



Exclusion of Students with Disabilities Fact Sheet

EVERY STUDENT EVERY DAY

Ending DC's School-to-Prison Pipeline

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society.”

- Congressional Declaration from the Individuals with Disabilities Education Act¹

Unfortunately, the reality in D.C. is that students with disabilities are over twice more likely to be suspended than students without disabilities.² Because of the direct link between suspension rates and school failure,³ meaningful, evidence-based interventions are needed to ensure all of our children can access the education they need to become strong members of our community.

SY16-17 Quick Facts⁴

- Students with disabilities represented 16% of all students expelled.
- Students with disabilities represented 28% of students who received an out-of-school suspension, but only 14.7% of all students.
- Students with disabilities were 2.45 times more likely to be suspended than students without disabilities.⁵
- Students with disabilities were 1.75 times more likely to be suspended multiple times.

Suspensions = Inequitable Expectations

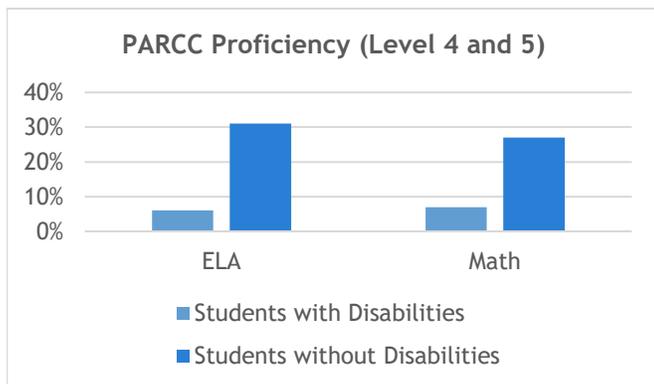
Children with disabilities are often suspended for behavior directly caused by or related to their disability. Current law allows children with disabilities to be suspended for up to two weeks of school, before creating a right to additional interventions and appropriate supports. For example:

- A child who is Deaf and, for a number of disability-related reasons, is unable to respond appropriately to a teacher's oral instructions can be suspended for defiance and disruptive behavior.
- A child with ADHD, who cannot remember multi-step directions or remain focused on a task, can be suspended if unable to respond appropriately to a teacher's oral instructions.

Both these children have a much higher likelihood of running afoul of the school's code of conduct. But, to suspend them would be to punish them for their disability and diminish their right to participate in their education.

Suspensions = Lost Instructional Time

In-seat, instructional time is critical for the academic achievement of all students, but particularly for those with disabilities. For example, results of the recent PARCC scores show that only six percent of students in special education are proficient in English/Language Arts (ELA) and seven percent in Math, compared to 31% ELA and 27% Math for students not in special education.⁶



Despite having Federal civil rights protections, children with disabilities are disproportionately likely to lose instructional time from out-of-school suspensions. Students with disabilities represented 28% of all students who received at least one out-of-school suspension last year, even as they are only 14.7% of the student population.⁷ They were 1.75 times more likely to receive multiple suspensions than students without disabilities.⁸

Footnotes

¹ 20 U.S.C. § 1400(c)(1).

² Calculation by Children’s Law Center based on data from OSSE (2017). *State of Discipline: 2016-17 School Year*, p. 34.

³ 49% of all students entering high school with three or more suspensions on their record eventually drop out, and students suspended just once in 9th grade are twice as likely to drop out as their peers who were not suspended. See, Robert Balfanz, et al, *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade*, available at: <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/>.

⁴ OSSE (2017). *State of Discipline: 2016-17 School Year*. https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2016-17%20School%20Year%20Discipline%20Report.pdf

⁵ *Supra* note 2.

⁶ OSSE (2017). *2017 DC PARCC Results*, p. 16.

⁷ *Supra* note 4 at p. 34.

⁸ *Supra* note 2 at p. 35.

How Will the Student Fair Access to School Act of 2017 Help?

This bill establishes students’ rights that directly address causes of and effect from the overuse of suspensions and expulsions for children with disabilities, while maintaining a school or parent/child’s rights to legally challenge disciplinary decisions or service provisions where there is disagreement.

| Current Law | Student Fair Access to School Act |
|---|---|
| There is no standard for interventions until a student with a disability has been suspended for more than two weeks, cumulatively. | Creates space for school and families to discuss needed services and supports <i>before</i> suspensions become chronic or recurring. |
| Knowledgeable members of a child’s educational team do not need to get involved until after the 10th day of exclusion. | Including those with knowledge of the child’s disability in a discussion about the child’s disability in relation to behavior after the child has been excluded for <i>six or more days</i> . |
| All of DC’s public schools may suspend a child with a disability for 10 days, even if the school knows the child’s behavior is a manifestation of the child’s disability. | Ensures that a child with a disability cannot be suspended for behavior that is a manifestation of their disability for <i>more than six days</i> in a school year. |
| Students with disabilities only get academic support after ten days of school exclusion. | Students with disabilities who are suspended for more than five days can receive instructional support. |
| Students with disabilities receive specialized assessments and have a behavior intervention plan after more than 10 days of exclusions. | Students with disabilities receive a specialized assessment and behavior intervention services designed to prevent future issues after more than <i>five days</i> of exclusion. |