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**TO:** Members of the Maryland State Board of Education  
**FROM:** Nancy S. Grasmick *Nancy*  
**DATE:** July 20, 2010  
**SUBJECT:** Persistently Dangerous and Probationary Status Schools

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**PURPOSE:**

To request that the Maryland State Board of Education (MSBE) take the following actions under the provisions of Code of Maryland Regulation (COMAR) 13A.08.01.18-.20, *Probationary and Persistently Dangerous School Designation and Unsafe School Transfer Policy* (ATTACHMENT I):

- Retain the persistently dangerous school (PDS) designation for two schools in the Baltimore City Public School System (BCPSS);
- Place three schools in the BCPSS on probationary status;
- Remove the persistently dangerous designation from one school due to reduced suspensions below the 2 ½ percent criteria set forth in the regulation; and
- Remove the persistently dangerous designation from five schools in the BCPSS due to their closure by the BCPSS.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

Title IX of the *No Child Left Behind Act of 2001* requires each state receiving funds under the Act to establish and implement a statewide policy that allows a student attending a persistently dangerous school to attend a safe school within the local school system in which the student is enrolled. In 2003, the MSBE adopted COMAR 13A.08.01.18-.20 to meet this requirement.

While NCLB requires states to identify persistently dangerous schools, it allows states to establish the parameters for this identification. These parameters vary from state to state. Other states have established parameters such that no schools have actually been identified as PDS. The Maryland State Board, however, intended to implement the law with rigor so that this issue could get the attention it deserves.



The regulation defines a *persistently dangerous* school as a school in which each year, for three consecutive school years, the total number of student suspensions and/or expulsions for more than ten days for any of the following offenses equals 2½ percent or more of the total number of students enrolled in the school: arson or fire; drugs; explosives; firearms; other guns; other weapons; physical attack on a student; physical attack on a school system employee or other adult; and sexual assault. Furthermore, the regulation requires the MSBE to place on *probationary status* any school that meets the 2½ percent criteria for two consecutive school years.

**EXECUTIVE SUMMARY:**

At the end of school year (SY) 2008-09, the MSBE designated eight BCPSS schools as *persistently dangerous* and six BCPSS schools were placed on **probationary status** (ATTACHMENT II). Since that time, five of the schools designated as **persistently dangerous** (Canton Middle School, Dr. Samuel L. Banks High School, Hamilton Middle School, Homeland Security High School, and Thurgood Marshall High School) and three of the schools placed on **probationary status** (Southeast Middle, Diggs-Johnson Middle and West Baltimore Middle) have been closed by the BCPSS resulting in their removal from the lists.

Based on discipline data supplied by the BCPSS for SY 2009-2010 (ATTACHMENT III), one of the schools (Paul Laurence Dunbar) of the remaining schools from last year's list of **persistently dangerous** schools will have its persistently dangerous designation removed due to reduced suspensions below the 2 ½ percent criteria set forth in the regulation. This same data reveals that Garrison Middle School and the Institute of Business and Entrepreneurship continued to meet the 2½ percent criteria for a fourth consecutive school year (SY). Thus, these schools should retain the *persistently dangerous* designation. This data also reveals that of all three of the schools remaining on the list of schools on **probationary status** from last year (Booker T. Washington Middle, Southside Academy, and Vivien T. Thomas Medical Arts Academy) reduced suspensions below the 2 ½ percent criteria set forth in the regulation, which removes them from probationary status.

At the end of SY 2008-09, eight BCPSS schools met the 2½ percent criteria set forth in the regulation for one school year. These schools were placed on a Maryland State Department of Education (MSDE) "*Watch List.*" BCPSS was notified and requested to provide the SY 2009-10 discipline data for these schools to MSDE by June 18, 2010. An analysis of the SY 2009-10 discipline data, submitted by the BCPSS, revealed that Baltimore Rising Star Academy, Chinquapin Middle School, and Northwestern High School met the 2½ percent criteria for the second consecutive school year. Thus, these schools should be placed on *probationary status*.

**ACTION:**

Recommend that the MSBE take the following actions :

- Retain the *persistently dangerous* school designation for Garrison Middle School and the Institute of Business and Entrepreneurship;
- Place Baltimore Rising Star Academy, Chinquapin Middle School, and Northwestern High School on *probationary status*;
- Remove Canton Middle School, Dr. Samuel L. Banks High School, Hamilton Middle School, Homeland Security High School, and Thurgood Marshall High School from the *persistently dangerous* designation due to their closure by the BCPSS;
- Remove Paul Laurence Dunbar Middle School from the *persistently dangerous* designation due to reduced suspensions below the 2 ½ percent criteria set forth in the regulation;
- Remove Diggs-Johnson Middle School, Southeast Middle School, and West Baltimore Middle School, from *probationary status*, due to their closure by the BCPSS; and
- Remove Booker T. Washington Middle School, Southside Academy, and Vivien T. Thomas Medical Arts Academy from *probationary designation* due to reduced suspensions below the 2 ½ percent criteria set forth in the regulation.

NSG:JM:crt

Attachments

PDS-NSG to MSBE-PD and PS Designation-July 2010



**.18 Definitions for Regulations .19—.20.**

A. In Regulations .19 and .20 of this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Conviction of or adjudication of" means that the perpetrator has been convicted of, adjudicated delinquent of, pleads guilty or nolo contendere with respect to, or receives probation before judgment with respect to, a violent criminal offense.

(2) "Corrective action plan" means a plan that includes information concerning conditions in the school that may have contributed to the commission of the offenses set forth in §B(4) of this regulation. A corrective action plan shall describe any behavioral interventions that will be used to address problems in the school.

