

Testimony of Mary L. Bonauto for GLAD

LD 474 – Ought to Pass

An Act Regarding School Discipline for Maine's Youngest Children

Committee on Education and Cultural Affairs

April 26, 2021

Dear Senator Rafferty, Representative Brennan, and distinguished members of the Committee on Education and Cultural Affairs,

Good Morning. My name is Mary Bonauto. I am an attorney at the Maine office of GLBTQ Legal Advocates & Defenders (GLAD), which works in New England and nationally for equal justice under law without regard to sexual orientation, gender identity or HIV status. GLAD supports LD 474's policy of ending out-of-school suspensions and expulsions from school for children in pre-kindergarten through grade 5.¹

Through my legal work and as a parent of children who just graduated from the public schools, I am familiar with experiences of young children and their families concerned about behaviors directed at them and also those who have engaged in disruptive behaviors.

These disciplinary measures are harmful and are unnecessary to maintain a positive learning environment. As you already know, a torrent of research over the last two-plus decades demonstrates that “these types of disciplinary interventions negatively impact student achievement and increase both students’ risk of dropping out and their likelihood of future involvement with the criminal justice system.”² The U.S. Departments of Education and Health and Human Services concluded that early childhood suspension and expulsion is “associated with negative educational and life outcomes.”³ In an overview of the research, the American Academy of Pediatrics reported that in the earlier grades, school suspension and expulsion “have increasingly been identified as causes of chronic absenteeism that disproportionately affect African American students and students with emotional and behavioral disorders and attention-deficit/hyperactivity disorder.”⁴

¹ As this Committee knows well, with the rise of “zero tolerance policies” in the 1990s, suspension and expulsion rates skyrocketed as offenses justifying this severity moved from bringing weapons to school to more typical behavioral and school management issues. Farnel Maxime, “Zero-Tolerance Policies and the School to Prison Pipeline,” Shared Justice (Jan. 18, 2018), <https://www.sharedjustice.org/domestic-justice/2017/12/21/zero-tolerance-policies-and-the-school-to-prison-pipeline>.

² Education Comm’n of the United States, Policy Snapshot, Suspension and Expulsion (Jan. 2018), at <https://files.eric.ed.gov/fulltext/ED581500.pdf>

³ Deputy Assistant Secretary’s Office on Early Childhood Development Administration for Children and Families, *U.S. Dept. of Health and Human Serv’s and U.S. Dept. of Education Policy Statement on Suspension and Expulsion Policies in Early Childhood Education Settings* (2016), available at: https://www.acf.hhs.gov/sites/default/files/documents/ecd/expulsion_ps_numbered.pdf

⁴ Allison MA, Attisha E, AAP COUNCIL ON SCHOOL HEALTH. The Link Between School Attendance and Good Health. *Pediatrics*. 2019;143(2):e20183648 at 5, available at: <https://pediatrics.aappublications.org/content/143/2/e20183648>. The CDC additionally found that adolescents who

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Likewise, on the other side of the coin, a bevy of research shows that both school-wide and individual interventions that use proactive, preventative approaches, that address the underlying cause or purpose of the behavior, and that reinforce positive behaviors, have been associated with increases in academic engagement, academic achievement, and reductions in suspensions and school dropouts.⁵

With this Committee’s leadership, the Legislature could enact a specific policy that moves Maine past these harms to our children (and also our collective future) with a statewide standard that also complements the Maine Department of Education’s learning objectives. Maine’s Early Learning and Development Standards recognize that “The quality and quantity of children’s experiences in the early years of life have lasting impacts on school achievement and overall wellbeing, particularly for children from low resource homes and communities. High levels of emotional support, classroom organization, instructional support and verbal feedback are linked to social competence and academic gains.”⁶ To those ends, Maine DOE also recommends adoption of “district-wide disciplinary policies that: Focus on positive interventions and expectations” and to “Focus on positive and restorative interventions.”^{7, 8}

