



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: August 25, 2020
SUBJECT: Early Grade Removals by Incident Type (HB425/SB651 Policy Impact Follow Up)

PURPOSE:

To update the State Board of Education on removals of Pre-Kindergarten, Kindergarten, first grade, and second grade students by incident type, before and after the implementation of HB425/SB651.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Maryland General Assembly passed HB425/SB651 *Public Schools - Suspensions and Expulsions* in 2017, Education Article 7-305.1. The State Board adopted the Code of Maryland Regulation (COMAR) 13A.08.01.11 (C) *Suspension and Expulsion Prohibition* in 2017. COMAR states that a Pre-Kindergarten, Kindergarten, first grade, or second grade student may not be suspended or expelled unless (1) federal law requires it (ex: carrying a firearm on school property), or (2) the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. Suspensions may not exceed five days.

In June of 2020, the Maryland State Department of Education presented the State Board of Education with research on the impact of HB425/SB651. This presentation and research report provides additional data regarding incident types and the relative ratios of incident types before and after implementation of the law.

EXECUTIVE SUMMARY:

The presentation and research memo cover the following questions:

1. In 2019, what were the most common reasons PreK-2 students were out-of-school suspended or expelled?

Approximately 66 percent of PreK-2 student removals were due to attacks, threats, and/or fighting and 29 percent of removals were due to disruption/disrespect.

2. In 2019, were different student groups removed for the same reasons?

No. In 2019, 31 percent of all Black/African American student removals were for disruption compared to 23 percent of White student removals. Female students were more often removed for disruption compared to male students.

3. With the passage of HB425/SB651, did the reason for PreK-2 student removals change as the total number of removals went down?

Yes. From 2017 to 2018, the fraction of removals for disruption decreased from 33 to 26 percent.

4. With the passage of HB425/SB651, did the fraction of removals for disruption go down for all student groups?

No. From 2017 to 2018 the fraction of removals for disruption decreased much more for White students (15 percentage points) compared to Black students (4 percentage points). Smaller differences in the decrease are seen by gender.

ACTION:

None required.

ATTACHMENT:

Policy Impact: HB425/SB651 PowerPoint and research report

Policy Impact: HB425/SB651

Early Grade Removals by Incident Type



Maryland State Board of Education
August 25, 2020

Prohibition on Suspensions and Expulsions in Early Grades (HB425/SB651 and COMAR 13A.08.01.11C)

C. Suspension and Expulsion.

(1) Prohibition.

(a) ... a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(b) A student described...above...may only be:

(i) Expelled from school if required by federal law; or

(ii) Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(c) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under this regulation.

Discipline “Offense Code” Definitions

Full definitions are in the Maryland Student Records System Manual ([link](#))

- **Arson/Fire/Explosives:** intentionally setting, attempting to set, or assisting others in setting a fire; initiating a warning of fire without cause; possessing, detonating, or threatening to detonate an explosive device
- **Attacks/Threats/Fighting:** intentionally shoving, pushing, or otherwise being physically aggressive toward an adult or student in the context of a fight; intentionally engaging in a fight; expressing intent to do physical harm to a student or adult and/or engaging in persistent threats; engaging in and/or threatening extortion; engaging in harassment and/or persistent bullying (including cyberbullying); intentionally misbehaving in a way that causes serious bodily injury
- **Dangerous Substances:** being under the influence of, using, possessing, distributing, or selling alcohol, inhalants, drugs, and/or tobacco
- **Disrespect/Disruption:** making intentional and harmful gestures, verbal or written comments, or symbols to others (e.g., verbal put-downs, cursing, talking back); being insubordinate and/or repeatedly or persistently disrespectful/defiant; intentionally engaging in moderate to serious behavior that distracts from teaching and learning, and directly affects the safety of others; dress code violations after warnings ;

Discipline “Offense Code” Definitions

Full definitions are in the Maryland Student Records System Manual ([link](#))

- **Other offences:** Academic dishonesty (plagiarizing, forgery, and/or cheating); persistent inappropriate use of personal electronics; theft; trespassing; destruction of property
- **Sexual offences:** Intentionally engaging in behavior that is physically/sexually aggressive; engaging in sexual harassment; engaging in inappropriate behavior of a sexual nature
- **Weapons:** Possessing a firearm; possessing, using, or threatening to use a look-alike, unloaded, non-operable and/or non-firearm gun (ex: BB gun); possessing, threatening to use, and/or using an implement that could potentially cause injury (knives, stun guns, pepper spray, etc.)

Research Questions and Findings

1. In 2019, what were the most common reasons PreK-2 students were out-of-school suspended or expelled?

In 2019, there were 1,523 PreK-2 student removals due to attacks, threats, and/or fighting (66%) and 668 removals due to disruption/disrespect (29%).

2. In 2019, were different student groups removed for the same reasons?

No. In 2019, 31 percent of all Black/African American student removals were for disruption compared to 23 percent of White student removals. Female students were more often removed for disruption compared to male students.

3. With the passage of HB425/SB651, did the reason for PreK-2 student removals change as the total number of removals went down?

Yes. From 2017 to 2018, the fraction of removals for disruption decreased from 33 to 26 percent.

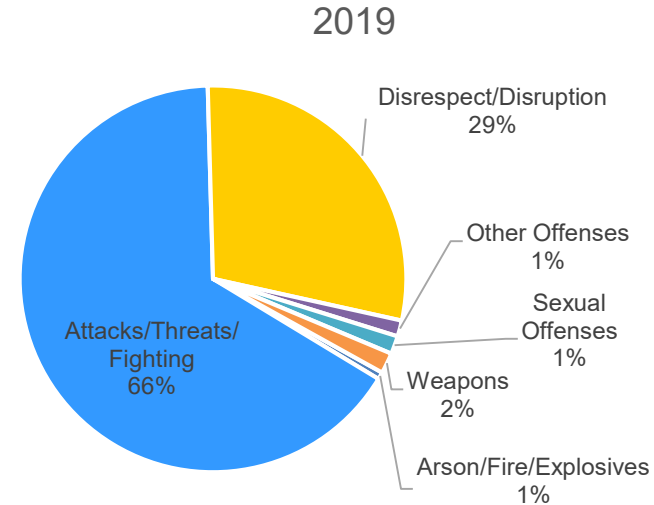
4. With the passage of HB425/SB651, did the fraction of removals for disruption go down for all student groups?

No. From 2017 to 2018 the fraction of removals for disruption decreased more for White students (15 percentage points) compared to Black students (4 percentage points). Smaller differences in the decrease are seen by gender.

PreK-2 Out-of-School Suspensions and Expulsions, All Students

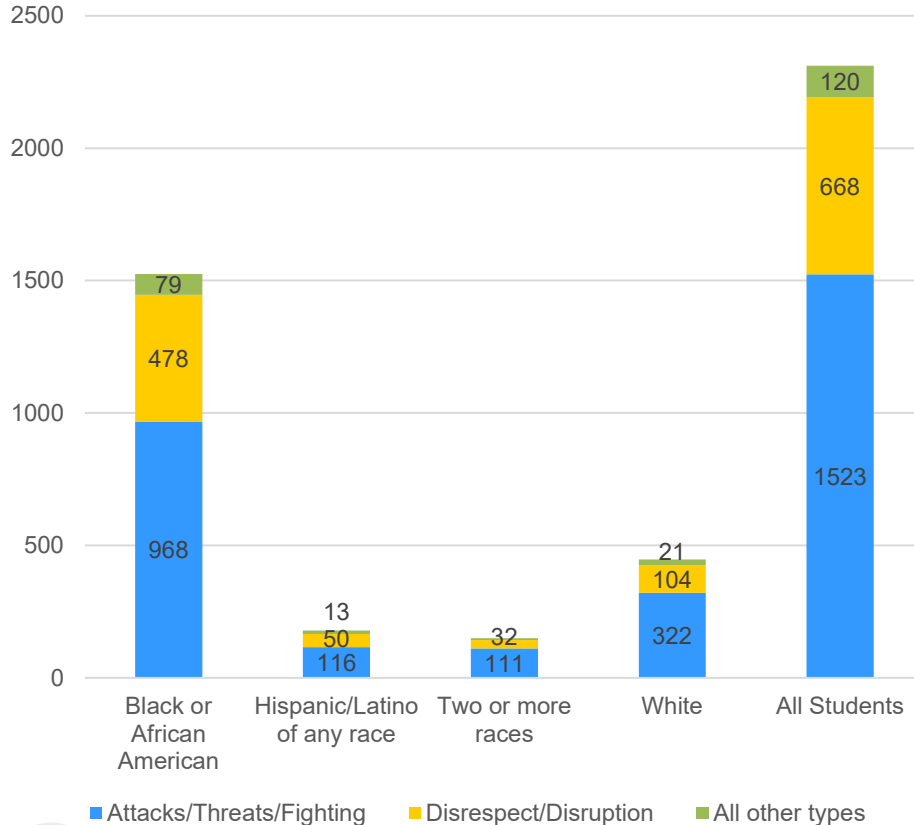
	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2014	30	2,174	#	1,255	104	67	99
2015	22	2,184	#	1,155	87	50	94
2016	43	2,627	#	1,264	141	67	86
2017	22	2,937	#	1,565	125	85	76
2018	10	1,338	#	520	42	37	49
2019	14	1,523	#	668	31	35	40

- data are not reported if the number of incidences is less than 10.



