublic school could use less restrictive behavioral health interventions; and

(3) Share the local school system's recommendations with the Department and the public school or nonpublic school.

(d) If a student enrolled in a public agency that is not a public school is physically restrained 10 times or more in a school year, the public agency shall provide notice to the Department at the earliest opportunity, but not longer than 4 business days after the student's 10th incident of physical restraint.

(e) On receipt of notice from a public agency under subsection (d) of this section, the Department shall:

(1) Review the student's case, including the circumstances of each incident of physical restraint;

(2) Assess the public agency's pattern of behavioral health interventions to evaluate whether the public agency could use less restrictive behavioral health interventions; and

(3) Share the Department's recommendations with the public agency.

7-1104. Reports and guidance

(a)(1) On or before December 1 each year, each public agency and nonpublic school shall submit to the Department a report for the prior school year on:

(i) The number of physical restraint incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement;

(ii) The number of physical restraint incidents each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, age, and type of placement;

(iii) For nonpublic schools, the number of seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, and age; and

(iv) For nonpublic schools, the number of seclusion incidents for each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, and age.

(2) To determine the number of incidents for the report required under paragraph (1) of this subsection:

(i) A seclusion incident shall be considered ended if at any point during the incident the student is no longer prevented from leaving or is removed from a room, an enclosure, or other space; and

(ii) If after a seclusion incident has ended in accordance with item (i) of this paragraph, the public agency or nonpublic school determines that it is necessary to place the student in seclusion again, the subsequent confinement of the student in a room, enclosure, or other space shall be considered a separate seclusion incident.

(3)(i) The Department shall verify the accuracy of a report from any public agency or nonpublic school that reports no physical restraint or seclusion incidents under this subsection.

(ii) If the Department is unable to verify the accuracy of a report submitted by a public agency or nonpublic school, the Department shall make recommendations for improvements in data collection and positive behavioral interventions at the public agency or nonpublic school.

(b) On or before December 1 each year, each public agency and nonpublic school shall submit to the Department a report on steps taken to encourage positive behavioral interventions, including:

(1) The professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions for the prior school year;

(2) For nonpublic schools, the policy changes made to further reduce the use of seclusion incidents during the prior school year; and

(3) The policy changes or new professional development opportunities designed to further increase positive behavioral interventions and reduce physical restraint or seclusion incidents in the upcoming school year.

(c) Each nonpublic school shall:

(1) Personally observe and review seclusion rooms;

(2) Review training plans for the use of seclusion; and

(3) Report to the Department regarding findings made under items (1) and (2) of this subsection.

(d)

(1) The Department shall:

(i) Provide guidance to nonpublic schools regarding the requirements of the use of seclusion and rooms for seclusion;

(ii) Develop an accountability system to measure compliance by public agencies and nonpublic schools with COMAR 13A.08.04 and any other regulations adopted to implement this subtitle;

(iii) Analyze the data and information collected under this section to determine trends and patterns in behavioral interventions; and

(iv) Report to the General Assembly, in accordance with § 2-1257 of the State Government Article, regarding findings and recommendations reported to the Department under this section.

(2)(i) In the report required under paragraph (1)(iv) of this subsection, the Department shall provide data for public agencies and nonpublic schools by school, subject to State and federal privacy laws.

(ii) The data provided under this paragraph shall be presented in a manner that accounts for variations in enrollment between schools.

(3) Within 30 days of submitting the report required under paragraph (1)(iv) of this subsection, the Department shall publish the report on its website.

7-1105. Development of policies and procedures

Each public agency and nonpublic school shall develop policies and procedures in compliance with this subtitle and the regulations adopted by the Department

7-1106. Corrective action plan filed by school to department – Adoption of regulations

(a) A public agency and the local school system in which the public agency is located or a nonpublic school shall submit a systemic, evidence-based corrective action plan to the Department if the public agency or nonpublic school:

- (1) Fails to comply with any provision of this subtitle; or
- (2) Reports to the Department that a student has been physically restrained or placed in seclusion 10 times or more in a school year under § 7-1103 of this subtitle.

(b) The Department shall adopt regulations to implement the provisions of this section.

7-1107. Consultation concerning training requirements.

(a) Subject to the requirements of this section, the State Superintendent shall, in consultation with representatives of institutions of higher education and the Professional Standards and Teacher Education Board under Title 6, Subtitle 7 of this article, adopt positive behavioral intervention training requirements for teachers, administrators, behavioral health specialists, paraprofessionals, aides, and any other employees who interact routinely with students.

(b) Before adopting the training requirements under subsection (a) of this section, the State Superintendent shall identify any gaps in behavioral interventions, strategies, and supports.

(c) The training requirements adopted under subsection (a) of this section shall include positive behavioral interventions, strategies, and supports that:

- (1) Are evidence-based;
- (2) Include trauma-informed interventions and strategies for de-escalation;
- (3) Remedy any gaps identified under subsection (b) of this section; and
- (4) Are consistent with professionally accepted practices and standards for persons entering the field of education.

(d) (1) The training requirements adopted under subsection (a) of this section shall be the basis of a program of professional development that the State Superintendent shall share with school employees from public agencies and nonpublic schools.

(2) The State Superintendent shall issue guidance on best practices in implementing positive behavior intervention plans that are the basis for the professional development program.

8-405. Meetings to discuss and evaluate educational program; extended year services.

(f) Written consent from parent for proposed enrollment of child in alternative programs or restraint or seclusion of child. -

(1) Except as provided in paragraph (2) of this subsection, an individualized education program team shall obtain written consent from a parent if the team proposes to:

- (i) Enroll the child in an alternative education program that does not issue or provide credits toward a Maryland high school diploma;
- (ii) Identify the child for the alternative education assessment aligned with the State's alternative curriculum; or
- (iii) Include restraint or seclusion in the individualized education program to address the child's behavior as described in COMAR 13A.08.04.05.

REGULATIONS

13A.08.04.01. Scope.

This chapter applies to student behavior interventions by public agencies and nonpublic schools.

13A.08.04.02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Behavior intervention plan" means a proactive, data-based, structured plan that is developed as a result of a functional behavioral assessment which is consistently applied by trained staff to reduce or eliminate a students challenging behaviors and to support the development of appropriate behaviors and responses.

(2) "Business day" has the meaning stated in COMAR 13A.08.03.

(2-1) Communicate.

(a) "Communicate" means to convey information verbally or nonverbally.

(b) "Communicate" includes, but is not limited to:

(i) Speech;

(ii) Gestures;

(iii) Symbols; and

(iv) American Sign Language.

(3) "Department" means the Maryland State Department of Education.

(4) "Exclusion" means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

(5) Functional Behavior Assessment.

(a) "Functional behavior assessment" means the systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior.

(b) "Functional behavior assessment" includes the:

(i) Identification of the functions of the problem behavior for the student;

(ii) Description of the problem behavior exhibited in the educational setting; and

(iii) Identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.

(6) "IEP" means an individual education program as defined and developed in accordance with COMAR 13A.05.01.

(7) "IEP team" has the meaning stated in COMAR 13A.05.01.

(8) Mechanical Restraint.

(a) "Mechanical restraint" means the use of any device or equipment to restrict a students freedom of movement.

(b) "Mechanical restraint" does not include devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, including:

(i) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

- (ii) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - (iii) Restraints for medical immobilization; or
 - (iv) Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- (9) "Nonpublic school" means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities in accordance with COMAR 13A.09.10.
- (10) "Parent" has the meaning stated in COMAR 13A.05.01.
- (11) Physical Restraint.
- (a) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the students torso, arms, legs, or head freely.
 - (b) "Physical restraint" does not include:
 - (i) Briefly holding a student to calm or comfort the student;
 - (ii) A physical escort, which is the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location;
 - (iii) Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
 - (iv) Intervening in a fight in accordance with Education Article § 7-307, Annotated Code of Maryland.
- (12) "Positive behavior interventions, strategies, and supports" means the school-wide and individual application of data-driven, trauma-informed actions, instruction, and assistance to promote positive social and emotional growth while preventing or reducing challenging behaviors in an effort to encourage educational and social emotional success.
- (13) Protective or Stabilizing Device.
- (a) "Protective or stabilizing device" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe positioning of a person.
 - (b) "Protective or stabilizing device" includes:
 - (i) Adaptive equipment prescribed by a health professional, if used for the purpose for which the device is intended by the manufacturer;
 - (ii) Seat belts; or
 - (iii) Other safety equipment to secure students during transportation in accordance with the public agency or nonpublic school transportation plan.
- (14) "Public agency" has the meaning stated in COMAR 13A.05.01.
- (15) "Restraint" means the use of a physical or mechanical restraint.
- (16) "School personnel" means an individual employed by a public agency or nonpublic school as defined in this chapter.
- (17) Seclusion.
- (a) "Seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

(b) "Seclusion" does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

(18) "Student with a disability" has the meaning stated in COMAR 13A.05.01.

(19) "Trauma-informed intervention" means an approach that is informed by the recognition of the impact that trauma, including violence, abuse, neglect, disaster, terrorism, and war, may have on a student's physical and emotional health and ability to function effectively in an educational setting.

13A.08.04.03. Student behavior Interventions.

A. General. School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.

B. School personnel shall only use exclusion, restraint, or seclusion:

(1) After less restrictive or alternative approaches have been considered, and:

(a) Attempted; or

(b) Determined to be inappropriate;

(2) In a humane, safe, and effective manner;

(3) Without intent to harm or create undue discomfort; and

(4) Consistent with known medical or psychological limitations and the student's behavioral intervention plan.

C. This chapter does not prohibit:

(1) School personnel from initiating appropriate student disciplinary actions pursuant to Education Article § 7-305, Annotated Code of Maryland, COMAR 13A.08.01.11, and COMAR 13A.08.03; or

(2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

13A.08.04.04. Use of exclusion.

A. School personnel may use exclusion to address a student's behavior:

(1) If the student's behavior unreasonably interferes with the student's learning or the learning of others;

(2) If the student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;

(3) If exclusion is requested by the student; or

(4) If supported by the student's behavior intervention plan.

B. A setting used for exclusion shall:

(1) Provide school personnel with the ability to see the student at all times;

(2) Provide adequate lighting, ventilation, and furnishings; and

(3) Be unlocked and free of barriers to prevent egress.

C. School personnel shall monitor a student placed in exclusion and provide a student in exclusion with:

(1) An explanation of the behavior that resulted in the removal; and

(2) Instructions on the behavior required to return to the learning environment.

D. School personnel shall ensure that each period of exclusion:

(1) Is appropriate to the developmental level of the student and the severity of the behavior; and

(2) Does not exceed 30 minutes.

E. Parents and school personnel may at any time request a meeting to address the use of exclusion and to:

- (1) Conduct a functional behavioral assessment; and
- (2) Develop, review, or revise a student's behavioral intervention plan.

F. School personnel shall consider the need to initiate a referral to a pupil services or IEP team if a nondisabled student has experienced excessive exclusion, to determine if the student has a disability that may require the provision of special education and related services, in accordance with COMAR 13A.05.01.

G. School personnel shall ensure the implementation of appropriate procedures, in accordance with COMAR 13A.08.03, if a student with a disability has experienced an excessive period of exclusion that may result in a change of placement.

13A.08.04.05. General requirements for the use of restraint or seclusion.

A. Use of Restraint.

(1) Physical Restraint.

(a) Except as provided in § A(1)(b) of this regulation, the use of physical restraint is prohibited in public agencies and nonpublic schools until there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

(b) Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used consistent with § A(1)(a) of this regulation, physical restraint may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:

- (i) Review available data to identify any contraindications to the use of physical restraint based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;
- (ii) Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until physical restraint is used in an emergency situation; and
- (iii) Obtain written consent from the parent, consistent with Education Article, § 8-405, Annotated Code of Maryland.

(c) Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C of this chapter.

(d) In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.

(e) Physical restraint:

- (i) Shall be removed as soon as the student is calm; and
- (ii) May not exceed 30 minutes.

(f) In applying physical restraint, school personnel may not:

- (i) Place a student in a face down position;
- (ii) Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct a staff member's view of a student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso; or
- (iii) Straddle a student's torso.

(2) Mechanical Restraint.

(a) The use of mechanical restraint is prohibited in public agencies and nonpublic schools unless a public agency or nonpublic school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations.

(b) Regulation .04 of this chapter does not prohibit school personnel from using a protective or stabilizing device:

(i) As prescribed by a health professional; or

(ii) For a student with a disability, in accordance with the student's IEP or behavior intervention plan.

(3) Documentation of the Use of Restraint.

(a) Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:

(i) Other less intrusive interventions that have failed or been determined inappropriate;

(ii) The precipitating event immediately preceding the behavior that prompted the use of restraint;

(iii) The behavior that prompted the use of a restraint;

(iv) The names of the school personnel who observed the behavior that prompted the use of restraint; and

(v) The names and signatures of the staff members implementing and monitoring the use of restraint.

(b) Documentation under § A(3) of this regulation shall include a description of the restraint event, including:

(i) The type of restraint;

(ii) The length of time in restraint;

(iii) The student's behavior and reaction during the restraint; and

(iv) The name and signature of the administrator informed of the use of restraint.

(4) The documentation described in § A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.

B. Use of Seclusion.

(1) Except as provided in § B(2) of this regulation, the use of seclusion is prohibited in public agencies and nonpublic schools until there is an emergency situation and seclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

(2) Once seclusion has been used or school personnel have made a student-specific determination that it may need to be used consistent with § B(1) of this regulation, seclusion may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:

(a) Review available data to identify any contraindications to the use of seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;

(b) Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until seclusion is used in an emergency situation; and

(c) Obtain written consent from the parent, consistent with Education Article, § 8-405, Annotated Code of Maryland.

(3) Seclusion Room.

(a) At a minimum, a room used for seclusion shall:

- (i) Be free of objects and fixtures with which a student could self-inflict bodily harm;
- (ii) Provide school personnel an adequate view of the student from all angles; and
- (iii) Provide adequate lighting and ventilation.

(b) The door of a seclusion room shall not be fitted with a lock unless it releases automatically when not physically held in the locked position by school personnel on the outside of the door.

(4) School personnel shall:

- (a) Remain in close proximity to the door of a seclusion room at all times;
- (b) Actively observe a student placed in seclusion at all times; and
- (c) Provide a student placed in seclusion with:
 - (i) An explanation of the behavior that resulted in the removal; and
 - (ii) Instructions on the behavior required to return to the learning environment.

