



EDUCATORS FOR EXCELLENCE

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Dear Secretary DeVos and Attorney General Sessions,

We — educators, advocates, and leaders dedicated to making bold progress toward educational equity — are writing to express our fervent hope that the United States Department of Education (ED) and Department of Justice (DOJ) maintain the federal guidance addressing racial and other disparities in school discipline.

We, the undersigned, wish to make it clear that our community supports the federal guidance on erasing racial and other disparities in school discipline and are committed to individual and collective action on rethinking school discipline.

We take our commitment to students and families very seriously: not only to provide them with an excellent education that affords them access the fullest range of life options, but also to ensure they are emotionally and physically safe and supported. Research shows that exclusionary discipline, such as out-of-school suspensions and expulsions, can be harmful to students and can negatively impact both their short-term school achievement and long-term life outcomes.ⁱ This harm, as illuminated by the federal government's increased efforts to collect, analyze and publish data, shows clear biases in who receives harsh punishments — despite efforts to make policies and practices more fair.

The data on school discipline disparities tells a story many of us have experienced first-hand:

- In 2011, the Council of State Governments published a methodical and rigorous study, [Breaking Schools' Rules](#), which found that Black students are disproportionately suspended and excluded from school, compared with their peers.
- Subsequent research, including data from the [2013-14 federal Civil Rights Data Collection](#), found that students with disabilities and students of color are also disproportionately punished compared with their peers.
- Other studies in the past five years have pointed out lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQQ) students face similarly disparate discipline outcomes.ⁱⁱ
- Studies have also shown that Black girls and Native American girls are more likely to be suspended from school than their white peers.ⁱⁱⁱ
- While data on disproportionality in exclusionary discipline is less egregious for Latino students than Black students, there is evidence that ethnic minorities are more likely to be in schools with harsh disciplinary policies and to be suspended or expelled. We also know that students of immigrant families experience explicit and implicit discrimination in schools, and that has an impact on their performance.^{iv}
- A [2018 study by the bipartisan U.S. Government Accountability Office](#) affirmed racial disparities in students' discipline. And the recently-released [2015-16 federal Civil Rights Data Collection](#) confirms the GAO's finding that inequities persist. For example, Black boys represent only 8% of the population, but account for 25% of students receiving one or more suspensions and 23% of the expulsions. Students with

disabilities represent 12% of school enrollment, but account for 28% of law enforcement referrals and 26% of those receiving one or more suspensions.

In 2014, ED and DOJ issued guidance to assist states, districts, and schools to develop practices and strategies to enhance school climate, develop discipline policies that keep students in the classroom, and ensure those policies and practices comply with existing federal civil rights law. Current Secretary of Education Betsy DeVos has publicly stated that she is contemplating revoking the federal guidance, despite the overwhelming evidence cited above.

As leaders dedicated to the intersection of excellence, equity, and education, we agree on the following:

- ***The federal government has an important role to play in upholding students' civil rights and can do so without stifling important local autonomy.*** *We recognize our country has a rich tradition of states' rights and local decision-making, but we also know that existing civil rights laws and regulations mandate the federal government ensure the rights of citizens are protected. Throughout history, the federal government has been appropriately called upon to ensure "...no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving federal financial assistance." We believe that the federal government has a responsibility to protect the civil rights of all students, including addressing disproportionality in school discipline.*
- ***We all have to take responsibility for rethinking discipline because the consequences of inaction are dire.*** *It is unacceptable that students of color, students with disabilities, and students who identify as LGBTQQ experience harsher discipline than their peers. Exclusionary discipline, such as suspensions and expulsions, are linked to students failing in school, to students not finishing school (either because they drop out and/or are pushed out), and often to a lifetime connected to a life-altering juvenile and adult justice system. And while it is not yet possible to specifically isolate just how much these disparities are caused by adult biases, we know that bias plays a significant role. The federal government, states, and all of the organizations we represent must be concerned when the very institutions charged with educating students cement patterns of racial and other discrimination. We can and must do better.*
- ***One size does not fit all when it comes to approaches to student discipline — but research can point the way.*** *Each of our organizations may take different approaches to things like classroom rules, when we think it is acceptable to exclude a student from class, how we respond to student missteps, and when we engage families if there are behavior concerns. But we are all dedicated to supporting the healthy identity development of young people. This means we craft school design and policy decisions knowing that shaming and discrimination are incompatible with creating the conditions required for student learning and growth. We know students thrive if they are engaged in*

deep and trusting relationships with adults, including in times of conflict. We also know there are ways to hold students accountable for their behavior that doesn't exclude them from school. We believe students can learn skills related to behavior like self-regulation and flexibility; these are not fixed characteristics. We recognize reducing suspensions or other exclusionary practices, while maintaining high expectations, requires investments in training and alternative practices.