2019 PreK-2 Removals by Incident Type, by Race/Ethnicity

Total Number of Removals

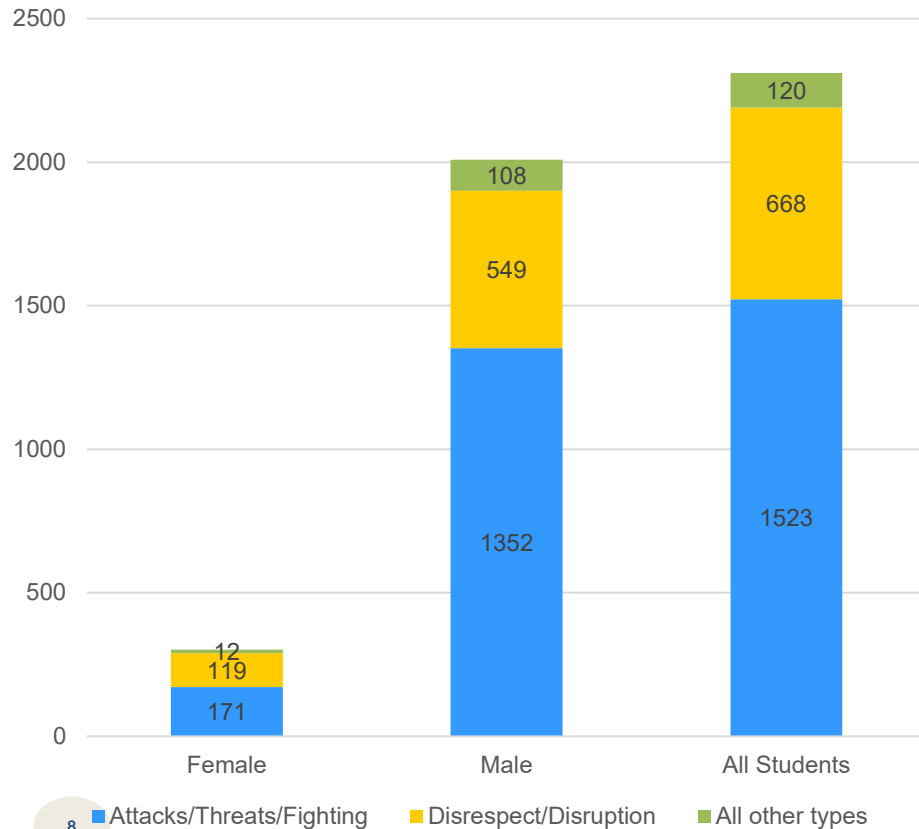


Share of Removals by Student Group

	Attacks/ Threats/ Fighting	Disrespect/ Disruption	All other types
Black or African American	63%	31%	5%
Hispanic/Latino of any race	65%	28%	7%
Two or more races	74%	21%	5%
White	72%	23%	5%
All Students	66%	29%	5%

2019 PreK-2 Removals by Incident Type, by Gender

Total Number of Removals

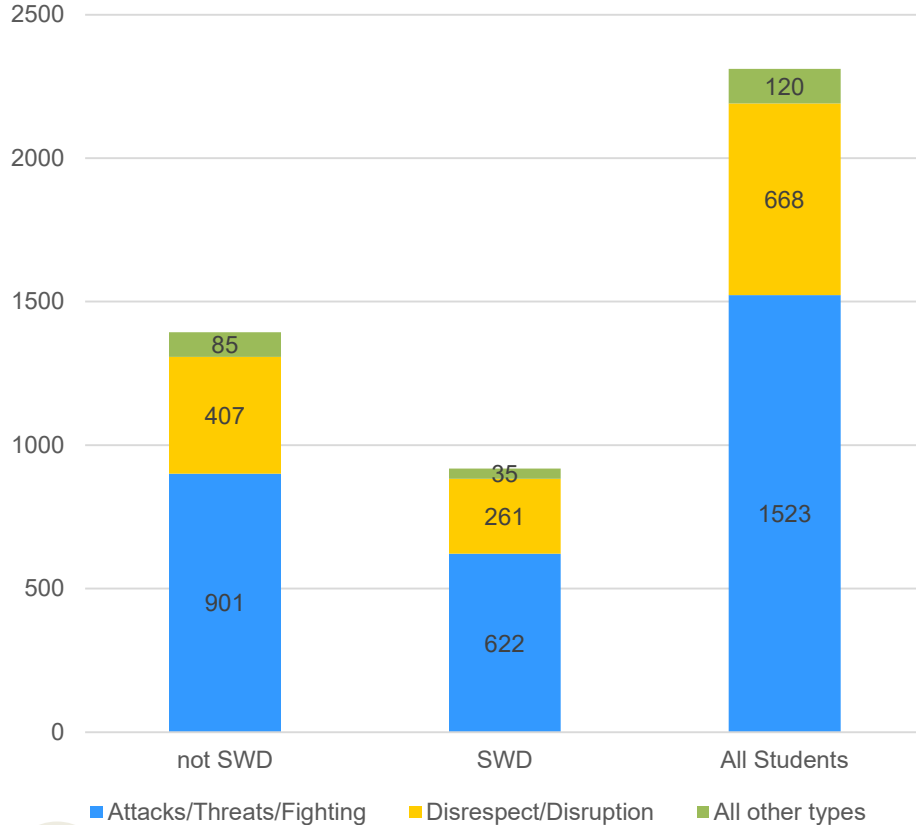


Share of Removals by Student Group

	Attacks/ Threats/ Fighting	Disrespect/ Disruption	All other types
Female	57%	39%	4%
Male	67%	27%	5%
All Students	66%	29%	5%