Seclusion shall only be applied by school personnel trained in the appropriate use of seclusion consistent with Regulation .06C of this chapter.

(5) A seclusion event:

- (a) Shall be appropriate to the student's developmental level and severity of the behavior;
- (b) May not restrict the student's ability to communicate distress; and
- (c) May not exceed 30 minutes.

(6) Documentation of Seclusion.

(a) Each time a student is placed in seclusion, school personnel involved in the seclusion event shall debrief and document:

- (i) Other less intrusive interventions that have failed or been determined inappropriate;
- (ii) The precipitating event immediately preceding the behavior that prompted the use of seclusion;
- (iii) The behavior that prompted the use of seclusion; and
- (iv) The names and signatures of the staff members implementing and monitoring the seclusion.

(b) The documentation under § B(7) of this regulation shall include a description of the seclusion event, including:

- (i) Justification for initiating the use of seclusion;
- (ii) The length of time in seclusion;
- (iii) The student's behavior and reaction during the seclusion; and
- (iv) The name and signature of the administrator informed of the use of seclusion.

(7) The documentation described in § B(7) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(8) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

C. Referral to a Pupil Services or IEP Team.

- (1) If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's pupil services team or an IEP team.
- (2) If restraint or seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet, in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider:
 - (a) The need for a functional behavioral assessment;
 - (b) Developing appropriate behavioral interventions; and
 - (c) Implementing a behavioral intervention plan.
- (3) If restraint or seclusion is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint or seclusion, the student's IEP or behavior intervention plan shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or behavior intervention plan, in accordance with COMAR 13A.05.01 and 13A.08.03.
- (4) When an IEP team meets to review or revise a student's IEP or behavior intervention plan, as specified in § C(3) of this regulation, the IEP team shall consider:
 - (a) Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint or seclusion based on medical history or past trauma;
 - (b) Information provided by the parent;
 - (c) Observations by teachers and related service providers;
 - (d) The student's current placement; and
 - (e) The frequency and duration of restraints or seclusion events that occurred since the IEP team last met.
- (5) The local school system or nonpublic school shall provide the parent of the student with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint or seclusion.
- (6) Parental Consent.
 - (a) The IEP team shall obtain the written consent of the parent if the team proposes to include restraint or seclusion in the behavior intervention plan or IEP to address the student's behavior.
 - (b) If the parent does not provide written consent, the IEP team shall send the parent written notice within 5 business days of the IEP team meeting that states:
 - (i) The parent has the right to either consent or refuse to consent to the use of restraint or seclusion; and
 - (ii) If the parent does not provide written consent or a written refusal within 15 business days of the IEP team meeting, the IEP team may implement the proposed use of restraint or seclusion.
 - (c) If the parent provides written refusal, the IEP team may use the dispute resolution options listed in Education Article, § 8-413, Annotated Code of Maryland, to resolve the matter.

13A.08.04.06. Administrative procedures.

- A. Each public agency and nonpublic school shall develop policies and procedures to address:
- (1) A continuum of positive behavioral interventions, strategies, and supports for use by school personnel before exclusion, restraint, or seclusion;
 - (2) The prevention of self-injurious behaviors;
 - (3) Methods for identifying and defusing potentially dangerous behavior;
 - (4) The use and documentation of exclusion consistent with Regulation .04 of this chapter;
 - (5) The use of restraint consistent with Regulation .05A of this chapter; and

(6) The use of seclusion consistent with Regulation .05B of this chapter.

B. Each public agency and nonpublic school shall annually review policies and procedures and provide them to school personnel and parents as described in COMAR 13A.08.01.

C. Professional Development.

(1) Each public agency and nonpublic school shall provide professional development to school personnel designated by a school administrator to use restraint or seclusion on this chapter and the appropriate implementation of policies and procedures developed in accordance with § A of this regulation.

(2) At the beginning of each school year, each public agency and nonpublic school shall identify school personnel authorized to serve as a school-wide resource to assist in ensuring proper administration of exclusion, restraint, and seclusion.

(3) The school personnel described in § C(1) and § C(2) of this regulation shall receive training in current professionally accepted practices and standards regarding:

(a) Positive behavior interventions strategies and supports, including methods for identifying and defusing potentially dangerous behavior;

(b) Trauma-informed intervention;

(c) Functional behavior assessment and behavior intervention planning;

(d) Exclusion;

(e) Restraint and alternatives to restraint;

(f) Seclusion;

(g) Symptoms of physical distress and positional asphyxia;

(h) First aid and cardiopulmonary resuscitation (CPR); and

(i) Individualized behavior interventions based on student characteristics, including disability, medical history, and past trauma.

(4) The professional development described in § C(3) of this regulation shall include a written examination and physical demonstration of proficiency in the described skills and competencies.

D. Monitoring and Compliance.

(1) Each public agency and nonpublic school shall develop policies and procedures on:

(a) Monitoring the use of exclusion, restraint, and seclusion; and

(b) Receiving and investigating complaints regarding exclusion, restraint, and seclusion practices.

(2) The Department may monitor and request any information regarding any matter related to exclusion, restraint, or seclusion implemented by a public agency or nonpublic school. The Department shall provide written notice of the requested information and specify the time and the manner in which the public agency or nonpublic school shall respond to the request.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

No relevant laws found.

REGULATIONS

13A.08.01.12-1. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

- (1) "Alternative educational setting" means an alternative education program that allows the student to continue the student's education within the public school system and, if in a secondary school, the opportunity to earn credit.
- (2) "Expulsion" means at a minimum the removal of a student from the student's regular school program.
- (3) "Firearm" means a weapon as defined in 18 U.S.C. § 921.
- (4) "School property" means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.
- (5) "Year" means a calendar year of 12 months.

B. General Provisions.

- (1) Except as provided in § B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.
- (2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.
- (3) Nothing in this regulation applies to a firearm:
 - (a) That is lawfully stored inside a locked vehicle on school property; or
 - (b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, § 7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

D. Administrative Procedures.

- (1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:
 - (a) Written certification that the local school system is in compliance with the requirements of this regulation;

- (b) A description of the circumstances surrounding any expulsions imposed under State law as required by § B(1) of this regulation;
- (c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;
- (d) The name of the school where each incident took place;
- (e) The type of firearm involved;
- (f) The disposition of each case, including the number of students:
 - (i) Expelled from each school, and
 - (ii) Placed in alternative educational settings; and
- (g) A description of alternative educational settings used in compliance with this regulation.

(2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

Limitations or Conditions on Exclusionary Discipline

LAWS

7-305. Suspension and expulsion [Amendment subject to contingent abrogation].

- (b) Suspension and expulsion procedures for attendance-related offenses. -
 - (1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance-related offenses.
 - (2) Paragraph (1) of this subsection does not apply to in-school suspensions for attendance-related offenses.

7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions.

- (a)(1) Definitions. - In this section the following words have the meanings indicated.
 - (2) "Prekindergarten program" means:
 - (i) Any qualified vendor of prekindergarten services as defined in § 7-101.2(a)(7) of this title; or
 - (ii) A prekindergarten program as defined in § 7-1A-01 of this title.
 - (3) "Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:
 - (i) Are conducted by trained staff;
 - (ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
 - (iii) Help build a sense of belonging, safety, and social responsibility in the school community.
- (b)(1) In general. - Except as provided in paragraph (2) of this subsection, a student enrolled in a prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.
 - (2) A student described under paragraph (1) of this subsection may only be:

- (i) Expelled from school if required by federal law; or
 - (ii) Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
- (3) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under paragraph (2) of this subsection.
- (c)(1) Intervention and support by school. - The school shall provide intervention and support to address the student's behavior if the student is:
- (i) Suspended under subsection (b) of this section; or
 - (ii) Enrolled in prekindergarten, kindergarten, first grade, or second grade and:
 1. Is disruptive to the school environment; or
 2. Commits an act that would be considered an offense subject to suspension but for the student's grade.
- (2) Intervention and support provided under paragraph (1) of this subsection includes:
- (i) Positive behavior interventions and supports;
 - (ii) A behavior intervention plan;
 - (iii) A referral to a student support team;
 - (iv) A referral to an individualized education program team; and
 - (v) A referral for appropriate community-based services.
- (d) Remedying impact of behavior. - The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.
- (e) Remedying impact of behavior. - On or before May 1, 2018, the Department shall adopt regulations to carry out the requirements of this section.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

C. Suspension and Expulsion.

(1) Prohibition.

(a) Except as provided in § C(1)(b) of this regulation, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(b) A student described under § C(1)(a) of this regulation may only be:

- (i) Expelled from school if required by federal law; or
- (ii) Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(c) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under § C(1)(b) of this regulation.

(2) In-School Suspension.

(a) An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:

- (i) Appropriately progress in the general curriculum;
- (ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;
- (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and
- (iv) Participate with peers as they would in their current education program to the extent appropriate.

(b) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

(c) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.

(d) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.

(e) The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.

(f) Local school systems shall develop policies pertaining to a student's participation in extracurricular activities if the student receives an in-school suspension.

(g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension.

(3) Suspension for Not More Than 10 Days.

(a) In accordance with the rules and regulations of the local board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal, except as provided in § C(1) of this regulation.

(b) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.

(c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.

(d) A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.

(e) If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the local superintendent.

(4) Suspension for More than 10 Days or Expulsion.

(a) At the request of a principal, a local superintendent or the designated representative may suspend a student for more than 10 school days or expel the student, except as provided in § C(1) of this regulation.

- (b) Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the local superintendent or designated representative promptly shall make a thorough investigation of the matter.
- (c) If after the investigation the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.
- (d) The process described in § C(3)(a)-(c) of this regulation shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.
- (e) If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools;
- (f) If after the conference the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the student or the student's parent or guardian may appeal to the local board within 10 days after the determination.
- (g) If an appeal is filed, the local board or its designated committee or hearing officer shall have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows:
- (i) This timeline period may be extended if the parent, guardian, or his/her representative requests additional time; and
 - (ii) This timeline shall also apply in the event that the local board elects to use a hearing examiner.
- (h) If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.
- (i) The student or the student's parent or guardian or representative:
- (i) Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and
 - (ii) May bring counsel and witnesses to the hearing.
- (j) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.
- (k) The appeal to the local board does not stay the decision of the county superintendent.
- (l) The decision of the local board is final.
- (5) A student expelled or suspended from school shall remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school-sponsored activities. The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by the student's parent or guardian.
- (6) A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.

(7) If a student has been suspended or expelled, the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(8) If a student's disruptive behavior results in action less than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to that teacher's classroom. The principal may satisfy this requirement by consulting with the teacher before returning the student to the classroom.

(9) A local superintendent may deny attendance to a student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or extended suspension of the student, on receipt of the request for information.

13A.08.01.12-1. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

(1) "Alternative educational setting" means an alternative education program that allows the student to continue the student's education within the public school system and, if in a secondary school, the opportunity to earn credit.

(2) "Expulsion" means at a minimum the removal of a student from the student's regular school program.

(3) "Firearm" means a weapon as defined in 18 U.S.C. § 921.

(4) "School property" means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.

(5) "Year" means a calendar year of 12 months.

B. General Provisions.

(1) Except as provided in § B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

(3) Nothing in this regulation applies to a firearm:

(a) That is lawfully stored inside a locked vehicle on school property; or

(b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, § 7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

D. Administrative Procedures.

(1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:

- (a) Written certification that the local school system is in compliance with the requirements of this regulation;
- (b) A description of the circumstances surrounding any expulsions imposed under State law as required by § B(1) of this regulation;
- (c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;
- (d) The name of the school where each incident took place;
- (e) The type of firearm involved;
- (f) The disposition of each case, including the number of students:
 - (i) Expelled from each school, and
 - (ii) Placed in alternative educational settings; and
- (g) A description of alternative educational settings used in compliance with this regulation.

(2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

13A.08.03.03. Authority of school personnel - removal of a student with a disability.

A. Removal of a Student with a Disability for not More than 10 Consecutive School Days.

(1) A student with a disability may be removed from the student's current placement for not more than 10 consecutive school days for any violation of school rules to the same extent that removal is applied to students without disabilities.

(2) Unless it is determined that the removal constitutes a change of placement as described in Regulation .05 of this chapter, a student with a disability may be removed:

- (a) To an alternative educational setting;
- (b) To another setting; or
- (c) By suspension.

(3) A public agency is not required to provide services to a student with a disability if services are not provided to students without disabilities.

B. Removal of a Student with a Disability for More than 10 School Days.

(1) A student with a disability may be removed from the student's current placement for up to 10 consecutive school days for each incident of misconduct in a school year if the cumulative effect of the removals does not constitute a change of placement in accordance with Regulation .05 of this chapter.

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement as described in Regulation .05 of this chapter is appropriate for a student with a disability who violates a code of student conduct, consistent with 20 U.S.C. § 1415(k)(1)(a) and 34 CFR § 300.530.

(3) For each period of removal after a student with a disability has been removed for the cumulative equivalent of 10 school days in a school year, school personnel shall consult with at least one of the student's teachers to determine what services to provide to enable the student to appropriately:

- (a) Progress in the general curriculum; and
- (b) Advance toward achieving the goals of the student's IEP.

(4) A student with a disability may be removed for more than 10 consecutive school days for a violation of school rules to the same extent removal is applied to students without disabilities if the student's IEP team determines that the behavior subject to the removal is not a manifestation of the student's disability, in accordance with Regulation .08 of this chapter.

(5) A student with a disability removed consistent with § B(4) of this regulation shall:

- (a) Continue to receive educational services in another setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out in the student's IEP; and
- (b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence.

Due Process

LAWS

7-306. Corporal punishment; State code of discipline.

(a) "Restorative approaches" defined. -

(1) In this section, "restorative approaches" means a relationship-focused student discipline model that:

- (i) Is preventive and proactive;
- (ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;
- (iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and
- (iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

(2) "Restorative approaches" may include:

- (i) Conflict resolution;
- (ii) Mediation;
- (iii) Peer mediation;
- (iv) Circle processes;
- (v) Restorative conferences;
- (vi) Social emotional learning;
- (vii) Trauma-informed care;
- (viii) Positive behavioral intervention supports; and
- (ix) Rehabilitation.

(b) Corporal punishment prohibited. - Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

(c) Standards of conduct; implementation. - The State Board shall:

- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;

(2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and

(3) Assist each county board with the implementation of the guidelines.

