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MSEA commentary on the State Board's proposed guidelines for timely disposition of long-term discipline cases

What are the three biggest barriers to providing environments in schools that are safe and conducive to learning?

An environment that has high expectations, fosters positive student and adult relationships, and embraces the diversity of all stakeholders — students, parents, staff, and community — will result in a school climate that is safe and conducive to learning for all students. Schools must build the capacity to identify, adapt, and sustain effective school-wide disciplinary and intervention practices.

Professional development is an important component in establishing a safe, positive learning environment. MSEA always has testified in support of programs such as Positive Behavior Intervention and Support Program (PBIS) and bullying prevention. These programs have shown results in reducing suspension rates. MSEA initiates and offers support and programs to help schools sustain the use of positive and effective practices to maintain a positive teaching and learning environment; these programs include our Culture, Abilities, Resilience, and Effort (CARE) workshop, I Can Do It (ICDI) Classroom Behavior and Management Workshop, and Bullying and Harassment Workshop.

We urge ongoing funding to sustain and initiate:

- Proactive intervention programs
- Professional development
- Alternative learning programs
- Counseling and family support services
- Technology infrastructure

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Do you think suspension from school is warranted in certain cases? When should a student be suspended from school? How long? Is two classroom weeks a reasonable maximum amount of time that a principal alone can decide to suspend a student?

Suspension should be a consequence of last resort. Embedded in this consequence should be a counseling and reflection component to support behavior modifications that turn a negative event into a teachable moment.

A child should be suspended for violations in categories such as: weapons, drug manufacturing or distribution of dangerous and illegal substances, attacking and fighting, sexual offenses, and repetitive, serious disruptions of the school environment.

The severity of the infraction should determine the length of the suspension and whether it is an in-school or out-of-school suspension. It is essential that Local School Systems (LSS) maintain the local authority and flexibility to develop appropriate codes of conduct while continuing to develop positive methods of improving student behavior and reducing suspensions.

Effective training needs to be provided for administrators, educators, guidance counselors, and pupil personnel workers to support finding the root cause of altercations to make sound educational decisions.

We believe that MSDE should review the intervention plans provided for students, especially those with multiple offenses prior to suspension. We believe this will help to reduce the use of suspension for minor infractions that would remove a student from his or her learning environment unnecessarily. We also recommend that MSDE collect data to determine the reasons for hearing delays before issuing new guidelines to mandate re-admission of students to school pending hearings or their outcome. Based on testimony from the first group of panelists, delays were mostly due to parent scheduling issues or circumstances beyond the control of the school system.

The current law and timelines are reasonable. Any reduction of the timeline would be a disservice to the student involved, students and teachers in the classroom, and the entire school community. School-based administrators must be able to exercise their legal duty and responsibility to maintain a safe, orderly, and positive learning environment, which may include the removal of disruptive students. This must be done on a case-by-case basis depending on the outcome of the investigation.



Can you identify any examples of student infractions of non-violent nature (e.g. cheating on exam, tardiness, etc.) which can result in student suspensions and due to their nature would make you feel unsafe or uncomfortable to have the suspended student/students readmitted to school pending the outcome of appeal of the suspensions?

Examples include verbal threats and extreme disruptive behavior that infringes on the rights of students and teachers to feel safe and to learn. Disruptive students steal valuable instructional time from other students, therefore denying them the opportunity for a quality public education.

We oppose students being re-admitted to school pending the outcome of the appeal. This practice would send negative messages to students regarding expectations and acceptable behavior. Students and parents should clearly understand the impact so that all stakeholders are involved.

Every student has the right to a safe and non-disruptive environment. Teachers have a right to a safe working environment.

Should there be a minimum standards of educational services provided to students expelled or placed on long term suspension: If you answer "yes" could you suggest the types of services and method of delivery to be provided. If you answer "no," please provide your reasons(s).

There should be a minimum standard of educational services offered to students expelled or placed on long term suspension. We support the state providing budgetary funding for alternative community-based programs for disruptive students. This helps to establish continuity with the instruction program and deters repeat offenses by students. When students re-enter their school environment they are better prepared to engage in academic activities with their peers. MSEA has testified numerous times in strong support of alternative solutions. We support programs that address the needs of students removed from their regular class for disruptive or otherwise inappropriate behavior. Maryland law (Education Article §7-304) states very clearly that each local county board of education is required to provide a continuum model of prevention and intervention activities and programs. This requires appropriate funding, support, accountability for current programs, and the initiation of new programs. Data should be collected to establish how many systems are using PBIS; whether there are barriers for initiating these programs; and whether LSS are able to sustain these programs due to budgetary cuts? We encourage MSDE to collect such data before changes are made.



MSDE should address any instance of inequitable implementation and make sure all local jurisdictions are in compliance.

Are you or is your organization aware of any other issues related to how student suspension/expulsion are handled? If so, do you have any data which would shed light on the magnitude of this problem/issue?

We must first demand accurate reporting which includes clearly defined categories of offenses. Only then can we determine equity in the delivery of consequences for inappropriate behavior. Even if a teacher writes a referral there is no guarantee that the data will ever be entered into the system. For example, in the case of the May 2009 beating death of the young Crofton student, one of the youths found guilty had 15 serious referrals. He was clearly an at-risk student. There was no indication as to what had happened to work with that student. Fairness requires that students in one Maryland jurisdiction be treated in a manner that is consistent and equitable with students in any other jurisdiction.

Summary

The bottom line is that we cannot close the Achievement Gap if we refuse to make an honest effort to close the Discipline Gap. We cannot close the Discipline Gap by fixing the statistics rather than addressing the issues that cause our students to act out. Students who are suspended are acting out because they are not succeeding in school. They are not failing in school because they are being precluded from an education.

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