

March 30, 2012

Maryland State Board of Education  
200 West Baltimore St.  
Baltimore, MD 21201

Dear Members of the Maryland State Board of Education:

Thank you for the opportunity to provide public comments on the proposed changes to regulation COMAR 13A.08.01 regarding suspensions and expulsions.

A safe and secure environment for our children is one of MCCPTA's top priorities. Our members have voted, in our Operating Budget Compact last Fall, that we support further development and communication of best practices to address discipline problems, especially at the middle school level, including the problem of gangs, bullying and risk to student safety.

After a careful review, we have some serious concerns about COMAR 13A.08.01 that may hinder, more than help the safety and learning of children in the classroom.

**Concern #1: "Contributors"**

While we see on page iii that contributors are listed, we are concerned that the contributors may not necessarily subscribe to the information that is in the report or the regulations. We understand that the contributors were presented information in various focus groups. We are deeply concerned neither **principals nor a diverse group of parents were included** as "contributors." Principals are responsible for what happens in their school, set the tone for a safe environment, and enforce the discipline code. Parents are responsible for their children. Without their input, it appears as though their role is being overlooked.

**Concern #2: Elimination of Expulsions**

MCCPTA questions the effect that eliminating expulsions could have, weighed with the increased cost to the school system to provide long term "educational support" for up to 365 days. Expulsions are rarely applied by MCPS (only 30 last year) and are used

effectively as a wake up call to students and parents. Reportedly, an expulsion is a means, for reasons clearly stated in MCPS's "Students Rights and Responsibilities," to say "enough is enough" and it is also a means to show students and families that the school system will assure a safe environment. Changing long term suspensions from "over 10 days" to "4-10 days" and replacing expulsions with "extended suspensions" where the school system would be required to provide "educational services" are changes that were made without regard to economic reality.

If the only aggressive act that would ensure an expulsion involves firearms, there is a deep concern that drug use, bullying, alcohol, use of other weapons such as knives, and other dangerous behaviors will sharply increase in the absence of a harsh tool such as an expulsion.

### **Concern #3: Assumption that disparity is a result of school unfairness**

MCCPTA supports all children of all races, gender and background and believes all children should be treated equally. The same consequences should apply for all children who misbehave according to clear guidelines set in the school district's "Students Rights and Responsibilities."

Statistically, it has been proven that African-American and Hispanic students are suspended at a higher rate than Caucasians. On page 9 of the report, it states that no study to date has found differences in racial behavior sufficient to explain racial differences in school punishment. The disparity data is being used to prove that a certain group of minority students are being mistreated by the school districts.

However, a study by Joshua Kinsler with the University of Rochester, in October of 2011 based on sound data analysis, ["School Discipline, a Source or Salve for the Racial Achievement Gap"](#) concludes that:

- Closing the school discipline gap would make the test score gap worse.
- Black principals and white principals alike are tougher on kids in predominately black schools.
- Because of racial economic inequality, schools with a majority of African-American and Hispanic students grow up in tough circumstances that increase the risk of misbehavior (single family households, low income, living in areas with high crime rate.)
- Tough discipline standards are used by principals as a rational tool to manage potential behavior problems.
- Suspending a highly disruptive child from a classroom helps the other students to learn better.
- Eliminating suspensions would cause a school to deteriorate, especially in schools with more at-risk kids where a greater number of students who are misbehaving would

remain in the classroom, cause proportionally larger disruption than in schools with fewer at-risk children.<sup>1</sup>

Another item of the report that is not mentioned is that Caucasian students are suspended at a higher rate than Asian Americans, but this disparity is not pointed out as an issue in the report. We question that any disparities that exist are solely the fault of the school system. While the data shows notable information that warrants immediate and constant attention, we caution against the conclusion that schools can be entirely responsible for shrinking the disparity.

#### **Concern #4: Neglect on the well-being of the victim(s) and for school safety**

Students need to be in a safe environment with infrequent disruptions so they can learn. Disruptions in the classrooms from misbehaving students harm the learning in the classroom and threaten the safety and well-being of the students.

Policies that limit the number of days a student can be suspended for non-violent acts could create situations where students who have already met their 10 day limit, could cause disruptions that impede learning for the rest of the students in the classroom.

Teachers also deserve to teach without disruptions, now more than ever, as Common Core State Standards will be measuring their professional success based on test results.

In addition, school systems are required to comply with legislation recently passed to prevent bullying and are required to investigate bullying and to prevent retaliation against the victim. How will our schools comply with this new legislation when a student who bullied another can come back to the classroom, posing a threat to the victim, before the investigation is complete on the 11th day?

A timely investigation within 10 days should be the norm, but circumstances could create a delay that is not the fault of the school system. To create a mandate of returning a student to the classroom on the 11th day when it could harm the safety of any student or the learning in a classroom disregards the health and safety of the students and could also inhibit learning.

#### **Concern #5: Elimination of disparity within three years is unrealistic and vague**

MCPS has already considerably reduced the rate of suspensions across the board for all races. The pressures in recent years to lower suspension rates for certain sub-categories of race have caused parents, teachers and students to bring up concerns

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<sup>1</sup> <http://www.newsobserver.com/2012/03/11/1919143/the-suspension-gaps-good-side.html>

The Suspension Gap's Good Side, by Jacob Vigdor, professor, Duke University, Sanford School of Public Policy and Department of Economics

that discipline is becoming more lax and is applied inconsistently. School Resource Officers have also been severely cut, which have increased fears that our schools may become unsafe. There is a perception that some schools are “sweeping under the rug” some incidents to appear as though behavior is improving, when this may not be the case. While we are pleased that MCPS is increasing diversity training and making considerable efforts to address racial biases, we are concerned that pressures to reduce and then eliminate the disparities could create an unsafe environment where bad behaviors are ignored. (A similar example of this type of pressure exists with NCLB-as pressures to reduce AYP in schools have resulted in erasures on tests in schools across the nation.)

We question the meaning of reducing and then eliminating the disparity in three years. Does it mean that school systems must also eliminate the disparity of suspensions between Asian American female students and Caucasian male students, for example? It is unrealistic to assume that suspension of all races can be equal, and pressures to do so would force our schools to consider race as a factor when implementing discipline, an obviously undesirable risk and indefensible consequence of the directive.

## **Conclusion**

Behaviors in the classroom should be addressed regardless of the student’s race, gender, etc. Policies that hurt more than help the management of discipline in our schools, such as the issues we note here in the proposed COMAR regulations, are not the answer to eliminating disparities. Communicating best practices, cultural awareness and diversity training for staff and for our communities, and continual analysis and improvement of data collection will help to reduce the disparities. MSDE should emphasize that school district policies should strive to keep students in school, ensure school safety, and promote success for all students, including at-risk and students with disabilities. Resources outside of the school system should be part of the equation as well.

Sincerely,

Laurie Halverson  
MCCPTA Vice President Educational Issues

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