



August 11, 2011

Dear Mr. DeGraffenreidt and Members of the State Board:

We write in response to your letter of June 3, 2011, in which you laid out the barriers that have prevented the State Board from fully addressing the inequitable and ineffective school discipline policies that currently exist across the state. We would like to reiterate offers we made previously to State Department of Education leadership, including Dr. Grasmick, to help support a collaborative effort to create fair and effective discipline policy guidelines for Maryland's schools.

As the enclosed fact sheet details, Maryland's current school discipline policies have resulted in very high rates of school exclusion. Worse still, they have had large, disproportionate and negative effects on children of color and those with disabilities. Baltimore City Public Schools began to address these problems over five years ago. OSI-Baltimore provided grant support for the effort, which allowed the City Schools to hire a facilitator and research partner, the Advancement Project. It has a long history of working successfully with state departments of education and school districts to develop fair, effective discipline policies.

We have enclosed a memo describing this year-long effort. The memo is detailed, but we include it because it summarizes the process and also provides insight into the diversity of contributors to it. In taking up the issue, we shared your desire to ensure that many perspectives on school discipline be heard. Consequently, membership in the working group included school administrators and personnel, parents, and staff of community organizations, a foundation, and universities. Under the guidance of the Advancement Project, this diverse group created a Code of Conduct for Baltimore City Schools that incorporates many viewpoints about school discipline, is consistent and fair, and has significantly reduced out-of-school suspensions.

Having supported the revision of discipline policies in Baltimore City Schools, we understand the process and the work involved in making change. We also understand the positive impact of these revised policies on lowering rates of suspension and, as a result, on keeping children in school. To that end, we write to reiterate our offer of help.

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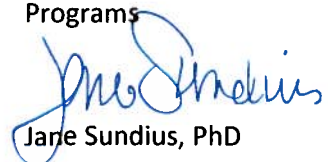
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We would like to schedule a meeting to discuss how we can support a statewide initiative to help the State Board of Education to create guidelines for all jurisdictions to follow that will both reduce the inappropriate use of school suspensions and expulsions and keep schools safe. We would be happy to ask the Advancement Project to join that meeting or to make a presentation to you about how it could support your process of creating a new discipline policy. We welcome this challenge, and look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Diana Morris".

Diana Morris, JD
Director, OSI-Baltimore
Acting Executive Director, United States
Programs

A handwritten signature in blue ink that reads "Jare Sundius".

Jare Sundius, PhD
Director, Education and Youth Development
Programs

Enclosures

**BCPSS Discipline Policies and Procedures Work Group:
Summary Report
June 2007 through June 2008**

1. Work Group Creation and Charge

The Work Group was created by the *BCPSS Comprehensive School Safety Steering Committee* in spring 2007. It was charged by the BCPSS CEO to:

- review all policies and procedures related to BCPSS school discipline;
- draft a new proposed code of conduct that would reflect BCPSS's goal to create safe, supportive and effective schools and to reduce the inappropriate use of school suspension and expulsion;
- investigate and recommend alternatives to suspension, interventions to promote positive behavior, and training for school staff and students.

The Work Group has been meeting and communicating regularly since June 2007.

2. Work Group Membership and Structure

- **Membership:** The Work Group has a large, inclusive, and growing membership that includes BCPSS administrators and school personnel, parents, and staff members of community organizations with expertise in alternatives to suspensions and disability law, advocacy organizations, juvenile justice programs, a foundation, and universities. Currently, students are not represented on the working group, but their views were sought in input sessions described below.
- **Chairs:** Original Co-chairs were Maryanne Ralls, BCPSS, and Jane Sundius, Open Society Institute. (jsundius@sorosny.org). Ms. Ralls is no longer at BCPSS. Jonathan Brice, Executive Director of BCPSS Student Support Services, is now a co-chair (jbrice@bcps.k12.md.us).
- **Staffing:** The Work Group has been staffed by two organizations with skills that have enriched and expedited its work:
 - **Advancement Project** has provided legal research, data analyses, and policy expertise to develop the new student code of conduct (www.advancementproject.org).
 - **Baltimore Community School Connections (BCSC)** has provided staff support and facilitated input sessions (www.baltimoreconnections.org).

