

**Official Written Testimony of Faith Gibson Hubbard, Chief Student Advocate
Office of the Student Advocate, DC State Board of Education**

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Committee on Education Public Hearing:

B22-0594 - Student Fair Access to School Act of 2017 &

B22-0179 - D.C. Public Schools Alternatives to Suspension Amendment Act of 2017

Good afternoon, Chairman Grosso, members of this committee, and staff. Thank you for this opportunity to testify. My name is Faith Gibson Hubbard, and I am honored to serve in the role of Chief Student Advocate for the District of Columbia and to lead the Office of the Student Advocate, which is an independent office located within the DC State Board of Education. I am also a resident of the District of Columbia and former educator. Most importantly, I am the parent of a young black male who is a DC Public School Student.

MISSION

For about the last three years, it has been my honor to come before you and share the mission and goal of our office. In our work, we support and guide families and students in achieving equal access to public education through advocacy, outreach, and information services. We provide step-by-step assistance to ensure that families are informed, connected, and that their power is nurtured and supported to enable their ability to be their own best advocate. The resources and supports we offer in our office ensures families have a better understanding of the public education landscape and are ready to tackle the various complexities of the system. One of the areas where our public education landscape's complexity is most evident is in the area of school discipline policies throughout the District of Columbia.

In just about every instance of disparity or social ill that our city faces, race and class are closely connected to the issues at hand. When it comes to student discipline there is no exception. The intersection between discipline, race, and class is stark in the most recent data shared by OSSE in their 2016-17 discipline report. A few data points were particularly troubling:

- Black students make up 67% of the public school population, and they are 7.7 times as

likely to be suspended as white students.

- 92% of students suspended were black, approximately 6,600 students. 1 out of 10 black students in public schools were suspended.
- 72% of students suspended were “at-risk,” approximately 5,100 of the 7,181 students suspended in SY 16-17.
- After a student has been suspended, the rate of absence increases proportionally to the length of the suspension:
 - After 2-5 days of suspension, unexcused absence rate increases from 44% to 55%.
 - After 6-10 days of suspension, the absence rate increases from 47% to 63%.
 - After 11+ days of suspension, the absence rate increases from 49% to 66%.

Student behavior and discipline are challenges in their own right, but they are often times indicative of students’ unmet needs elsewhere. DC’s disciplinary data suggests that students in need of the most support are suspended and expelled at disproportionate rates thus leaving their underlying needs unmet further pushing them down the pipeline into our justice system. While as a professional the disproportionality of our state of student discipline is disturbing, it is more my perspective as a mother of a young black male, and soon to be the mother of a black daughter, who I know could one day be the victims of the policies that we have yet to get right. It is sickening to me to think about the impact not only for my children but for their peers who also have black and brown faces.

The Student Fair Access to School Act regards student discipline as a method for maintaining safe learning environments in an effort to give students access to the educational experience that they deserve. Student discipline practices should respond to the needs of the individual students and the needs of the school community. In order to alter our current practices and policies and promote positive school climate, schools need support to make these changes actionable, as detailed in the bill we discuss today. It is our hope to add some additional context to this conversation.

OUR WORK

In their SY 2015-16 State of Discipline Report, OSSE stated:

“The District does not have standardized legal definitions or requirements for in-school suspensions, out-of-school suspensions, or expulsions for schools across educational sectors. District discipline regulations from prior to the Public Education Reform Amendment Act of 2007 (PERAA) apply only to DCPS, while public charter schools each develop discipline policies that are submitted to PCSB. LEAs and schools across the District have significant latitude to determine discipline policies and practices, including establishing clear guidelines for disciplinary action, providing notice to students and parents of infractions and responses, establishing processes for how students and parents may appeal disciplinary decisions, and defining key terms related to the discipline process and resulting consequences. One of the particular challenges in the District is the different terminology used by LEAs to describe the reason a student was disciplined.”

That language alone sets the context for the challenges that many families face regarding state of student discipline in the District. It should be no surprise to anyone in this room today why our system of public education baffles families and often works against their best interest. While we have evolved into a system with robust “choice,” the options families have continue to be more and more constrained. While DC is still a relatively small jurisdiction we have more than 60 local education agencies (LEAs), or as we like to explain to families 60 plus school districts, which operate within the District of Columbia with 60 plus student discipline policies that families must understand when they select a particular LEA for their child.

Through our communication with families, either in-person or through Request for Assistance line, we discovered that students and parents lack clarity regarding the student discipline policies that govern the diverse LEAs in the District and the schools they operate. While Chapter 25 governs our DCPS schools, many families have no idea about the different student discipline

policies that govern each of the charter LEAs. In a city like ours, families exercise their right to choice on an almost yearly basis, yet most families tend to think about student discipline only when an issue arises.

