

Nancy S. Grasmick  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

**TO:** Members of the Maryland State Board of Education  
**FROM:** Nancy S. Grasmick *Nancy*  
**DATE:** April 27, 2010  
**SUBJECT:** Interim Report on the Use of Long-Term Suspensions and Expulsions and Panel Presentations from Stakeholder Organizations on the Topic

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**PURPOSE:**

To provide an interim report on the study of the use of long-term suspensions and expulsions. Nine stakeholder groups have been invited to present comments on their organizations' stance on the topic.

**BACKGROUND:**

At its October 27, 2009 meeting, the Maryland State Board of Education (MSBE) issued Opinion No. 9-26 (*Atanya C. v. Dorchester County Board of Education*). In its opinion, both the majority and minority indicated that a study needed to occur that should include: (1) public input from all stakeholders; (2) review of local school system practices; and (3) review of local and national data on the educational effects of long-term suspension.

The Department has been working with local school systems (LSSs) since the 1980s to implement a continuum of strategies with graduated consequences for chronic disruptive students. In the 1996 Maryland General Assembly session, this concept was incorporated in Section 7-304, *Education Article, Annotated Code of Maryland*, requiring local boards of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption. An analysis of LSSs' codes of discipline reveals that all possess such a continuum.

It is important to note that schools go to great lengths in attempting to assist students to behave in an acceptable fashion. They teach what good behavior looks like in various contexts, reward good behavior when it is exhibited, implement Character Education and Positive Behavioral and Supports Initiatives, and they publish and disseminate annually codes of conduct that have standards of behavior and consequences for misbehavior. Many different interventions are used when behavior is chronic, escalating, and/or disruptive to the classroom and to the school. These include, but are not limited to, student/parent conferences, counseling, time out spaces, daily student behavior progress reports, daily rap sessions, mentoring, after school detention, Saturday school, referral to the Student Services Team, in-school suspension, and referral to other child serving agencies and mental health caregivers.



Suspension, long-term suspension, or expulsions are only used when many other strategies have failed to change the misbehavior or when the misbehavior is so egregious that it harms the learning environment. They carry with them due process protections based on laws and regulations.

**EXECUTIVE SUMMARY:**

The following actions have occurred to date in the study.

- LSS Directors of Student Services discussed the issue and provided feedback at their winter retreat.
- Staff at the Attorney General's Office has researched law review articles on the effects of long-term suspension and expulsion.
- LSSs have been surveyed to determine what is currently in place. ATTACHMENT I is a copy of the survey.
- Stakeholder groups have been written to and asked for feedback by May 14, 2010.
- A survey in English and Spanish went live on the Department's website in late March and will remain there until June. Over 2,000 respondents have taken the survey at the point of the composition of this memorandum. ATTACHMENT II is a copy of the survey.

Today, comments will be offered for your consideration by the following stakeholder groups: the Maryland Association of Boards of Education, the Public School Superintendents Association of Maryland, the Maryland Associations of Elementary and Secondary School Principals, the Maryland State Education Association, the Maryland Association of PTA, the American Civil Liberties Union, and the Open Society Institute.

The State Board will receive a final report on the study at its July 2010 meeting.

**ACTION:**

For information and discussion only, not action required.

NSG:CJB:kw

Attachments (2)

## Survey on Alternative Educational Programs/Services for Students Receiving Long-Term Suspensions and Expulsions

	Local School System (LSS): _____ LSS Point of Contact: _____ Tel: _____ E-mail: _____  _____ Signature of Local Superintendent of Schools/CEO <span style="float: right;">Date</span>	
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**Background:** Maryland law gives principals the authority to suspend students from school for misbehavior for up to 10 school days. At the request of a principal, a local school system superintendent may suspend a student for more than 10 school days or expel the student. The Maryland State Board of Education has undertaken a study of the usage and effects of long-term suspension and expulsion.

**Directions:** Please complete the survey by providing the most accurate information regarding the school system's provision of alternative educational programs/services for students receiving long-term suspensions and expulsions. Please have the completed survey signed and dated by the local superintendent and return it by **March 12, 2010**, to Mr. Charles Buckler, Director, Student Services & Alternative Programs Branch, Maryland State Department of Education, at [cbuckler@msde.state.md.us](mailto:cbuckler@msde.state.md.us) or FAX 410-333-8148.

**COMAR Definitions:**

**Extended Suspension/Long Term Suspension (LTS):** The temporary exclusion of a student from school for a specified period of time longer than 10 school days for disciplinary reasons by the local superintendent or the local superintendent's designee. COMAR 13A.08.01.11B(3).

**Expulsion (Exp):** The removal of the student from the student's regular school program by school authorities for disciplinary reasons. COMAR 13A.08.01.11B(2).

