Orleans Parish
Equity in All Places
Where People, Place, and Power matter

January 12, 2018

State Advisory Council on Student Behavior and Discipline
Louisiana Board of Elementary and Secondary Education
1201 North Third Street
Baton Rouge, LA 70802

Dear Council:

The mission of Equity in All Places is to use the Social Determinants of Health framework to advocate for place-based policies that create equitable, safe, and healthy communities. To this end, we focus on ending the school-to-prison pipeline and achieving educational equity in collaboration with a growing number of stakeholders that are part of a coalition we help coordinate. We strongly believe that prioritizing school climate improvements will positively increase student academic achievement and social emotional health. Decades of research, data, and experience have demonstrated that exclusionary discipline policies and practices correlate with low student achievement. Further concerning, suspensions and expulsions disproportionately affect students of color across Louisiana.[1] With this mission in mind, we have the following suggestions to your legislative recommendations:

Serious Disciplinary Incidents – We believe all zero tolerance mandates (including those addressing weapons and drugs) should be removed from the discipline code. Local administrators should have discretion. Thus, the language in the code should be changed from mandates to discretionary language. We are constantly hearing about students being removed from school for frivolous violations that tie the hands of local administrators. Some examples from news headlines are the following:

- Six-Year-Old Ohio Boy Suspended for Using Imaginary Bow and Arrow During Recess[i]
- Kindergartener Suspended For Bringing Bubble-Blowing 'Gun' To School[ii]
- Portsmouth 7-year-old faces expulsion for bringing toy guns to school[iii]

(In Louisiana:)

- A sophomore in Shreveport was expelled for one year because she had Advil in her purse[iv]
- In Alexandria, a second-grader brought her grandfather's antique pocket watch for "show and tell" and was suspended for a month because the watch had a 1-inch pocketknife attachment[v]

Additionally, we recommend the following changes to specific sections:

General Preamble (A)(1)(b) – We feel strongly that "interventions" should focus on ***evidence-based interventions*** so as to focus our efforts on interventions that we know work. We should reflect this commitment by adding in this language.

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[1] According to the U.S. Department of Education Office of Civil Rights, during the 2013-2014 school year in Orleans Parish, 91.4% of students who received an out of school suspension were Black, 100% student who were expelled were Black, and 84.6% of students referred to law enforcement were Black. The Orleans Parish school system enrollment of Black students was 70.9%. Similarly, in Evangeline Parish for the same year, 55.5% of students receiving out of school suspensions were Black, 59.3% of student who were expelled were Black, and 85.2% of students who were referred to law enforcement were Black, despite only 37.9% of the student population comprising Black students. Mitchell, Nicholas, "Exclusionary Discipline as Pedagogy," Jesuit Social Research Institute, Loyola University (2017).

Responding to Student Misconduct – Issue of mandatory parent conferences P5 (v) – Students should not be penalized if a parent fails to appear at a conference, so any requirement for a child's readmission should be dealt with cautiously. Parents should also be able to send a designee and/or participate in the conference via telephone.

P6, (d) Damage payment - Students should not be banned from school until they can pay for damaged property. This could potentially punish students who are indigent and cause them to miss instructional time as a result of not having access to funds. There should be an exception included for indigent students, perhaps determined by Free and Reduced Lunch.

P7, (F) and (G) Appeal - More time must be afforded to parents to exercise this important due process right. We believe this should be extended to 30 days.

P18, (d) Students returning from expulsion for specific incidents until they demonstrate completion of rehabilitation/counseling- We believe this requirement should be removed because access to these programs is variable and affected by parents' work schedules, access to transportation, etc. While it seems the intent is possibly to ensure access to mental health services, the punitive nature of it is not helpful.

P15 and 16 Firearms and drugs and minimum expulsion – This expulsion should be a ***maximum*** of four semesters not a minimum. Moreover, any referrals to law enforcement/the DA should be discretionary. A number of cases would vary in severity and degree of intent, and the local administrators should be able to make those determinations with that in mind.

P19, (C)(1) Readmission of Expelled Students After Completion of the Specified Period of Expulsion – This language should clarify that the period of expulsion would be served concurrent to the period of adjudication. School administrators should also try to return the student as soon as possible to the educational setting, i.e., make sure the expulsion is no longer than the student's dispositional placement.

We thank you for your careful consideration of our requests and we look forward to continuing to work with you as these recommendations move forward.

Sincerely,
Florentina Staigers
Interim Project Lead

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[i] Deutschmann J. *Six-Year-Old Ohio Boy Suspended For Using Imaginary Bow And Arrow During Recess.* The Inquisitr News. November 2015. Retrieved from: http://www.inquisitr.com/2543904/six-year-old-suspended-imaginary-bow-and-arrow/.

[ii] Hanson H. *Kindergartener Suspended For Bringing Bubble-Blowing 'Gun' To School.* The Huffington Post. May 2016. Retrieved from: http://www.huffingtonpost.com/entry/kindergartener-bubble-gun-suspension_us_573c9518e4b0646cbeebb18a.

[iii] Marks J. *Portsmouth 7-year-old faces expulsion for bringing toy guns to school.* WAVY-TV. June 2016. Retrieved from: http://wavy.com/2016/06/14/portsmouth-7-year-old-faces-expulsion-for-bringing-toy-guns-to-school/.

[iv] *Brave New Schools: Student expelled 1 year for Advil.* WND. December 2003. Retrieved from: http://www.wnd.com/2003/12/22161/.

[v] Lewin T. *School Codes Without Mercy Snare Pupils Without Malice.* The New York Times. March 1997. Retrieved from: http://www.nytimes.com/1997/03/12/us/school-codes-without-mercy-snare-pupils-without-malice.html?pagewanted=all&_r=0.