Over the last two school years, our office in partnership with the Council for Court Excellence and the Howard University School of Law has worked to collect and analyze all of the student discipline policies in the city in order to have a better understanding of the policies and to offer policy recommendations toward the streamlining of these policies in order to better serve the needs of students and their families. Although we have seen improvements over time, we still have a long way to go. Our research suggests that families not only feel at a loss when it comes to the student discipline policies from one LEA to the next, but it also appears that LEAs need additional guidance and supports in order to meet the needs of their students and school community in a more comprehensive way. Included in our submitted testimony, we have attached the high level findings of our research from the SY 2016-17 LEA discipline policies. I will briefly share a few of our findings.

LEA STUDENT DISCIPLINE POLICY ANALYSIS

During the fall of 2017, students in the School Discipline seminar and the Education Rights Center (ERC) at Howard University School of Law in collaboration with the Office of the Student Advocate analyzed the discipline policies in the handbooks of 57 local education agencies (LEAs) in the District of Columbia. Points of Guidance: Chapter 25, DC Public Charter School Board Guidance, and the report, DC Discipline: A Comparison of Discipline Policies in Traditional K-12 Public Schools and Public Charter Schools.

We conducted an analysis of LEA handbook policies in five areas:

- 1) parents/students rights and responsibilities;
- 2) statements of infractions and penalties;
- 3) due process, appeal process, and impartial decision makers;
- 4) zero tolerance/positive or restorative justice; and

5) alternative education for students who are out of school due to discipline or illness.

Parents' Rights and Responsibilities

- In general, parent and student rights and responsibilities that are created or imposed by LEAs are not consistently presented in a clear and easily identifiable section. Rather, they are **scattered throughout various provisions of handbooks, making them difficult to fully access and comprehend.**
- Approximately two-thirds of LEA handbooks contain good or very good descriptions of discipline policies for students with disabilities. However, **approximately 20% of the handbooks have little or no mention of such policies.**

Statements of Infractions and Penalties

- While more than half of the LEAs have statements of infractions and a tiered consequence system, **approximately 20% do not even list statements of infractions nor provide students and parents any notice of disciplinary consequences.**
- Even among LEAs that list infractions and consequences, **many of the policies are very vague and lack definitions, potentially leading to confusion among students and parents.**

Due Process, Appeal Process, and Impartial Decision Maker

- While roughly two-thirds of LEAs have good statements of basic due process rights for expulsions and suspensions, half have good statements of the appeal process, and **only 20% have appellate decision makers who hold a position with some degree of impartiality.**

Zero Tolerance, Trauma-Informed Discipline, Positive Behavior, & Restorative Justice

- Most LEA handbooks indicate some form of exclusionary discipline. Slightly less than half still maintain some form of zero tolerance policy.
- While approximately 20% of handbooks contain good or very good trauma-informed or positive behavioral intervention disciplinary practices, **roughly half make little or no mention of either. Restorative justice practices are present in a small sampling of LEAs.**

Alternative Education

- **Approximately half of all the policies fail to mention anything regarding alternative education for students on suspension or medical leave. Those schools that do provide alternative education have very limiting policies.** For the most part, many schools only indicate that students are allowed to receive assignments and make-up any missed exams. However, **there are not many schools that focus on students' actual access to learning during suspension.**

In our research we found a lack of collaborative efforts in the development of the various policies we analyzed. We believe that legislation like the one before us today, makes room for a more collaborative approach to the development of student discipline policies, which is in the best interest of students and their families. Moving toward a more collaborative approach (and a streamlining of terms, infractions, and possible consequences) ensures that families are able to develop a better understanding of the policies that govern their child's behavior at school and procedures and processes to expect; these actions can increase the buy-in of students and families to these policies. While the legislative language we are hear to speak on today takes into consideration the need to move from differing terminology and infractions, I cannot underscore enough the need for a more collaborative and inclusive policy development process for student discipline policies, which we all hope would reduce the amount of discretion left at the hands of staff and administrators.

As a former middle school teacher, I vividly understand the challenges that many educators worry about in the absence of the easy to use tools of suspension, and in some instances expulsion. In our training as educators, we are rarely trained or equipped with tools that support our success beyond our abilities to teach the subjects we know best. Unfortunately, student behavior or discipline is not at the top of the list of things we are taught how to manage. Being the classroom is awe inspiring, but it can also be daunting, overwhelming, lonely, and challenging at times. When making the decision to go into the classroom as an educator, most people consider the curriculum they will teach students but have no idea about the mountain of challenges, trauma, and needs students can, and do, bring with them into the

classroom. Without a toolbox of resources to support the needs of our students, nurture our ability to foster meaningful relationships with our students and their families, and appropriately respond to the issues that will arise within our classrooms and school building, the behavioral challenges students present become a hindrance to the classroom, and school, environment that we do not know how to appropriately address. It appears that our city has moved in a direct of being overly punitive in our disciplinary actions and policies. While restorative justice pilots and trauma-informed practices are attempted in isolation, we do not seem to have scaled those programs more widely for the benefit of more students and educators to have at their disposal. The legislation at hand does address our need for streamlined terminology and consequences, which begins to touch upon the vague and uncertain understandings of discipline policies thus resulting in the inequitable discipline responses at the school level, as reflected in OSSE's State of Discipline for the 2016-17 School Year. But this legislation, even with its good intentions and positive elements, does leave a void for educators and administrators around what to do next in the absence of the tools of suspension and expulsion in their toolbox.