**Please state your local definition if different from above.**

- **Extended Suspension/Long Term Suspension (LTS):**
- **Expulsion (Exp):**

1. Provide the number of students who received LTS or Expulsions during SY 2008-09 received alternative educational services in the programs listed below?

\_\_\_\_\_ Alternative School

\_\_\_\_\_ Night School

\_\_\_\_\_ At Home Instruction by Teachers - Approximate number of hours per week \_\_\_\_\_

\_\_\_\_\_ On-Line Courses

\_\_\_\_\_ Combined Services (please specify)

\_\_\_\_\_ No Instructional Services (briefly explain why)

\_\_\_\_\_ Other Educational Programming

Explain

2. If the local school system is required to provide alternative educational services for LTS/Exp students, what is the average cost per student above what is normally spent on a student in a regular school setting?

Elementary \$ \_\_\_\_\_

Middle \$ \_\_\_\_\_

High \$ \_\_\_\_\_

3. Please indicate the alternative educational programs provided to elementary and secondary school students receiving LTS and EXP by checking the appropriate boxes and providing the requested information below.

High School Students

LTS	EXP		LTS	EXP	
----	----	Alternative School	----	----	Work sent home to be completed under parent supervision
----	----	Night School	----	----	At Home Instruction by Teachers
----	----	On-Line Courses	----	----	No Instruction Provided

Other Programming (Briefly describe) \_\_\_\_\_  
 \_\_\_\_\_

Do the above programs allow students to earn credits toward graduation?      Yes      No

Do any of the above programs include special subjects (i.e. art, music, etc.)?      Yes      No

If work is sent home to be completed under the parent's supervision, is the work graded and included in the student's final grades?      Yes      No

Comments:

Middle School Students

LTS	EXP		LTS	EXP	
----	----	Alternative School	----	----	Work sent home to be completed under parent supervision
----	----	Night School	----	----	At Home Instruction by Teachers
----	----	On-Line Courses	----	----	No Instruction Provided

Other Programming (Briefly describe) \_\_\_\_\_  
 \_\_\_\_\_

Do any of the above programs include special subjects (i.e. art, music, etc.)?      Yes      No

If work is sent home to be completed under the parent's supervision, is the work graded and included in the student's final grades?      Yes      No

Comments:

**Elementary School Students**

LTS	EXP		LTS	EXP	
----	----	Alternative School	----	----	Work sent home to be completed under parent supervision
----	----	On-Line Courses	----	----	At Home Instruction by Teachers
			----	----	No Instruction Provided

Other Programming (Briefly describe) \_\_\_\_\_  
\_\_\_\_\_

Do any of the above programs include special subjects (i.e. art, music, etc.)?      Yes      No

If work is sent home to be completed under the parent's supervision, is the work graded and included in the student's final grades?      Yes      No

Comments:

4. Are students provided any therapeutic and/or behavioral counseling or support to address the social, emotional, or behavioral issues contributing to the LTS/Exp?      Yes      No

If yes, briefly describe.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If the school system does not provide additional counseling or support, are students typically referred for additional counseling or support services provided by community agencies to address the social, emotional, or behavioral issues contributing to the LTS/Exp?      Yes      No.

If yes, briefly describe.

\_\_\_\_\_  
\_\_\_\_\_

Comment:

6. If your system has alternative schools/programs/centers for LTS/Exp students, how many serve the following populations?

Elementary: \_\_\_\_\_

Middle: \_\_\_\_\_

High: \_\_\_\_\_

7. Do you differentiate the professional development topics provided to staff working in alternative programs?      Yes      No

If yes, list some of the topics provided

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8. List the Code of Discipline violations that could result in a LTS or EXP for a single offense (Use attachment if more convenient).

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

9. List the top three challenges in providing alternative educational services to LTS and EXP students.

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

10. When a student transitions back to the regular school after a LTS or EXP, is there a formal process in place that requires a transition plan?

Elementary:    Yes    No

Middle:    Yes    No

High:    Yes    No

a. Who is involved in the development of the transition plan? \_\_\_\_\_

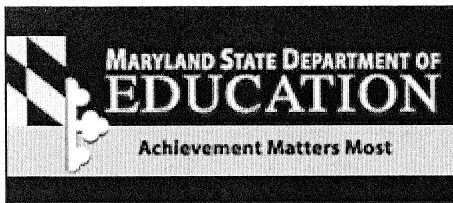
b. What supports are typically provided a student who returns to the regular school after a LTS/Exp (Briefly describe)?

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11. Please provide other comments that you would like the Maryland State Board of Education to consider regarding the provision of alternative educational programs/services to LTS/Exp students.



