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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: March 20, 2018

SUBJECT: COMAR 13A.07.11
Student Suicide Prevention and Safety Training
PERMISSION TO PUBLISH

PURPOSE:

Request permission to publish proposed COMAR 13A.07.11 – *Student Suicide Prevention and Safety Training*.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15 day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND:

In 2017, the Maryland General Assembly enacted Senate Bill 920 – *Primary and Secondary Education– Certificated School Personnel – Training Requirement* (2017 Md. Laws, Chap. 335). The legislation required the MSDE to submit proposed regulations to the State Board by July 2018.

EXECUTIVE SUMMARY:

The legislation requires that all certificated school personnel who have direct contact with students on a regular basis to complete training, on or before December 1 of each year, in: (1) understanding and responding to suicide risk; and (2) identifying professional resources to help students in crisis. The method would be determined by the local county board and is required to be delivered during an in-service program or professional development. The regulation also states that training cannot be construed to impose a duty of care on the certified school personnel who complete training. Further, a person cannot bring action against a county board for injury or wrongful death caused by an act resulting from lack of training or implementation of training.

The proposed regulation COMAR 13A.07.11 – *Student Suicide Prevention and Safety Training* includes the language as required in the legislation but also requires that the annual training for certificated school personnel include understanding and responding to student mental health, student trauma, student safety, and other topics related to student social and emotional well-being.

Local Superintendents would be required to submit annual documentation by school, on the type of training, the number of certificated school personnel trained, the dates of the training, and the materials used for the training.

ACTION:

Request permission to publish COMAR 13A.07.11 – *Student Suicide Prevention and Safety Training*.

Title 13A
State Board of Education
Subtitle 07
School Personnel
Chapter 11
Student Suicide Prevention and Safety Training

Authority: Education Article, §§2-205, 6-122, and 6-704, Annotated Code of Maryland

.01 Scope. This chapter establishes a program of training in suicide prevention and student safety for all certificated school personnel who have direct contact with students on a regular basis.

.02 Definitions

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

B. Terms Defined

(1) certificated school personnel means an individual who holds a certificate from the Maryland State Department of Education in early childhood education; elementary education; middle school education; general secondary content areas; special education; specialty areas, such as art, dance, English for Speakers of Other Languages, environmental education, health; administrative or supervisory areas; specialist areas; and student support personnel.

.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.

.04 No Duty of Care

A. The training requirement set forth in Regulation .03 of this chapter may not be construed to impose a duty of care on certificated school personnel who complete the training.

- B. Unless the acts or omissions of a certificated school employee who completed the training required by Regulation .03 of this chapter are willful, wanton or grossly negligent, a person may not bring an action against a county board for personal injury or wrongful death caused by an act or omission resulting from:*
- (1) Any training or lack of training of certificated personnel under Regulation .03 of this chapter; or*
 - (2) The implementation of the training under Regulation .03 of this chapter.*

.05 Documentation of Training

- A. The training requirement set forth in Regulation .03 of this chapter shall be monitored through documentation submitted annually to the State Superintendent from the Local Superintendents by school on the type of training, the number of certificated school personnel trained, the dates of the training, and the materials used for the training.*