2019 PreK-2 Removals by Incident Type, by Disability Status

Total Number of Removals

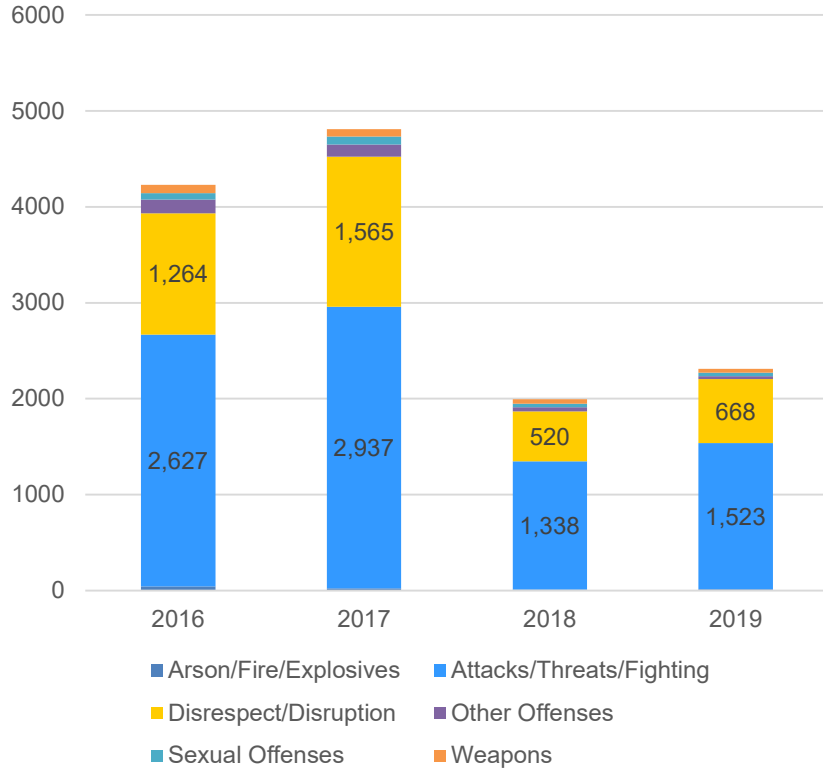


Share of Removals by Student Group

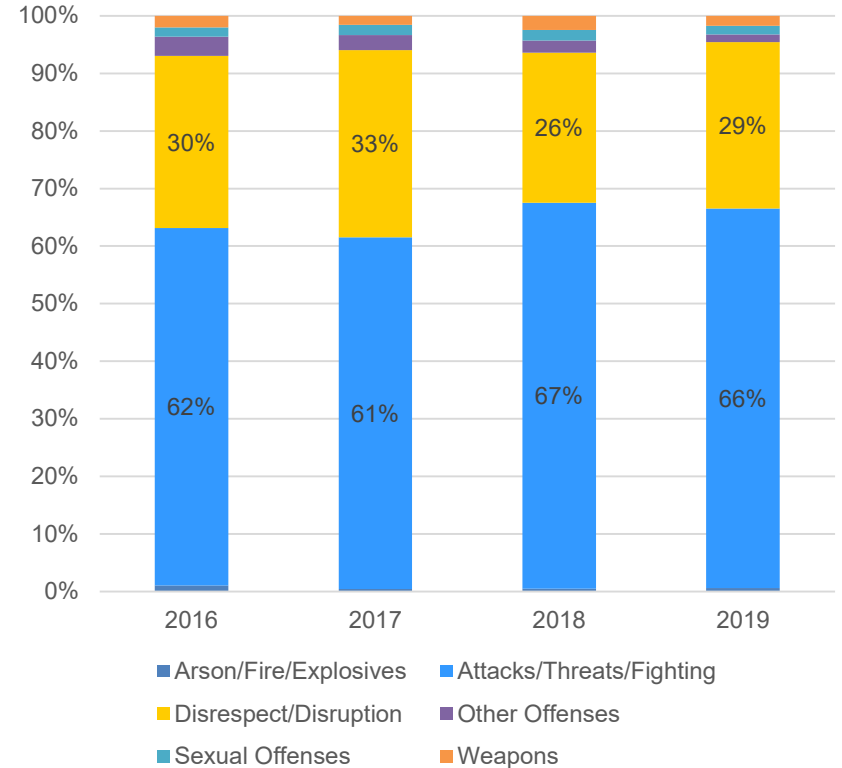
	Attacks/ Threats/ Fighting	Disrespect/ Disruption	All other types
Students without Disabilities	65%	29%	6%
Students with Disabilities (SWD)	68%	28%	4%
All Students	66%	29%	5%

