

EDUCATION RIGHTS NETWORK

Pamela Harbin
Education Rights Network
1414 Brighton Rd.
Pittsburgh, PA 15212

August 20, 2017

Docket No.: ED-2016—ICCD—0147

Dear Ms. Valentine:

The Education Rights Network develops and strengthens a broad-based and representative group of parent leaders to achieve fully resourced, equitable, and inclusive education, from birth to 21, for students in Pennsylvania.

The Education Rights Network (Ed-Rights) takes collective action to achieve disability and racial equity in public education. We oppose the overuse and misuse of exclusionary discipline practices that unjustly and disproportionately push students out of school and into the juvenile or criminal justice system or into poverty.

We urge the Department of Education to maintain the current Civil Rights Data Collection by preserving the existing questions, requiring all schools and districts to report the data, and continuing to make the CRDC accessible to the public.

EdRights supported parent leaders in a campaign for “Solutions, Not Suspensions” to achieve necessary changes to Pittsburgh Public School District, Philadelphia School District, and Pennsylvania discipline policies and practices that disproportionately push Black students and students with disabilities out of school and into the “School-to-Prison Pipeline.” Our recommendations for local and state change include a ban on the use of out-of-school suspensions for our youngest learners in Prek-5th grade for minor nonviolent misconduct.

Through an analysis of Pittsburgh Public School District out-of-school suspension data, Ed-Rights raised community awareness of the issue and created a space for public discourse and direct action. We released a report, [“Suspended Education in Pittsburgh Public Schools 2015-16: A Report to the Community.”](#) in June of 2017 that draws attention to two particular

areas of concern: suspensions of our youngest learners, and the intersection of race, gender and disability in out-of-school suspensions. Our report revealed that African American students in grades K-5 were suspended at four times the rate of white students, and students with disabilities were suspended at disproportionately higher rates than students without disabilities. One-third of African American males with disabilities and one-fourth of African American females with disabilities were suspended at least once in 2015-16.

The Department is proposing to change the 2017-2018 CRDC to reduce the burden on school districts. However, the Department's primary goal must be to collect all the data needed to ensure that schools and districts are upholding the civil rights of all students, especially students of color and other student groups that often face discrimination, including students with disabilities and students who identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ). Communities must also have all the information they need to accurately assess the quality of their schools and districts and to support local efforts to advocate for improvements when needed. Thank you for considering the following recommendations:

I. Collect data on police use of force against students

The Department should collect data on police use of force against students including: number of students subjected to pepper spray, tasers, physical attack (e.g. tackling, body slamming, etc.), and number of students injured or killed by a firearm. Data on police use of force against students would provide education officials and community members additional information on the impact of school police on students' well-being and school safety, as well as provide additional evidence to support local efforts to end the regular presence of police in schools.

II. Disaggregate discipline data by reason for the disciplinary action

Students of color, students with disabilities, and students who identify as LGBTQ are often disproportionately disciplined for minor, subjective offenses such as disobedience and disruptive behavior. The Department should disaggregate all data on practices that push students out of the classroom (e.g. in- and out-of-school suspensions, expulsions, referrals to law enforcement, and school-related arrests) for this reason. This will provide important information about how many and which students are disciplined for non-violent, subjective offenses. These data would help to show if trainings for school staff and school administrators, as well as other interventions, are needed to prevent and address discrimination.

Collect data on the use of alternative discipline practices

Schools and districts should indicate whether or not they are implementing restorative practices or School-Wide Positive Behavioral Interventions and Supports. This would allow comparisons of discipline rates and disparities between schools and districts implementing these approaches and those that are not, which would provide families and community members the evidence they need to advocate for these practices in their own communities.

III. Ensure that all discipline data is disaggregated by race, sex, disability, and LEP and is reported on an annual basis

Some of the CRDC's data elements related to school discipline are not disaggregated by race, sex, and Limited English Proficiency. This leaves out important information about the outcomes for several student groups. The Department should fully disaggregate all data elements related to discipline to ensure that outcomes for all student groups are tracked.

The Department should also collect data through the CRDC each year. Current data is needed to identify and address disparities as soon as possible to limit the negative impact on students. Ensuring that families, community members, and advocates have access to the most recent data would also prevent school and district officials from claiming that issues from previous school years have been resolved when older data is used to advocate for improvements.

We appreciate your consideration of our views.

Sincerely,
Pamela Harbin
Co-founder and Organizer, Education Rights Network