

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Education

From: Mark McKechnie, Executive Director, Youth, Rights & Justice

Date: March 1, 2013

Re: Support for HB 2192

Chair Gelser and Members of the Committee:

My name is Mark McKechnie, and I am the director of Youth Rights & Justice, which has represented more than 50,000 children and youth in the foster care and juvenile justice systems since 1975. For over 15 years, we have also represented some of these most vulnerable students in their schools. We support HB 2192 as a way to get struggling students back on track while maintaining safe and productive learning environments in our schools.

Vast research and an emerging national consensus recognize that school exclusion policies often do more harm than good. Not only do these practices fail to make schools safer, but they also lead to academic failure, disengagement, dropout and criminal justice involvement. You may have heard this referred to by researchers and policy analysts as the “School to Prison Pipeline” as a reflection of the fact many youth involved with the juvenile justice system have experienced high rates of school exclusion.

Oregon, like most other states, embraced zero tolerance approaches in the 1990s, which result in automatic suspensions or expulsions, believing they were necessary to keep schools safe. Problems with this approach are many. One studyⁱ found that ***students at schools using zero tolerance discipline practices*** had:

1. higher dropout rates;
2. elevated stress levels that negatively affected their mental and physical health;
3. more referrals to special education; and
4. lower student participation in extracurricular activities.

Conversely, ***schools using Positive Behavioral Interventions and Supports (PBIS) or Restorative Justice (RJ)*** approaches to student behavior had students with:

1. higher grades;
2. higher test scores;
3. and better student attendance rates.

These findings held, even when controlling for differences in socioeconomic status.

In addition, a new report released this week by the American Academy of Pediatrics cites research showing that ***students who experience out-of-school suspension or expulsion can be as much as 10 times more likely to drop out of school.***

If school exclusion worked to correct student behavior and increase achievement, students who are excluded would be less likely to end up in the justice system. The opposite is true. Only 15% of youth admitted to the Oregon Youth Authority in 2011 had *never been suspended expelled* from school. Instead, multiple exclusions are common among delinquent youth: *44% of youth admitted to OYA in 2011 had been suspended or expelled four or more times.*ⁱⁱ

HB 2192 seeks to improve school policies related to student behavior by giving local districts and administrators more discretion. ***There are already 61% of Oregon schools that have implemented or begun implementing PBIS.*** Additional schools are using Restorative Justice or other approaches. This bill encourages more schools to implement PBIS, Restorative Justice or similar approaches and reserve exclusion for the most appropriate circumstances, when safety concerns are imminent or when other strategies have been tried and failed.

We are asking some schools to do things differently, and we are not insensitive to the fiscal challenges that have plagued schools for the past few years. But we also need to recognize that exclusionary discipline comes at a high cost to schools.

The recent report by the American Academy of Pediatrics highlighted the direct and indirect costs of suspension and expulsion:

- Schools may lose ADM payments for students not in attendance.
- Staff and administrators spend time in meetings and hearings and in preparation for them.
- Schools may need to arrange for alternative or special education for excluded students.
- Teachers likely spend extra time with excluded students once they return to catch up.ⁱⁱⁱ

Particularly in light of its ineffectiveness, the opportunity costs of exclusion are high to schools, staff and students. ***Staff time spent on these discipline procedures often produces little or no educational benefit to the students being disciplined or to their classmates.*** By contrast, implementation of PBIS and other practices pays dividends many times over by focusing staff time on interventions that work to improve students behavior and academic performance.

Each student who fails to graduate will earn less money in their lifetimes, pay less in taxes, and many will be more likely to require additional expenditures in terms of health or social services or criminal justice costs.

Many schools have obviously recognized that exclusion is a high-cost, low-reward strategy. They are already on the path to reform and greater student success. It is important that Oregon's statutes on discipline catch up with the research and catch up with the successful practices in many schools. Schools that find ways to keep students in school safely ultimately benefit in the end, and so do our communities.

We urge your support for HB 2192.

