



Advocates for Justice and Education, Inc.
The Parent Training and Information Center for the District of Columbia

**Testimony of
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**Public Hearing:
B22-0594 - Student Fair Access to School Act of 2017
and
B22-0179 - D.C. Public Schools Alternatives to Suspension Amendment Act of 2017
January 30, 2018**

Good morning Chairman Grosso and members of the Committee on Education. I am Rochanda Hiligh-Thomas, the Executive Director of Advocates for Justice and Education, Inc. (AJE). I am a native Washingtonian, ward 4 resident, and a District public-school system parent. Today I am testifying on behalf of AJE, the Parent Training and Information Center for the District, in support of the Student Fair Access to School Act. AJE provides free training, resources, individual assistance and supports to parents and youth in navigating the District's public education system, with a focus on children and youth with disabilities. Our mission is to educate and empower parents to effectively advocate on behalf their children to ensure they have access to and receive appropriate educational services.

For over 20 years AJE has provided direct services to families seeking help for their children to receive required educational services, to have access to schools and to be treated fairly. The challenges for which parents seek our assistance are consistently the same: suspensions, expulsions and special education in both DC Public Schools (DCPS) and public charter schools. In the last 15 years, the number of families AJE has assisted with suspensions and expulsions alone has more than doubled to over 200 per school-year. Since 2012, AJE has operated a legal clinic within the D.C. Office of Administrative Hearings

(OAH) Resource Center providing free legal advice and counsel each week, to unrepresented parents and students who appear for their DCPS suspension hearings. There have been hundreds of DCPS discipline hearings schedule since they began holding hearings at OAH, averaging more than 200 hearings each school year.

From the hundreds of parents and students AJE has assisted over the years through our office and OAH clinic, we have seen first-hand the devastating and harmful impact that suspensions and expulsions have on children and their families. Children have lost hours of instructional time for minor behavior like “being disrespectful” for talking back, “insubordination” for not making eye contact, and “disruption” for laughing in class. They have missed out on special education and related services, fallen behind and become disengaged and disconnected from school. Parents have either lost or faced the threat of losing their jobs because schools repeatedly call them from work to pick up their children. Stress, anxiety and fear have consumed many families from the persistent and repeated exclusion of their children from school.

Consequently, the harm does not end there. Our communities also suffer when our children are not in school learning the knowledge and skills necessary to be productive, contributing citizens, and instead are left to flounder in the streets where drugs, violence and adult predators await to consume them.

AJE has testified many times over the years about the crisis state of school discipline in the District and the need for immediate reform. Although there have been efforts made to change the way we discipline our children, including the passage of the Pre-K Student Discipline Amendment Act of 2015, we have cited repeatedly similar, statistics about the alarming rate of suspensions, expulsions and the disproportionate impact on students of color and students with disabilities. It is particularly disturbing when many students with disabilities are suspended or expelled for behaviors that are a manifestation of their disabilities. That is

not good, reasonable or logical discipline - that is simply discrimination.

Children ages 5 – 18 are not just required by law to attend school. Education is their right, a human right to access and receive a high-quality education. That right is not one that should not be deprived because of assumptions some school staff may make about a child's worth to receive an education based on their implicit biases, or because the schools and their staff lack the resources and training to appropriately serve all children where they are.

AJE appreciates the opportunity to have been a part of Councilmember Grosso's working group to address the District's overuse of harsh disciplinary practices and to help develop solutions to keep children in school learning. We thank Councilmembers Grosso, Bonds, Nadeau and Cheh for the introduction of the Student Fair Access to School Act. This is an important step in helping to ensure students are in school every day receiving academic instruction, necessary supports and developing the social-emotional skills necessary to achieve success in school and beyond.

We support this legislation and so should the entire Council, because: **(1)** it demands the inclusion and education of all the District's children from where they are, and breaks the ineffective, destructive cycle of suspensions and expulsions of child acting out ---> child suspended ---> child returns to school ---> child repeats acting out ---> and cycle continues, by promoting trauma-informed educational settings to address the root cause of children's problems in school; **(2)** it minimizes the discrimination of students with disabilities by ensuring that a child with a disability cannot be suspended for behavior that is a manifestation of their disability for more than five days in a school year, rather than more than 10 school days; **(3)** it recognizes the right of students to be free from suspensions and expulsions for behaviors that do not result in actual, attempted, or threatened significantly bodily injury or emotional distress to others; and **(4)** it protects students from unreasonably long out-of-school

suspensions and limits loss of significant instructional time.

I wish such requirements were in place when two seven-year-olds at two different schools were subjected to expulsion proceedings. Both students were diagnosed with a disability. One student was ultimately expelled for spinning his pencil around that accidentally hit a teacher...he was accused of assault. The other student was able to return to school with our help, but not before she missed weeks for hiding under a table (because she was scared) and smacking away the hand of the adult who attempted to pull her by the arm from out under the table...she too was accused of assault.

We know, because research tells us that suspensions are ineffective at changing student behavior and keeping schools safe¹; that suspended students have increased risk of academic failure, dropping out, and being arrested²; and that high rates of exclusionary discipline harms the school's educational environment for all students.³ So, let's stop!

I am glad we are now at a place where the Council has the opportunity to make significant movement in the right direction for our children's sake with the passage of this bill. However, I must stress that if we are to make changes we must ensure that any new laws and regulations are implemented effectively and with fidelity across all schools. We think to strengthen this bill and the subsequent impact it can have, we must ensure that our schools and school staff have the resources and training they need to implement alternatives to exclusionary practices. More importantly, there should be procedures in place for parents to file complaints/ grievances if they believe their child's rights have been violated. When the

¹ American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in Schools?" (2008)

² Fabelo et. Al, "Breaking Schools' Rules (2011)

³ Prea & Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools" (2014)

adults mess up by not following the discipline rules and procedures when suspending a child, they continue to go to work, but there is no remedy for the days of education a child loses. Parents should not have to get a lawyer for their children to have access to education nor should they just simply have to deal with and endure the irreparable harm to their children for lost educational days without recourse. There should be additional accountability measures that go beyond self-reporting.

Thank you for the opportunity to testify today.