3. Summary of Subcommittee Work - 2007

- **Research:** With staff assistance from Advancement Project, the Work Group reviewed BCPSS data on school discipline and climate, national research on effects of school discipline and zero tolerance policies, and discipline codes from other districts.
- **Reports:** Advancement Project completed four major reports to aid in the revision of Baltimore's existing discipline code:
 - 1) *An Analysis of Federal Laws, Maryland Laws and Policies, and BCPSS Board Rules that Impact School Discipline Revision Process*, which provides information about what, by law and regulation, the Discipline Code must stipulate.
 - 2) *An Analysis of Baltimore City Public School System Discipline Data*, which shows that suspensions have been frequent, inequitable, and given for minor offenses. Suspension is the consequence most often given to students for behavioral infractions despite the very few violent or drug/weapon-related offenses; boys, African-Americans, and special education students are disproportionately suspended; and suspension rates among schools with similar student populations differ substantially, indicating that some schools are more effective in developing positive school climate than others and/or that suspensions are not handed out equitably among schools.
 - 3) *A Review of Model School Discipline Policies*, which identifies effective elements of discipline codes from seven districts, three within Maryland that have lower suspension rates than

Baltimore, three from cities in which the Advancement Project has worked, and one from New York City.

4) *A Summary of federal and Maryland laws regarding the discipline of students with disabilities.*

- **School and Community Input:** BCSC convened ten sessions to get input about current BCPSS disciplinary practices and its discipline code, including:
 - **three parent groups** (Community Resource Session, CCAC Parents, and Hispanic Parent Group)
 - **six student groups** (Baltimore Urban Debate League, Algebra Project and ETU Students, Doris Johnson and Heritage High Schools, Student Congress Leaders, Booker T. Washington Middle School, and BCCC's program for boys on long-term suspensions/expulsions)
 - **one teacher group** (Diggs Johnson)
- **Drafted Proposed Discipline Code: Prepared Draft I** of a BCPSS discipline code that incorporated policy language from BCPSS' discipline policy and codes from other jurisdictions.
- **Convened a Day-long Retreat of the Work Group to Review Draft I**
- **Prepared Draft II** of discipline code, incorporating feedback from community input sessions and the Work Group's review.
- **Convened Second Session** to review Draft II.
- **Prepared Draft III** and submitted it for review by BCPSS, CEO, and senior staff.

3. Summary of Work Group Progress - January 2008 to June 2008

- **Prepared Draft IV** of code based on agreed changes from Sally Robinson of the BCPSS Legal Department, General Bennie Williams, BCPSS Chief of Staff, and School Police Chief Goodwin.
- **Submitted Draft IV** to Dr. Alonso, CEO; Jonathan Brice, Executive Director of Student Support; and Michael Sarbanes, Director of Communications, Parent Engagement, and Community Investments.
- **Conducted Input Session of BCPSS Principals** to receive feedback on Draft IV.
- **Submitted Draft V** to Jonathan Brice, which included feedback from BCPSS administrators and principals.
- **Developed Proposed Timeline for Final Approval and Rollout**, which if followed, would enable the code to be used in BCPSS in the fall of 2008.
- **Draft VI** included revisions made by BCPSS.
- **BCPSS Organized Public Conversations** regarding new school options for students and the code of conduct. The public conversations were held on June 3, 5, and 7, 2008. Work group members were in attendance.
- Revised code submitted to CEO for final review and adoption.
- Code approved and in effect for the 2008-2009 school year.

4. Next Steps:

- Develop recommendations to the School Safety Steering Committee regarding:
 - programs to serve as alternatives to suspension/expulsion;
 - interventions to promote positive behavior and school climate; and
 - effective training and curricula for students and school staff.

5. Follow-Up:

- Annual review of code by stakeholders and Work Group.

OUT-OF-SCHOOL SUSPENSION MARYLAND AND BALTIMORE CITY, 2009-2010

OSI-BALTIMORE IS HEARTENED by the continuing decline in suspensions state-wide, and, especially in Baltimore City. However, levels of out-of-school suspension continue to be excessive. In 2009-10, 57,207 or 7% of students in Maryland schools were at higher risk for academic failure, drop-out, and incarceration due to school suspensions. We urge all Maryland districts to examine their discipline policies to end the overused, biased, and inconsistent application of suspensions. In their place, we encourage the state to adopt effective practices that keep children in school and, provide supportive and structured environments that teach appropriate behavior and increase school safety.

