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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: July 26, 2016

SUBJECT: Persistently Dangerous and Probationary Status Schools

PURPOSE:

To provide an update to the Maryland State Board of Education on the 2015-2016 list of Probationary and Persistently Dangerous Schools and to request the following action, in accordance with 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)

- Remove the persistently dangerous designation from the Maritime Industries Academy
- Remove the New Era Academy from the MSDE Watch List

BACKGROUND/HISTORICAL PERSPECTIVE:

Title IX of the *No Child Left Behind Act of 2001* (NCLB) requires each state receiving funds under the Act to establish and implement a statewide policy that allows a student attending a persistently dangerous school (PDS) 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.

At the end of school year (SY) 2014-15, the MSBE designated one Baltimore City Public School System (BCPSS) school, Maritime Industries Academy, as persistently dangerous. Also, in correspondence from MSDE to the BCPSS on October 22, 2015, the New Era Academy was placed on the MSDE's Watch List. A school is placed on the MSDE Watch List if it has met the first-year threshold for suspensions and expulsions that could lead to a 'probationary status' designation (ATTACHMENT II).

EXECUTIVE SUMMARY:

The MSBE shall remove a school's designation as a persistently dangerous school if the school no longer meets the requirements set forth in COMAR 13A.08.01.18-.20. An analysis of the SY 2015-16 suspension data submitted by the BCPSS (ATTACHMENT II) revealed that the Maritime Industries Academy and New Era Academy no longer meet the 2½ percent criteria. In addition, information from the BCPSS' School Portfolio Review and Recommendations 2015-16 indicate that the Maritime Industries Academy will be closed for SY 2016-17.

At the end of SY 2015-16, there are no schools in the state that meet the criteria for the probationary and persistently dangerous school designation (ATTACHMENTS III and IV).

ACTION:

It is recommended that the MSBE take the following action:

- Remove the persistently dangerous designation from the Maritime Industries Academy
- Remove the New Era Academy from the MSDE Watch List

KBS: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.

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Division of Curriculum, Assessment, and Accountability**

2016 Suspensions

LEA	School Number	School Name	School Level	Sept. 30, 2015 Enrollment	2015-2016 Suspensions	
					Number	Percent
Baltimore City	0422	New Era Academy	MH	293	4	1.4

LEA	School Number	School Name	School Level	Sept. 30, 2015 Enrollment	2015-2016 Suspensions	
					Number	Percent
Baltimore City	0431	Maritime Industries Academy	H	127	3	2.4

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2016 Suspensions
Schools That Were Designated Persistently Dangerous in School Year 2015-2016

No schools were designated persistently dangerous in the 2015-2016 school year.

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**2016 Suspensions
Schools That Were on Probationary Status in School Year 2015-2016**

No schools were on probationary status in the 2015-2016 school year.