PreK-2 Removals by Incident Type Over Time, All Students

Number of Incidences

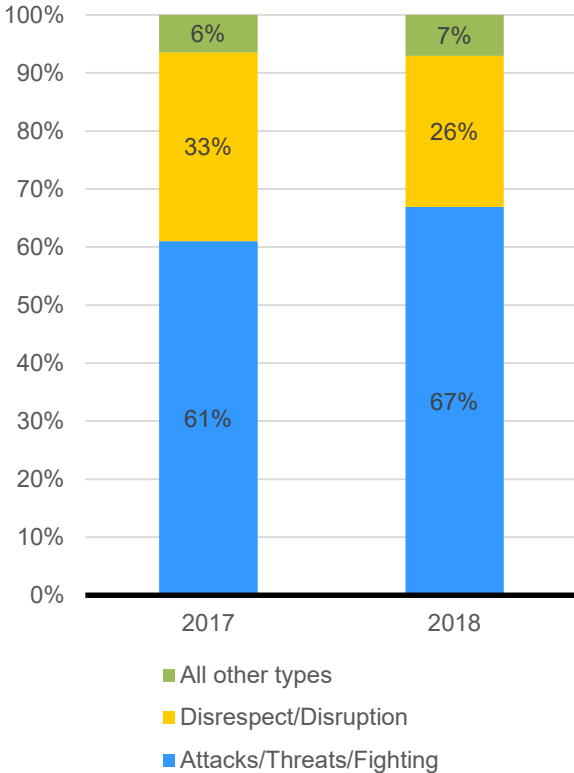


Percent of Incidences

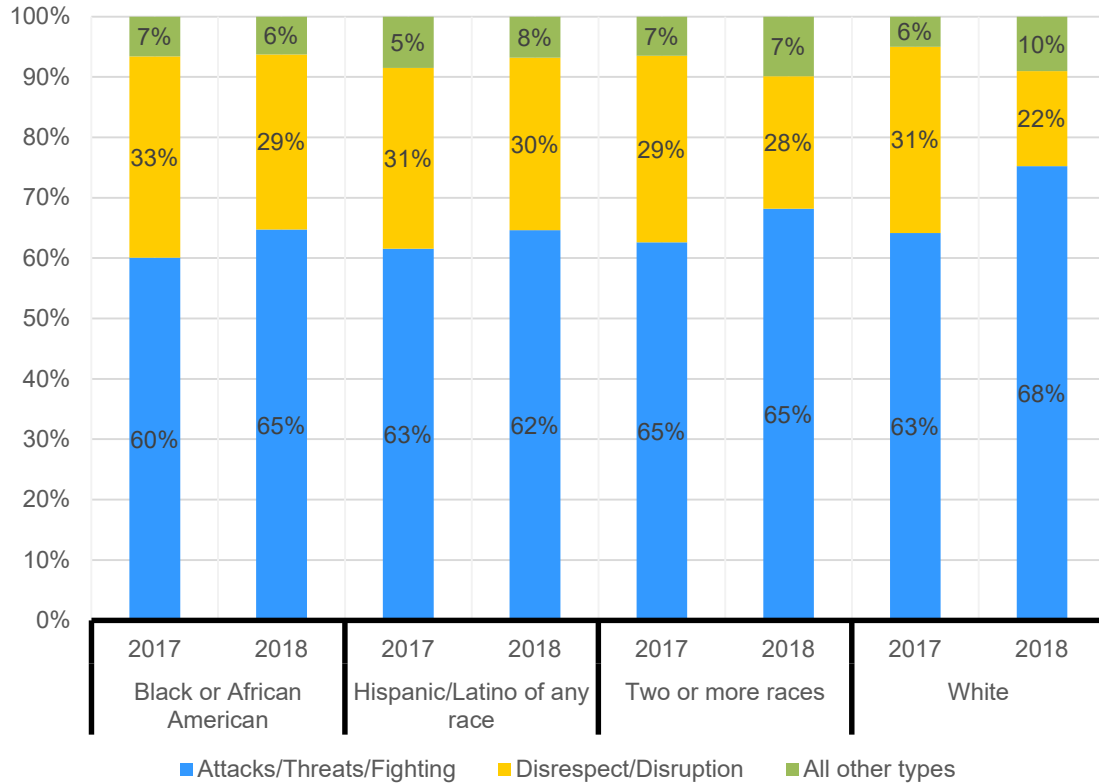


PreK-2 Removals Over Time, by Race/Ethnicity

All Students

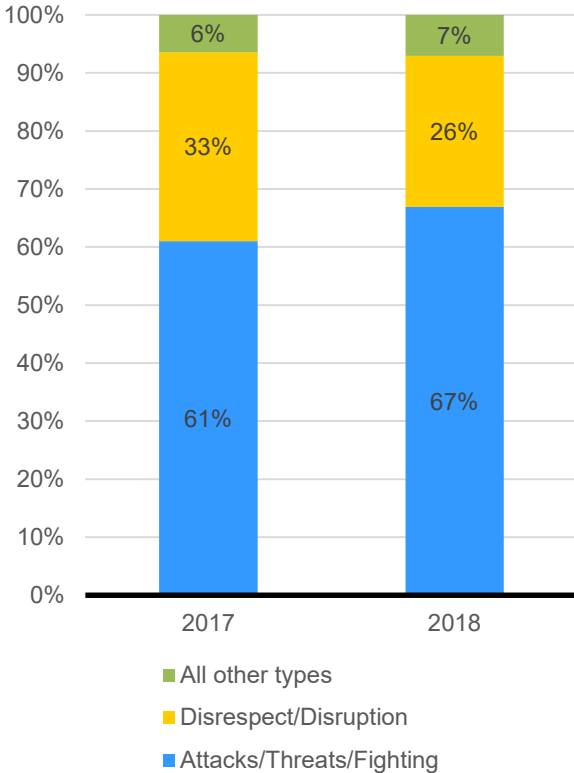


By Race/Ethnicity

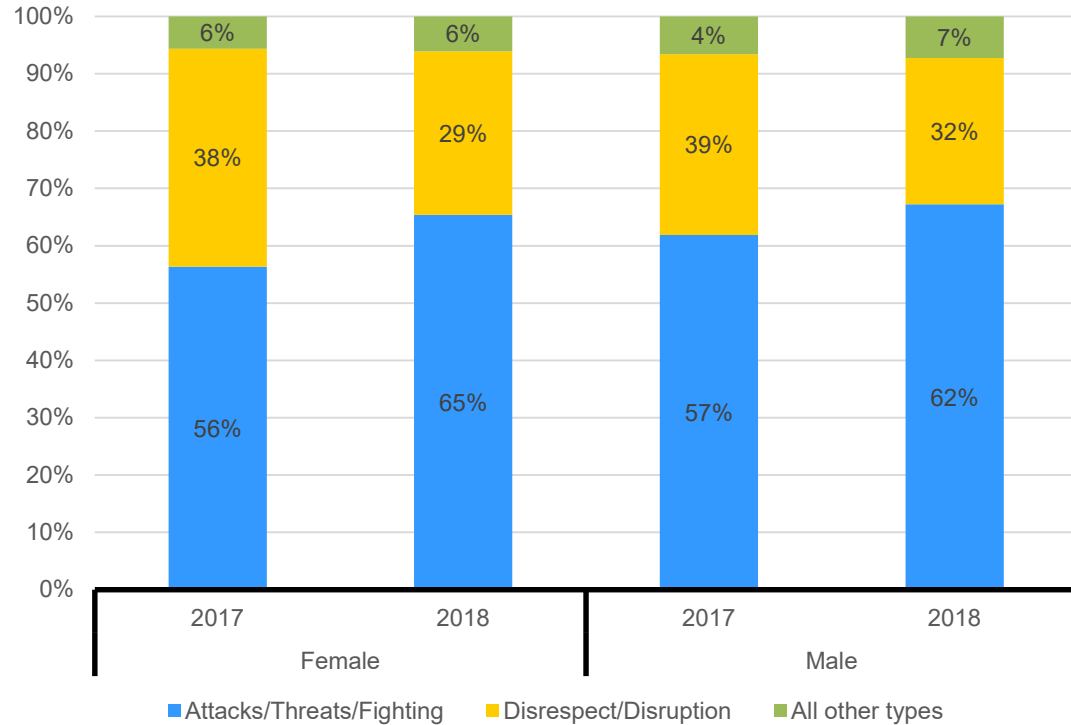


PreK-2 Removals Over Time, by Gender

All Students

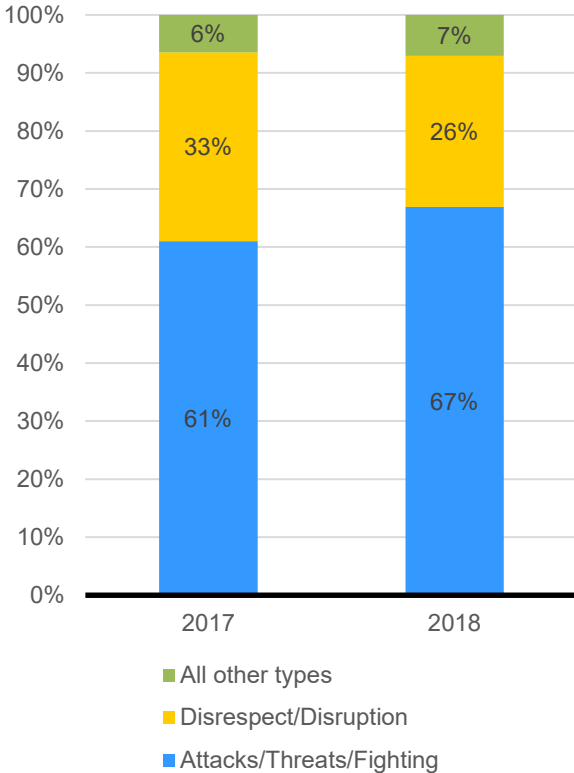


By Gender

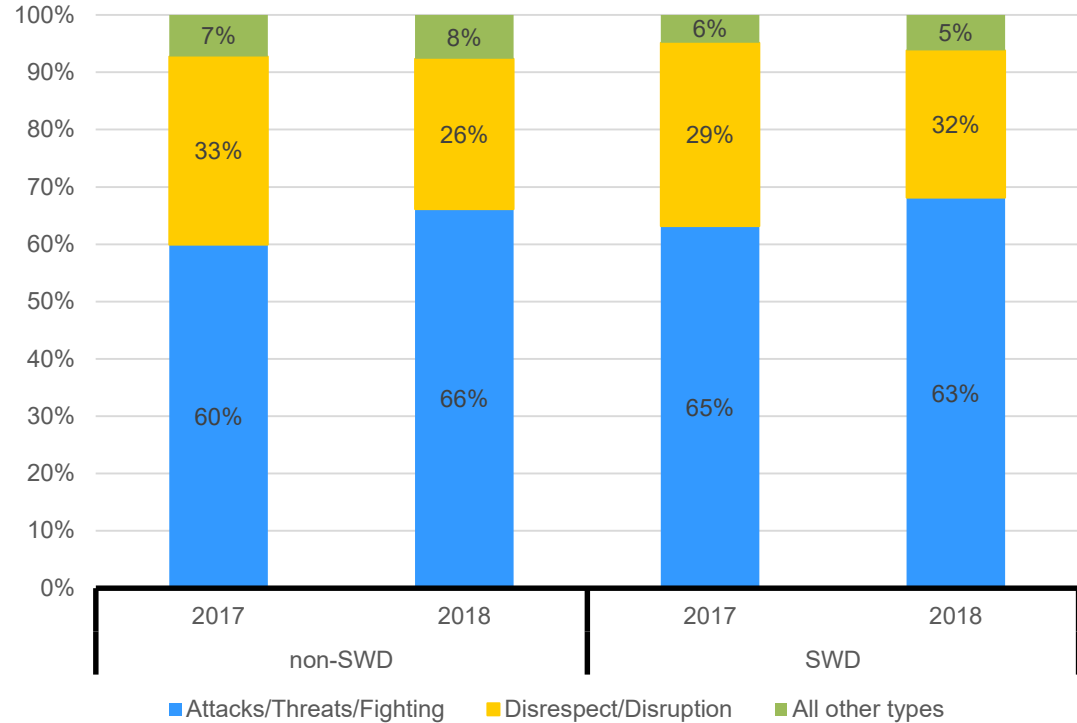


PreK-2 Removals Over Time, by Disability Status

All Students



By Disability Status



POLICY ANALYSIS: HB425/SB651 (2017) DISCIPLINE INCIDENCE TYPES

OVERVIEW

This research brief contains additional analyses regarding out-of-school suspension and expulsion incidence types for students in Pre-Kindergarten, Kindergarten, first grade, and second grade before and after the enactment of HB425/SB651. The law prohibited the suspension or expulsion of these students except in certain circumstances. It was passed in 2017 and implemented starting with the 2017-2018 school year.

This brief is intended to complement the original policy impact analysis, published June 2020 by the Maryland State Department of Education.

SUMMARY OF FINDINGS

- (1) In the years prior to implementation (2014 through 2017), approximately 61 percent of all Pre-Kindergarten to Grade 2 out-of-school suspension/expulsion incidences (“removals”) were for attacks, threats, or fighting; approximately 33 percent were for disrespect or disruption. In 2018, immediately after implementation, 67 percent of incidences were for attacks, threats, or fighting and 26 percent were for disrespect or disruption. The share of incidences in 2019 due to disruption once again increased slightly to 29 percent.
- (2) Prior to implementation, the type of incidence was largely similar regardless of student race/ethnicity and disability status. After implementation, the relative decrease in the number of removals due to disruption was much larger for White students and students of two or more races, compared to Black and Hispanic students. In contrast, the rate of removals for disruption decreased roughly the same amount for students with and without disabilities. The rate of incidence type varied by gender both prior to and after implementation, with a greater share of female students removed for disruption compared to male students.