(d) Regulations. -

(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

(e) Disaggregation of data. -

(1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

(i) The State;

(ii) Each local school system; and

(iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) Collection of data on alternative school discipline practices. -

(1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an out-of-school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

(i) The types of alternative school discipline practices that are used in a local school system; and

(ii) The type of misconduct for which an alternative discipline practice is used.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

C. Suspension and Expulsion.

(3) Suspension for Not More Than 10 Days.

(a) In accordance with the rules and regulations of the local board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal, except as provided in § C(1) of this regulation.

(b) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.

(c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.

(d) A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.

(e) If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the local superintendent.

(4) Suspension for More than 10 Days or Expulsion.

(a) At the request of a principal, a local superintendent or the designated representative may suspend a student for more than 10 school days or expel the student, except as provided in § C(1) of this regulation.

(b) Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the local superintendent or designated representative promptly shall make a thorough investigation of the matter.

(c) If after the investigation the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.

(d) The process described in § C(3)(a)-(c) of this regulation shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.

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

(f) If after the conference the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the student or the student's parent or guardian may appeal to the local board within 10 days after the determination.

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

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

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

(h) If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.

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

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

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

(j) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.

(k) The appeal to the local board does not stay the decision of the county superintendent.

(l) The decision of the local board is final.

(5) A student expelled or suspended from school shall remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school-sponsored activities. The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by the student's parent or guardian.

(6) A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.

(7) If a student has been suspended or expelled, the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(8) If a student's disruptive behavior results in action less than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to that teacher's classroom. The principal may satisfy this requirement by consulting with the teacher before returning the student to the classroom.

(9) A local superintendent may deny attendance to a student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or extended suspension of the student, on receipt of the request for information.

Return to School Following Removal

LAWS

7-305. Suspension and expulsion [Amendment subject to contingent abrogation].

(e) Returning to school premises or classroom. -

(1) Any student expelled or suspended from school:

(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and

(ii) May not participate in school sponsored activities.

- (2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.
- (3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 for each violation.
- (4)(i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.
- (ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.
- (5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.
- (6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

4-319. Baltimore City Alternative Learning Center.

(a) Definitions. -

- (1) In this section the following words have the meanings indicated.
- (2) "Baltimore City School System" means the system of free public schools in Baltimore City.
- (3) "Center" means the Baltimore City Alternative Learning Center.

(b) Established. - There is a Baltimore City Alternative Learning Center in the Baltimore City School System.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

F. Minimum Education Services. In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provide that:

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

13A.08.01.12-1. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

(1) "Alternative educational setting" means an alternative education program that allows the student to continue the student's education within the public school system and, if in a secondary school, the opportunity to earn credit. [...]

B. General Provisions.

(1) Except as provided in § B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity. [...]

D. Administrative Procedures.

(1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:

(f) The disposition of each case, including the number of students:

- (i) Expelled from each school, and
- (ii) Placed in alternative educational settings; and

(g) A description of alternative educational settings used in compliance with this regulation.

13A.08.01.17. School use of reportable offenses.

A. Terms Defined. In this regulation the following terms have the meanings indicated:

(1) "Appropriate educational programming" means a regular or alternative education program that allows a student the opportunity to continue the student's education within the public school system and, if in secondary school, the opportunity to receive credit. [...]

B. Administrative Procedures.

(2) The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the students parent or guardian:

- (a) Participate in the development of the plan; and
- (b) Submit information that is relevant to developing the plan. [...]

C. General Provisions.

(4) A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

4-102. Deadly weapons on school property.

(a) Exceptions. - This section does not apply to:

- (1) a law enforcement officer in the regular course of the officer's duty;
- (2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
 - (i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;
 - (ii) the weapon carried or possessed by the officer or retired officer is concealed; and
 - (iii) the officer or retired officer is authorized to carry a concealed handgun in the State;
- (3) a person hired by a county board of education specifically for the purpose of guarding public school property;
- (4) a person engaged in organized shooting activity for educational purposes; or
- (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) Prohibited. - A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) Penalty. -

- (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$ 1,000 or both.
- (2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

7-305. Suspension and expulsion [Amendment subject to contingent abrogation].

(f) Bringing a firearm onto school property. -

- (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. § 921.
- (2) Except as provided in paragraph (3) of this subsection, if the county superintendent or the superintendent's designated representative finds that a student has brought a firearm onto school property, the student shall be expelled for a minimum of 1 year.
- (3) The county superintendent may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who has brought a firearm onto school property.
- (4) The State Board shall adopt regulations to implement this subsection.

REGULATIONS

13A.08.01.12-1. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

- (1) "Alternative educational setting" means an alternative education program that allows the student to continue the student's education within the public school system and, if in a secondary school, the opportunity to earn credit.
- (2) "Expulsion" means at a minimum the removal of a student from the student's regular school program.
- (3) "Firearm" means a weapon as defined in 18 U.S.C. § 921.
- (4) "School property" means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.
- (5) "Year" means a calendar year of 12 months.

B. General Provisions.

- (1) Except as provided in § B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.
- (2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.
- (3) Nothing in this regulation applies to a firearm:
 - (a) That is lawfully stored inside a locked vehicle on school property; or
 - (b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, § 7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

D. Administrative Procedures.

- (1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:
 - (a) Written certification that the local school system is in compliance with the requirements of this regulation;
 - (b) A description of the circumstances surrounding any expulsions imposed under State law as required by § B(1) of this regulation;
 - (c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;
 - (d) The name of the school where each incident took place;
 - (e) The type of firearm involved;
 - (f) The disposition of each case, including the number of students:
 - (i) Expelled from each school, and
 - (ii) Placed in alternative educational settings; and
 - (g) A description of alternative educational settings used in compliance with this regulation.

(2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

13A.08.01.11. Disciplinary action.

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

F. Minimum Education Services. In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provide that:

- (1) Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and
- (2) Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.

G. Education Services During Short-Term Suspensions.

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

- (a) To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and
- (b) To provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in § G(1)(a) is met.

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

H. Intervention and Support.

(1) School personnel shall provide intervention and support to address the students behavior if the student is:

- (a) Suspended under § C(1)(b) of this regulation; or
- (b) Enrolled in a public prekindergarten program, kindergarten, first grade, or second grade and:

- (i) Is disruptive to the school environment; or
 - (ii) Commits an act that would be considered an offense subject to suspension but for the students grade.
- (2) Intervention and support provided under § H(1) of this regulation includes:
- (a) Positive behavior interventions and supports;
 - (b) A behavior intervention plan;
 - (c) A referral to a student support team;
 - (d) A referral to an individualized education program team; and
 - (e) A referral for appropriate community-based services.
- (3) The school system, to the best of its ability, shall remedy the impact of a students behavior on school climate through appropriate intervention methods including restorative practices.

Chronic Absenteeism and Truancy

LAWS

7-301. Compulsory attendance.

- (a) Applicability. - This section does not apply to a child under the age of 18 years who:
- (1) Has obtained a Maryland high school diploma, an equivalent out-of-state high school diploma, or a GED;
 - (2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;
 - (3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;
 - (4) Has completed an instruction program under item (3) of this subsection;
 - (5) Is severely ill and requires home or hospital instruction;
 - (6) Is married;
 - (7) Is in military service;
 - (8) Is committed by court order to an institution without an educational program;
 - (9) Provides financial support to the child's family as documented by a local department of social services;
 - (10) Subject to the approval of the county superintendent, has been expelled under § 7-305 of this subtitle;
 - (11) Is pregnant or a parent and is enrolled in an alternative educational program;
 - (12) Attends an alternative educational program;
 - (13) Subject to written parental consent and written agreement with the county board, attends a public school on a part-time basis and attends a private career school as defined under § 10-101 of this article; or
 - (14) Is waived from the provisions of this section by the State Superintendent.
- (a-1) Who must attend. -
- (1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.

- (2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.
- (3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.
- (b) Excused absences. - A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.
- (c) Duty of parent or guardian. - Each person who has legal custody or care and control of a child who is 5 years old or older and under 16 shall see that the child attends school or receives instruction as required by this section.
- (d) Application of section. -
- (1) This section applies to any child who has a mental, emotional, or physical handicap.
 - (2) This section does not apply to a child:
 - (i) Whose mental, emotional, or physical condition makes the child's instruction detrimental to the child's progress; or
 - (ii) Whose presence in school presents a danger of serious physical harm to others.
 - (3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:
 - (i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or
 - (ii) Permit the parents or guardians of that student to withdraw the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's presence in school would present a danger of serious physical harm to others.
 - (4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.
 - (5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.
- (e) Penalties. -
- (1) Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$ 500 or imprisonment not to exceed 30 days, or both.
 - (2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:
 - (i) For a first conviction is subject to a fine not to exceed \$ 50 per day of unlawful absence or imprisonment not to exceed 3 days, or both; and
 - (ii) For a second or subsequent conviction is subject to a fine not to exceed \$ 100 per day of unlawful absence or imprisonment not to exceed 5 days, or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, the court may order a person convicted under paragraph (2) of this subsection to perform community service.

(4)(i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(5)(i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.

(e-1) Applicability of subsection; charge filed in juvenile court. -

(1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) The court may condition marking a charge under this section set on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) Exemption from attending kindergarten. - A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

(1) Full time in a licensed child care center;

(2) Full time in a registered family child care home; or

(3) Part time in a Head Start 5 year old program.

(g) Return to school under certain conditions. - Subject to data being available through the Maryland Longitudinal Data System established under § 24-702 of this article and except as otherwise provided in this section, a child under the age of 18 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

(1) Is no longer participating in GED courses; and

(2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

7-301.1. Attendance policy for pregnant or parenting students.

(a) In general. - A student's absence due to a student's pregnancy or parenting needs is a lawful absence as provided under this section.

(b) County board to develop written attendance policy. - Each county board shall develop a written attendance policy for pregnant and parenting students that, at a minimum, meets the requirements of this section.

(c) Contents of policy; alternatives; publication. -

(1) The policy developed under subsection (b) of this section shall:

- (i) Excuse all absences due to pregnancy- or parenting-related conditions, including absences for:
 1. Labor;
 2. Delivery;
 3. Recovery; and
 4. Prenatal and postnatal medical appointments;
 - (ii) Provide at least 10 days of excused absences for a parenting student after the birth of the student's child;
 - (iii) Excuse any parenting-related absences due to an illness or a medical appointment of the student's child, including up to 4 days of absences per school year for which the school may not require a note from a physician; and
 - (iv) Excuse any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody, and visitation.
- (2) In addition to home and hospital services, the school may allow the student to:
- (i) Make up the work that the student missed in a time period that equals at least as many days that the student was absent; and
 - (ii) Choose one of the following alternatives to make up work that the student missed:
 1. Retake a semester;
 2. Participate in an online course credit recovery program; or
 3. Allow the student 6 weeks to continue at the same pace and finish at a later date.
- (3) Each county board shall publish its written attendance policy for pregnant and parenting students on the county board's website.

7-302. Report of absences and maladjustment.

- (a) Immediate report required. - The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.
- (b) Investigation; counseling; notice to Department of Juvenile Services. - On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:
- (1) Shall initiate an investigation into the cause of the child's truancy;
 - (2) May provide counseling regarding the availability of social, health, and educational services; and
 - (3) Following the investigation or intervention:
 - (i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;
 - (ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and
 - (iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(6) of the Courts Article.
- (c) Student information. - The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency information regarding the number of students identified as being habitually truant.

7-302.2. Truant students.

- (a) "Truant student" defined. - In this section, "truant student" means a student:
- (1) Who is unlawfully absent from school for more than:
 - (i) 8 days in any quarter;
 - (ii) 15 days in any semester; or
 - (iii) 20 days in a school year; and
 - (2) Whose absences for purposes of item (1) of this subsection are unlawful absences as defined by regulation.
- (b) System of active intervention to be established. - Each county board shall develop a system of active intervention for truant students.
- (c) Referrals; intervention. -
- (1) Each truant student attending kindergarten through 12th grade shall immediately be referred to the county board's system of active intervention developed under this section.
 - (2) This section does not prohibit a county board from intervening in the case of a student who is frequently absent from school for both lawful and unlawful purposes, but is not a truant student.

7-304.1. Positive behavioral interventions and support program.

- (a) "Positive Behavioral Interventions and Support Program" defined. - In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to 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.
- (b) Program established - Suspension. -
- (1) Subject to paragraph (3) of this subsection, each county board shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
 - (i) A positive behavioral interventions and support program; or
 - (ii) An alternative behavior modification program in collaboration with the Department.
 - (2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:
 - (i) 18 percent of its enrollment for the 2005-2006 school year;
 - (ii) 16 percent of its enrollment for the 2006-2007 school year;
 - (iii) 14 percent of its enrollment for the 2007-2008 school year;
 - (iv) 12 percent of its enrollment for the 2008-2009 school year; and
 - (v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.
 - (3) An elementary school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its existing program if it has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection.
- (c) Program established - Truancy. -
- (1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
 - (i) A positive behavioral interventions and support program; or
 - (ii) An alternative, research-based, positive, and effective behavior modification program in collaboration with the Department.
 - (2) A school is subject to this subsection if it has a truancy rate that exceeds:

- (i) 8 percent of its enrollment for the 2008-2009 school year;
- (ii) 6 percent of its enrollment for the 2009-2010 school year;
- (iii) 4 percent of its enrollment for the 2010-2011 school year;
- (iv) 2 percent of its enrollment for the 2011-2012 school year; and
- (v) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

(d) Regulations. - The State Board shall adopt regulations to implement the provisions of this section.

REGULATIONS

13A.08.01.01. Attendance.

A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age, or the child is exempted under Regulation .02-2A of this chapter.

B. A child who resides in this State shall attend a public or nonpublic kindergarten program regularly during the school year before entering the first grade unless the child is enrolled in an alternative program as specified in Regulation .02-2B of this chapter or is receiving home instruction as provided in COMAR 13A.10.01.

C. A child who resides in this State and attends a nonpublic kindergarten program for part of the year may transfer to a public kindergarten if the child meets the minimum age requirement for admission to a public school kindergarten program, as set forth in Regulation .02B(2) of this chapter.

D. Students shall be considered in attendance at school when participating in school-sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees. Students shall be considered in attendance in an alternative program setting when participating in activities during the day sponsored by the alternative program, and when that participation is approved by the director of a licensed child care center, registered family day care home, or Head Start 5-year-old program.

