

June 10, 2020

Via Email and U.S. Mail

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Re: PGCPS’ School Discipline Policies and Practices & the 2020-2021 School Year

Dear Dr. Goldson and Dr. Thornton:

The Prince George’s County Branch of the National Association for the Advancement of Colored People, the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), Disability Rights Maryland, the Office of the Public Defender, Public Justice Center, Loud Voices Together Educational Advocacy Group, Inc., and the National Center for Youth Law, write to express our continuing concerns about the discriminatory and exclusionary discipline policies in Prince George’s County Public Schools (“PGCPS”), which are now heightened by the COVID-19 pandemic and the recent high-profile killings of Black men and women. COVID-19 has laid bare the serious, at times fatal, consequences of structural racial inequality that has existed in our country for centuries. At the same time, the killing of George Floyd, Ahmaud Arbery, Breonna Taylor, and too many others have raised public awareness that entrenched racial bias remains prevalent in our country and can be deadly when police and public citizens wrongly perceive Black individuals as inherently dangerous and threatening. All children in Prince George’s County need to know that their lives are valuable. We call on PGCPS to adopt systemic reforms that will clearly demonstrate that all students in the District deserve protection, rather than overly harsh and discriminatory treatment at school.



The disparate impact of exclusionary discipline practices on Black students and students with disabilities in PGCPs is well-documented¹ and will likely be exacerbated by the ongoing pandemic unless PGCPs acts quickly. Prince George's County has been especially hard hit by the pandemic because of pre-existing racial disparities in public health.² As of June 9, 2020, Prince George's County reported 16,636 COVID-19 cases and 607 COVID-related deaths, the most cases and second-most deaths of any county in Maryland.³ This impact is consistent with national studies, which have found that COVID infection rates are significantly higher in majority-minority zip codes than in white neighborhoods,⁴ and that Black Americans are more likely to die from the virus than white Americans.⁵ Communities of color are also experiencing increased risk of personal and economic instability given the disparate racial impact of the pandemic.⁶ The compounding effects of these stressors and traumas on education is well-documented and suggests that students' social/emotional learning and health will be detrimentally affected.⁷

At the same time that Black students are at increased risk for experiencing grief due to losing family members and facing economic hardship as a result of the virus, they are also witnessing a national awakening and reckoning about the substantially disproportionate risk of police violence against Black Americans. The viral videos of unjustified police killings of Black people, and law enforcement's violent response to peaceful protests of these injustices, expose students to even more emotional and psychological stressors, during an already challenging period. At the very least, Black and Brown young

¹ See, e.g., U.S. Commission on Civil Rights, *Disparities in School Discipline in Maryland* at 26 (Oct. 2019), <https://www.usccr.gov/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>; Monica E. Goldson, *Why Prince George's County Schools are rethinking discipline policies*, WASH. POST (Jan. 11, 2019), https://www.washingtonpost.com/opinions/why-prince-georges-county-schools-are-rethinking-discipline-policies/2019/01/11/92a68816-12ad-11e9-b6ad-9cfd62dbb0a8_story.html?noredirect=on.

² Rachel Chason, Ovetta Wiggins, & John D. Harden, *Covid-19 is ravaging one of the country's wealthiest black counties*, WASH. POST (Apr. 26, 2020), https://www.washingtonpost.com/local/prince-georges-maryland-coronavirus-health-disparities/2020/04/26/0f120788-82f9-11ea-ae26-989cfce1c7c7_story.html.

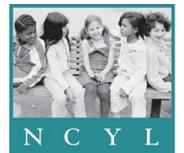
³ Rebecca Tan et al., *Known Coronavirus Deaths and Cases in D.C., Maryland, and Virginia*, WASH. POST (May 28, 2020), <https://www.washingtonpost.com/graphics/local/dc-maryland-virginia-coronavirus-cases/>.

⁴ See, e.g., Grace Hauck, Mark Nichols, Miriam Marini and Andrew Pantazi, *Coronavirus spares one neighborhood but ravages the next. Race and class spell the difference*, USA TODAY (May 20, 2020), <https://www.usatoday.com/in-depth/news/nation/2020/05/02/coronavirus-impact-black-minority-white-neighborhoods-chicago-detroit/3042630001/>.

⁵ Dr. Kesha Moore, *Structural Racism is a Public Health Crisis*, Thurgood Marshall Institute (May 2020), <https://tminstituteldf.org/wp-content/uploads/2020/05/Structural-Racism-is-a-Public-Health-v2.pdf>.

