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## **Statement on School Safety Commission Recommendation to Rescind Federal Discipline Guidance**

*December 18, 2018* - The widespread problem of racial discrimination in school discipline is well documented. Black and brown students are punished more frequently and harshly than their white peers for similar offenses. Sadly, racial disparities in school discipline start as early as preschool.

For decades, the Education Law Center has been at the forefront of efforts to reform school discipline. The 2014 federal discipline guidance formally recognized what we and many in Pennsylvania have long known: that zero-tolerance discipline does not work. In fact, discipline policies that exclude children from school disproportionately impact students of color and students with disabilities, while providing no significant improvement to school climate or safety.

Today's report from the Federal Commission on School Safety, led by Education Secretary Betsy DeVos, sends the opposite message on school discipline: that the federal government does not care about children pushed out of school and does not care if schools discriminate. A decision to rescind the federal guidance, as recommended in this report, is bound to allow discriminatory practices to proliferate.

However, federal antidiscrimination laws and a wealth of other state and federal laws that protect student rights have not changed. **Any school with discipline policies or practices that discriminate against children based on race, ethnicity, sex or disability will still be breaking the law.** The only thing that has changed is the U.S. Department of Education under Secretary DeVos and its unwillingness to take seriously the responsibility to enforce our nation's federal civil rights laws.

**Claims that federal measures to address racial and disability disparities have caused lax discipline and triggered a wave of school violence are simply inaccurate and dishonest.** The federal discipline guidance did not cause the Parkland massacre. Major school shootings have not been perpetrated by Black students. Reductions in out-of-school suspensions began well before 2014, as advocates effectively moved school districts away from zero-tolerance discipline policies that were ineffective as well as discriminatory. A more honest explanation would acknowledge that the current policy shift is part of a concerted effort by the Trump administration to roll back protections for students of color and students with disabilities.

**Schools can and should continue to eliminate harsh school discipline practices and implement fair and responsible discipline policies.** Suspensions are ineffective deterrents to student misbehavior and result in significant lost instructional time, while increasing the likelihood of dropping out. Arming school personnel poses a heightened safety risk to students and has a negative effect on school climate. Responses to misbehavior should focus on helping children do better in the future, not pushing them out of school. Restorative justice is one of many alternative approaches that support positive behavior and achievement. We will continue to protect and defend the civil rights of students to ensure that schools have an affirming, supportive, and inclusive school climate that is fair for all students.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness. For more information, visit [elc-pa.org](http://elc-pa.org) or follow on Twitter @edlawcenterpa.