



Testimony before the District of Columbia Council

Committee on Education

February 4, 2015

**Public Hearing on *Pre-K Student Discipline Amendment Act of 2015 (B21-0001)*
and Student Discipline Practices and Procedures in Public Schools**

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Introduction

Good afternoon Chairman Grosso and members of the Committee. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Nearly all the children we represent attend DC public schools.

Thank you for introducing this bill and for holding the first Committee on Education hearing of this session on the topic of student discipline. Your leadership on this issue is so important. We very strongly agree with the vision you have articulated that it is the responsibility of our entire city to put our children in a position where they can learn and engage.² I also appreciate your emphasizing that the point that tackling poverty, addressing trauma and ensuring mental health services are accessible and high-quality is a fundamental part of ensuring academic success.

I am pleased to testify in support of the *Pre-K Student Discipline Amendment Act of 2015*. I am also here to urge you to amend this legislation so that thousands of other children in the District in kindergarten through twelve grade, who are currently being excluded from our schools every year, can also be given the chance to learn and succeed. My testimony today will explain: 1) my support for ensuring pre-kindergarteners remain in the classroom; 2) how many of our older students are being excluded from school; 3) the negative impacts of suspension and; 4) the types of positive school discipline we need in DC.

The Proposed Legislation is a Great Beginning

This legislation is a good first step towards dismantling DC's school-to-prison-pipeline. It prohibits the suspension or expulsion of any student of pre-kindergarten age from any publicly funded pre-kindergarten program.³ The early years of a child's

life are when their brains are rapidly developing; during these years a child is highly influenced by his or her experiences with families and caregivers. A child's earliest school experiences must set the stage for school success, not failure. Suspension and expulsion in early childhood settings are extremely stressful and negative experiences which should be prevented.⁴ Suspending three and four year olds for things such as temper tantrums, swearing and not being able to properly use the bathrooms (all documented as reasons why DC schools suspended Pre-K students in past years)⁵ which are all typical behavior for young children, is clearly inappropriate.

The legislation also establishes annual reporting requirements for each local education agency which will ensure there is detailed information on suspensions and expulsions. This information is critically important. I would also urge the Committee to require that OSSE provide technical assistance to schools that are suspending and expelling students at a higher rate than their peer schools.

School Exclusion Is a Problem for Students in all Grades

Unfortunately, the negative consequences that come with suspension and expulsion are as true for older children as they are for our pre-kindergarteners. As you have noted, Councilmember Grosso "the adverse effects of out of school suspension and expulsion on a student can be profound. Studies show that suspended/expelled students are more prone to low achievement – none show that this discipline improves behavior or safety."⁶ That is why this bill should be amended to help these older students as well.

In its recent report on suspension and expulsions in the District, OSSE revealed some highly troubling statistics.⁷ I want to highlight a few of those findings:

- There were 181 pre-K suspensions during the 2012-2013 school year.
- There were 10,000 students of all ages suspended during the 2012-2013 school year.

- Children are suspended throughout the elementary school years, but there is a big spike in 6th through 9th grade.
- Students under the care of DC's child welfare system were more than two times more likely to be disciplined than other students.
- Student who are low-income were also more likely to be disciplined than their wealthier peers.⁸
- Students who have disabilities and receive special education services also experienced higher rates of discipline.

One of the most upsetting statistics that the OSSE report uncovered was that African-American students in the District were almost 6 times as likely to be suspended or expelled as white students. School push-out is not just a school discipline issue, it is very much an issue of racial justice.

Let's be clear about who these students are who are being disciplined. When the Every Student Every Day Coalition analyzed additional data from the 2011-2012 school year (the most recent school year for which should data is currently available), it found that the vast majority of DCPS suspensions were for nonviolent offenses – situations involving no weapons, no drugs and no injury to another students. The three most common behaviors that resulted in school suspension from DCPS were 1) causing disruption on school property or at a DCPS-sponsored or supervised activity; 2) fighting involving no injury and no weapon; and 3) engaging in reckless behavior that could cause harm to self or others.⁹

Because so many older students are suspended, and because the vast majority of them are suspended for misbehavior which was not violent, I urge this Committee to pass a bill which limits the behaviors that can serve as grounds for suspension for *any* student – in Pre-K through 12th grade -- to those in which the student poses a danger to the safety of the school community.

Negative Effects of Suspension and Expulsion

A more inclusive bill is necessary because, as you know, out of school suspensions and expulsions have an extremely negative impact on the student being disciplined. Think about the message we send to the District's majority African-American children when, instead of teaching them and getting to the root of what is causing their behavior, we kick them out of school? When we tell them, at eight years old or twelve years old, that adults don't care enough to figure out what they need, but instead we just want to get rid of them? We have to do better for these kids.

