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State Superintendent of Schools

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TO: Members of the Maryland State Board of Education
FROM: Lillian M. Lowery, Ed.D. *lmlowery*
DATE: July 23, 2013
SUBJECT: Persistently Dangerous and Probationary Status Schools

PURPOSE:

To request that the Maryland State Board of Education (MSBE) take the following actions under the provisions of Code of Maryland Regulations (COMAR) 13A.08.01.18 Definitions for Regulations .19-.20, 13A.08.01.19 Probationary and Persistently Dangerous School Designation, and 13A.08.01.20 Unsafe School Transfer Policy: (ATTACHMENT I)

- Retain the persistently dangerous school (PDS) designation for three schools in the Baltimore City Public School System (BCPSS);
- Designate three additional schools in the BCPSS as persistently dangerous;
- Place two schools in the BCPSS on probationary status;
- Remove the persistently dangerous designation from one school in the BCPSS; and
- Remove the probationary status designation from two school in 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) 2011-12, the MSBE designated four BCPSS schools as **persistently dangerous**. An analysis of the SY 2012-13 discipline data, submitted by the BCPSS (**ATTACHMENT II**), revealed that Garrison Middle School, Baltimore Rising Star Academy, and Maritime Industries Academy continued to meet the 2½ percent criteria. Thus, these schools retained the persistently dangerous designation.

At the end of SY 2011-12, the MSBE placed four BCPSS schools on **probationary status** (**ATTACHMENT III**). Two schools, Steuart Hill Academic Academy and Baltimore Civitas, did not meet the 2½ percent criteria for two consecutive school years and should be removed from probationary status. At the end of SY 2011-12, ten 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 2012-13 discipline data for these schools to MSDE by June 17, 2013. An analysis of the SY 2012-13 discipline data, submitted by the BCPSS, revealed that Booker T. Washington Middle School and The Reach! Partnership 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, Baltimore Rising Star Academy, and Maritime Industries Academy;
- Designate Augusta Fells Savage Institute of Visual Arts, Benjamin Franklin High School at Masonville Cove, and William C. March Middle School as persistently dangerous;
- Remove Baltimore Civitas from probationary status as it did not meet the 2½ percent criteria for two consecutive school years;
- Remove Steuart Hill Academic Academy from probationary status as it did not meet the 2½ percent criteria for two consecutive school years; and
- Place Booker T. Washington Middle School and The Reach! Partnership School on probationary status.

LML:JM

Attachments

.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.

.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.

.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.

MARYLAND STATE DEPARTMENT OF EDUCATION
Division of Accountability, Assessment, and Data Systems

ATTACHMENT II

2013 Suspensions
Schools That Were Designated Persistently Dangerous in School Year 2012-2013

LEA	School Number	School Name	School Level	Sept. 30, 2012 Enrollment	2012-2013 Suspensions	
					Number	Percent
Baltimore City	0430	Augusta Fells Savage Institute of Visual Arts	H	426	12	2.8
Baltimore City	0344	Baltimore Rising Star Academy	M	119	21	17.6
Baltimore City	0239	Benjamin Franklin High School @ Masonville Cove	H	326	13	4.0
Baltimore City	0042	Garrison Middle	M	163	10	6.1
Baltimore City	0431	Maritime Industries Academy	H	417	11	2.6
Baltimore City	0263	William C. March Middle School	M	174	6	3.4

**MARYLAND STATE DEPARTMENT OF EDUCATION
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ATTACHMENT III

**2013 Suspensions
Schools That Were on Probationary Status in School Year 2012-2013**

LEA	School Number	School Name	School Level	Sept. 30, 2012 Enrollment	2012-2013 Suspensions	
					Number	Percent
Baltimore City	0130	Booker T. Washington Middle	M	359	13	3.6
Baltimore City	0341	The Reach Partnership School	MH	490	21	4.3