When the policy is set, teachers and school staff will find productive ways forward. Notably, the Head Start program has prohibited suspension and expulsion for years.⁹ They and many others have published guides, strategies, case studies and scenarios to support teachers and administrators in keeping their students in the classroom.¹⁰

are not in school due to suspension or expulsion are more likely to become physically violent, turn to criminal behavior, and ultimately stop pursuing education all together. Centers for Disease Control, “Health Risk Behaviors Among Adolescents Who Do and Do Not Attend School,” 43 *Morbidity and Mortality Weekly Report* 129, 130 (Mar. 4, 1994), <https://www.cdc.gov/mmwr/preview/mmwrhtml/00025174.htm>

⁵ See e.g. American Psychological Association, 2008; Christle, Jolivet, & Nelson, 2005; Crone & Hawken, 2010; Liaupsin, Umbreit, Ferro, Urso, & Upreti, 2006; Luiselli, Putnam, Handler, & Feinberg, 2005; Putnam, Horner, & Algozzine, 2006; Skiba & Sprague, 2008; Theriot, Craun, & Dupper, 2010).

⁶ Maine Department of Education, Maine’s Early Learning and Development Standards (2015), at 13, available at: https://www.maine.gov/doe/sites/maine.gov/doe/files/inline-files/MELDS_Re-Print_2.pdf

⁷ Maine Department of Education, Student Behavior, available at: <https://www.maine.gov/doe/schools/safeschools/studentbehavior>

⁸ Likewise, the Department’s “Social Emotional Learning with Intention” program gives teachers the training they need to implement mindfulness techniques in the classroom and teach their students the importance of self-awareness, ethical decision making, and how to manage their relationships with other individuals effectively. Maine Department of Education, Social Emotional Learning (Accessed April 23, 2021), <https://www.maine.gov/doe/sel>.

⁹ See e.g. U.S. Dept. of Health & Hum. Serv’s, Expulsion and Suspension Policy Statement ACF-IM-HS-16-01, Nov. 2016, <https://eclkc.ohs.acf.hhs.gov/policy/im/acf-im-hs-16-01>; U.S. Dept. of Health & Hum. Serv’s, Admin. for Children & Families, *Reducing Suspension and Expulsion Practices*, available at: <https://www.acf.hhs.gov/eclkc/child-health-development/reducing-suspension-and-expulsion-practices> (last reviewed Nov. 3, 2020). These include [Resources for States](#); [Resources for Early Childhood Programs](#); [Resources for Families and Caregivers](#); [Resources for Community Partners](#); [Resources on Early Childhood Mental Health Consultation](#); and [Resources on Positive Behavior Intervention and Support](#).

¹⁰ Schachner, A., K. Belodoff, W.B. Chen, T. Kutaka, A. Fikes, K. Ensign, K. Chow, J. Nguyen, & J. Hardy. 2016. “Preventing Suspensions and Expulsions in Early Childhood Settings: An Administrator’s Guide to Supporting All Children’s Success.” *Preventing Suspensions and Expulsions in Early Childhood Settings*. <http://preventexpulsion.org/>.

See n. 9, above.

My Mom taught kindergarten and pre-school for many years. She believed children learn about school what they *live* at school. She knew children came from all walks of life and that they came to her classroom differently situated in their abilities to listen, be part of a group, interact appropriately, or stay with a project. She knew they wanted to do well, to make friends, to be liked, and used that to motivate them.¹¹ She focused on showing them how do to so with what we now would call positive behavioral interventions and supports. She set clear, appropriate, and consistent expectations and consequences. It worked, or at least it seemed that way from the many warm notes and visits she received from students and parents over the years.

GLAD strongly encourage this Committee to vote ought to pass on LD 474, to give young people a chance to succeed in school socially and academically without out-of-school suspension and expulsion. Thank you all very much for your work.

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¹¹ She knew about economic struggles, but not so much about the “minority stress” that affects members of historically marginalized communities based on race, disability, or gender expansiveness, including children. M. Dentato, The minority stress perspective, Psychology & AIDS Exchange Newsletter, available at: <https://www.apa.org/pi/aids/resources/exchange/2012/04/minority-stress>.