

Board of Charles County Commissioners Approves Funding for New Alternative Elementary School that Violates State Law

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LA PLATA, MARYLAND – This week, the Board of Charles County Commissioners approved Charles County Public Schools’ (“CCPS”) FY 2020 Budget, which includes \$452,200 in funding for a new alternative elementary school that would violate a state ban on the suspension and expulsion of students in pre-K to second grade. The Fresh Start Academy (FSA) would serve as a separate, alternative school where students in kindergarten through second grade, who are removed from their regular classrooms for disruptive behavior, would be required to attend for a period of 45 days. Under state law and regulations, such a removal is considered an illegal suspension.

The Commissioners’ Tuesday vote approving the funding occurred hours before the Board of Education held a public hearing on the proposed alternative school. At that hearing, the Charles County NAACP (CCNAACP) criticized the Board’s decision to vote on the FSA proposal without waiting to receive public input that evening demonstrated a lack of transparency and fairness. “What about the general public?” asked CCNAACP member Clay Williams. “We’re just now having our first public town hall to address the concerns that are going to affect our kids and our community.”

In addition, several parents and advocates explained how removing students from the regular classroom will stigmatize Charles County’s youngest learners and pose a serious risk to their future academic success.

“When students are forced into alternative settings, they go on to be chronically absent, they earn fewer credits, and they’re ultimately unsuccessful in school,” said Shamoyia Gardiner, Education Policy Senior Associate at Advocates for Children and Youth. “We know that [students] will be labelled because kids know, especially in kindergarten, about sorting, about what does and does not belong. And FSA tells students that some of them just don’t belong.” Moreover, young children who are pushed out of school often end up in the juvenile justice system, feeding the “school-to-prison pipeline,” explained Neeta Pal, Office of the Public Defender.

Advocates also expressed concern that the new school would likely have the unintended result of segregating students by race and disability. Students of color and students with disabilities are already disproportionately disciplined in Charles County schools. Nicole McCann of the ACLU of Maryland highlighted these disparities: “During the 2017-2018 school year, Black students made up 55% of the total student population in Charles County Public Schools, but they comprised 79% of students who were suspended or expelled at least once. Students with disabilities made up 12% of the total student population but comprised 19% of students who were suspended or expelled at least once.”

These statistics suggest that the students sent to the alternative school would also be disproportionately students of color and students with disabilities, raising concerns about potential violations of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. “I’m sad to hear what is happening because what we’re doing is revisiting *Brown [v. Board of Education]*,” said Jo Saint-George of the Maryland NAACP. “Separate is not equal.”

Advocates recommended that CCPS should instead invest the \$452,200 in supports that help students thrive in their regular classrooms, such as hiring behavioral specialists and mental health staff, funding training for existing staff, and implementing restorative practices. Amanda White, attorney at Disability Rights Maryland, stated, “When we remove students...from the classroom to receive services in an alternative setting, we are really depriving ALL of our students... [P]roviding those supports in a regular education program can benefit everyone in that classroom.”

Monisha Cherayil, attorney at the Public Justice Center said, “Providing non-removal interventions for students and expanded and increased supports for teachers, who absolutely do need help to manage their classrooms, would be the lawful and the far more effective use of the investment that CCPS has proposed.”

Video of the public hearing held on Tuesday, May 14, is available [here](#).

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