

**Long-Term Suspensions & Expulsions and the**  
**Provision of Educational Services**

**Testimony by the Open Society Institute-Baltimore**  
**to the Maryland State Board of Education**

**April 27, 2010**

The Open Society Institute-Baltimore (OSI) applauds the State Board's decision to examine and address the issues raised by *Atanya v. Dorchester County* and by data showing the large number of children excluded from educational services and Maryland public schools for misbehavior.

For over six years, OSI has worked to highlight the overuse of suspension and expulsion and to support the adoption of positive and more effective school disciplinary policies and practices. Working in Baltimore and at a national level, OSI has focused particularly on the disproportionately negative impact that school discipline policies have had on certain Maryland children, namely those whose families and communities have few resources, who attend less successful schools, and who struggle to achieve. Since 2004, OSI has provided funding, staffing, information and advocacy to raise awareness about the negative impact of punitive disciplinary practices and to support programs that provide meaningful alternatives to these exclusionary practices. We also advocated for, supported and helped to lead a school-community task force in Baltimore that was charged with using a data-driven approach to develop a new code of conduct for City Schools. These efforts and the leadership of City Schools resulted in the adoption of a more progressive code of conduct and a drop in suspensions from over 25,000 in the 2004-5 school year to fewer than 12,000 in the 2008-9 school year.

From our longstanding involvement in this issue, we believe that it is important to acknowledge that the challenges raised by student misbehavior are not trivial, easily resolved or cheaply addressed. Public schools are now held to much higher standards for student academic outcomes, school effectiveness is determined almost exclusively by math and language arts standardized test scores, and consequences to schools and districts for failure to meet standards are themselves largely punitive. In this political context, schools too often have neither the time, incentives or resources to address student misbehavior effectively and feel that suspension is the only option.

We have also learned that there are very real differences in attitudes and beliefs about how children should be disciplined. Often, these beliefs are rooted in childhood and further shaped by long experience of adults working with children, but are not always informed by current research about children's healthy social and emotional development

and by information about how to guide behavior most effectively. As a result, there is often a very large discrepancy between how districts and schools will describe their discipline policies and practices and the actual practices.

Largely for this reason, we think it is critical for the State Board to begin with data, just as it does for matters of academic policy. Specifically, we urge it to analyze the suspension and expulsion data by district, offense type, and student characteristics, paying careful attention to issues of consistency, appropriateness and equity. Further, we urge the Board to consider broadening its focus to examine data regarding short- and long-term school exclusions and multiple suspensions, rather than focusing on just the long-term suspensions and expulsions. Further, we urge the Board to kick-off a state-wide effort that asks districts to collaborate with community stakeholders and school staff to examine the disciplinary data and research on effective school climate and student behavior practices, and then to assess whether their current policies are appropriate, equitable and effective.

Below is a summary of several key “take-aways” from our six-year effort to keep more Baltimore students in school.

As the Board noted in *Atanya*, there is an enormous amount of literature that documents the negative impact of school suspension/expulsion on children’s short-term and long-term outcomes, both in school and life. We will not review that evidence in depth here but, instead, provide our assessment of the use of suspension and expulsion in Maryland, summarize the key research findings about school exclusion practices and the characteristics of effective student behavior practices, and provide our recommendations for educational services and suspension/expulsion policies in Maryland. We hope that our testimony will be helpful to the Board as it studies and addresses the role that schools play in guiding the social, emotional and behavioral development of Maryland students.

**1. School discipline data is the starting point for understanding policies and practices in the state. Unfortunately, it points to inequitable, inconsistent and unpredictable use of suspension and expulsion across Maryland.** Considered together, State law and annual discipline data indicate that school exclusion is:

- the most serious consequence Maryland schools can impose for misbehavior;
- the most common documented, formal consequence that many Maryland schools and districts impose;
- used for every infraction students can commit, from truancy (despite the state legislature's prohibition) to arson, gun possession and other crimes;
- administered much more often to precisely those students who have access to few personal and community resources, who struggle to learn, and who are discriminated against in other parts of American society.

**2. Research on school exclusion does not support its use.** Instead, evidence shows that suspension and expulsion:

- do not result in improved student behavior;

- do not result in safe, supportive schools;
- are counter-productive, and even harmful, to schools and students when used frequently, inconsistently and inequitably;
- lower the academic achievement of suspended students and, when used widely, of non-suspended students as well;
- predict course failure and school drop-out; and
- place students, especially those from low-resource families and communities, in educational jeopardy or worse - in harm's way.

**3. School exclusion is a "Debtors' Prison" approach to dealing with student misbehavior.** Like this widely-discredited punishment, suspension and expulsion prevent students from doing what they need to do and from learning what they need to learn to become good school citizens. Instead of excluding students, schools and communities need to:

- administer consistent, predictable and logical consequences for misbehavior;
- hold students accountable for redressing the harm their behavior caused;
- teach students new, appropriate behaviors; and
- ensure that students have access to educational services so that they stay on track in school.

**4. Excluding Maryland children from public schools, without providing educational services, deprives them of the education guaranteed by the Maryland State Constitution.**

- The Constitution does not give individual districts and schools the authority to limit public education based on student behavior - or on any other student characteristic.
- In the small percentage of disciplinary cases where misbehaving students must be removed from schools to ensure the safety of others, schools must provide educational services.

**5. Based on both the research and OSI's experience working in this field, we strongly recommend that Maryland State Board of Education adopt policies that will:**

- limit school exclusions in Maryland to the most serious infractions;
- require that Maryland schools are held accountable for implementing equitable, appropriate and effective disciplinary policies and practices that are evidence-based and that result in fewer school exclusions, improved student behavior and more supportive schools;
- ensure that all students, even those who have misbehaved, receive educational services that allow them to keep pace with their classmates and learn appropriate behavior;
- increase the tracking and reporting of school exclusions to include information about the average and total number of days students are excluded for disciplinary infractions by district, school level and individual school for each year. Ensure that days excluded are reported by type of offense and student demographic and

- academic characteristics and that the type and location of the educational and behavioral services provided to the student are also reported.
- increase tracking and reporting of students arrested in schools, again ensuring that data are disaggregated by student, school, and offense characteristics.

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