E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and the Maryland Student Records System Manual 2020, which is incorporated by reference in COMAR 13A.08.02.01.

13A.08.01.04. Unlawful absence.

A. An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy. Local school systems may add specified criteria for unlawful absences to local board-approved attendance policies.

B. Truancy. A truant is a student who is absent without lawful cause as defined in Regulation .03, of this chapter, from the attendance for a school day or portion of it.

C. Habitual Truant. A student is an habitual truant if the student is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year. A local school system has the prerogative of defining habitual truancy in a more but not less stringent manner (for example, unlawful absences in excess of 15 percent of the school days).

13A.08.01.05. Student attendance policy.

Each local school system shall develop a student attendance policy which includes:

- A. A general statement dealing with the local school system's purpose and rationale for promoting regular school attendance.
- B. Rules, Definitions, and Procedures for Policy Implementation.
 - (1) Reasons for lawful and unlawful absences and tardiness include lawful/unlawful absence as defined in Regulations .03 and .04, of this chapter. Clarification of special situations for unlawful absence may also be identified.
 - (2) Standards for regular attendance include minimal requirements for student attendance in order to foster continuity of the instructional program. The standards for school attendance may identify a specific number of excessive or unlawful absences allowed within a marking period, semester, or school year.
 - (3) Procedure to verify absences/tardiness includes responsible persons, time limits, and methods of absent/tardy verification.
 - (4) Penalties for not meeting standards for regular attendance requirements include actions taken by school system staff when a student is unlawfully absent or accumulates an equivalent number of excessive or unlawful absences which exceeds the standard for regular school attendance. The penalties should be identified, and should reflect a continuum of excessive or unlawful absences.
 - (5) Make-up work requirements include classroom teacher and student responsibility, time limits, and grading policy for make-up work. Make-up work requirements may also involve a procedure for completing class work in advance of an absence wherever possible.
 - (6) Attendance-monitoring procedure includes:
 - (a) Record-keeping format to comply with State attendance reporting requirements;
 - (b) Intervention strategies and procedures for dealing with absenteeism at the beginning stages of the problem as well as chronic absenteeism; and
 - (c) A referral process to pupil services or other central office professionals for case management of chronic attendance cases.
 - (7) Reward process includes an identified motivational program to reward regular school attendance.
 - (8) Information dissemination includes methods for informing school staff, students, parents, and community members of attendance policy requirements.
 - (9) Appeals process includes specific due process procedures for appealing attendance violation decisions at the school and central office level.
 - (10) Legal foundation includes citations of legal authority for attendance policy development and implementation.

13A.08.06.03. Administrative procedures - Truancy rates.

A. Upon receipt of notification from the Department that a school's habitual truancy rate exceeds the standard specified in § B of this regulation, the local school superintendent or the superintendent's designee shall direct the principal of the school to implement:

- (1) A PBIS; or
- (2) An alternative behavior modification program developed in collaboration with the Department.

B. A school is subject to this regulation if it has a truancy rate that exceeds:

- (1) 8 percent of its enrollment for the 2008-2009 school year;
- (2) 6 percent of its enrollment for the 2009-2010 school year;

- (3) 4 percent of its enrollment for the 2010-2011 school year;
 - (4) 2 percent of its enrollment for the 2011-2012 school year; and
 - (5) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.
- C. The school principal or the principal's designee and appropriate staff members shall:
- (1) Develop a plan for implementing a program as set forth in § A of this regulation;
 - (2) Attend PBIS or alternative behavior modification training program approved by the Department; and
 - (3) Follow implementation guidelines and practices for PBIS or the alternative behavior modification training program.
- D. A school shall expand its existing PBIS or alternative behavior modification program by providing more intensive interventions to targeted students in need of such interventions if:
- (1) The school has already implemented a PBIS or an alternative behavior modification program; and
 - (2) The school has a truancy rate that exceeds the standard specified in § B of this regulation.
- E. Nothing in this regulation precludes a school system from implementing PBIS or an alternative behavioral modification program either in specific schools or system-wide.

Substance Use

LAWS

4-124. Drug-free school zones.

- (a) Regulations requiring the posting of signs. - A county board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of public and nonpublic elementary and secondary schools as "drug-free school zones".
- (b) Notice of § 5-627 of the Criminal Law Article. - The signs shall be designed in order to provide notice of the provisions of § 5-627 of the Criminal Law Article.
- (c) Hotline number in Anne Arundel County, Baltimore City, and Prince George's County. - In Anne Arundel County, Baltimore City, and Prince George's County, all new and replacement signs shall include a hotline number to report information concerning suspected illegal drug activity.

5-803. School employees.

- (a) Making reports. -
 - (1) Whether or not an individual receives compensation for the individual's services, an employee of a county health department or other local department or agency functioning as a school nurse or school health aide or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private, or parochial school is immune from liability for:
 - (i) Making a report required by law, if the individual acts on reasonable grounds;
 - (ii) Participating in a judicial proceeding that results from the individual's report; and
 - (iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:
 - 1. Under the influence of alcoholic beverages or a controlled dangerous substance;
 - 2. In possession of alcoholic beverages or a controlled dangerous substance; or
 - 3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

(2) Paragraph (1)(iii) of this subsection is effective only to the extent that its provisions do not conflict with federal or State confidentiality laws and regulations.

(b) Participation in disciplinary or other proceedings. - A county superintendent or any employee of a county school system who presents or enters findings of fact, recommendations, or reports or who participates in an employee dismissal, disciplinary, administrative, or judicial proceeding relating to a school system employee that results from these actions is immune from any civil liability if the action is:

- (1) In the performance of duties;
- (2) Within the scope of employment; and
- (3) Without malice.

7-412. Preservation of rights of student seeking to overcome drug abuse.

(a) Inadmissibility of statement of student. - If a student seeks information to overcome any form of drug abuse, as defined in § 8-101 of the Health - General Article, from a teacher, counselor, principal, or other professional educator employed by an educational institution that has received a certificate of approval under § 2-206 of this article, a statement, whether oral or written, made by the student or an observation or conclusion derived from the statement is not admissible against the student in any proceeding.

(b) Rules and regulations may not require disclosure. - A rule, regulation, or order may not require disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this contact.

7-440. Individualized or group behavioral counseling services.

(a) Definitions. -

- (1) In this section the following words have the meanings indicated.
- (2) "Behavioral health counseling services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.
- (3) "Health care provider" has the meaning stated in § 20-104 of the Health - General Article.

(b) In general. -

(1) The Maryland Department of Health, in conjunction with the Department, shall recommend best practices for county boards of education to provide to students:

- (i) Behavioral needs assessments; and
- (ii) Individualized or group behavioral health counseling services with a health care provider through a school-based health center or through community partnered school-based behavioral health services.

(c) Construction of section. - This section may not be construed to require a county board to provide behavioral needs assessments or individualized or group behavioral health counseling services to students.

26-103. Drinking or possessing intoxicating beverages on school premises.

(a) Prohibited conduct. -

- (1) Unless locally approved by the county board of education, a person may not drink or possess any alcoholic beverage on the premises of any public school.
- (2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

(b) Penalty. -

(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

REGULATIONS

13A.02.04.01. Scope.

These regulations require each local school system to maintain a tobacco-free school environment.

13A.02.04.02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Official school day" means the regular school day with a designated starting time and ending time as defined by the local school system.

(2) "School buildings" means local school system owned or leased buildings.

(3) "School grounds" means local school system owned or leased land that surrounds a school building.

(4) Tobacco.

(a) "Tobacco" means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed.

(b) "Tobacco" does not include nicotine replacement therapy.

13A.02.04.03. Tobacco use.

The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day.

13A.02.04.04. Notification of a tobacco-free environment.

Each local school system shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

13A.02.04.05. Tobacco-Free guidelines.

The State Department of Education shall develop guidelines to assist the local school systems in implementing a tobacco-free environment.

13A.08.01.08. Substance use or distribution.

A. Alcohol and Other Drugs. Students are prohibited from possessing or using, or both, alcohol or other drugs without a physician's prescription, in any form on the school premises.

B. Tobacco. Students are prohibited from possessing or using tobacco in any form on the school premises.

C. Alcohol and Other Drugs Policy. Consistent with Regulations .11-.15 of this chapter, COMAR 13A.08.02, and other applicable law, a local board of education shall adopt a policy on alcohol and other drug use or possession, or both, by students, which shall address at least the following areas:

(1) Purpose;

(2) Definition of terms;

(3) Rules for student behavior;

- (4) Student referral procedures;
- (5) Procedures for investigating policy violations;
- (6) Due process requirements;
- (7) Provision of emergency medical care;
- (8) Confidentiality of students' educational records;
- (9) Alcohol and other drugs policy dissemination;
- (10) Staff training; and
- (11) Drug education curriculum.

D. Coordination with Local Law Enforcement.

- (1) The local board of education shall notify local law enforcement officials of the local board of education's alcohol and other drugs policy.
- (2) The local board of education, to the extent possible and consistent with applicable law, shall coordinate efforts with local law enforcement officials to:
 - (a) Prevent alcohol and other drug abuse by students;
 - (b) Detect the possession of alcohol or illegal drugs by students on school premises;
 - (c) Adopt standard operating procedures regarding the reporting of activity related to alcohol and other drug abuse on school premises;
 - (d) Adopt standard operating procedures regarding the investigation of activity related to alcohol and other drug abuse on school premises; and
 - (e) Adopt standard operating procedures regarding the seizure and storage of contraband.

Gang-related Activity

LAWS

7-303. Arrest for reportable offense.

(a) Definitions. -

(8)(i) "School security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(ii) "School security officer" does not include a teacher.[...]

(b) Notification of local superintendent or nonpublic school principal - Arrest and charges. - If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the law enforcement agency making the arrest:

- (1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:
 - (i) The local superintendent;
 - (ii) The school principal; and
 - (iii) For a school that has a school security officer, the school security officer; and
- (2) May notify the State's Attorney of the arrest and charges.

7-424.2. Gangs and gang activity.

(a) "School security officer" defined. -

(1) In this section, "school security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(2) "School security officer" does not include a teacher.

(b) Model policy. - By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) Model policy - Contents. - The model policy developed under subsection (b) of this section shall include:

(1) A statement prohibiting gang activity in schools;

(2) A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;

(3) A definition of gang and gang activity;

(4) Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;

(5) Standard consequences and remedial actions for individuals found to have made false accusations;

(6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

(7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;

(8) Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and

(9) Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

(d) Policy or regulations by local school system. -

(1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students;

(v) Local law enforcement;

(vi) Gang prevention and intervention programs;

(vii) The Office of the Public Defender;

(viii) The Maryland State's Attorneys Association; and

(ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. - Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. - Each local school system shall publicize its policy or regulations in student handbooks, on school system websites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Policy or regulations by local school system - Education programs. - Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:

- (1) An educational gang awareness program for students, staff, volunteers, and parents; and
- (2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) Reporting of gang activity. -

- (1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.
- (2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) Meetings. -

(1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.

(2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:

- (i) School principals;
- (ii) School security officers;
- (iii) Guidance counselors;
- (iv) Local law enforcement officers;
- (v) Representatives from the county State's Attorney's Office;
- (vi) Representatives from the Office of the Public Defender;
- (vii) Gang prevention and intervention program representatives; and
- (viii) Any other individuals that the county superintendent considers appropriate.

(j) Coordination of efforts. - Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) Report. - On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

3-607. Hazing.

(a) Prohibited. - A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.

(b) Penalty. - A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$ 500 or both.

(c) Prohibited defense. - The implied or express consent of a student to hazing is not a defense under this section.

7-424. Reporting incidents of harassment or intimidation against students.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
2. Sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
3. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.

(5) "Sexual contact" means sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

(b) Report required. -

(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

- (i) A student;
- (ii) The parent, guardian, or close adult relative of a student; or
- (iii) A school staff member.

(c) Contents; distribution. -

(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

- (i) Identify the victim and the alleged perpetrator, if known;
- (ii) Indicate the age of the victim and alleged perpetrator;
- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
- (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program. -

(1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.

(2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.

(3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system websites, and other locations that the county board determines are necessary or appropriate.

(4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:

(i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and

(ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality. -

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. - The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly. -

(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information

included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

- (2) The report submitted by the Department shall include, to the extent feasible:
- (i) A description of the act constituting the bullying, harassment, or intimidation;
 - (ii) The age of the victim and alleged perpetrator;
 - (iii) The allegation of the alleged perpetrator's motive;
 - (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
 - (v) The number of days a student is absent from school, if any, as a result of the incident; and
 - (vi) The number of false allegations reported.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) "Bullying, harassment, or intimidation" defined. - In this section, "bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

(b) In general. -

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

- (i) A statement prohibiting bullying, harassment, and intimidation in schools;
- (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
- (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
- (v) Standard consequences and remedial actions for persons found to have made false accusations;
- (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
- (vii) Model procedures for providing notice of an act of bullying, harassment, or intimidation to:
 - 1. A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 - 2. A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
- (viii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
- (ix) Information about the types of support services available to the student bully, victim, and any bystanders;
- (x) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
- (xi) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(c) Development of policy by county boards. -

- (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.
- (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.
- (3) A county board shall develop the policy in consultation with representatives of the following groups:
 - (i) Parents or guardians of students;
 - (ii) School employees and administrators;
 - (iii) School volunteers;
 - (iv) Students; and
 - (v) Members of the community.
- (4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.
- (d) Publication of policy. - Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.
- (e) Reporting procedure. - Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:
 - (1) A chain of command in the reporting process; and
 - (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.
- (f) Submission of policy. -
 - (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.
 - (2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.
- (g) Educational programs. - Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
 - (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
 - (2) A teacher and administrator development program that trains teachers and administrators to implement the policy.
- (h) Limitation of liability. -
 - (1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.
 - (2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.3. Bullying, harassment, and intimidation policy.