BACKGROUND

The Maryland General Assembly passed HB425/SB651 in 2017. The law states that a Pre-Kindergarten, Kindergarten, first grade, or second grade student may not be suspended or expelled unless (1) federal law requires it (ex: carrying a firearm on school property), or (2) the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. Suspensions may not exceed five days.

Imminent threat of serious harm is defined as “likely and immediate danger of significant physical injury. The inability of the child to de-escalate after an intervention and return to the classroom without continuing the physical attack on either staff or students would constitute an ‘imminent threat’.”

Schools were directed to strengthen and implement current student-centered support strategies in lieu of simply removing students from school. Support strategies could include positive behavior interventions and supports; a behavior intervention plan; a referral to a student support team; a referral to an individualized education program team; and a referral for appropriate community-based services. School systems shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

The law was first implemented during the 2017-2018 school year.

RESEARCH QUESTIONS

RQ1: What are the patterns in out-of-school suspension and expulsion incidences by incidence type in grades Pre-Kindergarten to Grade 2, before and after the implementation of HB425/SB651?

RQ2: When considering out-of-school suspension and expulsion incidences by type, what are the patterns in the number of incidences and percent of students removed by student group?

DATA SOURCES AND METHODOLOGY

This analysis uses data on the number of unduplicated students and total out-of-school suspension and expulsion incidents in Maryland's public schools and each local school system for the 2013-14 through 2018-19 school years. Data were disaggregated by grade, race, gender, disability status, and suspension incidence type.

The term "incidence" and/or "removal incidence" refers to out-of-school suspensions and expulsions combined, due to the extremely small number of expulsions ($N < 10$).

FINDINGS

RQ1: What are the patterns in out-of-school suspension and expulsion incidences by incidence type in grades Pre-Kindergarten to Grade 2, before and after the implementation of HB425/SB651?

The number of removal incidences by type is shown in Table 1. Table 2 shows the same information but in percent of annual incidences, with Grade 3 shown for comparison. For example, in 2019 there were 1,523 unique removal incidences for attacks, threats, or fighting (Table 1). This is equivalent to 66 percent of all 2019 incidences (Table 2).

The total number of incidences decreased significantly from 2017 to 2018, after the implementation of HB425/SB651 (Table 1, Figure 1). This was expected after implementation and is discussed in more detail in the previous report.

The relative percentages of incidence type also changed after the implementation of the law. In the years prior to implementation (2014 through 2017), approximately 61 percent of all Pre-

Kindergarten to Grade 2 incidences were for attacks, threats, or fighting; approximately 33 percent were for disrespect or disruption. In 2018, immediately after implementation, 67 percent of incidences were for attacks, threats, or fighting and 26 percent were for disrespect or disruption (Table 2, Figure 2). The relative decrease in removals for disruption is consistent with the law’s intent of limiting suspensions to incidences with a “likely and immediate danger of significant physical injury.” However, out-of-school suspensions for disruption and disrespect were not eliminated after the implementation of the law. Removals for disruption also rose to comprise 29 percent of all suspensions in 2019.

Table 1: Pre-Kindergarten to Grade 2 Removal Incidences by Type (Annual Counts)

	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2014	30	2,174	#	1,255	104	67	99
2015	22	2,184	#	1,155	87	50	94
2016	43	2,627	#	1,264	141	67	86
2017	22	2,937	#	1,565	125	85	76
2018	10	1,338	#	520	42	37	49
2019	14	1,523	#	668	31	35	40

- statistics are not reported if the number of students is less than 10.

Table 2: Pre-Kindergarten to Grade 2 Removal Incidences by Type (Percent of Annual Counts)

	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2014	1%	58%	#	34%	3%	2%	3%
2015	1%	61%	#	32%	2%	1%	3%
2016	1%	62%	#	30%	3%	2%	2%
2017	0%	61%	#	33%	3%	2%	2%
2018	1%	67%	#	26%	2%	2%	2%
2019	1%	66%	#	29%	1%	2%	2%
2019 Grade 3	1%	65%	#	27%	2%	2%	3%

- statistics are not reported if the number of students is less than 10.

Figure 1: Pre-Kindergarten to Grade 2 Removal Incidences by Type (Annual Counts)

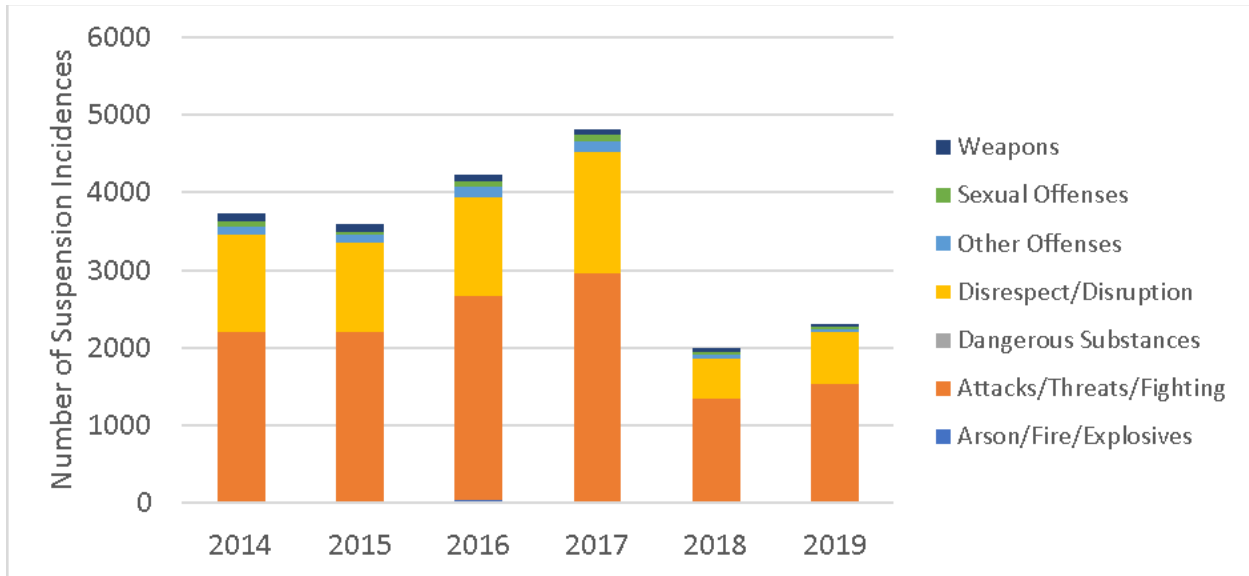
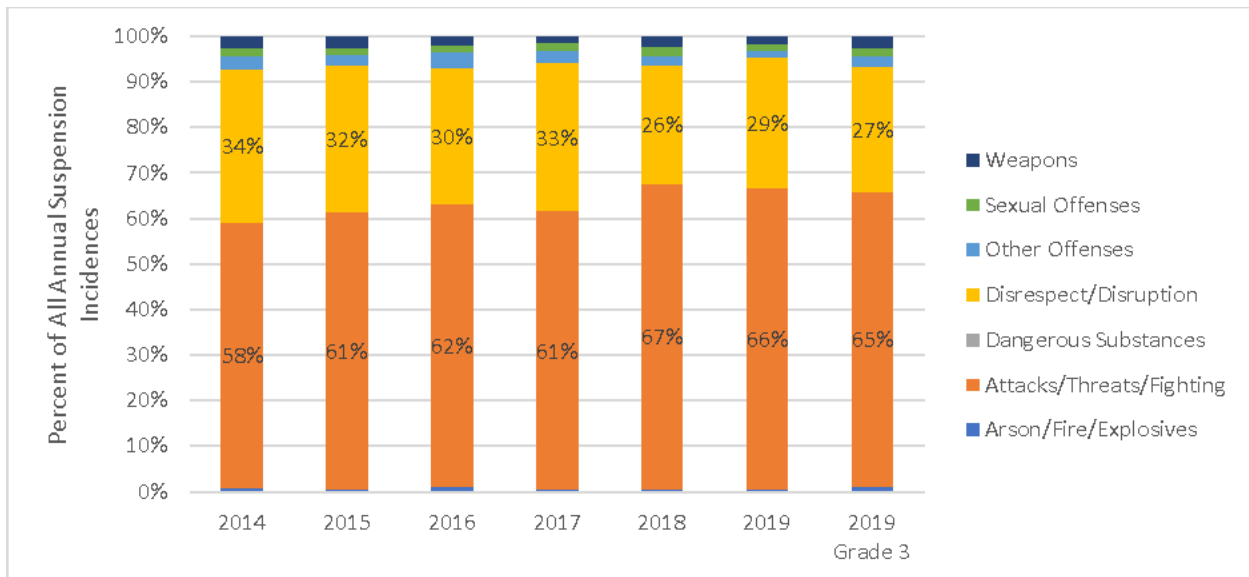


Figure 2: Pre-Kindergarten to Grade 2 Removal Incidences by Type (Percent of Annual Total)



RQ2: When considering out-of-school suspension and expulsion incidences by type, what are the patterns in the number of incidences and percent of students removed by student group?

