



May 23, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

As one of 153 national and state level organizations that signed on to the March 22, 2018 Leadership Conference letter emphasizing the importance of the joint school discipline guidance, we thank you for your response. On behalf of the Colorado Children's Campaign, a statewide research, policy and advocacy organization committed to the development and implementation of data-driven public policy that improves child well-being, we write to reinforce our support for the January 8, 2014 joint school discipline guidance package. We strongly oppose any changes or rescission to that guidance.

The 2014 guidance clarifies that the U.S. Department of Education (ED) expects schools and districts to treat all children fairly and provides practical tools and guidelines for educators to create safe, supportive, and welcoming environments for all students. Rescinding the guidance would send the opposite message: that the Department will not take a proactive role in ensuring that all children, and particularly children of color, boys, and children with disabilities, are not disproportionately impacted in school disciplinary actions. This would send the unfortunate message that the Department will not actively ensure educators create and maintain safe schools that afford all students equal educational opportunities.

Suspensions and expulsions are too often used in our schools and disproportionately impact children of color, children with disabilities, and LGBTQ youth. In Colorado, boys are five times as likely as girls to be subjected to disciplinary action in preschool through third grade, and a child with a disability is nearly twice as likely to be disciplined as a peer without a disability. Most strikingly, a black boy is three and a half times more likely to be disciplined than the average student in the early grades.¹ Colorado schools issued nearly 7,000 out-of-school suspensions to students in just preschool through third grade during the 2015-2016 school year.²

¹ Colorado Department of Education.

² Colorado Department of Education.



Research does not support suspensions and expulsions as an effective means to address behavior problems in young children. The practice neither improves school safety or culture nor serves as an effective intervention for the individual child.³ In fact, such punitive measures are associated with negative student outcomes such as lower academic performance, higher rates of dropout, failure to graduate on time, decreased academic engagement and future disciplinary exclusion from school.⁴ All children are harmed when schools overuse punitive exclusionary discipline.

By focusing on research-based alternatives to suspension and expulsion for non-threatening behavior, we have an opportunity to address the root causes of a child's actions. With the appropriate resources for both schools and students, we can ensure all children feel safe and supported and are ready to learn.

If the goal behind rescinding this guidance is to create safer school environments, other evidence-based strategies exist to create safe school environments. Although we know that school violence has decreased significantly since the early 1990s at the national level, recent school shootings have ignited concerns about whether current strategies are working.⁵ There is large body of research that exists on the risk and protective factors associated with youth violence in schools nationally – both at the individual and social level.

At the individual level, risk factors for participating in school violence include high emotional stress, low academic performance, being a bully or the victim of bullying, and exposure to violence and anti-social attitudes. Situations that offset these experiences (protective factors) include positive social orientation and high educational aspirations. At the peer level, low commitment to school, social rejection and a lack of involvement in activities are risk factors for violence; protective factors include exposure to positive school climates and close relationships with peers. The chart below depicts preferred prevention strategies with supporting research.

³ Skiba, Shure, Middelberg & Baker, 2011

⁴ Achilles, McLaughlin, Croninger, 2007; Arcia, 2006; Christle, Jolivet, & Nelson, 2005; Costenbader & Markson, 1998; Lee, Cornell, Gregory, & Fan, 2011; Raffaele-Mendez, 2003; Rodney et al., 1999; Skiba & Peterson, 1999

⁵ National Center for Education Statistics. (2018). [Indicators of school crime and safety](#): 2017. Retrieved from:



Preferred Prevention Strategies	What does the research say?
<p>In-school mental health services and behavioral interventions</p>	<p>Research summaries and literature reviews from the last two decades have found that in-school mental health services and behavioral interventions (on the part of school counselors, psychologists, social workers and nurses but also parents and other services in the community) can effectively respond to a variety of emotional and behavioral issues.⁶ Intervention programs focusing on aggression have been shown to significantly decrease aggressive behaviors among students.⁷ For children exposed to violence, a study found that mental health services decreased symptoms of PTSD and depression among urban students.⁸</p>
<p>Positive school climate</p>	<p>The school environment plays a significant role in setting the stage for school violence intervention.⁹ Three national studies have demonstrated that schools with students who report feeling more connected to their school tend to have less disorder and violence.^{10¹¹12}</p>
<p>Positive behavior support</p>	<p>Positive Behavioral Interventions and Supports (PBIS) is a school-wide curriculum that explicitly teaches behavioral expectations to students.¹³ In schools where the PBIS curriculum has been implemented, two studies found reductions in suspensions, discipline referrals, and bullying among students reported by teachers.^{14¹⁵}</p>
<p>Threat assessment process</p>	<p>The Virginia Student Threat Assessment Guidelines is a school discipline model that recognizes student conflict early.¹⁶ A study looking into schools using the Virginia Student Threat Assessment Guidelines demonstrated that students at these schools report less bullying and more positive perceptions of school climate.¹⁷ When examining students who made violent threats, those attending schools using this Virginia model were more likely to receive counseling and parent conferences.¹⁸</p>

⁶ Rones, M. & Hoagwood, K. (2000). [School-based mental health services: a research review](#). *Clinical Child and Family Psychology Review*. 3(4):223-41.

⁷ Wilson, S.J., Lipsey, M.W. & Derzon, J.H. (2003). [The effects of school-based intervention programs on aggressive behavior: a meta-analysis](#). *Journal of Consulting and Clinical Psychology*. 71(1): 136-49.

⁸ Stein, B.D., Jaycox, L.H., Kataoka, S.H., Wong, M., Tu, W., Elliott, M.N. & Fink, A. (2003). [A mental health intervention for schoolchildren exposed to violence: a randomized controlled trial](#). *JAMA*. 290(5):603-11.

⁹ Steffgen, G., Recchia, S. & Viechtbauer, W. (2013). [The link between school climate and violence in school: a meta-analytic review](#). *Aggression and Violent Behavior*. 18(2):300-309.

¹⁰ Stewart, E. (2006). [School social bonds, school climate, and school misbehavior: a multilevel analysis](#). *Justice Quarterly*. 20(3): 575-604.

¹¹ Payne, A.A., Gottfredson, D.C. & Gottfredson, G.D. (2006). [School as communities: the relationships among communal school organization, student bonding, and school disorder](#). *Criminology*. 41(3).

¹² Brookmeyer, K.A., Fanti, K.A. & Henrich, C.C. (2010). [Schools, parents, and youth violence: a multilevel, ecological analysis](#). *Journal of Clinical Child and Adolescent Psychology*. 35(4):504-14.

¹³ OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports. (2017). [PBIS in the classroom](#).

¹⁴ Bradshaw, C. P., Mitchell, M. M. & Leaf, P. J. (2010). [Examining the effects of school-wide positive behavioral interventions and supports on student outcomes: results from a randomized controlled effectiveness trial in elementary schools](#). *Journal of Positive Behavior Interventions*. 12(3).

¹⁵ Waasdorp, T., Bradshaw, C. & Leaf, P. (2012). [The impact of schoolwide positive behavioral interventions and supports on bullying and peer rejection: a randomized controlled effectiveness trial](#). *Archive of Pediatric Adolescent Medicine*. 166(2):149-56.



Every child deserves and should be included in a warm, welcoming and responsive school that provides them the education they need to be ready for college, career, and life. Suspension and expulsion, especially when used in a discriminatory manner, undermine that goal and deny children the education they need. The federal government's role in ensuring schools are free from discrimination has been articulated and confirmed by the Supreme Court of the United States in the *Brown v. Board of Education* (1954) decision, by Congress in the Civil Rights Act of 1964, and by ED in regulations and guidance – including the 2014 school discipline guidance – implementing that law. It is incumbent upon ED to ensure that progress continues and equal educational opportunity is real, and that we do not turn back the clock and undermine progress. The urgency is real, and the responsibility is great.

Students deserve, and the law requires, a Department of Education that is working to protect all students from discrimination and provide an excellent education for all students. These regulations and guidance documents, and continued enforcement of the law, are critical to making students' rights real. The Department of Education can create safe school environments *and* stop the overuse of suspensions and expulsions; the two goals are not mutually exclusive. If you have any questions, please contact me at kelly@coloradokids.org or 303.620.4529.

Sincerely,

Kelly Causey
President and CEO