OUT-OF-SCHOOL SUSPENSION RATES AT LOWEST LEVEL IN 12 YEARS

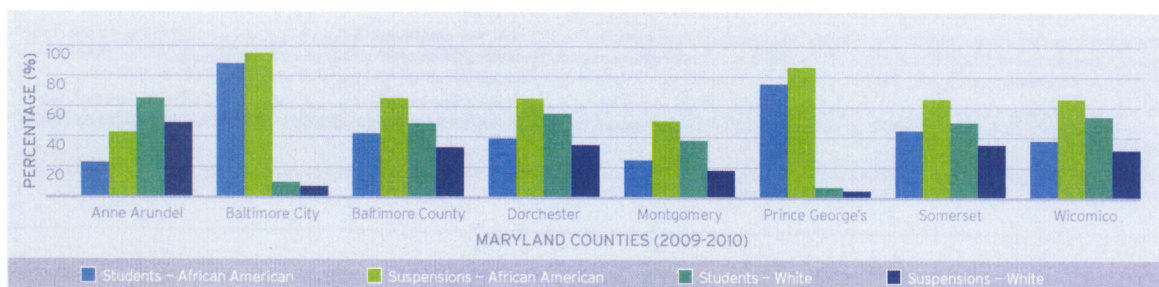
- During the 1995-1996 school year, Maryland public schools suspended 7.1% of the student population; by 2003-2004, that rate peaked at 9.3%. In 2009-2010, the rate declined to 7.0% (57,207 students out of a total enrollment of 819,786).ⁱ
- In Baltimore City, the number of suspension incidents and students suspended continued a downward trend begun in 2003-2004. In 2009-2010, City Schools suspended 6,547 students in 9,702 incidents. This represents 8.4% of the total enrollment, the lowest figure since 1995-1996. This dramatic decline directly resulted from the adoption of a new district-wide discipline policy.
- The fall in Baltimore City suspensions means that nine counties exceeded Baltimore City's rate: Anne Arundel (8.8%), Baltimore County (10.1%), Cecil (11.7%), Charles (11.5%), Dorchester (14.5%), Kent (10.8%), Prince George's (8.6%), Somerset (13.6%), and Wicomico (12.2%).

OUT-OF-SCHOOL SUSPENSION RATES VARY WIDELY AMONG AND WITHIN MARYLAND SCHOOL DISTRICTS

- Suspension rates vary by district and school. In 2009-2010, out-of-school suspension rates for Maryland school districts ranged from 2.5% for Montgomery County Public Schools to 14.5% for Dorchester County Public Schools.
- Within district variability is also pervasive. For example, three Baltimore City high schools administered out-of-school suspensions at divergent rates – New Hope Academy (75.1%) had a significantly higher rate than Northwestern (26.3%), which had over twice the rate of Carver Vocational-Technical High (12.5%).ⁱⁱ

AFRICAN AMERICAN STUDENTS SUSPENDED AT HIGHER RATES IN EVERY COUNTY IN MARYLAND

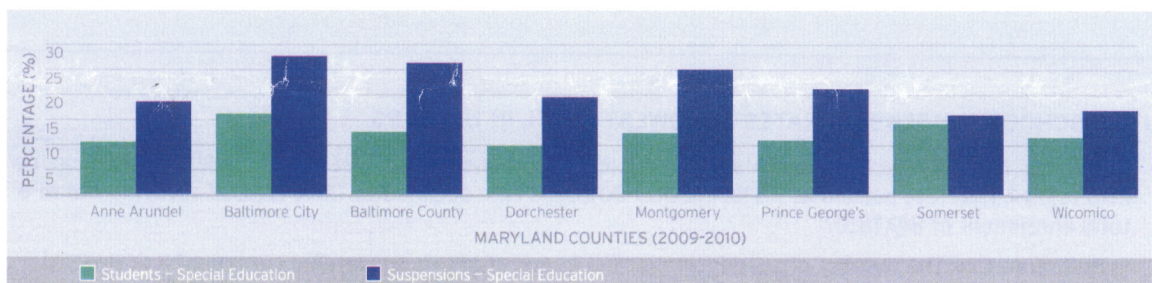
- In the 2009-2010 school year, African-American students comprised 37.9% of the student population in Maryland, but accounted for 61.2% of the students suspended, while white students made up 45.5% of the population, but accounted for 30.8% of suspensions statewide.
- In Baltimore City in 2009-2010, African Americans comprised 87.8% of the student population, but accounted for 95.3% of suspensions. White students comprised 7.8% of the population, but made up 3.5% of suspensions.
- In the eight counties below, African American students were suspended at over twice the rate of white students. If the suspension rates of African American students were to match those of white students, approximately 15,599 fewer African American students would be suspended in these eight counties.



