

Testimony before the District of Columbia Council

Committee on Education

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Hearing on Student Discipline Practices and Procedures

in Public Schools

Joyanna Smith

Ombudsman

Office of the Ombudsman for Public Education

Good afternoon, Chairman Grosso and Education Committee members. My name is Joyanna Smith and I am the Ombudsman for Public Education. My office was re-established under the State Board of Education Personnel Authority Amendment Act of 2012 and is housed within the State Board of Education. While the Office resides within the State Board of Education, the Office of the Ombudsman operates as an independent, impartial, neutral, and confidential entity.

Role of the Ombudsman's office

The Office of the Ombudsman is responsible for helping students and parents resolve problems they encounter with the District of Columbia Public Schools and public charter schools. We offer conflict resolution services to parents, families, and students and we are committed to resolving school-related complaints, disputes and problems quickly and efficiently in all areas that affect student learning. Some of the areas where we frequently receive complaints include school discipline, bullying, truancy, special education, and academic progress. The purpose of our office is to bridge the communication gap between families and schools in order to resolve disputes; advocate for fairness of process and outcomes; and finally, to serve as an informational resource to help parents navigate the public education system.

Our experiences with school discipline

Last school year, 20% of our cases involved student discipline. Parents reported to us their children were being suspended at alarming rates for behaviors that seemed connected to the students' academic and emotional struggles. We heard regularly from parents who told us that their children were suspended because they were having trouble concentrating, having trouble interacting with other students, and having trouble following directions. In fact, many of the parents who call our office with concerns about out-of-school suspensions have children who either have been identified as having a disability or are awaiting evaluation.

In analyzing our data from last school year, we found that almost 1/3 of the suspensions given were for 10 or more days. We know that out-of-school time affects the trajectory of learning for students. We hear every week from parents who tell us that their children struggle to catch up after suspensions. Given the major impact suspensions and expulsions have on learning, we believe they should only be used sparingly and as a last resort.

The harmful impact suspensions have on learning is only magnified as students grow up. We know some of the negative effects of school exclusion include higher rates of criminal involvement, unemployment, and increased reliance on social

programs. Moreover, we know there are grave consequences for students receiving long-term suspensions who are doubly represented as both a student with disabilities and a member of a minority group. As an education community, we need to assess the value that removing a child from the classroom offers. We need to question whether long-term suspensions actually *change* student behavior. As Ombudsmen, we are supportive of interventions that positively affect student behavior instead of uprooting them from their learning environment.

An illustrative example

Noah's¹ mom called our office because her son had been suspended from his charter school more than five times this school year. He was also suspended five times last school year, when he was in first grade. His suspensions were short-term, but he was perceived as a troublemaker by his teachers and peers and his mother felt frustrated the school called her every other day with a problem. When she asked the school for ways to provide additional support for her son, she felt as if the school ignored her. She asked for an evaluation of her son for eligibility for special education services. The school lost her first request and did not act upon her second request within a timely manner. She also mentioned to me the school leader asked her if she had considered transferring her son from the public charter school to

his in-boundary DCPS school. When I spoke directly to the school leader, which is customary practice, the school leader actually told me she was recommending to the parent that the student withdraw from the charter school to enroll in his in-boundary school. I asked the school leader why the in-boundary school would present a better option for the student. Did it offer a better learning experience for the young student? Smaller classrooms? Was there anything in particular, that might provide a more positive experience? The school leader said she didn't know. She then said it was her recommendation because the student – an African-American boy -- was disrupting his classroom, and she felt she had to protect the interests of other students. I then informed her that this was an inappropriate conversation. While I understood the importance of supporting the needs of other students in the classroom, it was also critically important to support this young man.

I believe it is important to pay attention to the types of negative messages communicated at an early age to our young students – especially black, male students. This young man was only in second grade. We do not want Noah and other students like him to feel excluded early on in their learning experiences. It creates frustration and disillusionment with school, leading them to give up when they are just starting out.

