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MEMO

TO: Members of the Maryland State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: August 22, 2017

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.08.01.19 Probationary and Persistently Dangerous School Designation, and 13A.08.01.20 Unsafe School Transfer Policy: (**ATTACHMENT I**)

- Place Friendship Academy of Engineering and Technology in the Baltimore City Public School System on Probationary Status.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Elementary and Secondary Education Act as reauthorized by the Every Student Succeeds Act (ESSA), 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.

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 Maryland State Department of Education (MSDE) to place on *probationary status* any school that meets the 2½ percent criteria for two consecutive school years.

In correspondence from the MSDE to the Baltimore City Public School System (BCPSS) on November 17, 2016, the Baltimore I. T. Academy and Friendship Academy of Engineering and Technology were placed on the MSDE's Watch List as these schools met the first-year threshold for suspensions and expulsions that could lead to a 'probationary status' designation. At the end of school year (SY) 2016-17, the Baltimore I. T. Academy was closed by action of the BCPSS Board of Education. Because of suspensions and expulsions data, the Friendship Academy of Engineering and Technology met the criteria to be placed on probationary status. (**ATTACHMENT II**)

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EXECUTIVE SUMMARY:

At the end of SY 2016-17, one school in the BCPSS met the criteria for placement on probationary status. As a result of this action, the school will be informed they need to complete a Corrective Action Plan (CAP).

ACTION:

Recommend Friendship Academy of Engineering and Technology in the Baltimore City Public School System be placed on Probationary Status.

MLG:JM

Attachments

ATTACHMENT I

13A.08.01.19 and .20

.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 Curriculum, Research, Assessment, and Accountability

ATTACHMENT II

2017 Suspensions
School Placed on Probationary Status in School Year 2017-2018

LEA	School Number	School Name	School Level	Sept. 30, 2016 Enrollment	2016-2017 Suspensions	
					Number	Percent
Baltimore City	0339	Friendship Academy of Engineering and Technology	MH	454	15	3.3