- ***We are dedicated to both the physical and emotional safety of students and staff — and reject the notion that you have to prioritize one over the other.*** *The recent proliferation of school shootings is causing educators at all levels to pay even closer attention to school safety measures. We agree with common sense approaches that secure the perimeters of schools, train school staff in identifying students in need of support beyond the capacity of the school, and partner with well-trained, respectful school safety officers. But we also know that further criminalizing student behavior or adding police-like security measures doesn't make schools safer and can lead to further discrimination and isolation of students^v, particularly students of color. Schools are safer when there is a strong peer culture where students treat one another with respect and dignity — and adults model this same approach to relationships. Despite sweeping claims by pundits, there is no evidence that the federal guidance has made schools more unsafe^{vi}. To the contrary, many of us know the guidance accelerated important changes in policies, practices, and capacity within our organizations.*

We recognize that rethinking school discipline will take time and that each of us will be on our own unique journey. But together, we are committed to making demonstrable progress in stemming the school-to-prison pipeline. We believe the overwhelming evidence of racial and other biases in school discipline warrants action by the federal government — and will continue to catalyze long-overdue change. We hope ED and DOJ remain partners in this critical work and do not roll back the common sense guidance aimed at protecting students' civil rights.

Submitted respectfully by:

Charter Organizations

ACE Charter Schools
Achievement First
Alliance College-Ready Public Schools
Alpha Public Schools
Chicago Collegiate Charter School
Democracy Prep
Green Dot California
Green Dot National
Green Dot Tennessee
Green Dot Washington
Harlem Village Academies
IDEA Public Schools
KIPP Foundation

KIPP Massachusetts
KIPP Texas Public Schools
LEARN Charter School Network
Rocketship Public Schools
Summit Public Schools
Voices College-Bound Language Academies

State and District Leaders

The Council of the Great City Schools
Tom Boasberg, Superintendent of Denver Public Schools
Steve Canavero, Ph.D., Superintendent of Public Instruction, Nevada Department of Education
Richard Carranza, Chancellor, NYC Department of Education
Brenda Cassellius, Ed.D., Commissioner of Education, Minnesota Department of Education
Tommy Chang, Ed.D., Former Superintendent of Boston Public Schools
Chad E. Gestson, Ph.D., Superintendent, Phoenix Union High School District
Eric S. Gordon, CEO, Cleveland Metropolitan School District
Christina Grant, Assistant Superintendent of the Innovation and Opportunity Network, The School District of Philadelphia
William R. Hite, Jr., Ed.D., Superintendent, The School District of Philadelphia
Barbara Jenkins, Ed.D., Superintendent of Orange County Public Schools
Jason Kamras, Superintendent of Richmond Public Schools
Christopher N. Maher, Superintendent of Providence Schools
Pedro Martinez, Superintendent of San Antonio Independent School District
Rich K. Nye, Ph.D., Superintendent of Ogden Public Schools
Robert Runcie, Superintendent of Broward County Public Schools

Education Organizations

American Federation of Teachers
Being Black at School
Blue Engine, Anne Eidelman, CEO
Bright Beginnings, Inc
CASEL, Roger Weissberg, Chief Knowledge Officer
Democrats for Education Reform
EdNavigator
Ednovate
Education Forward DC, Maura Marino, CEO
Education Leaders of Color
Education Reform Now
Educators for Excellence
Forward Change Consulting
Leading Educators, Jonas Chartock, Ed.D, CEO
Massachusetts Parents United, Keri Rodrigues, Founder
National Association of Secondary School Principals
New Leaders, Jean Desravines, CEO
NYC Leadership Academy
Pahara Institute, Adria Goodson, Chief Program Officer,
Pahara Institute, Kimberly C. Smith, Chief Executive Officer