Unfortunately, conversations like the one this school leader had with Noah's mother happen every day. These informal conversations allow schools to move "problem" children to other schools without being required to engage in formal exclusionary measures such as suspensions and expulsions. They allow schools to hide their unwillingness to provide meaningful supports to at-risk students. And, they are often successful: after our intervention in Noah's case, his mother thanked us for our assistance but ultimately became so frustrated with the school that she withdrew her child.

Our recommendations:

We have a number of recommendations for improving school discipline practices in DC. Some of them were highlighted in our recent annual report issued in September 2014.

- 1) As discussed above, suspensions and expulsions should only be used sparingly and as a last option.
- 2) School systems should continue professional development efforts for teachers and school staff members on classroom management.
- 3) School systems should continue to look for ways to increase student and parental engagement in an effort to raise student achievement.

- 4) School systems should continue to train teachers and staff on cultural competence.
- 5) DC should increase parent advocate training. This recommendation involves the incoming Office of the Student Advocate working with advocacy groups and non-profits to recruit and train a cadre of parents to serve as advocates for families facing student discipline and special education issues. We hope to have a role in this work as well.
- 6) DCPS should improve its practices regarding providing parents with notice of proposed suspensions and expulsions. Although Chapter 25² requires schools to provide parents with prompt written notice, many parents have complained to our office they did not receive timely written notifications. While we understand that addresses sometimes change and phone numbers are sometimes disconnected, there needs to be a standardized way of providing written notice to parents and ensuring that the notice has been received. Currently, parents may receive written notice a number of ways, which include receiving the notice via email, receiving written notice via postal mail, and receiving written notice at the school. The issue of notice is particularly important because the regulations provide that the disciplinary hearing required

for suspensions over 10 days shall be scheduled once the notice has been received.

- 7) Responsibility for scheduling DCPS discipline hearings should be transferred to the Office of Administrative Hearings. Our understanding is that DCPS currently works with families in order to schedule hearings. In our experience, there is often a delay of several weeks between the date the suspension is proposed and the date of the hearing. Alarming, parents are often not informed of the hearing date until very shortly before the hearing. We believe it would be more appropriate for the Office of Administrative Hearings, a fully independent entity, to schedule the hearings after consulting the schedules of both parties (i.e., schools and parents/guardians). It would also give the Office of Administrative Hearings an opportunity to ensure parents received the required written notice. Moreover, adequate notice allows parents to prepare a sufficient case before the administrative law judge and retain counsel, if they so desire.
- 8) DCPS should update the legal services referral list in the Student Behavior Tracker. We recently discovered the referral list provided to parents by some schools contained outdated information. When we enlisted the help of one of

our Ombudsman fellows to call all of the numbers provided on the list, we found that none of the referrals were current. With the help of the Office of Administrative Hearings, we were able update the list to include current contact information for organizations that provide pro bono representation to parents, students, and families who cannot otherwise afford to secure legal representation. We shared this updated list with the DCPS Office of Youth Engagement so they could use it to update the referral list that is part of the Student Behavior Tracker and Involuntary Transfers process. This updated referral list will allow parents to retain counsel if they believe the proposed long-term suspension or expulsion is inequitable.

9) Schools should not engage in informal push-out. We have observed a number of cases where principals asked parents to pick up their children for bad behavior. In this case, principals have required parents to pick up their children on that day for a “cooling off” period. However, some of our parents have asked school leaders for documentation of the removal from the classroom and the principals have stated the student was not suspended and could return back to school at any time. Practices such as these by school principals distort the available school-level data on

exclusionary practices and deny students the due process protections they would enjoy if there was a formal removal.

Conclusion

As the Ombudsman for Public Education, I believe strong collaboration between families and schools is essential to dramatically improving student achievement. Thanks to the re-establishment of the Ombudsman's office, public education stakeholders now have a resource for early detection of new issues, a dedicated mechanism for tracking issues and outcomes, and a source of recommendations for systemic change to improve existing processes.

Parents, families, students, and educators, can share their problems and concerns with our office by calling us at (202) 741-0886, emailing us at ombudsman@dc.gov, or visiting the State Board of Education website located at www.sboe.dc.gov/Ombudsman.

Thank you for your time and I welcome any questions.

¹ Name changed to protect confidentiality.

² 5-B DCMR § 2505.6.