

Below is the language proposed by the Administration under the 6th FURTHER RESOLVED of Resolution 2021R-007

FURTHER RESOLVED, That the District shall suspend no student below the sixth grade **unless** a student exhibits behavior that presents an imminent danger to the physical, emotional, or mental safety of specific students and staff, and with the approval of the Regional Superintendent or designee or under the age of 12; and be it

After reviewing the proposed language for Resolution 2021R-007, Director Baez intends to have the item set aside in order to offer substitute language as stated below for the 6th FURTHER RESOLVED and to add a new #7 FURTHER RESOLVED. This keeps the policy intent of the board, provides for school engagement, and invites the school community to have more voice on this issue.

Substitute the Administration's language with the "Further Resolveds" below,

FURTHER RESOLVED, That at the beginning of the second semester in January of 2021 no student below the sixth grade shall be suspended.

FURTHER RESOLVED, That *school communities shall develop alternative interventions to suspension in alignment with the district's Multi-Tiered System of Supports (MTSS), restorative practices, anti-racists, and non-discriminatory practices that are not exclusionary and which address disruptive behavior in school. School plans as per this resolution shall be in alignment with MPS Disciplinary policies, expectations, requirements, and guidance submitted to the Office for Civil Rights (OCR).*

Schools communities shall submit alternatives to suspensions intervention plans to the District Discipline Manager or designee by December 2020, who will in turn work closely with schools and Regional Superintendents to evaluate and approve school plans using a rubric created by the District Discipline Manager. At any given point in its regular reporting to the board, the MPS administration will bring forth for consideration by the board proposals to enhance and refine the implementation of the purposes of this resolution.

If a student is under the age of 12 and exhibits behavior that presents an imminent danger to the physical, emotional, or mental safety of specific students and staff, the District's Discipline Manager or designee, in collaboration with the Regional Superintendent or designee, will intervene and assist with this matter consistent with the school's alternatives to suspension plan.

Rationale:

The purpose of this resolution is to end all suspensions below the 6th grade or age of 12. The proposed language by the Administration still leaves the possibility of a suspension. The assumption by the proposed substitute language is that under no circumstances is suspension appropriate. This is consistent with the mandates of the federal Department of Health and Human Services regarding early childhood suspensions, but expanded to the 6th grade, and follows many school districts around the country that have created such policy and practice. As DHH has stated:

“This is particularly troubling given research that suggests that school expulsion and suspension practices are associated with negative educational and life outcomes. In addition, stark racial and gender disparities exist in these practices, with young boys of color being suspended and expelled much more frequently than other children. These disturbing trends warrant immediate attention from the early childhood and education fields to prevent, severely limit, and work toward eventually eliminating the expulsion and suspension – and ensure the safety and well-being – of young children in early learning settings.”

We should also do everything possible to help the student who engages in disruptive behavior with an “equity” lens. The proposed language also calls for involvement by each school community in developing alternative interventions to suspension. This causes the school community to become more involved in supporting children and families and raises the community’s consciousness on this issue.

In López v. Williams (732 F. Supp.1279, S.D, Ohio 1974), a federal court upheld the caution of a psychologist that testified that the psychological harm that results from a suspension (or penalty) of a child that young creates feelings of powerlessness which can have lasting effects. If there is an appearance that racial discrimination was involved (which appears to be the case in many instances in MPS), feelings of racial inferiority or hostility to a White-controlled system could be expected consequences. Later, the Supreme Court also spoke on why suspensions can violate the 14th Amendment of students, and must not be treated lightly. Many courts have spoken out on this issue since.

Thanks,

Tony Báez