Data presented in the previous brief showed that student groups are not suspended/expelled at similar rates. See the Appendix in this document for a review.

Like the overall removal rate, the frequency of incidence by type is not uniform across student groups. Table 3 shows the number of incidences by type, disaggregated by race/ethnicity for 2017, 2018, and 2019. (Data for previous years are available on request but not shown in the interest of space.) For example, in 2019 there were 968 incidences of Black/African American Pre-Kindergarten to Grade 2 students removed for attacks, threats, or fighting (Table 3).

Table 3. Pre-Kindergarten to Grade 2 Removal Incidences by Type (Annual Counts, Disaggregated by Race/Ethnicity)

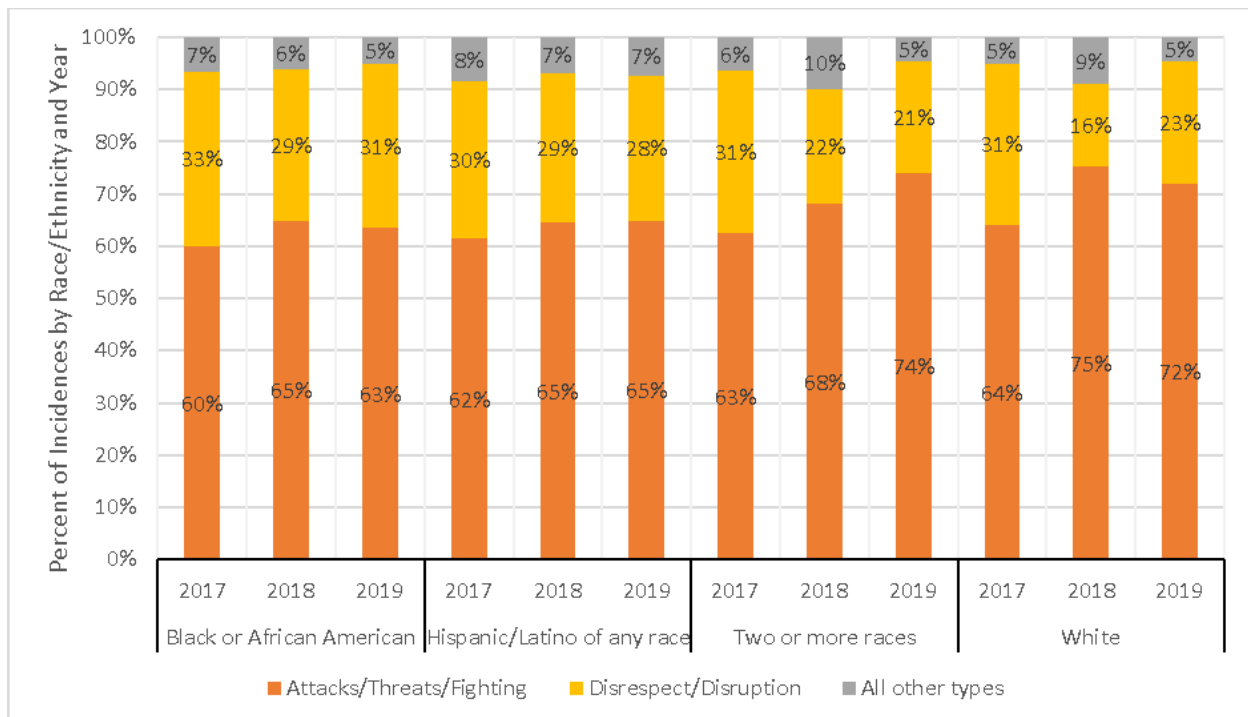
	Group	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2017	American Indian or Alaska Native	#	#	#	#	#	#	#
	Asian	#	10	#	#	#	#	#
	Black or African American	14	1,991	#	1,104	97	57	50
	Hispanic/Latino of any race	#	189	#	92	#	#	#
	Native Hawaiian or Other Pacific Islander	#	#	#	#	#	#	#
	Two or more races	#	164	#	81	#	#	#
	White	#	580	#	279	13	15	13
2018	American Indian or Alaska Native	#	#	#	#	#	#	#
	Asian	#	12	#	#	#	#	#
	Black or African American	#	882	#	395	28	23	23
	Hispanic/Latino of any race	#	95	#	42	#	#	#
	Native Hawaiian or Other Pacific Islander	#	#	#	#	#	#	#
	Two or more races	#	90	#	29	#	#	#
	White	#	258	#	54	#	#	19
2019	American Indian or Alaska Native	#	#	#	#	#	#	#
	Asian	#	#	#	#	#	#	#
	Black or African American	10	968	#	478	21	24	24
	Hispanic/Latino of any race	#	116	#	50	#	#	#
	Native Hawaiian or Other Pacific Islander	#	#	#	#	#	#	#
	Two or more races	#	111	#	32	#	#	#
	White	#	322	#	104	#	#	11

- statistics are not reported if the number of students suspended is less than 10.

Differences in frequencies of each incidence type are best shown in Figure 3. In 2017, immediately prior to law implementation, the share of incidences in each group due to fighting was about the same: 60-64 percent of removals were due to fighting and 30-33 percent were due to disruptions, across all reported student groups. After implementation of the law, the *total* share of removals due to disruptions dropped from 33 to 26 percent (Figure 2).

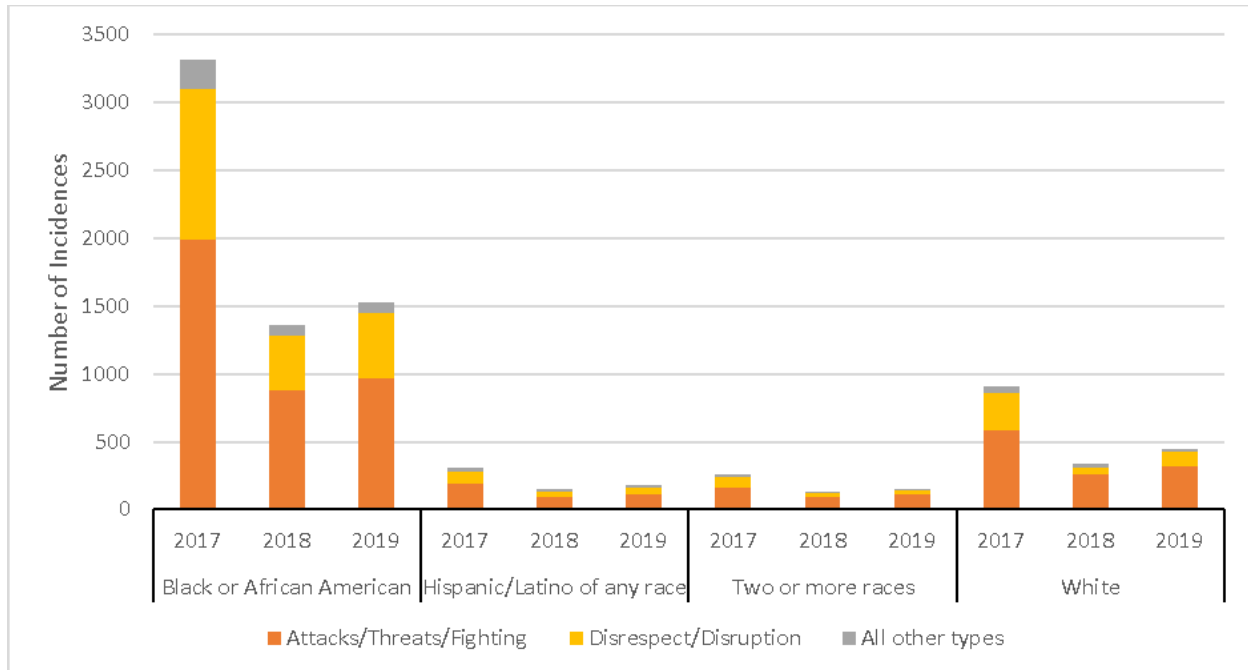
However, the reduction in removals for disruption (rather than fighting) was not uniform across student groups. In 2017, 33 percent of removals of Black students were for disruption and 60 percent for fighting. After implementation, in 2018 29 percent of removals of Black students were for disruption and 65 percent for fighting—a small shift away from removals due to disruption along with an overall reduction in the number of incidences (Figure 3 and Figure 4). In comparison, the percent of white students removed for disruption dropped from 31 percent in 2017 to 16 percent in 2018. White students saw a much larger shift in removals away from disruption and toward fighting—again, along with an overall reduction in the number of incidences (Figure 3 and Figure 4).