- (a) Definitions. -
 - (1) In this section the following words have the meanings indicated.
 - (2) "Bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

- (3) "Nonpublic school" means a nonpublic school that participates in State-funded education programs.
- (b) Adoption by nonpublic school. - By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.
- (c) Contents. - The policy adopted under subsection (b) of this section shall include:
- (1) A statement prohibiting bullying, harassment, and intimidation in the school;
 - (2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
 - (3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
 - (4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:
 - (i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and
 - (ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;
 - (5) Standard consequences and remedial actions for persons found to have made false accusations;
 - (6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;
 - (7) Standard procedures for providing notice of an act of bullying, harassment, or intimidation to:
 - (i) A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 - (ii) A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
 - (8) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;
 - (9) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and
 - (10) Information about the types of support services available to a student bully or victim and any bystanders.
- (d) Consultation with groups. - A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:
- (1) Parents or guardians of students;
 - (2) School employees and administrators;
 - (3) School volunteers; and
 - (4) Students.
- (e) Publication. - A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.
- (f) Educational programs. - A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:
- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
 - (2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) Civil liability. - An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) Construction of provisions. - The provisions of this section may not be construed to:

- (1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or
- (2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

REGULATIONS

13A.01.04.03. School safety.

All students in Maryland's public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to educational environments that are:

- A. Safe;
- B. Appropriate for academic achievement; and
- C. Free from any form of harassment.

Dating and Relationship Violence

LAWS

7-411.1. Dating violence and diabetes treatment and prevention lessons in health education curriculum.

(a) In general. - The State Board shall encourage the county boards to incorporate age-appropriate lessons on dating violence, diabetes and its treatment and prevention, oral disease prevention, and dental health promotion into the county boards' health education curriculum.

7-1502. Center established.

(g) Functions and duties. - The Center shall perform the following functions and duties:

- (14) Assist local school systems to identify resources and implement training for students and parents about relationship violence, identifying the signs of unhealthy relationships, and preventing relationship violence.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

7-306. Corporal punishment; State code of discipline.

(a) "Restorative approaches" defined. -

(1) In this section, "restorative approaches" means a relationship-focused student discipline model that:

- (i) Is preventive and proactive;
- (ii) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;
- (iii) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by the problem behavior; and
- (iv) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

(2) "Restorative approaches" may include:

- (i) Conflict resolution;
- (ii) Mediation;
- (iii) Peer mediation;
- (iv) Circle processes;
- (v) Restorative conferences;
- (vi) Social emotional learning;
- (vii) Trauma-informed care;
- (viii) Positive behavioral intervention supports; and
- (ix) Rehabilitation.

(b) Corporal punishment prohibited. - Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

(c) Standards of conduct; implementation. - The State Board shall:

- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
- (2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
- (3) Assist each county board with the implementation of the guidelines.

(d) Regulations. -

- (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.
- (2) The regulations adopted by a county board under this subsection:
 - (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

- (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
- (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

(e) Disaggregation of data. -

(1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

- (i) The State;
- (ii) Each local school system; and
- (iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) Collection of data on alternative school discipline practices. -

(1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an out-of-school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

- (i) The types of alternative school discipline practices that are used in a local school system; and
- (ii) The type of misconduct for which an alternative discipline practice is used.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) "Bullying, harassment, or intimidation" defined. - In this section, "bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

(b) In general. -

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

- (i) A statement prohibiting bullying, harassment, and intimidation in schools;
- (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
- (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
- (v) Standard consequences and remedial actions for persons found to have made false accusations;
- (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
- (vii) Model procedures for providing notice of an act of bullying, harassment, or intimidation to:

1. A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 2. A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
- (viii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
- (ix) Information about the types of support services available to the student bully, victim, and any bystanders;
- (x) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
- (xi) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.
- (3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.
- (c) Development of policy by county boards. -
- (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.
 - (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.
 - (3) A county board shall develop the policy in consultation with representatives of the following groups:
 - (i) Parents or guardians of students;
 - (ii) School employees and administrators;
 - (iii) School volunteers;
 - (iv) Students; and
 - (v) Members of the community.
 - (4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.
- (d) Publication of policy. - Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.
- (e) Reporting procedure. - Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:
- (1) A chain of command in the reporting process; and
 - (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.
- (f) Submission of policy. -
- (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.
 - (2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.
- (g) Educational programs. - Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) Limitation of liability. -

(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.2. Gangs and gang activity.

(a) "School security officer" defined. -

(1) In this section, "school security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(2) "School security officer" does not include a teacher.

(b) Model policy. - By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) Model policy - Contents. - The model policy developed under subsection (b) of this section shall include:

- (1) A statement prohibiting gang activity in schools;
- (2) A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;
- (3) A definition of gang and gang activity;
- (4) Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;
- (5) Standard consequences and remedial actions for individuals found to have made false accusations;
- (6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;
- (7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;
- (8) Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and
- (9) Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

(d) Policy or regulations by local school system. -

(1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

- (i) Parents or guardians of students;
- (ii) School employees and administrators;
- (iii) School volunteers;
- (iv) Students;
- (v) Local law enforcement;
- (vi) Gang prevention and intervention programs;
- (vii) The Office of the Public Defender;
- (viii) The Maryland State's Attorneys Association; and
- (ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. - Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. - Each local school system shall publicize its policy or regulations in student handbooks, on school system websites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Policy or regulations by local school system - Education programs. - Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:

- (1) An educational gang awareness program for students, staff, volunteers, and parents; and
- (2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) Reporting of gang activity. -

(1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.

(2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) Meetings. -

(1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.

(2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:

- (i) School principals;
- (ii) School security officers;
- (iii) Guidance counselors;
- (iv) Local law enforcement officers;
- (v) Representatives from the county State's Attorney's Office;
- (vi) Representatives from the Office of the Public Defender;
- (vii) Gang prevention and intervention program representatives; and
- (viii) Any other individuals that the county superintendent considers appropriate.

(j) Coordination of efforts. - Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) Report. - On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

REGULATIONS

13A.02.04.05. Tobacco-Free guidelines.

The State Department of Education shall develop guidelines to assist the local school systems in implementing a tobacco-free environment.

Multi-tiered Frameworks and Systems of Support

LAWS

7-304.1. Positive behavioral interventions and support program.

(a) "Positive Behavioral Interventions and Support Program" defined. - In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to 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.

(b) Program established - Suspension. -

(1) Subject to paragraph (3) of this subsection, each county board shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

- (i) A positive behavioral interventions and support program; or
- (ii) An alternative behavior modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:

- (i) 18 percent of its enrollment for the 2005-2006 school year;
- (ii) 16 percent of its enrollment for the 2006-2007 school year;
- (iii) 14 percent of its enrollment for the 2007-2008 school year;
- (iv) 12 percent of its enrollment for the 2008-2009 school year; and
- (v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.

(3) An elementary school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its existing program if it has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection.

(c) Program established - Truancy. -

(1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

- (i) A positive behavioral interventions and support program; or
- (ii) An alternative, research-based, positive, and effective behavior modification program in collaboration with the Department.

(2) A school is subject to this subsection if it has a truancy rate that exceeds:

- (i) 8 percent of its enrollment for the 2008-2009 school year;
- (ii) 6 percent of its enrollment for the 2009-2010 school year;
- (iii) 4 percent of its enrollment for the 2010-2011 school year;
- (iv) 2 percent of its enrollment for the 2011-2012 school year; and
- (v) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

(d) Regulations. - The State Board shall adopt regulations to implement the provisions of this section.

7-306. Corporal punishment; State code of discipline.

(a) "Restorative approaches" defined. -

(2) "Restorative approaches" may include:

- (viii) Positive behavioral intervention supports. [...]

(c) Standards of conduct; implementation. - The State Board shall:

- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
- (2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
- (3) Assist each county board with the implementation of the guidelines.

7-1101. Definitions.

(b) Behavior intervention plan. - "Behavior intervention plan" means a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.

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REGULATIONS

13A.08.06.01. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(5) "Positive behavioral interventions and support program (PBIS)" means 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.

13A.08.06.02. Administrative procedures - Suspension rates.

A. Upon receipt of notification from the Department that an elementary school's out-of-school suspension rate exceeds the standard specified in § B of this regulation, the local school superintendent or the superintendent's designee shall direct the principal of the school to implement:

(1) A PBIS; or

(2) An alternative behavioral modification program developed in collaboration with the Department.

B. An elementary school is subject to this regulation if it has an out-of-school suspension rate that exceeds:

(1) 18 percent of its enrollment for the 2005-2006 school year;

(2) 16 percent of its enrollment for the 2006-2007 school year;

(3) 14 percent of its enrollment for the 2007-2008 school year;

(4) 12 percent of its enrollment for the 2008-2009 school year; and

(5) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.

C. The school principal or the principal's designee and appropriate staff members shall:

(1) Develop a plan for implementing a program as set forth in § A of this regulation;

(2) Attend PBIS or alternative behavior modification training program approved by the Department; and

(3) Follow implementation guidelines and practices for PBIS or the alternative behavior modification training program.

D. The following apply to an elementary school that has at least one grade beyond grade 5:

(1) The suspension rates in § B of this regulation shall apply to students in prekindergarten through grade 5; and

(2) PBIS or the alternative behavioral modification program shall focus on students in prekindergarten through grade 5.

E. Nothing in this regulation precludes a school system from implementing PBIS or an alternative behavioral modification program either in specific schools or system-wide.

F. An elementary school shall expand its existing PBIS or alternative behavior modification program by providing more intensive interventions to targeted students in need of such interventions if:

(1) The elementary school has already implemented a PBIS or an alternative behavior modification program; and

(2) The elementary school has a suspension rate that exceeds the standard specified in § B of this regulation.

13A.08.06.03. Administrative procedures - Truancy rates.

A. Upon receipt of notification from the Department that a school's habitual truancy rate exceeds the standard specified in § B of this regulation, the local school superintendent or the superintendent's designee shall direct the principal of the school to implement:

(1) A PBIS; or

(2) An alternative behavior modification program developed in collaboration with the Department.

B. A school is subject to this regulation if it has a truancy rate that exceeds:

(1) 8 percent of its enrollment for the 2008-2009 school year;

(2) 6 percent of its enrollment for the 2009-2010 school year;

(3) 4 percent of its enrollment for the 2010-2011 school year;

(4) 2 percent of its enrollment for the 2011-2012 school year; and

(5) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

C. The school principal or the principal's designee and appropriate staff members shall:

(1) Develop a plan for implementing a program as set forth in § A of this regulation;

(2) Attend PBIS or alternative behavior modification training program approved by the Department; and

(3) Follow implementation guidelines and practices for PBIS or the alternative behavior modification training program.

D. A school shall expand its existing PBIS or alternative behavior modification program by providing more intensive interventions to targeted students in need of such interventions if:

(1) The school has already implemented a PBIS or an alternative behavior modification program; and

(2) The school has a truancy rate that exceeds the standard specified in § B of this regulation.

E. Nothing in this regulation precludes a school system from implementing PBIS or an alternative behavioral modification program either in specific schools or system-wide.

Prevention

LAWS

7-304. Special programs for disruptive students.

- (a) Purpose of section. - The purpose of this section is to require each county board of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.
- (b) Authority to establish programs. - Each county board of education and the Board of School Commissioners of Baltimore City shall establish special programs in the county and Baltimore City for students in the public school system who exhibit disruptive classroom behavior.
- (c) Joint use. - Two or more county boards may establish special programs for their joint use.

7-1502. Center established.

- (a) Established. - There is a Maryland Center for School Safety.
- (b) Status. - The Center is an independent unit within the Department.
- (c) Location. - The Center shall be based at the Maryland Coordination and Analysis Center.
- (d) Executive director. - The head of the Center is the executive director, who shall be appointed by the Subcabinet.
- (e) Staff. - The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.
- (f) Satellite offices. - The Center shall establish a satellite office at Bowie State University.
- (g) Functions and duties. - The Center shall perform the following functions and duties:
 - (1) Provide technical assistance and consultation to local school systems, State and local government, and community organizations on best practices for safe schools and violence prevention;
 - (2) Develop a website containing a searchable database of definitive research, books, videos, white papers, speakers, websites, and other school safety resources;
 - (3) Develop criteria that may be applied consistently and uniformly in local school systems for coding unsafe incidents and serious or violent offenses;
 - (4) Research and recommend the use of common assessment tools to be used to identify specific problems and needs of schools and neighborhoods to facilitate intervention before assessed findings become problematic;
 - (5) Assist local school systems to conduct a thorough assessment of their school safety data, school building layouts, and use of human resources for monitoring purposes to determine the need for:
 - (i) Surveillance and other security technology; and
 - (ii) Innovations to maximize the use of human resources to monitor activity and influence positive relationship building;
 - (6) Maintain and maximize relationships with emergency responders, law enforcement personnel, parents, and other emergency preparedness stakeholders to ensure seamless execution in an emergency event, including:
 - (i) Consolidate resources among stakeholders to maximize support and secure necessary skills to ensure emergency plan implementation;
 - (ii) Conduct collaborative training and preparation exercises; and
 - (iii) Identify improvements and ensure nonduplication of effort in emergency response procedures;

- (7) Provide safety information on traveling to and from school to parents and students twice a year that includes data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system or school to improve safety, and information on the available options for reporting incidents or concerns;
- (8) Utilize and update an existing clearinghouse of law enforcement resources that are available to support school safety to ensure that it includes information regarding the purpose and process for accessing available funding;
- (9) Assist local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents;
- (10) Assist the Department to evaluate and update current data systems to ensure they are best suited for providing useful information on school safety issues;
- (11) Assist local school systems to monitor local school system and individual school behavior data to ensure fairness in the application of consequences for student misbehavior;
- (12) Assist the Department and local school systems:
 - (i) To prepare an annual report that combines multiple school safety data systems into one format for public review; and
 - (ii) To incorporate new data points into existing data collection systems;
- (13) Assist in the development of safety and security criteria for the design and operation of school facilities;
- (14) Assist local school systems to identify resources and implement training for students and parents about relationship violence, identifying the signs of unhealthy relationships, and preventing relationship violence;
- (15) Provide technical assistance to local school systems in the review of safety and security audits and the implementation of improvements in school facilities;
- (16) Analyze data on school resource officers and develop guidelines and training for local school systems as required under § 7-1508 of this subtitle;
- (17) Certify school safety coordinators as required under § 7-1508 of this subtitle;
- (18) Submit to the General Assembly and the Governor a summary of reports on school resource officer and local law enforcement agency coverage in public schools as required under § 7-1508 of this subtitle;
- (19) Consult with local school systems on safety evaluations developed under § 7-1510 of this subtitle;
- (20) Review and comment on school emergency plans developed under § 7-1510 of this subtitle; and
- (21) Report to the General Assembly and the Governor on life-threatening incidents as required under § 7-1510 of this subtitle.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

7-306. Corporal punishment; State code of discipline.