Ripple Effects
Stand for Children
Stand for Children - Tennessee
Teach For America, Elisa Villanueva Beard, CEO
Teach Plus
The Broad Center
The Discipline Revolution Project
The Education Trust
The Fellowship: Black Male Educators for Social Justice
Third Way Solutions
TNTP, Dan Weisberg, CEO
TNTP, Dr. Jack L. Perry
TNTP, Joseph Hettler
Turnaround for Children, Brigid Ahern, CEO

Other

Sims-Fayola Foundation
Travis J. Bristol, Ph.D., Peter Paul Assistant Professor at Boston University
Wheelock College of Education and Human Development
Felecia Evans, Principal, Lander Elementary School, Ohio
Ron Rapatalo, Education Consultant

Additional Signers after July 10, 2018

ACCSES
Allies for Educational Equity
American Association of People with Disabilities
Bazelon Center for Mental Health Law
Center for American Progress
Clearinghouse on Women's Issues
Council for Exceptional Children
Council for Learning Disabilities
Council of Administrators of Special Education
Council of Parent Attorneys and Advocates
Division for Early Childhood of the Council for Exceptional Children (DEC)
EdAllies
GLSEN
Hebrew Public
Higher Education Consortium for Special Education
Human Rights Campaign
Jim Kohlmoos EDGE Consulting LLC
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Disability Rights Network
School Social Work Association of America
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc of the U.S.

CC:

Kenneth L. Marcus, Assistant Secretary for Civil Rights

Frank Brogan, Assistant Secretary of Elementary and Secondary Education

Candice Jackson, Deputy Assistant Secretary for Strategic Operations and Outreach

Jason Botel, Principal Deputy Assistant Secretary of Elementary and Secondary Education

ⁱ Losen, D., Skiba, R. *Suspended Education: Urban Middle Schools in Crisis*. (2010). available at https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/Suspended_Education.pdf; Monahan, K.C., VanDerhei, S., Bechtold, J. et al. (2014). *Youth Adolescence* 43: 1110. <https://doi.org/10.1007/s10964-014-0103-1>; Perry, B.L., and Morris, E.W. (2014). *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools* Perry, *American Sociological Review*. Vol 79, Issue 6, pp. 1067 – 1087; Rosenbaum, J. *Educational and Criminal Justice Outcomes 12 Years After School Suspension*. (2018). Available at <http://journals.sagepub.com/doi/abs/10.1177/0044118X17752208?journalCode=yasa>

ⁱⁱ Himmelstein, K. E. W., & Bruckner, H. (2011). *Criminal Justice and School Sanctions Against Nonheterosexual youth: A National Longitudinal Study*. *Pediatrics*, 127(1), 49-57; Poteat, V. P., Scheer, J. R., & Chong, E. S. K. (in press). *Sexual orientation-based disparities in school and juvenile justice discipline practices: Attending to contributing factors and evidence of bias*. In R. J. Skiba, K. Mediratta, & M. K. Rausch (Eds.), *Inequality in school discipline: Research and practice to reduce disparities*.

ⁱⁱⁱ Onyeka-Crawford, A., Patrick, K., and Chaudhry, N. (2017). *Let Her Learn: Stopping School Pushout for Girls of Color*. National Women’s Law Center, available at https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/final_nwlc_GirlsofColor.pdf

^{iv} Welch, K., Payne, Allison Ann. (2018). *Latino/a Student Threat and School Disciplinary Policies and Practices*. available at <http://journals.sagepub.com/doi/abs/10.1177/0038040718757720>; Adiar, Jennifer Keys. (2015)

The Impact of Discrimination on the Early Schooling Experiences of Children from Immigrant Families. available at <https://www.migrationpolicy.org/research/impact-discrimination-early-schooling-experiences-children-immigrant-families>

^v Justice Policy Institute. (2011). *Education Under Arrest: The Case Against Police in Schools*. available at http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf;

Nance, J. (2016). *Students, Police, and the School-to-Prison Pipeline*, 93 *Wash. L. Rev.* 919, available at <http://scholarship.law.ufl.edu/facultypub/766>

^{vi} Gray, A., Sirinides, P., Fink, R., Flack, A., DuBois, T., Morrison, K., & Hill, K. (2017). *Discipline in context: suspension, climate, and PBIS in the School District of Philadelphia*. Research Report (#RR 2017–4). Consortium for Policy Research in Education, University of Pennsylvania.