OUT-OF-SCHOOL SUSPENSION MARYLAND AND BALTIMORE CITY, 2009-2010

STUDENTS WITH DISABILITIES SUSPENDED AT HIGHER RATES – DESPITE LEGAL PROTECTIONS OF FEDERAL LAWSⁱⁱⁱ

- In 2009-2010, 12.0% of Maryland students had disabilities, while 22.1% of suspended students had disabilities.
- In that same year, students with disabilities comprised 16.8% of the City Schools student population, while accounting for 27.2% of suspended students.



SUSPENSIONS BEGIN IN PRE-K

- In 2009-2010, 8,184 elementary school students in Maryland were given out-of-school suspensions (accounting for 14.3% of suspended students), including 631 kindergarteners, 860 first-graders, and 1,175 second-graders. In addition, 75 pre-kindergarteners were given out-of-school suspensions.
- During that period, Baltimore City Schools suspended 1,580 elementary school students (accounting for 24.1% of suspended students) and 7 pre-kindergarteners.

OUT-OF-SCHOOL SUSPENSIONS MOST OFTEN GIVEN FOR NON-VIOLENT OFFENSES

- In the 2009-2010 school year, Disrespect, Insubordination, and Disruption was the #1 suspension category in Maryland, accounting for 41.8% of out-of-school suspensions. Only 7.4% of suspensions were issued for Dangerous Substances, Weapons, Arson/Fire/Explosives, and Sex Offenses combined.
- In Baltimore City, during that period, 2,230 suspensions were given for Disrespect, Insubordination, and Disruption, accounting for 23% of out-of-school suspensions.

CHANGE IN BALTIMORE CITY DISCIPLINE POLICY AFFECTS OUTCOMES

- After the implementation of a code of conduct that mandated alternatives to suspensions/expulsions for SY 2008-2009, suspensions for virtually all infractions declined, except in the Attacks, Threats, and Fighting category.

ⁱ Unless otherwise noted, all data from: Maryland State Department of Education (MSDE), Division of Accountability and Assessment. Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools, 2009-2010 and Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools. Accessed at <http://www.marylandpublicschools.org/MSDE/divisions/planningresultstest/2009++2010+Student+Publications.htm?WBCMODE=Presentat ionUnpublished%252%25%3e%25%3e%25%3e%25%3e%25%25%3e%25%3e%25%3e>

ⁱⁱ Maryland State Department of Education (MSDE), Division of Accountability and Assessment. Maryland Public School Suspensions by School and Major Offense Category Out of School Suspensions 2009-2010. Accessed at http://www.marylandpublicschools.org/NR/rdonlyres/805A7BDE-C5E7-4106-81D9-D1F4008CCFC8/22408/susp09_sch_out1.pdf; calculation = total number of incidents divided by total enrollment numbers provided by City Schools

ⁱⁱⁱ Maryland State Department of Education (MSDE), Division of Accountability and Assessment. Maryland Special Education/Early Intervention Services Census Data & Related Tables 2009-2010. Accessed at <http://www.marylandpublicschools.org/NR/rdonlyres/A1A9320D-F78D-49CB-9565-9B8A68E924CD/23519/sped09.pdf>

Note: In 2006-2007, MSDE began collecting and publishing data on in-school suspensions; however, the data cited in this document refer to out-of-school suspensions only. For data on in-school suspension rates, see MSDE, *supra* note i.