## Maryland State Department of Education

### Division of Student Family and School Support

#### Survey on the Use of Long-Term Suspensions and Expulsions

**Background:** Maryland law gives the school systems the authority to suspend or expel students from school for disciplinary reasons. The Maryland State Board of Education is asking you to complete this survey in order to find out more regarding your beliefs about the ways that the long term suspension (more than 10 school days) and expulsion should be carried out and what services, if any, should be continued for the student during the long term suspension or expulsion.

#### Definitions:

**Extended Suspension/Long Term Suspension (LTS):** The temporary exclusion of a student from school for a specified period of time longer than 10 school days for disciplinary reasons.

**Expulsion (Exp):** The removal of the student from the student's regular school program by school authorities for disciplinary reasons.

Directions: Please read each question below carefully and give the answer that best describes what you think. This is a confidential survey and the information collected will only be provided as grouped data from all responders. No individual data will be reported. It is important that we get as many responses as possible in order to help us understand what people believe about this issue.

1. Please identify yourself by checking one identifier that best describes your role in responding to this survey
  - a. Student
  - b. Teacher
  - c. Other school-based employee,
  - d. Principal or Assistant Principal
  - e. Parent
  - f. Community member
  - g. Central office staff
  - h. Superintendent, Deputy Superintendent, or Assistant Superintendent
  - i. Member of a Board of Education
  - j. Other, Please specify \_\_\_\_\_

If you are not a student please SKIP to question 4

2. If you are a student, indicate below all that apply to you:



- a. I have never been suspended
  - b. I have been suspended for less than 10 school days in a school year
  - c. I have been suspended for more than 10 school days in a school year
  - d. I have been expelled from school
3. **If you are a student** and have been suspended for more than 10 school days or have been expelled, indicate below all that apply to you:
- a. The school sent work home, collected it , and used it to grade me
  - b. The school system provided educational services at my home or at another location
  - c. The school system sent me to an alternative program or school
  - d. I was able to return to school and pass my classes
  - e. I failed all my classes while suspended or expelled or when I returned to school
  - f. Other, please specify \_\_\_\_\_
4. What is your gender?
- a. Male
  - b. Female
5. What is your age?
- a. Under 18
  - b. 18 to 29
  - c. 30 to 39
  - d. 40 to 49
  - e. 50 to 65
  - f. 65 or older
6. What is your race/ethnicity?
- a. American Indian or Alaska Native
  - b. Asian
  - c. Black or African American
  - d. Native Hawaiian or Other Pacific Islander
  - e. White
  - f. Hispanic/Latino
7. Are you a resident of the State of Maryland?
- a. Yes
  - b. No
8. Do you currently have any children enrolled in a school in Maryland?
- a. Yes
  - b. No **(If No, please skip to question 10)**
9. If you currently have children enrolled in a school in Maryland, have any been suspended for more than 10 school days or expelled?
- a. Yes
  - b. No

10. Should suspensions for over ten school days or expulsions, **for students under 16 years of age**, be used for any of the behaviors listed below? (Please check Yes or No for each)

	Yes	No
Fighting		
Bringing a weapon to school		
Bringing a firearm to school		
Physical attack on student(s)		
Physical attack on staff member(s)		
Sexual assault		
Other, please specify _____		

11. If a student, **under 16 years of age**, is suspended for more than 10 school days or expelled, the following should happen:

- a. Work should be sent home and collected by the school for grading purposes.
- b. The student should be assigned to an alternative placement such as an alternative school.
- c. No educational services should be provided while the student is on suspension or expulsion (these suspensions or expulsions could last from 9 to 18 weeks).
- d. The student and parent must agree to a behavioral contract before the student returns to school.
- e. Other, please specify \_\_\_\_\_.

12. Should suspensions for over ten school days or expulsions, **for students 16 years of age or older**, be used for any of the behaviors listed below? (Please check Yes or No for each)

	Yes	No
Fighting		
Bringing a weapon to school		
Bringing a firearm to school		
Physical attack on student(s)		
Physical attack on staff member(s)		
Sexual assault		
Other, please specify _____		

13. If a student, **16 years of age or older**, is suspended for more than 10 school days or expelled, the following should happen:

- a. Work should be sent home and collected by the school for grading purposes.

- b. The student should be assigned to an alternative placement such as an alternative school.
- c. No educational services should be provided while the student is on suspension or expulsion (these suspensions or expulsions can last from 9 to 18 weeks).
- d. The student and parent must agree to a behavioral contract before the student returns to school.
- e. Other, please specify \_\_\_\_\_.

**Thank you for taking the time to complete this survey!**

**Your responses are very important to us.**

**If you have questions, please contact**

**Chuck Buckler**

**Executive Director**

**Division of Student, Family, and School Support**

**[cbuckler@msde.state.md.us](mailto:cbuckler@msde.state.md.us)**

**410-767-0311**