- (a) "Restorative approaches" defined. -

(2) "Restorative approaches" may include:

(vi) Social emotional learning. [...]

(c) Standards of conduct; implementation. - The State Board shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;

(2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and

(3) Assist each county board with the implementation of the guidelines. [...]

(d) Regulations. -

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

6-122. Training for youth suicide risk and students in crisis.

(a) In general. - Except as provided in § 6-704.1 of this title and beginning on or before July 1, 2018, the State Board shall require all certificated school personnel who have direct contact with students on a regular basis to complete training on or before December 1 each year, by a method determined by each county board, in the skills required to:

(1) Understand and respond to youth suicide risk;

(2) Identify professional resources to help students in crisis;

(3) Recognize student behavioral health issues;

(4) Recognize students experiencing trauma or violence out of school and refer students to behavioral health services; and

(5) If the school is a community school, support any students needing the services at a community school.

6-704.1. Certification renewal requirement for school counselors.

(a) In general. - On or before July 1, 2016, the Board shall require a certificate holder applying for renewal of a certificate as a school counselor to have obtained training in, by a method determined by the Board, the knowledge and skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to:

(1) The recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse; and

- (2) The identification of professional resources to help students in crisis.
- (b) Training may exceed training required of other personnel. - The training required under subsection (a) of this section shall be commensurate with the duties of a school counselor and may exceed the training required of other school personnel under § 6-122 of this title.
- (c) Regulations. - The Board shall adopt regulations to implement the provisions of this section.

7-306. Corporal punishment; State code of discipline.

- (a) "Restorative approaches" defined. -
 - (2) "Restorative approaches" may include:
 - (vii) Trauma-informed care; [...]
- (c) Standards of conduct; implementation. - The State Board shall:
 - (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
 - (2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
 - (3) Assist each county board with the implementation of the guidelines.
- (d) Regulations. -
 - (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.
 - (2) The regulations adopted by a county board under this subsection:
 - (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;
 - (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
 - (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

7-427.1 Guidelines for trauma-informed approach. .

- (a)(1) In this section the following words have the meanings indicated.
 - (2) "Trauma-informed approach" means a method for understanding and responding to an individual with symptoms of chronic interpersonal trauma or traumatic stress.
 - (3) "Trauma-informed school" means a school that:
 - (i) Acknowledges the widespread impact of trauma and understands the potential paths for recovery;
 - (ii) Recognizes the signs and symptoms of trauma in students, teachers, and staff;
 - (iii) Integrates information about trauma into policies, procedures, and practices; and
 - (iv) Actively resists retraumatizing a student, teacher, or staff member who has experienced trauma.
- (b)(1) The Department, in consultation with the Maryland Department of Health and the Department of Human Services, shall develop guidelines on a trauma-informed approach that will assist schools with:
 - (i) Implementing a comprehensive trauma-informed policy at the school;
 - (ii) The identification of a student, teacher, or staff member who has experienced trauma;
 - (iii) The appropriate manner for responding to a student, teacher, or staff member who has experienced trauma;

- (iv) For schools participating in the Handle With Care program, the appropriate manner for responding to a student who is identified as a "handle with care" student; and
- (v) Becoming a trauma-informed school.

(2) The Department shall:

- (i) Distribute the guidelines developed under this subsection to each local school system; and
- (ii) Publish the guidelines on the trauma-informed approach on the Department's website.

7-1107. Consultation concerning training requirements.

(a) Subject to the requirements of this section, the State Superintendent shall, in consultation with representatives of institutions of higher education and the Professional Standards and Teacher Education Board under Title 6, Subtitle 7 of this article, adopt positive behavioral intervention training requirements for teachers, administrators, behavioral health specialists, paraprofessionals, aides, and any other employees who interact routinely with students.

(b) Before adopting the training requirements under subsection (a) of this section, the State Superintendent shall identify any gaps in behavioral interventions, strategies, and supports.

(c) The training requirements adopted under subsection (a) of this section shall include positive behavioral interventions, strategies, and supports that:

- (1) Are evidence-based;
- (2) Include trauma-informed interventions and strategies for de-escalation;
- (3) Remedy any gaps identified under subsection (b) of this section; and
- (4) Are consistent with professionally accepted practices and standards for persons entering the field of education.

(d) (1) The training requirements adopted under subsection (a) of this section shall be the basis of a program of professional development that the State Superintendent shall share with school employees from public agencies and nonpublic schools.

- (2) The State Superintendent shall issue guidance on best practices in implementing positive behavior intervention plans that are the basis for the professional development program.

REGULATIONS

13A.07.11.03. Required training.

A. All certificated school personnel who have direct contact with students on a regular basis shall complete training on or before December 1 of each year, by a method determined by each county board, in the skills required to:

- (1) Understand and respond to youth suicide risk;
- (2) Understand and respond to student mental health, student trauma, student safety and other topics related to student social and emotional well-being;
- (3) Identify professional resources to help students in crisis; and
- (4) Recognize student behavioral health issues;
- (5) Recognize a student experiencing trauma or violence out of school and refer the student to behavioral health services, which includes, but is not limited to, the school counselor, school psychologist, school nurse, school social worker, and student support team; and
- (6) If the school is a community school, support any students needing the services at a community school.

B. The training required by § A of this regulation shall be:

- (1) Provided to certificated school personnel during an in-service program; or
- (2) A professional development requirement that may be met during time designated for professional development.

Mental Health Literacy Training

LAWS

6-122. Training for youth suicide risk and students in crisis.

(a) In general. - Except as provided in § 6-704.1 of this title and beginning on or before July 1, 2018, the State Board shall require all certificated school personnel who have direct contact with students on a regular basis to complete training on or before December 1 each year, by a method determined by each county board, in the skills required to:

- (1) Understand and respond to youth suicide risk;
- (2) Identify professional resources to help students in crisis;
- (3) Recognize student behavioral health issues;
- (4) Recognize students experiencing trauma or violence out of school and refer students to behavioral health services; and
- (5) If the school is a community school, support any students needing the services at a community school.

6-704.1. Certification renewal requirement for school counselors.

(a) In general. - On or before July 1, 2016, the Board shall require a certificate holder applying for renewal of a certificate as a school counselor to have obtained training in, by a method determined by the Board, the knowledge and skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to:

- (1) The recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse; and
- (2) The identification of professional resources to help students in crisis.

(b) Training may exceed training required of other personnel. - The training required under subsection (a) of this section shall be commensurate with the duties of a school counselor and may exceed the training required of other school personnel under § 6-122 of this title.

(c) Regulations. - The Board shall adopt regulations to implement the provisions of this section.

REGULATIONS

13A.07.11.03. Required training.

A. All certificated school personnel who have direct contact with students on a regular basis shall complete training on or before December 1 of each year, by a method determined by each county board, in the skills required to:

- (1) Understand and respond to youth suicide risk;
- (2) Understand and respond to student mental health, student trauma, student safety and other topics related to student social and emotional well-being; and
- (3) Identify professional resources to help students in crisis.

B. The training required by § A of this regulation shall be:

- (1) Provided to certificated school personnel during an in-service program; or

(2) A professional development requirement that may be met during time designated for professional development.

School-based Behavioral Health Programs

LAWS

7-438. Community-Partnered school behavioral health services programs.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Behavioral health services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

(3)(i) "Community-partnered school behavioral health services program" means a program that provides behavioral health services to students by community behavioral health providers in partnership with public schools and families that augment the behavioral health services and supports provided by public schools.

(ii) "Community-partnered school behavioral health services program" does not include school-based health centers.

(b) Standardized reporting system. -

(1) The Department, in consultation with the Maryland Department of Health, county boards, and other interested stakeholders, as determined by the Department, shall develop and implement a standardized reporting system to determine the effectiveness of community-partnered school behavioral health services programs.

(2) The standardized reporting system developed under paragraph (1) of this subsection shall use measures that collect data on the outcomes of students who receive behavioral health services from community-partnered school behavioral health services programs, including a student's academic, behavioral, social, and emotional functioning and progress.

(c) Report to Governor and General Assembly. - On or before December 1, 2017, and every 2 years thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly that provides an analysis of the effectiveness of community-partnered school behavioral health services programs.

7-440. Individualized or group behavioral counseling services.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Behavioral health counseling services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

(3) "Health care provider" has the meaning stated in § 20-104 of the Health - General Article.

(b) In general. -

(1) The Maryland Department of Health, in conjunction with the Department, shall recommend best practices for county boards of education to provide to students:

(i) Behavioral needs assessments; and

(ii) Individualized or group behavioral health counseling services with a health care provider through a school-based health center or through community partnered school-based behavioral health services.

(c) Construction of section. - This section may not be construed to require a county board to provide

behavioral needs assessments or individualized or group behavioral health counseling services to students.

7-1511. Appointment of mental health services coordinator.

(a) In general. - Each behavioral health services coordinator under § 7-446.1 of this title shall develop plans for delivering behavioral health and wraparound services to students who exhibit behaviors of concern.

(b)(1) Grants. - The Subcabinet may provide grants from the Fund to local school systems to develop plans for delivering behavioral health and wraparound services to students who exhibit behaviors of concern.

(2) In applying for a grant under this subsection, a local school system shall provide evidence of how external funding will be maximized to provide students with behavioral health and wraparound services, including through the submission of claims to health insurance plans, if applicable, for any covered health services.

(c) Regulations. - The Subcabinet shall adopt regulations to carry out this section.

7-1512. Safe schools fund.

(a) Fund established. - There is a Safe Schools Fund. [...]

(f) Use. - Except as provided in subsection (g) of this section, the Fund may be used only to provide grants to local school systems to enhance school safety, including:

(1) Conducting training for students and school personnel on de-escalation of situations and identifying and reporting behaviors of concern;

(2) Conducting training of assessment teams;

(3) Conducting school safety evaluations;

(4) Establishing formal and anonymous mechanisms for reporting safety concerns;

(5) Reimbursing local law enforcement agencies for school resource officer training provided by the Center;

(6) Enrolling school security employees in training provided by the Center;

(7) Developing plans to deliver school-based behavioral health and other wraparound services to students who exhibit behaviors of concern, including establishing systems to maximize external funding for services;

(8) Outreach to the broader school community to improve school safety, including to heighten awareness of existing mental health services and other services;

(9) Providing information to students and parents on traveling safely to and from school, including data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system to improve safety, and information on available options for reporting incidents and concerns; and

(10) Assisting local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents.

(g) Grants. - Beginning in fiscal year 2020 and each fiscal year thereafter, at least \$ 10,000,000 of the money in the Fund shall be used to provide grants to local school systems and local law enforcement agencies as provided under § 7-1508 of this subtitle.

19-22A-05. Duties, other activities, reports.

(a) Duties - Development of policy recommendations. - The Council shall develop policy recommendations to improve the health and educational outcomes of students who receive services from school-based health centers by:

- (1) Supporting local community efforts to establish or expand school-based health center capacity in primary care, behavioral health, and oral health;
- (2) Integrating school-based health centers into existing and emerging patient-centered models of care;
- (3) Promoting the inclusion of school-based health centers in networks of managed care organizations and commercial health insurance carriers;
- (4) Advancing the public health goals of State and local health officials;
- (5) Promoting the inclusion of school-based health centers into networks of school health services and coordinated student service models for the range of services offered in school settings;
- (6) Supporting State and local initiatives to promote student success;
- (7) Reviewing and revising best practice guidelines; and
- (8) Supporting the long-term sustainability of school-based health centers.

REGULATIONS

13A.05.05.02. School counseling program.

A. The School Counseling Program is a coordinated data driven program of counseling, consulting, and informational services for students in grades K-12 that:

- (2) Enhances awareness of mental health and promotes positive, healthy behaviors;
- (3) Provides school-based prevention and universal and targeted interventions for students with mental health and behavioral health concerns.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

5-803. School employees.

(a) Making reports. -

(1) Whether or not an individual receives compensation for the individual's services, an employee of a county health department or other local department or agency functioning as a school nurse or school health aide or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private, or parochial school is immune from liability for:

- (i) Making a report required by law, if the individual acts on reasonable grounds;
- (ii) Participating in a judicial proceeding that results from the individual's report; and
- (iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:
 - 1. Under the influence of alcoholic beverages or a controlled dangerous substance;
 - 2. In possession of alcoholic beverages or a controlled dangerous substance; or
 - 3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

(2) Paragraph (1)(iii) of this subsection is effective only to the extent that its provisions do not conflict with federal or State confidentiality laws and regulations.

(b) Participation in disciplinary or other proceedings. - A county superintendent or any employee of a county school system who presents or enters findings of fact, recommendations, or reports or who participates in an employee dismissal, disciplinary, administrative, or judicial proceeding relating to a school system employee that results from these actions is immune from any civil liability if the action is:

- (1) In the performance of duties;
- (2) Within the scope of employment; and
- (3) Without malice.

7-302. Report of absences and maladjustment.

(a) Immediate report required. - The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.

(b) Investigation; counseling; notice to Department of Juvenile Services. - On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:

- (1) Shall initiate an investigation into the cause of the child's truancy;
- (2) May provide counseling regarding the availability of social, health, and educational services; and
- (3) Following the investigation or intervention:

(i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;

(ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and

(iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(6) of the Courts Article.

(c) Student information. - The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency information regarding the number of students identified as being habitually truant.

7-424. Reporting incidents of harassment or intimidation against students.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
2. Sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
3. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.

(5) "Sexual contact" means sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

(b) Report required. -

(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

(i) A student;

(ii) The parent, guardian, or close adult relative of a student; or

(iii) A school staff member.

(c) Contents; distribution. -

(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

(i) Identify the victim and the alleged perpetrator, if known;

(ii) Indicate the age of the victim and alleged perpetrator;

- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
- (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program. -

(1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.

(2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.

(3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system websites, and other locations that the county board determines are necessary or appropriate.

(4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:

- (i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and
- (ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality. -

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. - The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

- (1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and
- (2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly. -

(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

- (2) The report submitted by the Department shall include, to the extent feasible:
- (i) A description of the act constituting the bullying, harassment, or intimidation;
 - (ii) The age of the victim and alleged perpetrator;
 - (iii) The allegation of the alleged perpetrator's motive;
 - (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
 - (v) The number of days a student is absent from school, if any, as a result of the incident; and
 - (vi) The number of false allegations reported.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) "Bullying, harassment, or intimidation" defined. - In this section, "bullying, harassment, or intimidation" has the meaning stated in § 7-424 of this subtitle.