Moreover, research shows that suspension does not produce the desired effect – a student doesn't learn from his or her behavior and come back to school ready to behave and learn. In fact, just the opposite is true -- suspension and expulsion is correlated with decreased academic performance, dropping out, substance abuse and criminal activity¹⁰. A study of nearly one million students in Texas study found that 31% of students who were suspended or expelled repeated a grade at least one time.¹¹ This same study showed that students who have been suspended or expelled were almost three times as likely to be referred to the juvenile justice system the following year.¹²

Not only does school exclusion negatively impact the individual student, it is also detrimental for the entire school community. One might think that pushing out students who misbehave would at least be helpful for the well-behaved students in that it would allow them to learn in a more orderly environment. But this actually is not the case. Studies have found that higher rates of suspension and expulsion do not increase school safety or academic performance for the rest of the student body.¹³ When a school relies on suspension and expulsion as its means of discipline this can erode the trust between students and school staff and undermine efforts to create the positive school climate that is needed to engage students and achieve academic success.¹⁴ A study of almost 20,000 middle and high school students who had not been suspended found that

their test scores significantly decreased if they attended schools that had high rates of suspension and expulsion.¹⁵

Alternatives to Suspension and Expulsion

Suspension and expulsions, except for as a last resort for students who pose an imminent danger to others, are inappropriate tools for holding students accountable. In order to help all students learn, schools should employ more effective methods for preventing and addressing misbehavior. This is hard work and we should acknowledge this. Secretary of Education Arne Duncan said it well in his Department's Introduction to *Guiding Principles, A Resource Guide for Improving School Climate and Discipline*, "it is difficult work to create schools that are safe and free of violence, where teachers can concentrate on teaching and, to the greatest extent possible, all students are in class and focused on learning. But it is possible."

There are many evidence-based positive disciplinary approaches that keep students in school while also setting limits, teaching responsibility and appropriate behavior. DC already has a few of these programs in some of our schools and we need to bring them to scale. For example, the Department of Behavioral Health (DBH) has a well-reviewed program,¹⁶ Healthy Futures, in 26 child care centers. Healthy Futures clinicians work with child care providers and coach them on how to work with children who are exhibiting difficult behavior rather than resorting to suspension or expulsion. But this program is only in 5% of the District's child care centers. We need to expand this program. The same is true for DBH's school-based mental health program which is only in 33% of District schools.¹⁷ Additionally, there are school wide programs that work to create a better school climate such as positive behavioral intervention and supports (currently in nine schools in the District¹⁸) and restorative justice models.¹⁹

Other cities and states are leading the way in school discipline and showing us what is possible. For example, San Francisco Public Schools cut their suspension rate by 50% in three years by expanding support programs for students and adopting a new

Safe and Supportive Schools policy that favors restorative practices over suspension.²⁰ Denver Public Schools reduced out-of-school suspensions by 40 percent by replacing punitive measures with practices like restorative justice.²¹ Pittsburgh Public Schools will implement restorative practices in half of its 50 public schools in 2015-17.²²

Along with outlawing suspensions and expulsions the Council should provide funding for schools to implement these alternatives programs that promote a positive school climate and provide necessary services to students and teachers. We can't simply take away the negative approach too many schools have been using without replacing it with something positive. This legislation should do both.

Conclusion

Thank you for championing this issue, Mr. Grosso, for introducing this bill and for bringing us all here today to discuss this important topic. I look forward to working together to ensure our schools are welcoming all students, that our principal and teachers have the training and resources they need to implement positive disciplinary approaches and that our students are in school every day and succeeding.

1 Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

2 Michael Alison Chandler, Grosso outlines broad approach to education reform, Washington Post (Jan. 15, 2015).

3 The proposed legislation allows for Pre-K suspensions if "the school or program administrator determines that the student has committed one of the following acts: 1) willfully caused or attempted to cause, or threatened seriously bodily injury to another person, except in self-defense; 2) possessed, sold, or otherwise furnished a firearm, knife, explosive, or dangerous object; or (3) unlawfully possessed, used, sold, or otherwise furnished or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind." We recommend these exceptions be reconsidered so that they are more narrowly and specifically tailored towards the type of behavior a 3 or 4 year might be capable of exhibiting and the types of behavior which would warrant suspension/expulsion for a young child (versus another type of intervention for the family).