We believe a more collaborative approach in student discipline means the development of a greater understanding of discipline processes and increased buy-in for policies. Partnerships between students, parents, and administrators are essential to determine which responses address the needs of the school community and the students and families served. We believe that OSSE is the best place for this collaboration and oversight. In our most recent annual report, which we publicly released this past November, we recommended OSSE playing a more increased role in this space of collaborative and professional learning and oversight of the LEAs and their discipline policies. Our recommendation in this area states:

- The development of a state advisory panel focused on the review of student discipline is essential. This advisory panel, to be managed and facilitated by the state education agency (the Office of the State Superintendent of Education OSSE), should be comprised of parents, students, and school/LEA leaders and staff and should have the authority to review individual LEA discipline policies, to provide policy recommendations, and to

recommend necessary implementation supports to OSSE for their consideration. We believe the implementation of such a group at the state level would promote the engagement of parents and students in regular conversations and decision-making processes to monitor student discipline policies and recommend changes or reforms as necessary.

- Additionally, OSSE is the appropriate place to develop communities of practice and learning communities for educators and administrators who have to implement any disciplinary changes in their LEAs. OSSE is the appropriate place to support the learning of educators, sharing of practices, and the right place to foster an environment of the scaling of alternative disciplinary practices that are working to support the needs of students in a more restorative and trauma-informed manner. This would need to be an ongoing practice and place for learning.

OSSE is one of the only agencies in the city with connectivity to all of the city's LEAs and has worked recently to develop a community engagement model to include more robust participation from students and families. While offices like mine stand ready to support such efforts, I strongly believe that OSSE (with the support of our LEAs, offices like mine, other community-based organizations, and families) is the best place to increasing our efforts in this space. As many have noted today, more funding on the school, LEA, and citywide levels is critical but we should not stop us from getting started in the areas were we can take swift movement and scale some of our current practices. I do believe that we have some areas, such as the areas noted above, in which we can get started. There will never be enough funding but we can start by creating the will, and knowledge base, to change the ways in which we support students, families, and educators. This change of mindset and creation of will moves us closer to the systemic change we all desire.

RECOMMENDATIONS

Before I close, I would like to share with you that in our annual report, released this past November, we offered a host of other discipline recommendations, seven in total, in addition

to the one I just shared, which we have included in our written statement. More information regarding our school year 2016-17 annual report and recommendations can be found on our website at studentadvocate.dc.gov.

A more collaborative approach in student discipline means the development of a greater understanding of discipline processes and increased buy-in for policies. Partnerships between students, parents, and administrators are essential to determine which responses address the needs of the school community and the students and families served. To that end, we offered the following recommendations:

- Equity reports are a useful tool. There needs to be an increased focus on ensuring that families and students know about their existence and usefulness.
- Schools should go over discipline policies during the beginning of the school year and also provide information on appeals and alternatives to suspension.
- Schools should ensure that parents have physical copies of discipline policies and be able to locate them online.
- The development of a state advisory panel focused on the review of student discipline is essential. This advisory panel, to be managed and facilitated by the state education agency (the Office of the State Superintendent of Education OSSE), should be comprised of parents, students, and school/LEA leaders and staff and should have the authority to review individual LEA discipline policies, to provide policy recommendations, and to recommend necessary implementation supports to OSSE for their consideration. We believe the implementation of such a group at the state level would promote the engagement of parents and students in regular conversations and decision-making processes to monitor student discipline policies and recommend changes or reforms as necessary.
- At the LEA level, the development of a student discipline advisory committee – comprised of parents, students, and educators – would allow schools to regularly review their student discipline policies, while including parent and student voice, and work toward the streamlining of their policies in order to best meet the need of students. This

process could also facilitate in the process of LEAs ensuring that families and students understand, and are familiar with, their discipline policies, procedures, and processes.

- The development of regulatory guidance for student discipline policies and procedures, applicable to all LEAs, to be developed by our state education agency (OSSE).
- The lack of comprehensive alternative instruction policies to support the academic achievement needs of students while out of school for disciplinary reasons is alarming. In order to ensure policies that are student-focused in nature, it is vital that we continue to move in the direction of developing and implementing best practices for alternative instruction (i.e. offsite tutoring) that support the academic and social-emotional needs of students.

More information regarding our school year 2016-17 annual report and recommendations can be found at: <https://sboe.dc.gov/page/reports-and-official-testimony>.

CONCLUSION

I would like close my testimony by reminding those in this room or watching elsewhere that you can reach our office via phone at 202-741-4692, via email at student.advocate@dc.gov, or online at studentadvocate.dc.gov. We look forward to supporting the needs of any DC parent or family who might need to services of our office.

Again, thank you for this opportunity and for your continued support of our office. I welcome any questions you may have.