



RHODE ISLAND KIDS COUNT

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Testimony Re: Senate Bill 2168 Regarding School Discipline
Senate Education Committee
March 9, 2016
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Madam Chair and members of the Committee, thank you for the opportunity to provide testimony today. Rhode Island KIDS COUNT would like to voice its strong support for Senate Bill 2168. This bill has two important provisions:

- (1) **Addresses Disparities in School Discipline:** This bill would require that superintendents (or their designees) review their district's school discipline data on an annual basis and determine if the discipline being imposed has a disproportionate impact on students based on race, ethnicity, or disability status. Districts would be required to appropriately respond to any findings on disparities and submit an annual report to the Council on Elementary and Secondary Education describing what actions, if any, are being taken to address disparities.
- (2) **Limits the Use of Out-of-School Suspensions:** This bill would also limit the use of out-of-school suspension to students who represent a "demonstrable threat to students, teachers or administrators" or who exhibit "persistent conduct which substantially impedes the ability of other students to learn...and who has failed to respond to corrective or rehabilitative measures presented by staff, teachers, or administrators."

Let me describe why we support each of these provisions.

Provision Addressing Disparities in School Discipline

Nationally, low-income, minority, and special needs students are overrepresented in school suspensions and receive disproportionately severe disciplinary actions compared with higher-income students, White students, and students without disabilities. This disproportionate use of suspensions has received increased attention at the national level from the U.S. Departments of Education and Justice who together have produced a number of resource guides to help schools improve school climate and reduce the use of suspensions and the disproportionate impact on racial/ethnic minorities.

- **Minority students:** In Rhode Island during the 2013-2014 school year, minority students made up 39% of the student population, but received 57% of all disciplinary actions.
- **Children with special needs:** That same year, 15% of Rhode Island students were in special education, but these students accounted for 30% of all disciplinary actions and 26% of all students disciplined.

National research shows that there is no evidence that racial disparities in school discipline can be explained by more serious patterns of rule-breaking among minority students. In fact, there is evidence that racial/ethnic disparities are greater in offense categories, such as disrespect or disorderly conduct, that are subjective, than in offense categories that are objective, such as drug possession or carrying a weapon.

The U.S. Department of Education, Office of Civil Rights' Mandatory Civil Rights Data Collection already requires that states report data on disciplinary actions by race and ethnicity. Districts already report the information this bill requires to the Rhode Island Department of Education (RIDE). This bill would not require additional data collection, but would require that this information be reviewed and encourage action to reduce identified disparities.

Provision Limiting Out-of-School Suspensions

Nationally and in Rhode Island, schools use suspensions to address minor infractions, such as disrespect, disorderly conduct, and using electronic devices in schools, as well as for more serious offenses, such as drug offenses and weapons possession. Guidance from the U.S. Departments of Education and Justice provides suggested strategies that schools and districts could implement to improve school climate and discipline. These recommendations include setting high expectations for student behavior, using evidence-based practices (e.g., Positive Behavioral Interventions and Supports – PBIS and restorative justice practices) to better manage student behavior, providing professional development focused on engaging instruction and promoting positive behavior, and developing and enforcing disciplinary practices that ensure the equitable, appropriate, and limited use of suspension.

Rhode Island is already making great progress. In 2012, the Rhode Island General Assembly passed a law prohibiting schools from using a student's absenteeism as the sole basis for an out-of-school suspension and since then we've seen major declines in out-of-school suspensions statewide. But there is still an opportunity to do more.

National research shows that suspension does not deter students from misbehaving and may actually reinforce negative behavior. Suspended students are more likely than their peers to experience academic failure, juvenile justice systems involvement, disengagement from school, isolation from peers, and dropping out of school. In fact, being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out of high school.

Better understanding when disciplinary actions are imposed disproportionately on minority and special education students or when students receive more severe punishments than their actions warrant would allow us to ensure that disciplinary policies support students, teachers, and schools; do not exacerbate racial/ethnic disparities in educational opportunities and outcomes; and do not push youth out of school.

Thank you for the leadership that the General Assembly has shown on this issue and for the opportunity to testify today. We hope that you will swiftly pass this bill out of committee and bring it to the full Senate for a vote since a similar bill (Senate Bill 299 Sub A) was passed by the Senate during the 2015 session and we know it has broad support. Thank you for the opportunity to testify.