



May 23, 2011

Dear Mr. DeGraffenreidt, Dr. Grasmick, and members of the State Board:

The ACLU of Maryland and Open Society Institute write with extreme concern about the continuing high, and disproportionate, levels of suspensions of students in Maryland public schools and the lack of significant progress in acting upon this situation. The *Baltimore Sun* has performed a public service in drawing recent attention to the troubling, and at times tragic, impact of "zero tolerance" policies. But suspension rates are unacceptably high, even in school systems that have more nuanced discipline codes than the examples profiled by the *Sun*. Research shows that suspension increases a student's likelihood of dropping out, increases juvenile justice involvement, and carries mental health and physical safety risks, as well as a host of other negative impacts.

A year ago, you requested comments from our organizations on whether educational services ought to be provided to long-term suspended and expelled students. This examination grew out of the Board's decision in the *Atanya C.* case, in which a 9th grade girl in Dorchester county was kept out of school from the time of her offense in September for the entire school year, with limited access to any educational services.

While we testified that educational services should be provided in those instances, our comments went further, strongly urging the board to look more broadly at the disproportionate pattern of suspensions and expulsions across the state. We asked you to examine the high rates of suspension, particularly in some Eastern Shore counties. A number of others who testified, including school system representatives, noted the need for change and for increased focus on interventions and graduated disciplinary measures that would help students learn proper behavior without the need for suspension of the child.

However, the recommendations from the State Board's examination of the issues in *Atanya C.*, issued in its August, 2010 report were limited and failed to address the broader pattern of disproportionate and excessive numbers of suspensions.

It is time to abandon current ineffectual policies and adopt ones that will hold school systems accountable for positive and fair practices. We call upon the State Board of Education and the Department of Education to:

- develop a department protocol for regularly monitoring available data to identify inequities and inappropriate disciplinary actions, including the use of police referrals for school incidents that outside the school would not be a crime;
- require school systems, particularly those with rates of out-of-school suspensions higher than the state average, to develop plans to reduce them and submit those plans to you for review;
- develop a system of sanctions for school districts that rush to suspend students for non-violent, first-time infractions that in more effective districts would result, for instance, in a parent conference or counseling.

We are pleased that you have expressed concern about the impact of suspensions on youth and are seeking to reform due process rights for students. Now we ask that you go much further--and quickly--to ensure that children in Maryland schools are not harmed by harsh and ineffective disciplinary policies.

Sincerely,

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