(b) In general. -

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

- (i) A statement prohibiting bullying, harassment, and intimidation in schools;
- (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
- (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
- (v) Standard consequences and remedial actions for persons found to have made false accusations;
- (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
- (vii) Model procedures for providing notice of an act of bullying, harassment, or intimidation to:
 - 1. A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and
 - 2. A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported;
- (viii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
- (ix) Information about the types of support services available to the student bully, victim, and any bystanders;
- (x) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
- (xi) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(c) Development of policy by county boards. -

(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

- (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.
- (3) A county board shall develop the policy in consultation with representatives of the following groups:
- (i) Parents or guardians of students;
 - (ii) School employees and administrators;
 - (iii) School volunteers;
 - (iv) Students; and
 - (v) Members of the community.
- (4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.
- (d) Publication of policy. - Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.
- (e) Reporting procedure. - Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:
- (1) A chain of command in the reporting process; and
 - (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.
- (f) Submission of policy. -
- (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.
 - (2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.
- (g) Educational programs. - Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
 - (2) A teacher and administrator development program that trains teachers and administrators to implement the policy.
- (h) Limitation of liability. -
- (1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.
 - (2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.2. Gangs and gang activity.

(b) Model policy. - By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) Model policy - Contents. - The model policy developed under subsection (b) of this section shall include:

(6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

[...] (h) Reporting of gang activity. -

(1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer. [...]

(2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(k) Report. - On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

REGULATIONS

13A.08.04.05. General requirements for the use of restraint or seclusion.

A. Use of Restraint.

(3) Documentation of the Use of Restraint.

(a) Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:

- (i) Other less intrusive interventions that have failed or been determined inappropriate;
- (ii) The precipitating event immediately preceding the behavior that prompted the use of restraint;
- (iii) The behavior that prompted the use of a restraint;
- (iv) The names of the school personnel who observed the behavior that prompted the use of restraint; and
- (v) The names and signatures of the staff members implementing and monitoring the use of restraint.

(b) Documentation under § A(3) of this regulation shall include a description of the restraint event, including:

- (i) The type of restraint;
- (ii) The length of time in restraint;
- (iii) The student's behavior and reaction during the restraint; and
- (iv) The name and signature of the administrator informed of the use of restraint.

(4) The documentation described in § A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.

Parental Notification

LAWS

No relevant laws found.

REGULATIONS

13A.08.01.12. Arrests on school premises.

- A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.
- B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.
- C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardians immediately and thereafter promptly to advise the local superintendent of schools.
- D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.
- E. School officials may not permit questioning of a student under arrest on the school premises and shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.
- F. Beginning in the 2015-2016 school year, data on school arrests shall be reported in a manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.

13A.08.01.13. Questioning on school premises.

- A. Police investigations involving the questioning of students may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout that questioning.
- B. A local school system shall permit personnel from a local department of social services or a police officer to question a student on school premises during the school day in an investigation involving suspected child neglect or suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland. The following apply:
 - (1) The local superintendent or the superintendent's designee shall determine, after consultation with the individual from the local department of social services or the police officer, whether a school official shall be present during the questioning of a student pursuant to this section.
 - (2) Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, § 6(b), Annotated Code of Maryland.
- C. Except as provided in § D of this regulation, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent's office of the nature of the investigation and such other details as may be required.
- D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect and suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland.
- E. In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent or guardians, except as provided below:

- (1) A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child;
- (2) The Superintendent or the Superintendent's designee shall ensure that prompt notification of a student's removal from school under this section is made to the student's parent or guardians.

13A.08.04.05. General requirements for the use of restraint or seclusion.

A. Use of Restraint.

- (2) Mechanical Restraint.
- (5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP. [...]

B. Use of Seclusion.

- (9) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

7-302. Report of absences and maladjustment.

- (a) Immediate report required. - The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.
- (b) Investigation; counseling; notice to Department of Juvenile Services. - On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:
 - (1) Shall initiate an investigation into the cause of the child's truancy;
 - (2) May provide counseling regarding the availability of social, health, and educational services; and
 - (3) Following the investigation or intervention:
 - (i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;
 - (ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and
 - (iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(6) of the Courts Article.
- (c) Student information. - The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency information regarding the number of students identified as being habitually truant.

7-306. Corporal punishment; State code of discipline.

(e) Disaggregation of data. -

(1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:

- (i) The State;
- (ii) Each local school system; and
- (iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) Collection of data on alternative school discipline practices. -

(1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an out-of-school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

- (i) The types of alternative school discipline practices that are used in a local school system; and
- (ii) The type of misconduct for which an alternative discipline practice is used.

7-424. Reporting incidents of harassment or intimidation against students.

(b) Report required. -

(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

- (i) A student;
- (ii) The parent, guardian, or close adult relative of a student; or
- (iii) A school staff member.

(c) Contents; distribution. -

(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

- (i) Identify the victim and the alleged perpetrator, if known;
- (ii) Indicate the age of the victim and alleged perpetrator;
- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program. -

(1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.

(2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.

(3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system websites, and other locations that the county board determines are necessary or appropriate.

(4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:

(i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and

(ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality. -

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. - The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly. -

(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the bullying, harassment, or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;

(v) The number of days a student is absent from school, if any, as a result of the incident; and

(vi) The number of false allegations reported.

7-424.2. Gangs and gang activity.

(h) Reporting of gang activity. -

(1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.

(2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(k) Report. - On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

7-438. Community-Partnered school behavioral health services programs.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Behavioral health services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

(3)(i) "Community-partnered school behavioral health services program" means a program that provides behavioral health services to students by community behavioral health providers in partnership with public schools and families that augment the behavioral health services and supports provided by public schools.

(ii) "Community-partnered school behavioral health services program" does not include school-based health centers.

(b) Standardized reporting system. -

(1) The Department, in consultation with the Maryland Department of Health, county boards, and other interested stakeholders, as determined by the Department, shall develop and implement a standardized reporting system to determine the effectiveness of community-partnered school behavioral health services programs.

(2) The standardized reporting system developed under paragraph (1) of this subsection shall use measures that collect data on the outcomes of students who receive behavioral health services from community-partnered school behavioral health services programs, including a student's academic, behavioral, social, and emotional functioning and progress.

(c) Report to Governor and General Assembly. - On or before December 1, 2017, and every 2 years thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly that provides an analysis of the effectiveness of community-partnered school behavioral health services programs.

7-1104. Reports and guidance

(a)(1) On or before December 1 each year, each public agency and nonpublic school shall submit to the Department a report for the prior school year on:

(i) The number of physical restraint incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement;

(ii) The number of physical restraint incidents each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, age, and type of placement;

- (iii) For nonpublic schools, the number of seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, and age; and
 - (iv) For nonpublic schools, the number of seclusion incidents for each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, and age.
- (2) To determine the number of incidents for the report required under paragraph (1) of this subsection:
- (i) A seclusion incident shall be considered ended if at any point during the incident the student is no longer prevented from leaving or is removed from a room, an enclosure, or other space; and
 - (ii) If after a seclusion incident has ended in accordance with item (i) of this paragraph, the public agency or nonpublic school determines that it is necessary to place the student in seclusion again, the subsequent confinement of the student in a room, enclosure, or other space shall be considered a separate seclusion incident.
- (3)(i) The Department shall verify the accuracy of a report from any public agency or nonpublic school that reports no physical restraint or seclusion incidents under this subsection.
- (ii) If the Department is unable to verify the accuracy of a report submitted by a public agency or nonpublic school, the Department shall make recommendations for improvements in data collection and positive behavioral interventions at the public agency or nonpublic school.
- (b) On or before December 1 each year, each public agency and nonpublic school shall submit to the Department a report on steps taken to encourage positive behavioral interventions, including:
- (1) The professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions for the prior school year;
 - (2) For nonpublic schools, the policy changes made to further reduce the use of seclusion incidents during the prior school year; and
 - (3) The policy changes or new professional development opportunities designed to further increase positive behavioral interventions and reduce physical restraint or seclusion incidents in the upcoming school year.
- (c) Each nonpublic school shall:
- (1) Personally observe and review seclusion rooms;
 - (2) Review training plans for the use of seclusion; and
 - (3) Report to the Department regarding findings made under items (1) and (2) of this subsection.
- (d)
- (1) The Department shall:
- (i) Provide guidance to nonpublic schools regarding the requirements of the use of seclusion and rooms for seclusion;
 - (ii) Develop an accountability system to measure compliance by public agencies and nonpublic schools with COMAR 13A.08.04 and any other regulations adopted to implement this subtitle;
 - (iii) Analyze the data and information collected under this section to determine trends and patterns in behavioral interventions; and
 - (iv) Report to the General Assembly, in accordance with § 2-1257 of the State Government Article, regarding findings and recommendations reported to the Department under this section.
- (2)(i) In the report required under paragraph (1)(iv) of this subsection, the Department shall provide data for public agencies and nonpublic schools by school, subject to State and federal privacy laws.

(ii) The data provided under this paragraph shall be presented in a manner that accounts for variations in enrollment between schools.

(3) Within 30 days of submitting the report required under paragraph (1)(iv) of this subsection, the Department shall publish the report on its website.

REGULATIONS

13A.08.01.12. Arrests on school premises.

A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.

B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.

C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardians immediately and thereafter promptly to advise the local superintendent of schools.

D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.

E. School officials may not permit questioning of a student under arrest on the school premises and shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.

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

13A.08.01.12-1. Bringing or possessing a firearm on school property.

D. Administrative Procedures.

(1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:

(a) Written certification that the local school system is in compliance with the requirements of this regulation;

(b) A description of the circumstances surrounding any expulsions imposed under State law as required by § B(1) of this regulation;

(c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;

(d) The name of the school where each incident took place;

- (e) The type of firearm involved;
- (f) The disposition of each case, including the number of students:
 - (i) Expelled from each school, and
 - (ii) Placed in alternative educational settings; and
- (g) A description of alternative educational settings used in compliance with this regulation.

(2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

13A.08.01.15. Reporting delinquent acts.

A. Delinquent acts are offenses committed by a person who is under 18 years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.

B. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.

C. Beginning in the 2015-2016 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department, in consultation with local school systems, and approved by the State Board.

13A.08.01.21. Reducing and eliminating disproportionate/discrepant impact.

A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.

B. The Department may use the discrepancy model to assess the impact of discipline on special education students.

C. If the Department identifies a schools discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.

D. The local school system will report its progress annually to the State Board.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

7-303.1. School principal to report student criminal activity.

(b) In general. - A school principal may make a report to any relevant law enforcement agency if, after an investigation is completed, the school principal has reason to believe that a student has engaged in conduct that constitutes an offense under:

- (1) § 3-201 of the Criminal Law Article (assault in the first degree);
- (2) § 3-202 of the Criminal Law Article (assault in the second degree);
- (3) § 3-805 of the Criminal Law Article (misuse of electronic communication or interactive computer service); or
- (4) § 3-809 of the Criminal Law Article (revenge porn).

REGULATIONS

13A.08.01.12. Arrests on school premises.

A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.

B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.

C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardians immediately and thereafter promptly to advise the local superintendent of schools.

D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.

E. School officials may not permit questioning of a student under arrest on the school premises and shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.

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

13A.08.01.12-1. Bringing or possessing a firearm on school property.

D. Administrative Procedures.

- (2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

4-318. Baltimore City School Police Force.

(a) "Baltimore City school police officer" defined. - In this section, "Baltimore City school police officer" means any person who, when acting in an official capacity, is authorized by law to make arrests and who is a member of the Baltimore City School Police Force.

(b) Established. - There is a Baltimore City School Police Force.

(c) Members. - The members of the Baltimore City School Police Force shall be employees of and be appointed by the Baltimore City Board of School Commissioners.

(d) Powers; limitations; carrying a weapon. -

(1) Except as provided in paragraph (3) of this subsection, a Baltimore City school police officer has all the powers of a law enforcement officer in the State.

(2)(i) A Baltimore City school police officer may act in an official capacity only on the premises of schools and any other property used for educational purposes owned, leased, or operated by, or under the control of the Baltimore City Board of School Commissioners.

(ii) A Baltimore City school police officer may not act in an official capacity on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;
2. Requested or authorized to do so by the Police Commissioner of Baltimore City;
3. The exercise of power is necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Baltimore City School System; or
4. Ordered to do so by the Mayor of Baltimore City.

(3)(i) Notwithstanding any other provision of law, a Baltimore City school police officer whose permanent or temporary assignment is at a school or on school property may carry a firearm on the premises of the school to which the officer is assigned before or after regular school hours on school days and on days other than school days.

(ii) The Baltimore City Board of School Commissioners shall establish policies to implement the provisions of subparagraph (i) of this paragraph.

(e) Requirements; standards for performance. -

(1) In consultation with the Maryland Police Training and Standards Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

(2) Any requirements adopted by the Civil Service Commission on or after July 1, 1991 may not affect the status of any individual who is a qualified Baltimore City school police officer on that date.

(f) Regulations. - The Baltimore City Board of School Commissioners shall adopt regulations governing the:

- (1) Operation of the Baltimore City School Police Force; and
- (2) Conduct of each Baltimore City school police officer.

(g) Construction. - This section does not:

- (1) Make a Baltimore City school police officer a member of the Baltimore City Police Department; or
- (2) Affect the salary, benefits, or retirement program of an employee of Baltimore City or the Baltimore City Board of School Commissioners.

(h) Report. - Beginning July 1, 2017, and every 2 years thereafter, the Baltimore City School Police Force shall submit a report to the members of the Baltimore City Delegation to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

- (1) The condition of vehicles and firearms of the Baltimore City School Police Force; and
- (2) The anticipated needs of the Baltimore City School Police Force for vehicles and firearms for the following 2 years.

7-430. Cultural competency model training curriculum.

(a) Development. - The Maryland Police Training and Standards Commission, in consultation with the Department, shall develop a cultural competency model training curriculum for law enforcement officers assigned to public schools.

(b) Contents. -

(1) The cultural competency model training curriculum shall teach behaviors, attitudes, and policies that enable law enforcement officers to understand, communicate with, and effectively interact with the individuals, organizations, and institutions in the community in which the public school to which a law enforcement officer is assigned is located.

