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Testimony of the Education Law Center Philadelphia Public Hearing on Discipline Expungement

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On behalf of the parents, students, and community members with whom we work, thank you for the opportunity to speak this afternoon. My name is Reynelle Brown Staley, and I serve as Policy Attorney for the Education Law Center-PA, a nonprofit legal advocacy organization dedicated to ensuring that all of Pennsylvania's children have access to quality public education. By ensuring that ALL children have access, we necessarily focus on the students who historically have not – students in poverty, students of color, LGBT students, students involved in the juvenile justice and foster care systems, English learners, students with disabilities, pregnant and parenting teens, students experiencing homelessness, and others who have been underserved by public education. I offer this testimony today based on our attorneys' extensive experience as advocates and based on the lived experience of the children and families in these marginalized communities.

During the 2016-17 school year, Pennsylvania public schools recorded a total of nearly 150,000 out-of-school suspensions. Seventeen percent of those suspensions occurred in Philadelphia alone, a district that accounts for only 8% of public school students in state. The Commonwealth of Pennsylvania suspends more public-school students than the state of New York, despite having nearly a million fewer students. These figures illustrate a disturbing pattern of discipline across the state, particularly in historically underserved communities.

The ACLU of Pennsylvania noted in their February 2015 report, "Beyond Zero Tolerance," that "out-of-school suspensions provide perhaps the most revealing measure of how a district or school disciplines its students." What out-of-school suspension reveal in Philadelphia and across the state is a need for substantial and immediate changes to school discipline policies. Four key conclusions emerge from the research and data:

1. Discipline disproportionately harms students already poorly served by the educational system, particularly students of color and students with disabilities.
2. Exclusionary discipline is being used excessively and inappropriately for minor offenses.
3. Students' absence from the classroom, even for a short-term suspension, has long-term academic, economic, and social consequences.
4. Unlike suspensions, alternatives to discipline like those presented in HB 2210 have shown success in promoting positive school climates.

Disproportionate Harm to Underserved Communities

Black students, Latinx students, and students with disabilities in Pennsylvania face astonishing rates of discipline that exclude them from classroom learning:

- Roughly 1 of 6 Black students (17%) and 1 of 12 Latinx students (8%) in Pennsylvania are suspended out of school at least once each year. For White students, the rate is 1 in 33 (3%).
- One of every 11 students with disabilities (9%) receives an out-of-school suspension, almost twice the rate of other students (5%).
- Black students represent for 15% of the total public-school population but nearly half (46%) of all suspended students. For every 10 public school students suspended in the state, 3 (29%) are Black boys.

These statistics and the countless others available reveal a discipline crisis that is plaguing historically underserved communities in Pennsylvania's schools.

Overuse for Minor Offenses

Most of the discipline being issued across the state is for behavior that is, in fact, relatively minor. Pennsylvania students received more than 100,000 out-of-school suspensions – 75% of the total – for behavior that were unrelated to either violence or drugs. These students were suspended for such vague behaviors as “ongoing open defiance” and “habitually disruptive behavior.” Research shows that Black students are more likely to be disciplined on these highly subjective grounds. Research also shows that one of the factors driving the overuse of discipline for minor offenses is the presence of school security personnel– School Police Officers, School Resource Officers, and School Security Officers. Their mere presence in the schools raises troubling concerns about the involvement of law enforcement officers in everyday disciplinary matters.

Long-Term Consequences from Short-Term Punishment

Every minute a student spends serving an out-of-school suspension is a minute that a student is deprived of valuable instructional time. The academic consequences of out-of-school suspensions are therefore not surprising – students who are suspended or expelled, especially repeatedly, are more likely to be held back a grade or drop out of school than other students. One study found that students removed from the classroom were over 6 times more likely to repeat a grade than students not subject to discipline.

An out-of-school suspension is often the start of devastating spiral with impacts far beyond the classroom. Suspension or expulsion substantially increases the likelihood of students becoming involved in the juvenile justice system in the next year alone. Disciplinary suspensions also can lower graduation rates by as many as 14 percentage points and are a leading predictor of involvement in the juvenile justice system. In some communities, like Unionville Chadds Ford, which successfully developed alternatives to out-of-school suspension, a student disciplinary record may raise concerns about whether a student can get into Yale. For others, particularly, students of color, students with disabilities, and other historically underserved groups, a disciplinary record can lead to a criminal record and the prospect of ending up in jail.

Alternative Strategies for Improving School Climate

All of these facts present a compelling case against out-of-school suspensions. Yet on top of them, exclusionary discipline is not even the best – or even a good – way of responding to child misbehavior and promoting a positive school climate. Evidence-based strategies for building positive school climates that prevent misbehavior and restorative approaches that address the underlying problems that lead to misbehavior have long been touted as alternatives to discipline. These strategies more effectively address student misbehavior, achieve the educational mission of schools, and protect students from discriminatory outcomes.

For years, ELC has joined community partners in promoting an end to exclusionary discipline practices, and we are pleased to see the School District of Philadelphia and Pittsburgh Public Schools announcing suspension bans for young elementary students. Yet tens of thousands of students continue to be removed from school each year across the state, and there is much more that we can do at the state and local levels to keep our students in school and learning. I applaud Rep. Cephas for introducing legislation to limit the prevalence and impact of out-of-school suspensions and look forward to working with the legislature on continued efforts to reform school discipline.