⁶ *Id.*

⁷ See Maryland Together: Maryland's Recovery Plan for Education – COVID-19 Response and the *Path Forward* 9, <http://marylandpublicschools.org/newsroom/Documents/MSDERecoveryPlan.pdf> ("Maryland's Recovery Plan for Education").



people should not have to interact with a system of policing that views them not as students, but as a threat, while at school.⁸

As the Maryland State Department of Education (“MSDE”) recovery plan recognizes, “now more than ever, it is evident that schools play a critical role in the overall whole-child development process and quality of life for families.”⁹ Students with disabilities and students who have a history of trauma are particularly likely to experience increased distress and negative educational consequences.¹⁰ It is, therefore, imperative that PGCPs immediately develop and implement improved strategies and preventative measures to ensure that students do not return this fall to overly punitive and exclusionary discipline. This is especially urgent because students will be returning to school after an extremely long period of absence from the normal academic routine and social safety net that schools provide. By the end of summer break, most students in PGCPs will have been out of school for nearly six months¹¹—and schools may not even fully resume in-person learning in the fall.¹² This represents an unprecedented disruption to the education of PGCPs students and will likely lead to new social-emotional and behavioral challenges, particularly for students who are already vulnerable and students whose education-related needs have gone unmet for months.

PGCPs must be prepared to address both the educational and the social-emotional needs of students who have been deeply impacted by school closures and other complex traumas when students return to school. For these reasons, we call on PGCPs to proactively create a transition plan for students’ return that focuses on developing and implementing effective interventions and special education related supports for students that avoid the use of exclusionary discipline. This includes determining the necessary social, emotional, behavioral and other services that cannot be adequately or appropriately provided through distance learning and beginning to plan for the provision of compensatory services as soon as possible. While we would like to work together to develop the plan’s details, we believe they should, at a minimum, include the following:

- Use of local, state, and federal CARES Act funds to hire additional teachers/aides, counselors, and social workers, as well as to expand access to school-based health clinics.
- Removal of all School Resource Officers from PGCPs, consistent with proposed resolutions currently pending before the PGCPs Board.
- Significant expansions of training and staffing in the area of restorative approaches and trauma-informed practices.

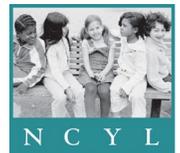
⁸ See Advancement Project, *We Came to Learn, A Call to Action for Police Free Schools* (2018), <https://advancementproject.org/wecametolearn/>.

⁹ Maryland’s Recovery Plan for Education at 9.

¹⁰ *Id.*

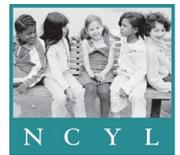
¹¹ Darran Simon, Erin Cox, & Laura Vozella, *Maryland closes schools, bans large gatherings as coronavirus shutdown expands*, WASH. POST (Mar. 13, 2020), https://www.washingtonpost.com/local/virginia-dc-maryland-coronavirusnews-thursday/2020/03/12/77d178ce-6410-11ea-acc8-80c22bbee96f_story.html.

¹² Maryland’s Recovery Plan for Education at 7-8.



- Provision of comprehensive training to a wide range of staff on law governing student discipline, the PGCPS student code of conduct, and the effective implementation of alternatives to exclusionary discipline.
- Updates to policies and administrative procedures to state the substantive standards governing extended suspensions and expulsions and to appropriately define in-school, short-term, long-term and extended suspension or expulsion in line with regulatory definitions.
- Limits to extended suspensions and expulsions to the shortest period practicable, as required by COMAR 13A.08.01.11(B).
- Termination of suspensions of students in pre-kindergarten through second grade in violation of Md. Code Ann. Educ. 7-305.1(b).
- Termination of suspensions of students for attendance-related offenses, which violates of Md. Code Ann. Educ. 7-305(b).
- Review and revision of child find policies, procedures and practices to trigger careful monitoring of students who demonstrate a pattern of interfering behaviors that impede learning for themselves and/or other students to determine possible eligibility and referral for special education services.
- Review and revision of policies, procedures and practices—and provision of appropriate school resources—related to Functional Behavior Assessments (“FBAs”) and Behavior Intervention Plans (“BIPs”), including appropriate data collection for both, with specific attention to address how FBAs, BIPs and positive behavioral interventions and supports and other strategies should be used as alternatives to exclusionary discipline.
- Contracting with an outside expert to provide training and professional development to teachers, paraprofessionals and other staff on collection of behavioral data, improvements with FBAs and BIPs, and scientific, research-based, positive behavioral interventions and supports for students with disabilities, with particular consideration of unique traumas and social and emotional needs in connection with the COVID-19 pandemic.
- Creation of a body that is accountable to parents and other stakeholders and is responsible for tracking reform efforts, with input from the community and access to the outside expert described above.

We ask that you respond in writing with a specific plan to address these issues, including the recommendations that we listed above, by July 1, 2020. We recognize the unprecedented challenges your office is facing in the midst of the COVID-19 crisis, but make these requests given the urgency of the current situation. We look forward to your response and hope we can work together to ensure the protection of the District’s most vulnerable students.



Sincerely,

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