Figure 3: Pre-Kindergarten to Grade 2 Removal Incidences by Type and Student Group (Percent of Annual Total)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

Figure 4: Pre-Kindergarten to Grade 2 Removal Incidences by Type and Student Group (Annual Counts)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

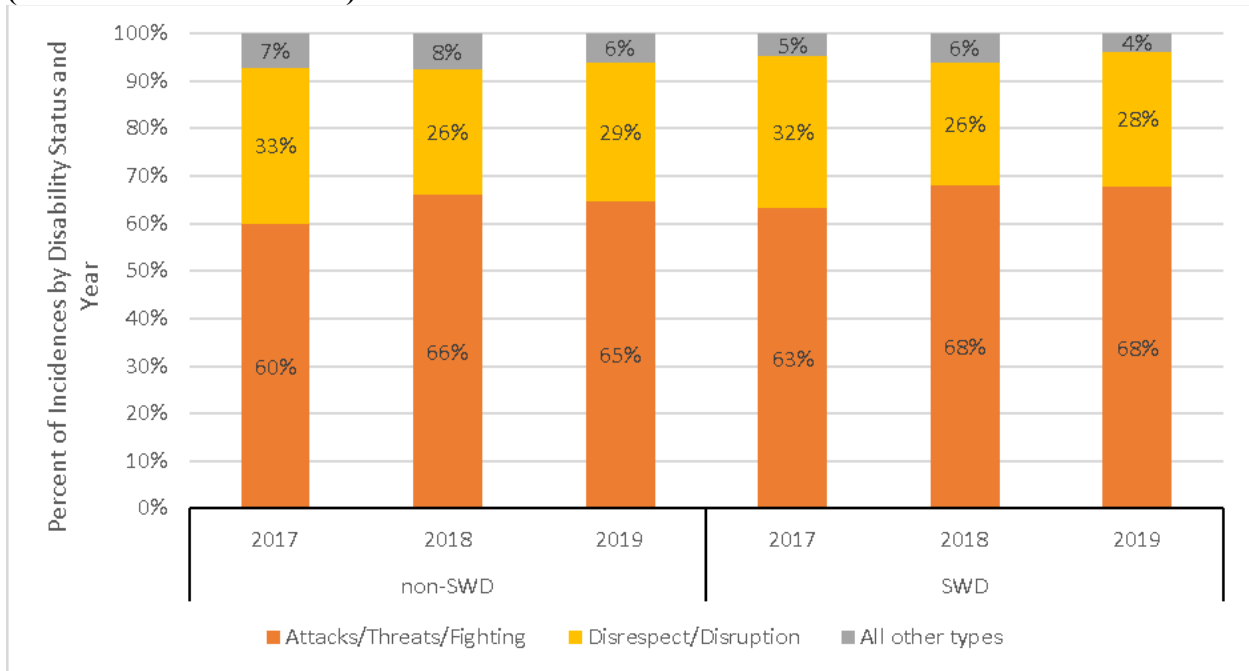
Unlike race/ethnicity, there appears to be no difference in the prevalence of incidence type by student disability status either before or after implementation (Table 4 and Figure 5). Prior to implementation of the law, the percent of removed due to disruption was similar regardless of disability status (33 percent for non-SWD and 32 percent for SWD). After implementation, that share was reduced by similar amounts, to 26 percent for both student groups.

Table 4. Pre-Kindergarten to Grade 2 Removal Incidences by Type (Annual Counts, Disaggregated by Disability Status)

	Group	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2017	non-SWD	18	1899	#	1039	84	65	62
	SWD	#	1038	#	526	41	20	14
2018	non-SWD	#	776	#	308	22	24	36
	SWD	#	562	#	212	20	13	13
2019	non-SWD	11	901	#	407	19	27	28
	SWD	#	622	#	261	12	#	12

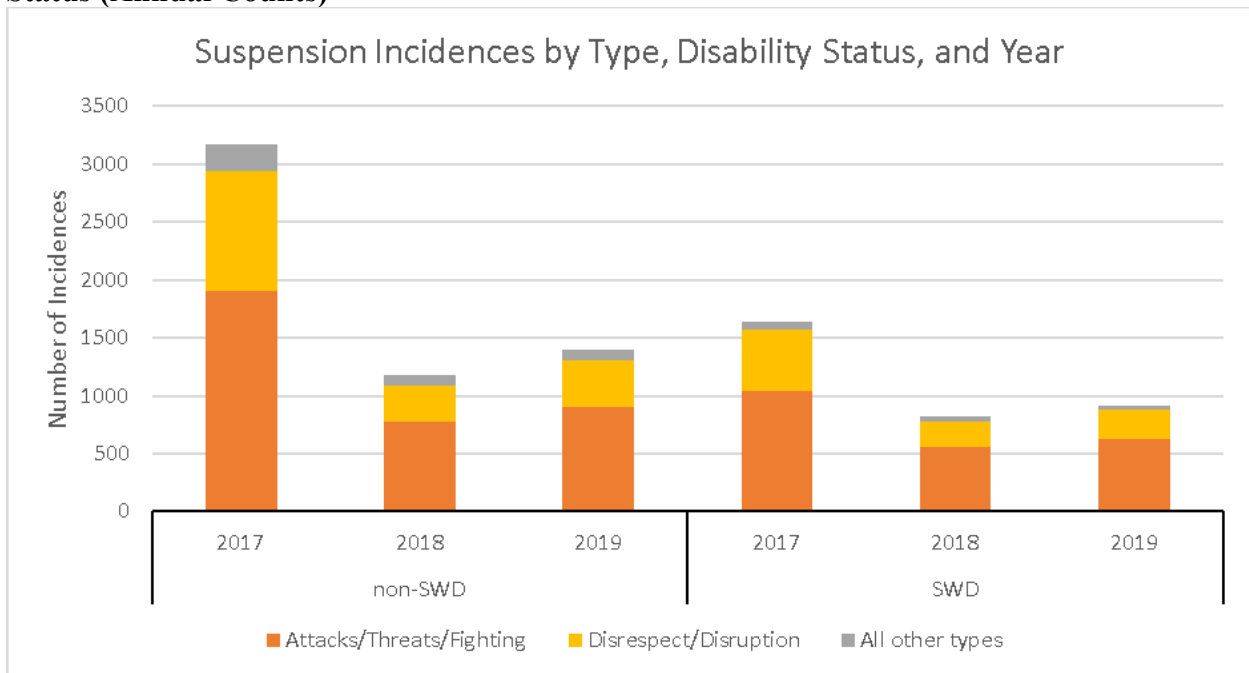
- statistics are not reported if the number of students is less than 10.

