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TO: Members of the Maryland State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: August 24, 2010

SUBJECT: *Report to the Maryland State Board of Education on the Provision of Educational Services to Long-Term Suspended and Expelled Students in Maryland Public Schools*

PURPOSE:

To provide the Board with a report (**ATTACHMENT I**) that examines the concerns addressed in *Atanya C. v. Dorchester County Board of Education*, MSBE Op. No. 09-26, regarding the provision of educational services to students placed on long-term suspension or expelled. Four recommendations are offered at the end of the report for the Board's consideration.

BACKGROUND/HISTORICAL PERSEPCTIVE:

In its August 2009 Opinion, the Maryland State Board of Education (MSBE) expressed concerns about the lack of educational services to students who are placed on long-term suspension or expelled and committed to a full review of the issue including: (1) public input from stakeholders, (2) review of local school system practices, and (3) review of local and national data on the effects of long-term suspensions and expulsions on students and the school community.

At its December 2009 meeting, the MSBE approved a plan to conduct this examination through a collaboration of the Division of Student, Family, and School Support and the Office of Legal Counsel. The proposed plan included the following actions:

- Survey of local school systems concerning what educational services are currently offered to long-term suspended and expelled students. (A copy of the Survey is provided in Appendix I of this report.) Completed March 12, 2010.



- Survey the general public via a web-based survey accessible on the front page of the Maryland State Department of Education's website. (A copy of this Survey is provided in Appendix II of this report.) The survey was live on the Department's website from late March through mid-June 2010. The Department received over 4,000 responses from the public.
- Input from key stakeholder groups, including the Maryland Association of Boards of Education, the Public School Superintendents Association of Maryland, the Maryland Association of Elementary School Principals, the Maryland Association of Secondary School Principals, the Maryland PTA, the Maryland State Education Association, the Baltimore Teachers Union, Advocates for Children and Youth, the Maryland Association of Student Councils, the American Civil Liberties Union and the Open Society--Baltimore. Some representatives from the aforementioned groups provided testimony to the Board at the April 2010 meeting. In addition, the MSBE heard testimony during the open comment period at its May, June, and July 2010 meetings from representatives from the Maryland Disability Law Center, Baltimore County Public Schools, and the Maryland Office of the Public Defender.

In conducting this examination, the Department also reviewed the findings and recommendations in reports of previous task forces and workgroups that have examined issues surrounding suspension and expulsion numerous times during the past ten years. These included the Governor's Task Force to Study Alternative Educational Programs for Chronically Disruptive Youth;¹ the Task Force on Studying the Implications of Raising the Compulsory Age of Attendance;² the Task Force on the Education of Maryland's African American Males;³ the Task Force on School Safety;⁴ and the Task Force to Study Multiple Suspensions;⁵ and a 2007

¹ <http://www.marylandpublicschools.org/NR/rdonlyres/4DA4A651-8326-4082-96CB-CF0B67F86ECB/6269/doc2part1.pdf>

² <http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/15419/FINALCOMPULSORYATTENDANCETASKFORCEREPORT.pdf>

³ http://www.marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/16730/African_American_Male_Taskforce_Report_March_08.pdf

⁴ <http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/15418/FINALREPORT.pdf>

⁵ <http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/19113/FinalReportTaskForceonMultipleSuspensions.pdf>

report to the Maryland General Assembly on local school systems' policies and procedures relating to student discipline, suspensions, and expulsions in Maryland's public schools.⁶ Full copies of each of these reports will be available in the Caucus Room for Board members to review.

Thus, this latest examination builds on the previous examinations by considering what educational services are currently provided by local school systems to long-term suspended and expelled students, and whether additional services should be mandated by the State Board.

EXECUTIVE SUMMARY:

The Department completed a nine month comprehensive review of information from local school systems, stakeholder groups, the general public and previous task forces to identify the types of services currently provided to long-term suspended and expelled students, the need for additional services and challenges in providing those services. The local school systems reported a great variance of the types of services they provide, and a significant percentage of long-term suspended and expelled students are not provided any educational services. Some local school systems identified several reasons for this lack of services, including the age of the student, lack of funding, insufficient staffing, refusal of services by parents/caregivers, and safety concerns.

In this Report, the Department recommends that the State Board adopt clearer regulatory definitions of "expulsion" and "educational services", which would help provide clarity regarding mandated services and ensure more consistency in local school system practices. In addition, the Department's data collection procedures need to be amended to include data on the reasons for long-term suspensions and the types of services provided by local school systems to suspended and expelled students.

ACTION:

To adopt the report and identify next action steps for the Department.

Attachment
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⁶ <http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/15417/SB132Report.pdf>