(2) The cultural competency model training curriculum shall include:

(i) Personal exposure to the individuals, organizations, and institutions within the assigned community; and

(ii) Knowledge of government and community services available to help prevent juvenile arrests.

(c) Officer assigned to patrol school. - A law enforcement officer who is assigned to patrol a school building or school grounds is encouraged to complete the cultural competency model training curriculum established under subsection (b) of this section before the law enforcement officer begins an assignment in a public school.

7-1508. School safety coordinator, school resource officers, and school security employees.

(b) Development and use of training curriculum; school resource officer and school security employee training. -

(1)(i) On or before September 1, 2018, the Center, in consultation with local school systems, shall:

1. Develop a specialized curriculum for use in training of school resource officers and school security employees; and
2. Submit the curriculum to the Maryland Police Training and Standards Commission for approval.

(ii) The specialized curriculum developed under this subsection shall include training in:

1. De-escalation;
2. Disability awareness;
3. Maintaining a positive school climate;
4. Constructive interactions with students; and
5. Implicit bias and disability and diversity awareness with specific attention to racial and ethnic disparities.

(iii) 1. The specialized curriculum developed under this subsection may not go into effect until it is approved by the Maryland Police Training and Standards Commission.

2. If the Maryland Police Training and Standards Commission does not initially approve the specialized curriculum, the Center shall amend the curriculum until it meets with the Commission's approval.

(2) On or before March 1, 2019, the Center shall develop and submit to the Maryland Police Training and Standards Commission for approval a model training program that meets the requirements of the curriculum approved under paragraph (1) of this subsection.

(3) Each local law enforcement agency shall:

(i) Enroll individuals assigned to be school resource officers in the model training program developed by the Center under paragraph (2) of this subsection; or

(ii) 1. Submit to the Maryland Police Training and Standards Commission for approval a training program that is consistent with the curriculum developed under paragraph (1) of this subsection; and

2. Enroll individuals assigned to be school resource officers in the training program developed under item 1 of this item.

(4) Beginning September 1, 2019, to be assigned as a school resource officer an individual shall:

(i) Complete:

1. The model training program developed by the Center under paragraph (2) of this subsection through instruction provided by the Center in collaboration with the Maryland Police Training and Standards Commission; or

2. A local law enforcement agency's training program developed under paragraph (3)(ii) of this subsection; and

(ii) Be certified by the Maryland Police Training and Standards Commission.

(5) Beginning September 1, 2019, to be employed as a school security employee at a public school, an individual shall complete:

(i) The model training program developed by the Center under paragraph (2) of this subsection through instruction provided by the Center in collaboration with the Maryland Police Training and Standards Commission; or

(ii) A local law enforcement agency's training program developed under paragraph (3)(ii) of this subsection.

REGULATIONS

14.40.04.03. School Resource Officers and School Security Employees Certification.

A. A school resource officer working in a Maryland public school shall complete the Centers 40-hour model curriculum or an approved local training by September 1, 2019.

B. A school security employee working in a Maryland public school shall complete the Centers 40-hour model curriculum or an approved local training by September 1, 2019.

C. A school resource officer or school security employee working in a Maryland public school who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Centers 16-hour comparative compliance curriculum prior to September 1, 2019.

D. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, shall have until the beginning of the next academic year to complete the required training set forth in this subsection.

E. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Centers 16-hour comparative compliance curriculum prior to the beginning of the next academic year to complete the required training set forth in this subsection.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

7-1501. Definitions.

- (a) In general. - In this subtitle the following words have the meanings indicated.
- (b) Advisory Board. - "Advisory Board" means the School Safety Subcabinet Advisory Board.
- (c) Behaviors of concern. -
 - (1) "Behaviors of concern" means behaviors or threats that indicate a student may pose a risk of self-harm or harm to others.
 - (2) "Behaviors of concern" includes:
 - (i) Expressions of hopelessness;
 - (ii) Known drug use;
 - (iii) Suicidal gestures or statements; and
 - (iv) Known gang activity.
- (d) Center. - "Center" means the Maryland Center for School Safety.
- (e) Drill. - "Drill" means a formalized exercise by which school system personnel, staff, or students rehearse a school emergency plan.
- (f) Fund. - "Fund" means the Safe Schools Fund.
- (g) Local law enforcement agency. - "Local law enforcement agency" means:
 - (1) A police department of a county or municipal corporation in the State; or
 - (2) A sheriff's office that provides a law enforcement function in a county or municipal corporation in the State.
- (h) Safety evaluation. - "Safety evaluation" means a written assessment of the safety conditions in each public school, including ingress, egress, and access to areas of refuge for all students.
- (i) School emergency plan. - "School emergency plan" means a plan for each local school system and each public school within the school system that addresses mitigation of, preparedness for, response to, and recovery from emergencies, including:
 - (1) Violent or traumatic events on school grounds during regular school hours or during school-sponsored activities; and
 - (2) Events in the community that affect school operations.
- (j) School resource officer. - "School resource officer" means:
 - (1) A law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency; or
 - (2) A Baltimore City school police officer, as defined in § 4-318 of this article.

(k) School security employee. - "School security employee" means an individual, as defined in regulations adopted by the Subcabinet, who:

- (1) Is not a school resource officer; and
- (2) Is employed by a local school system to provide safety and security-related services at a public school.

(l) Subcabinet. - "Subcabinet" means the School Safety Subcabinet.

(m) Wraparound services. - "Wraparound services" means services provided to students, and their families as appropriate, including:

- (1) Mentoring;
- (2) Tutoring;
- (3) Child care services;
- (4) Housing referrals;
- (5) Transportation;
- (6) Crisis intervention;
- (7) Substance abuse prevention and treatment;
- (8) Legal aid;
- (9) Academic counseling; and
- (10) Career counseling.

7-1503. School Safety Subcabinet.

(a) Subcabinet established. - There is a School Safety Subcabinet.

(g) Duties. - The Subcabinet shall:

- (1) Collaborate with local school systems in the State, law enforcement agencies, State and local government agencies, community organizations, parents, and other stakeholders to provide a comprehensive, coordinated approach to school safety;
- (2) In partnership with the Advisory Board and other stakeholders:
 - (i) Disseminate information on best practices, programs, and resources;
 - (ii) Provide technical assistance and training to local jurisdictions and local school systems;
 - (iii) Collaborate on collection, analysis, and integration of statewide data; and
 - (iv) Promote interagency efforts that support safe schools for all students, school staff, parents, and community members;
- (3) Establish a Safe School Information and Best Practices Clearinghouse of up-to-date, research-based, and data-driven information on effective strategies for creating and maintaining safe schools;
- (4) Identify safe school professional staff development best practices;
- (5) Initiate collaborative partnerships and facilitate coordination among local school systems, law enforcement agencies, State and local government, and community organizations to leverage existing resources to deliver school safety services uniformly to local school systems;
- (6) Foster coordination among all entities responsible for ensuring the safety and security of school facilities in the State;
- (7) Distribute grants from the Fund in accordance with § 7-1512 of this subtitle;
- (8) Collaborate with the Department on the model policy for an assessment team under § 7-1507 of this subtitle;

- (9) Adopt regulations to define a school security employee for the purpose of the training and report required for school security employees under § 7-1508 of this subtitle;
- (10) Provide general oversight and direction to the Center;
- (11) Approve the annual budget for the Center;
- (12) Adopt any regulations necessary to carry out the Subcabinet's duties under this subtitle; and
- (13) Perform other duties assigned by the Governor.

(h) Reports. -

- (1) The Subcabinet shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on or before December 15 each year.
- (2) The report shall include:
 - (i) A list of all the activities of the Center, including aggregate data on the information collected from each local school system under § 7-1510 of this subtitle;
 - (ii) An update on the current status and effectiveness of the Center;
 - (iii) Data collected on school resource officers under § 7-1508 of this subtitle; and
 - (iv) Recommendations made by the Subcabinet for improving school and student safety.

26-102. Trespass on the grounds of a public institution of elementary, secondary, or higher education.

- (a) "School resource officer" defined. - In this section, "school resource officer" means a law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.
- (b) Denial of access to school grounds. - The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:
 - (1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;
 - (2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or
 - (3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.
- (c) Staff may demand identification. - Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.
- (d) Agreement with law enforcement agencies. - The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:
 - (1) The institution is closed; or
 - (2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution. [...]

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

7-1507. Model policy for assessment teams.

- (a) Development of model policy. - On or before September 1, 2018, the Subcabinet shall develop a model policy for the establishment of an assessment team or teams in each local school system.
- (b) Contents. - The model policy developed under subsection (a) of this section shall include:
- (1) Mechanisms for identifying individuals whose behavior may pose a threat to the safety of an individual attending or working in a public school;
 - (2) Mechanisms for the assessment of student behavior and interventions if student behavior poses a threat to the safety of an individual attending or working in a public school;
 - (3) Mechanisms for the assessment of the behavior of an individual who is not a student at a public school but who may pose a threat to the safety of an individual attending or working in the public school;
 - (4) Best practices for promoting communication and appropriate responses within a school community, including measures for:
 - (i) Training faculty, administrators, and staff to identify, properly respond to, and report threats or behaviors of concern that may pose a threat to the safety of an individual attending or working in a public school;
 - (ii) Teaching students to identify, and encouraging students to report, behaviors of concern exhibited by their peers or others that may pose a threat to the safety of an individual attending or working in a public school, including sharing thoughts about or plans for engaging in violence at the school; and
 - (iii) Increasing outreach to and the awareness of parents and guardians concerning the emotional and social health and well-being of students;
 - (5) Procedures for members of the school community or others to report behaviors of concern that may pose a threat to the safety of an individual attending or working in a public school;
 - (6) Policies regarding anonymous reporting by members of the school community or others of behaviors of concern that may pose a threat to the safety of an individual attending or working in a public school;
 - (7) Guidance for establishing an appropriate number of assessment teams within a local school system that:
 - (i) Shall coordinate among school officials and law enforcement, mental health, and other appropriate entities to monitor and respond to information about behavior, statements, or plans that may pose a threat of violence at a school; and
 - (ii) Shall include individuals with expertise in student counseling, education instruction, school administration, and law enforcement; and
 - (8) Policies for training assessment teams, including training on implicit bias and disability and diversity awareness with specific attention to racial and ethnic disparities.
- (c) Local school systems to adopt policies consistent with models; contents. - On or before September 1, 2019, each local school system shall adopt a policy for the establishment of assessment teams that is consistent with the model policy developed by the Subcabinet and includes:
- (1) A process for regular assessment and intervention, including diversion and de-escalation, if an individual exhibits behavior that may pose a threat to the safety of another individual attending or working in a public school;

(2) Standards for timely response and procedures for coordination among the members of an assessment team, including referral to appropriate local law enforcement officials, the local school system, and the county superintendent of information indicating that an individual may pose a threat of violence to the school; and

(3) Standards and procedures for referral of an individual for evaluation, services, or treatment when appropriate.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Maryland provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Bullying Prevention, Maryland Department of Education (MSDE)	Provides an overview on bullying and links to reports, webinars, forms, and resources for educators on cyberbullying.	http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/Bullying/index.aspx
Disproportionate Discipline, The Maryland Initiative, MSDE	Provides technical assistance to Local School Systems related to Disproportionate Discipline.	http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/DisproportionateDiscipline/index.aspx
Positive Behavioral Interventions and Supports (PBIS), MSDE	Provides a guideline for PBIS in Maryland, including framework, implementation process, standards and protocols, schoolwide evaluation tool, inventory, and benchmarks of quality; and contact information to Maryland's PBIS Local Point(s) of contact.	http://marylandpublicschools.org/about/pages/dsfss/pbis/index.aspx
Student Discipline and Long-Term Suspension	Provides links to information about student discipline.	https://marylandpublicschools.org/stateboard/Pages/StudentDisciplineLongTermSuspension.aspx
Student Services and Strategic Planning (SSSP), MSDE	Provides technical assistance, emergency planning, and student services resources related to bullying, discipline, suicide prevention, teen pregnancy, mental health, and other related programs/services.	http://www.marylandpublicschools.org/about/Pages/DSFSS/SSSP/index.aspx
<i>Documents</i>		
A Framework for School-Wide Bullying Prevention and Safety, MSDE	Framework for bullying prevention and safety for Maryland schools.	http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/Bullying/FrameworkSchoolWideBullyingPreventionSafety.pdf

Title	Description	Website address (if applicable)
Maryland's Tiered Instructional and Positive Behavioral Interventions and Supports (PBIS) Framework), MSDE	Framework for integrating tiered academic and behavioral supports into the learning environment.	https://marylandpublicschools.org/about/Documents/DSFSS/PBIS/PBISFramework.pdf
Maryland's Model Policy to Address Bullying, Harassment, or Intimidation (July 2016), MSDE	Model policy regarding bullying developed by Maryland State Department of Education.	https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/Bullying/MarylandModelPolicyBullyingHarassmentIntimidation2016.pdf
Resource Guide of Maryland School Discipline Practices (January 2017), MSDE	Technical guide for schools on the use of discipline including best practices and guidance on implementation of PBIS, SEL, and universal intervention practices.	http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/ResourceGuideMDSchDiscPactices011117.pdf
Student Behavior Interventions: Physical Restraint and Seclusion Supplement on Students with Disabilities, MSDE	Technical assistance for schools on the use of restraint and seclusion for special education students.	https://www.aacps.org/cms/lib/MD02215556/Centricity/Domain/238/StudentBehaviorSupplementSWD.pdf
Student Behavior Interventions: Restraint and Seclusion, MSDE	Guidance and definitions regarding restraint and seclusion practices in schools.	http://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/TA/GuidanceStudentBehaviorInterventionsRestraintSeclusion.pdf
Technical Assistance Bulletin for Implementing Maryland's Model Policy to Address Bullying, Harassment, or Intimidation (November 2013), MSDE	Guidance document regarding bullying prevention/intervention guidance, clarification, and practice.	https://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/Bullying/BullyingPreventionTAB.pdf
<i>Other Resources</i>		
Reducing and Eliminating Disproportionate Discipline PowerPoint (September 2020), MSDE	PowerPoint presentation for Local School Systems (LSS) and schools in Maryland around disproportionality data delivered by the Maryland State Department of Education (MSDE).	http://marylandpublicschools.org/stateboard/Documents/2020/0922/Tab-1-Reducing-Eliminating-Disproportionate-Discipline.pdf