(3) "Local school system" means any of the 24 local public school systems in the State.

(4) "Persistently dangerous school" means a school in which each year for 3 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the following offenses equals 2-1/2 percent or more of the total number of students enrolled in the school:

(a) Arson or fire;

(b) Drugs;

(c) Explosives;

(d) Firearms;

(e) Other guns;

(f) Other weapons;

(g) Physical attack on a student;

(h) Physical attack on a school system employee or other adult; and

(i) Sexual assault.

(5) "Safe school" means a school that has not been placed on probationary status or designated as persistently dangerous pursuant to Regulation .19 of this chapter.

(6) "School grounds" means a local school system owned or leased building and land that surrounds a school building and also includes school vehicles.

(7) "Violent criminal offense" means a crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland.

*13A.08.01.19*

**.19 Probationary and Persistently Dangerous School Designation.**

**A. Probationary Status.**

(1) The State Board of Education shall place on probationary status any school having each year for a period of 2 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equal to 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school that the State has placed the school on probationary status.

(3) The local superintendent shall submit a corrective action plan to the State Superintendent of Schools within 30 days of being notified by the State Board of Education that a school in the jurisdiction of the school system is on probationary status.

(4) During the probationary status the school shall implement in a timely manner strategies to reduce the commission of offenses set forth in Regulation .18B(4) of this chapter.

**B. Persistently Dangerous Designation.**

(1) After placing a school on probationary status, the State Board of Education shall designate that school as persistently dangerous if during the next consecutive school year the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equals 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school:

(a) That the State has identified the school as persistently dangerous; and

(b) Of the opportunity for school transfer as set forth in Regulation .20A(1) of this chapter.

(3) If a school has been designated a persistently dangerous school, the school shall retain that designation for at least 1 full school year.

(4) Each year that a school remains identified as persistently dangerous, the local school superintendent shall submit a corrective action plan to the State Superintendent of Schools within 30 days of being notified by the State that the status of the school as persistently dangerous has not changed.

(5) The State Board of Education shall remove a school's designation as a persistently dangerous school if the school no longer meets the requirements set forth in Regulation .18B(4) of this chapter.

*13A.08.01.20*

**.20 Unsafe School Transfer Policy.**

A. Each local school system shall allow a student attending a public elementary or secondary school to attend a safe public elementary or secondary school within the school system if the student:

(1) Attends a persistently dangerous public elementary or secondary school; or

(2) Is a victim of a violent criminal offense as defined in Criminal Law Article, §14-101, Annotated Code of Maryland:

(a) During the regular school day; or

(b) While attending a school sponsored event in or on the grounds of a public elementary or secondary school that the student attends.

B. The local school system shall effectuate a transfer pursuant to §A of this regulation in a timely manner following either the:

(1) Designation of a school as persistently dangerous; or

(2) Conviction of or adjudication of delinquency of the perpetrator of a violent criminal offense.

C. To the extent possible, the local school system shall allow a student to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring.

D. Each local superintendent of schools shall certify annually in writing to the State Superintendent of Schools that Regulations .18—.20 of this chapter are implemented.

E. The State Department of Education shall:

(1) Maintain a list of schools determined to be persistently dangerous; and

(2) Revise the list annually.



**Persistently Dangerous and Probationary Status Schools  
Based on School Year 2008-09 Data**

School	Number of Suspensions/Expulsions [Regulation .18(4)]	September 30, 2008 Enrollment	Percentage of Student Population Suspended/Expelled
<b>'PERSISTENTLY DANGEROUS'</b>			
Canton Middle School	5	102	4.9
Dr. Samuel L. Banks High School	29	570	5.1
Garrison Middle School	16	523	3.1
Hamilton Middle School	7	138	5.1
Homeland Security High School	24	563	4.3
Institute of Business and Entrepreneurship	18	631	2.9
Paul Laurence Dunbar Middle School	18	308	5.8
Thurgood Marshall High School	24	537	4.5
<b>'PROBATIONARY STATUS'</b>			
Booker T. Washington Middle School	16	367	4.4
Diggs-Johnson Middle School	14	296	4.7
Southeast Middle School	8	50	16.0
Southside Academy School	13	317	4.1
Vivien T. Thomas Medical Arts Academy	12	479	2.5
West Baltimore Middle School	11	356	3.1

**Data submitted by the Baltimore City Public School System**  
Unsafe School Choice Option-NSG to MSBE-July 2009.ATTACHMENT II

**Persistently Dangerous and Probationary Status Schools  
Based on School Year 2009-10 Data**

School	Number of Suspensions/Expulsions [Regulation .18(4)]	September 30, 2009 Enrollment	Percentage of Student Population Suspended/Expelled
<b>'PERSISTENTLY DANGEROUS'</b>			
Garrison Middle School	15	456	3.3
Institute of Business and Entrepreneurship	13	513	2.5
<b>'PROBATIONARY STATUS'</b>			
Baltimore Rising Star Academy	7	126	5.6
Chinquapin Middle School	11	412	2.7
Northwestern High School	28	948	3.0
<b>Other Action SY 2010-11</b>			
School	Percentage of Student Population Suspended/Expelled	Action	
Paul Laurence Dunbar Middle School	2.1	Removed from Persistently Dangerous	
Booker T. Washington Middle School	0.3	Removed from Probationary Status	
Southside Academy School	1.0	Removed from Probationary Status	
Vivien T. Thomas Medical Arts Academy	1.8	Removed from Probationary Status	