ⁱ Health Impact Assessment of School Discipline Policies (2012):

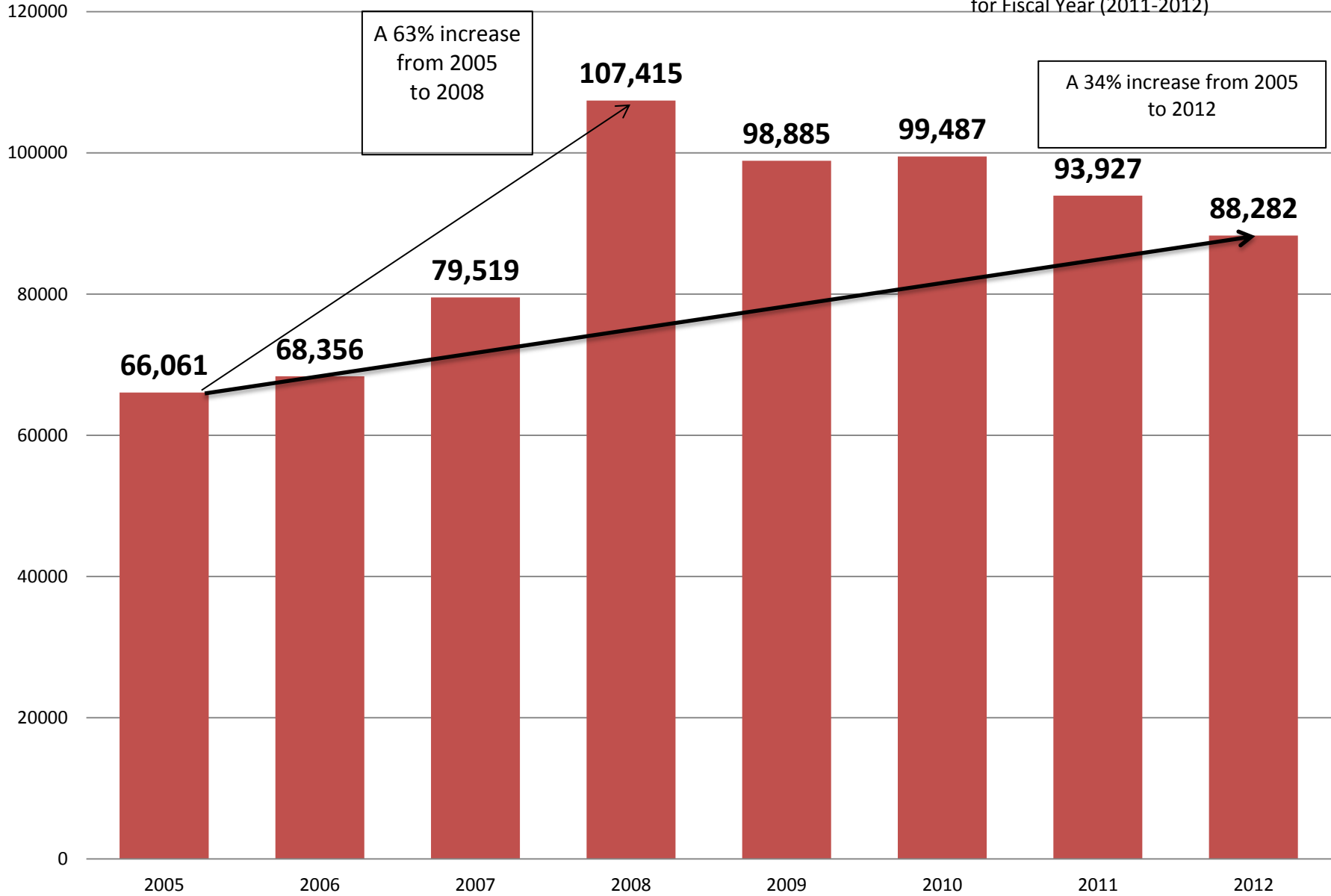
<http://www.humanimpact.org/component/jdownloads/finish/7/167/0>

ⁱⁱ Oregon Youth Authority (2012): History of Expulsions and Suspensions, OYA Risk Needs Assessment, January 1 – December 31, 2011, All Youth

ⁱⁱⁱ Council on School Health (2013) Out-of-school suspension and expulsion, Pediatrics:
<http://pediatrics.aappublications.org/content/early/2013/02/20/peds.2012-3932>

Suspensions in Oregon Schools by Year

Oregon Department of Education
Annual Performance Progress Report
for Fiscal Year (2011-2012)



Suspensions in 9th Grade vs. Graduation Rate

