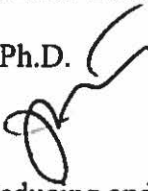



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**TO:** Members of the State Board of Education  
**FROM:** Jack R. Smith, Ph.D.   
**DATE:** May 23, 2016   
**SUBJECT:** Overview on Reducing and Eliminating Disproportionate/Discrepant Impact  
COMAR 13A.08.01.21

**PURPOSE:**

The purpose of this agenda item is to provide a historical overview of Maryland's work to revise regulations that govern Student Discipline in Maryland Public Schools. This overview includes a summary of COMAR 13A.08.01.21 *Reducing and Eliminating Disproportionate/Discrepant Impact* and an outline of the framework proposed to analyze local school system discipline data to determine whether there is a disproportionate impact on minority or special education students.

**BACKGROUND:**

In August 2009, the Maryland State Board of Education issued an opinion in an appeal of the almost year-long expulsion of a ninth grade student. This appeal raised concerns regarding the lack of educational services provided to students subject to exclusionary discipline practices and appeal processes. The work to understand the impact of educational services provided during a suspension or expulsion continued from August 2009 through April 2010. The State Board approved the Maryland State Department of Education's plan to study the use of long-term suspensions/expulsions which included an invitation to the public and representatives from several State educational stakeholder groups to provide comments on the topic of educational services during suspensions and expulsions. In August 2010, the State Board accepted the Department's report titled *Study of Student Long-term Suspensions and Expulsions*. The report summarized local school system practices in the provision of educational services during suspensions and expulsions and an analysis of public and stakeholder comments on the topic.

Further, in 2011, the State Board directed the Department to review and address issues arising from zero-tolerance discipline policies. In response, the Department developed *Guidelines for the Timely Disposition of Long Term Discipline Cases*. These guidelines were posted for public comment, and several panels of State educational stakeholders were invited to address the board.

In February 2012, the State Board released a draft report titled *A Safe School, Successful Students, and A Fair and Equitable Discipline Process Go Hand in Hand*. This report contained a draft of possible regulatory changes. The State Board again provided an opportunity for comments from the public and State educational stakeholders. After multiple revisions, the board issued its final report titled *School Discipline and Academic Success: Related Parts of Maryland's Education Reform* which linked changes in school discipline philosophy to improve academic performance and reduction in the achievement gap. Research on discipline practices indicated a disproportionate impact, high correlations between middle school suspensions and dropouts, and a correlation between dropout rates and participation in the criminal justice system. Research also conveyed a lack of positive outcomes from the use of zero-tolerance practices.

In January 2013, the State Board reviewed public comments and agreed to make additional changes to the proposed regulations. In January 2014, the State Board adopted amendments to COMAR 13A.08.01.11, .12, .15 and new regulation 13A.08.01.21 (Attached).

#### **EXECUTIVE SUMMARY:**

In 2014, the Department began work to implement COMAR 13A.08.01.21: *Reducing and Eliminating Disproportionate/Discrepant Impact*. This regulation requires the Department to develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within one year and eliminate it within three years.

The Department has created a framework for the method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students or a discrepant impact on special education students. The framework has been developed in consultation with national and State experts in school discipline and has included the review of several models implemented across the country. The next steps are to gain stakeholder feedback on the framework, the model, and finalize the proposed method for implementation.

#### **ACTION:**

Information only. No action required.