




Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

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

TO: Members of the Maryland State Board of Education
FROM: Bernard Sadusky, 
DATE: July 19, 2011
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 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);
- Designate one additional school in the BCPSS as persistently dangerous;
- Place two schools in the BCPSS on probationary status;
- Removed the probationary status from one school due to reduced suspensions below the 2 ½ percent criteria set forth in the regulation; and
- Remove the probationary status from one school in the BCPSS due to its 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) 2009-10, the MSBE designated two BCPSS schools as *persistently dangerous*. An analysis of the SY 2010-11 discipline data, submitted by the BCPSS (ATTACHMENT II), revealed that Garrison Middle School and the Institute of Business and Entrepreneurship continued to meet the 2½ percent criteria for a fifth consecutive school year (SY). Thus, these schools retained the *persistently dangerous* designation.

At the end of SY 2009-10, the MSBE placed three BCPSS schools on *probationary status*. One school, Chinquapin Middle School was closed prior to SY 2010-2011 by the BCPSS which resulted in that school's removal from probationary status.

At the end of SY 2009-10, six 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 2010-11 discipline data for these schools to MSDE by June 17, 2011. An analysis of the SY 2010-11 discipline data, submitted by the BCPSS, revealed that Baltimore Civitas and the Maritime Industries Academy 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;
- Designate Baltimore Rising Star Academy as *persistently dangerous*;
- Place Baltimore Civitas and Maritime Industries Academy on *probationary status*; and
- Remove Northwestern High School from *probationary status*.

BS:JM:crt

Attachments

.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.

**Persistently Dangerous and Probationary Status Schools
Based on School Year 2010-2011 Data**

School	Number of Suspensions/Expulsions [Regulation .18(4)]	September 30, 2010 Enrollment	Percentage of Student Population Suspended/Expelled
'PERSISTENTLY DANGEROUS'			
Baltimore Rising Star Academy	8	134	6.0
Garrison Middle School	23	313	7.3
Institute of Business and Entrepreneurship	13	424	3.1
'PROBATIONARY STATUS'			
Baltimore Civitas	11	410	2.7
Maritime Industries Academy	21	502	4.2

Data submitted by the Baltimore City Public School System
Unsafe School Choice Option-BS to MSBE-July 2011. ATTACHMENT II

Division of Student, Family, and School Support
and
Division of Accountability, Assessment, and Data Systems

June 27, 2011

This is to verify that the early submission of the SY2010-11 suspensions and expulsions data for the Baltimore City Public School System (BCPSS) was received by the Division of Accountability, Assessment, and Data Systems (DAADS) on June 27, 2011. The suspension and expulsion data submitted to MSDE by BCPSS has been processed and the summary reports produced. The DAADS has reviewed the reports to ensure that the reports accurately reflect the data submitted by BCPSS.



Leslie Wilson
Assistant State Superintendent
Division of Accountability, Assessment, and Data Systems

**Maryland Public Schools
Out-of-School
Suspensions, Expulsions, and Health Related Exclusions
2010-2011**

Verification of Out-of-School Suspension Counts

All school systems must submit a verification form, signed by the local superintendent of schools that certifies agreement with this summary data.


Total Number of Students Suspended	804
Number of Students with Disabilities Suspended	225
Number of Incidents by Major Category:	
Arson/Fire/Explosives	18
Attack/Threats/Fighting	480
Attendance Related	0
Dangerous Substances	38
Disrespect/Insubordination	425
Sex Offenses	17
Weapons	51
Other Offenses	213
Total Number of Suspension Incidents	1,242
Total Number of Health Related Exclusions	0

I am in agreement that the data submitted to the Maryland State Department of Education for the 2010-2011 Out-of-School Suspensions are accurate. These data may also be used for statistical analysis and for reporting to other agencies, state and federal.

I understand that these data will be used to meet federal student discipline reporting requirements for students with disabilities, the legal authority for which is found at 34 CFR § 300.146 and 20 U.S.C. § 1418. 34 CFR § 300.146 requires that MSDE determine whether there are significant discrepancies in the rate of long-term suspensions and expulsions of students with disabilities compared to such rates for non-disabled children within each local school system (LSS) and further if such discrepancies are occurring, MSDE must review and, if appropriate, require the affected LSS to revise its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Regulation. 20 U.S.C. § 1418 requires that MSDE must report students with disabilities unilaterally removed or suspended/expelled for more than 10 days to the U.S. Department of Education.

Baltimore City
Local School System

Date


Signature of Superintendent of Schools

6/24/11
Date

Return this form by **June 24, 2011** to:

Kathy Donithan
Division of Accountability, Assessment & Data Systems
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595
Fax: (410)333-2017

**Maryland Public Schools
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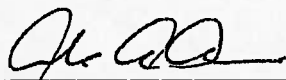
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