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State Superintendent of Schools

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MEMORANDUM

TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: July 21, 2009
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 one school in the Baltimore City Public School System (BCPSS);
- Designate seven schools in the BCPSS as persistently dangerous;
- Place six schools in the BCPSS on probationary status; and
- Remove the persistently dangerous designation from four schools 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.



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) 2007-08, the MSBE designated five BCPSS schools as *persistently dangerous*. One school, Dr. Roland N. Patterson Sr. Academy, was closed by the BCPSS which resulted in its removal from the list of ‘persistently dangerous’ schools. An analysis of the SY 2007-08 discipline data, submitted by the BCPSS (**ATTACHMENT II**), revealed that Hamilton Middle School continued to meet the 2½ percent criteria for a fourth consecutive school year (SY). Thus, this school retains the *persistently dangerous* designation.

At the end of SY 2007-08, the MSBE placed Canton Middle School, Dr. Samuel L. Banks High School, Garrison Middle School, Homeland Security High School, Institute of Business and Entrepreneurship, Paul Laurence Dunbar Middle School, and Thurgood Marshall High School, in the BCPSS on *probationary status*. An analysis of the SY 2008-09 discipline data, submitted by the BCPSS, revealed that these schools did meet the 2½ percent criteria for the third consecutive school year. Thus, these seven schools will also be designated *persistently dangerous*.

At the end of SY 2007-08, the MSBE placed Augusta Fells Savage Institute of Visual Arts, Dr. Samuel L. Banks High School, and Frederick Douglass High School, in the BCPSS on *probationary status*. An analysis of the SY 2008-09 discipline data, submitted by the BCPSS, revealed that these schools did not meet the 2½ percent criteria for the third consecutive school year. One school, Robert Poole Middle School, was closed by the BCPSS during SY 2008-09. Thus, these schools no longer will be on *probationary status*.

At the end of SY 2007-08, nine 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 2008-09 discipline data for these schools to MSDE by June 19, 2009. An analysis of the SY 2008-09 discipline data, submitted by the BCPSS, revealed that Diggs-Johnson Middle School, Southeast Middle School, Southside Academy, Vivien T. Thomas Medical Arts Academy, West Baltimore Middle School, and Booker T. Washington Middle 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 (**ATTACHMENT III**):

- Retain the *persistently dangerous* school designation for Hamilton Middle School;
- Designate Canton Middle School, Dr. Samuel L. Banks High School, Garrison Middle School, Homeland Security High School, Institute of Business and Entrepreneurship, Paul Laurence Dunbar Middle School, and Thurgood Marshall High School as *persistently dangerous*;
- Remove Calverton Elementary/Middle School, Dr. Roland N. Patterson Sr. Academy, Dr. W.E.B. DuBois High School, and Reginald F. Lewis High School from the *persistently dangerous* designation; and
- Place Diggs-Johnson Middle School, Southeast Middle School, Southside Academy, Vivien T. Thomas Medical Arts Academy, West Baltimore Middle School, and Booker T. Washington Middle School on *probationary status*.

NSG:JM:crt

Attachments

PDS-NSG to MSBE-PD and PS Designation-July 2009

.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 and Assessment**

2009 Suspensions

Schools That Were Designated Persistently Dangerous in School Year 2008-2009

LEA	School Number	School Name	School Level	Sep. 30, 2008 Enrollment	2008-2009 Suspensions	
					Number	Percent
Baltimore City	0230	Canton Middle	M	102	5	4.9
Baltimore City	0420	Dr. Samuel L. Banks High	MH	570	29	5.1
Baltimore City	0042	Garrison Middle	M	523	16	3.1
Baltimore City	0041	Hamilton Middle	M	138	7	5.1
Baltimore City	0434	Homeland Security High School	H	563	24	4.3
Baltimore City	0435	Institute of Business and Entrepreneurship	H	631	18	2.9
Baltimore City	0133	Paul Laurence Dunbar Middle	M	308	18	5.8
Baltimore City	0424	Thurgood Marshall High	MH	537	24	4.5

MARYLAND STATE DEPARTMENT OF EDUCATION
 Division of Accountability and Assessment

2009 Suspensions

Schools That Were on Probationary Status in School Year 2008-2009

						2008-2009 Suspensions	
LEA	School Number	School Name	School Level	Sep. 30, 2008 Enrollment	Number	Percent	
Baltimore City	0130	Booker T. Washington Middle	M	367	16	4.4	
Baltimore City	0162	Diggs-Johnson Middle	M	296	14	4.7	
Baltimore City	0255	Southeast Middle	M	50	8	16.0	
Baltimore City	0181	Southside Academy	H	317	13	4.1	
Baltimore City	0429	Vivien T. Thomas Medical Arts Academy	H	479	12	2.5	
Baltimore City	0080	West Baltimore Middle	M	356	11	3.1	

**Persistently Dangerous, Probationary Status, and Watch List 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
'PERSISTENTLY DANGEROUS'			
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
'PROBATIONARY STATUS'			
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 III