4 U.S. Departments of Health and Human Services & Education, Policy Statement on Expulsion and Suspension Policies in Childhood Settings.

5 Office of the State Superintendent of Education, Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools, 19 (June 2014).

6 @cmdgrosso (tweeter feed) (Jan. 16, 2015)

7 Office of the State Superintendent of Education, Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools (June 2014).

8 Students from low-income families in DC schools, as measured by eligibility for free and reduced-price lunch, were 1.3 times more likely to be disciplined than students whose families were not low income. Students from families eligible for Temporary Assistance for Needy Families or the Supplemental Nutrition Assistance Program were 1.5 times more likely to be disciplined than students not participating in these assistance programs. Students who were homeless at some point during School Year 2012-2013 and attending DC schools, were nearly 1.2 times more likely to be disciplined than those who were not homeless. Office of the State Superintendent of Education, Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools, 7 (June 2014).

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- 9 DC Lawyers for Youth, District Discipline: The Overuse of Suspension and Expulsion in the District of Columbia, 6 (June 20, 2013).
- 10 “Out-of-school suspensions and expulsions can affect a student’s future emotional and educational well-being, as research suggests that school exclusion actually increases the likelihood that students will misbehave in the future, become truant, fail to graduate, develop substance abuse issues, or encounter the juvenile justice system.” Office of the State Superintendent of Education, Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools, 9 (June 2014).
- 11 Justice Center, Council of State Governments and Public Policy Research Institutes, Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement, 13 (July 2011).
- 12 Justice Center, Council of State Governments and Public Policy Research Institutes, Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement, 14 (July 2011).
- 13 A review of quantitative research conducted by the American Psychological Association found that more frequent usage of suspension and expulsion was associated with lower academic achievement across the school’s entire student body, even when controlling for demographic factors and socioeconomic status. Russell Skiba et al., American Psychological Association Zero Tolerance Task Force, Are Zero Tolerance Policies Effective in the Schools, 5 (Dec. 2008).
- 14 U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate, 8 (Jan. 2014).
- 15 Brea L. Perry, Edward W. Morris, Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools, American Sociological Review, Vol.79(6), 1067-1087 (2014).
- 16 Deborah F. Perry, Sarah Deardorff, Georgetown University Center for Child and Human Development, Healthy Futures: Year Two Evaluation Report, Prepared for the District of Columbia Department of Mental Health (Sept. 2012). Through the Healthy Futures Project licensed mental health professionals provide weekly on-site mental health consultation services to directors and staff at child development centers. These consultations are aimed at building the capacity of staff to reduce children’s challenging behaviors and promote positive social-emotional development. The evaluation found that the program is overall very successful in improving the emotional climate of the classrooms, improving staff’s ability to respond appropriately to children in distress and refer children and families to mental health services.
- 17 Legislation adopted in 2012, the South Capitol Street Memorial Amendment Act, set a goal of having mental health programs in 50 percent of DC schools by school year 2014-15 and in all schools by 2016-17. Yet funding through FY 2015 is only sufficient to locate the program in 77 schools (36 percent of all schools). Soumya Bhat and Jenny Reed, DC Fiscal Policy Institute, Unlocking Opportunities: Services that Help Poor Children Succeed in the Classroom, Part 4 Helping Students Facing Mental Health Challenges, (Oct.8, 2014).
- 18 Soumya Bhat and Jenny Reed, DC Fiscal Policy Institute, Unlocking Opportunities: Services that Help Poor Children Succeed in the Classroom, Part 4 Helping Students Facing Mental Health Challenges, (Oct.8, 2014).
- 19 During the 2014-2015 school year, OSSE’s Division of Elementary, Secondary and Specialized Education, in partnership with the non-profit community justice organization Community Conferencing Center, is hosting professional development opportunities for LEAs on building a positive school climate through restorative practices and positive behavior supports. OSSE is hosting a two all-day trainings and 6 follow-up sessions. LEA teams are brought together monthly.
- http://osse.dc.gov/sites/default/files/dc/sites/osse/event_content/attachments/Restorative%20Practices%20Application%2010.21.pdf
- 20 Laura Dudnick, SFUSD cuts student suspension rate in half, San Francisco Examiner (July 3, 2014).
- 21 Dignity in Schools, Fact Sheet: Creating Positive School Discipline http://www.dignityinschools.org/sites/default/files/Creating_Positive_Discipline_Fact_Sheet.pdf
- 22 Joshua Wachtel, Pittsburg in groundbreaking project to make schools safer, Restorative Works learning network (October 15, 2014).