Figure 5: Pre-Kindergarten to Grade 2 Removal Incidences by Type and Disability Status (Percent of Annual Total)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

Figure 6: Pre-Kindergarten to Grade 2 Suspension Incidences by Type and Disability Status (Annual Counts)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

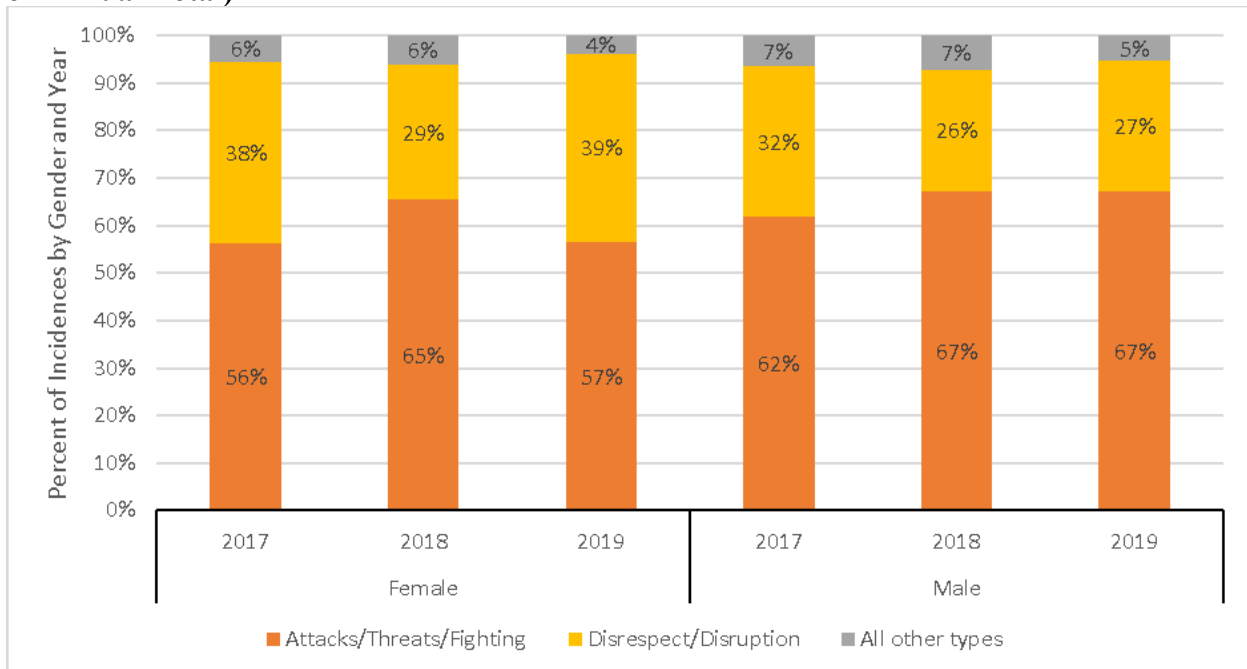
Patterns are slightly different by gender. First, as previously reported, the total number of incidences decreased for both male and female students after the law was passed (Table 5 and Figure 8). Second, the distribution of incidence type is not uniform across genders. While female students are removed less often than male students, a greater share of female removals are for disruption rather than fighting: In 2019, 39 percent of female removals were for disruption compared to 27 percent of male removals (Figure 7).

Table 5. Pre-Kindergarten to Grade 2 Removal Incidences by Type (Annual Counts, Disaggregated by Gender)

	Group	Arson/ Fire/ Explosives	Attacks/ Threats/ Fighting	Dangerous Substances	Disrespect/ Disruption	Other Offenses	Sexual Offenses	Weapons
2017	Male	18	2529	#	1290	104	78	68
	Female	#	408	#	275	21	#	#
2018	Male	#	1134	#	431	32	34	47
	Female	#	204	#	89	10	#	#
2019	Male	13	1352	#	549	25	32	38
	Female	#	171	#	119	#	#	#

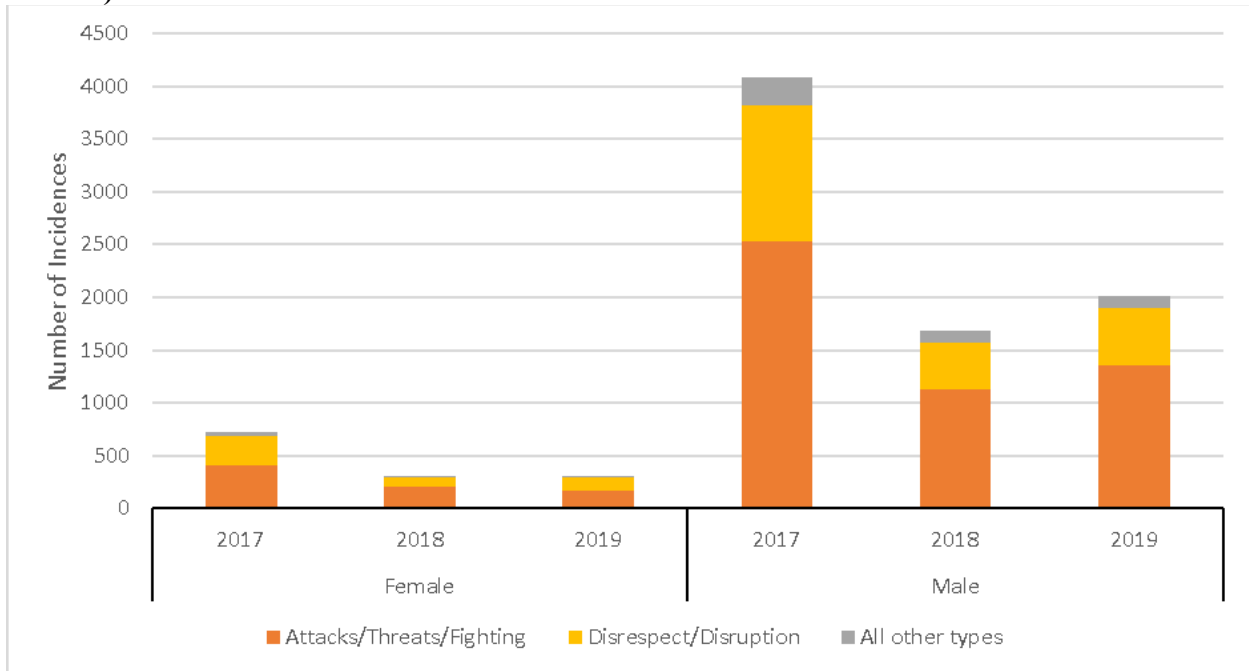
- statistics are not reported if the number of students is less than 10.

Figure 7: Pre-Kindergarten to Grade 2 Removal Incidences by Type and Gender (Percent of Annual Total)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

Figure 8: Pre-Kindergarten to Grade 2 Removal Incidences by Type and Gender (Annual Counts)



“All other types” includes arson/fire/explosives, dangerous substances, sexual offenses, weapons, and other offenses. Numbers are combined due to counts less than 10.

APPENDIX

The previous research brief explained that, although removals decreased for all student groups after the implementation of HB425/SB651, certain student groups were still suspended/expelled at higher rates (Table A1). In 2018, 1.07 percent of Black/African American students in Pre-Kindergarten to Grade 2 were removed at least once. In comparison, 0.67 percent of students of two or more races, 0.28 percent of white students, and 0.23 percent of Hispanic students were suspended/expelled. Similarly, in 2018 nearly five times as many male students were removed at least once compared to female students (0.88 percent compared to 0.18 percent), and four times as many students with disabilities (SWD) were removed at least once compared to students without disabilities (1.58 percent compared to 0.39 percent).

Table A1. Pre-Kindergarten to Grade 2 Removals (All Incidences), by Student Group

	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019
	OSSs per 100 students	Pct. of students removed at least once	OSSs per 100 students	Pct. of students removed at least once	OSSs per 100 students	Pct. of students removed at least once	OSSs per 100 students	Pct. of students removed at least once	OSSs per 100 students	Pct. of students removed at least once
American Indian/ AK Native	#	#	#	#	#	#	#	#	#	#
Asian	0.13	0.10%	0.12	0.08%	0.11	0.09%	0.08	0.05%	0.04	0.03%
Black/ African American	2.96	1.66%	3.67	1.99%	4.18	2.21%	1.76	1.07%	1.99	1.04%
Hispanic/ Latino	0.48	0.28%	0.46	0.31%	0.69	0.42%	0.33	0.23%	0.38	0.24%
Native HI/ Other Pac. Islander	#	#	#	#	#	#	#	#	#	#
Two or more races	1.43	0.92%	1.67	0.91%	2.25	1.04%	1.11	0.67%	1.22	0.69%
White	0.90	0.47%	0.98	0.56%	1.10	0.60%	0.42	0.28%	0.56	0.32%
non-SWD	1.13	0.67%	1.31	0.79%	1.55	0.89%	0.58	0.39%	0.69	0.40%
SWD	4.42	2.27%	5.26	2.61%	5.52	2.68%	2.72	1.58%	2.96	1.54%
Female	0.44	0.25%	0.51	0.31%	0.64	0.35%	0.28	0.18%	0.27	0.15%
Male	2.52	1.40%	2.99	1.64%	3.38	1.80%	1.41	0.88%	1.67	0.90%

- statistics are not reported if the number of students is less than 10.