



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Ann Kaiser and Vice Chair Alonzo Washington
House Ways & Means Committee
House Office Building Room
Annapolis, MD 21401

February 26, 2020

Dear Chair Kaiser, Vice Chair Washington and Members of the Committee:

I am pleased to introduce House Bill 1022 – Education – Alternative Schools – Reporting Requirements. This bill would require local boards of education to report to the MD State Department of Education on alternative schools and programs operating in their district, including student demographics, entry and exit policies, academic, mental health and extracurricular programming, measures of academic performance, student/teacher ratios and incidents of restraint and seclusion. Alternative schools serve students who have been suspended or expelled, and sometimes students who are pregnant and parenting. Nearly every school district in Maryland operates alternative programs for students who have been pushed out of their regular classroom, but there is no transparency around how well these programs are serving students compared to their peers in traditional schools¹. Similarly, there is no consistent definition of what an alternative school is or what student population it serves. A clear definition and more rigorous reporting requirements would help to ensure that all students in our state receive access to an equitable education.

Currently, 43 states and Washington, D.C. define alternative education programs in statute.² This group of states include our border states of Delaware, Pennsylvania, Virginia and West Virginia. Pennsylvania, for example, also requires annual reporting on alternative schools.³ Maryland was supposed to adopt a definition for alternative programs after they were added as an exception to the mandatory attendance law in 2012, but this never occurred in either statute or MSDE regulations.

Transparency around the quality of alternative schools is particularly important given disparities in school discipline. African American students make up 34% of the student population in Maryland, yet represent 59% of students suspended or expelled. Based research presented in the recent MD School-To-Prison Pipeline Report, we know that students of all races and backgrounds commit disciplinary infractions at similar rates, yet African American students are

¹ Porowski, A., O’Conner, R., & Luo, J.L. (September 2014). “How do states define alternative education?” *National Center for Education Evaluation and Regional Assistance*. p.13

² Ibid, p. i.

³ Alternative Education for Disruptive Youth (AEDY). *Pennsylvania Department of Education*. <https://www.education.pa.gov/K-12/Alternative%20Education%20for%20Disruptive%20Youth/Pages/default.aspx>

punished more severely for the same infraction as white students.⁴ As the report states, “discipline disparities result from inconsistent adult responses to various behaviors, not to different conduct by the students themselves.” We know that African American students and students with disabilities receive more frequent and more severe discipline than their peers and would anticipate this disparity to also be reflected in the student population sent alternative schools.

Anecdotal evidence from students across the state indicates that alternative schools in Maryland provide an inferior quality education than in traditional schools, but we would need to shine a light on practices at those schools in order to verify and address inequities. Evidence suggests that alternative programs are often designed to be inferior to traditional schools, with students receiving less in-person instruction and from less qualified teachers than their peers in traditional schools.⁵ Nationally, alternative schools have a lower level of support staff like social workers, nurses and counselors than traditional schools.⁶ We also know that transferring schools reduces students’ academic performance. Every time a student changes schools, including being transferred to an alternative program, she loses 3 months of academic progress because of breaking relationships with teachers and peers, stigma from exclusion and disruption to coursework.⁷

I am increasingly concerned that school districts across the state are opening up alternative schools and programs in order to get around state regulations on school discipline, including the pre-kindergarten to second grade suspension/expulsion ban passed in the 2017 legislative session.⁸ In my own jurisdiction, for example, Charles County Public Schools successfully opened an alternative program for pre-kindergarten to second grade students with disciplinary problems who they were not able to remove from the classroom through traditional exclusionary discipline measures. It was not the intent of the legislature to have a backdoor to Pre-K to 2nd grade suspension and expulsion through alternative school programming, and this bill would require districts to make public how students qualify to enter these programs and how they may return to mainstream, traditional classrooms. Other school districts are already taking notice of CCPS’ attempts and have made plans to open similar alternative programs for young learners against the recommendations of the legislature. In order to prevent further expansion of exclusionary discipline practices, we need additional reporting to learn how districts are using these programs.

For all these reasons, I respectfully request a favorable report on HB 1022.

Sincerely,

Delegate Debra M. Davis
District 28

Delegate Edith Patterson
District 28

Delegate Susie Proctor
District 27

⁴ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. “Final Report and Collaborative Action Plan.” December 2018.

⁵ Fedders, Barbara. “Schooling at Risk.” *103 Iowa Law Review*, Rev. 871. 2018. <https://ilr.law.uiowa.edu/print/volume-103-issue-3/schooling-at-risk/>

⁶ U.S. Government Accountability Office (2019). K-12 education: Certain groups of students attend alternative schools in greater proportions than they do in other schools. <https://files.gao.gov/reports/GAO-19-373/index.html>

⁷ Sparks, Sarah. “Student Mobility: How it Affects Learning.” *Education Week*. August 2016.

⁸⁸ Chapter 844 of 2017. <http://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0425?ys=2017RS&search=True>