



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Victoria Morales presenting*  
**LD 474, An Act Regarding the Discipline of Maine's  
Youngest Children**

*Before the Joint Standing Committee on Education and Cultural Affairs*

Senator Rafferty, Representative Brennan, and esteemed members of the Education and Cultural Affairs Committee, my name is Victoria Morales and I represent South Portland in House District 33. It is my honor to present to you **LD 474, An Act Regarding the Discipline of Maine's Youngest Children**.

The policy I bring to you today is grounded in evidence-based methodology, research, and best practices, as well as equity and racial justice, and, as if that isn't reason enough to adopt a policy, this will result in efficiencies in our various systems of care and better educational outcomes for Maine children.

LD 474 proposes three things:

That, as a state, we definitely state that the punitive measures of 1) out of school suspensions and 2) removing recess are harmful disciplinary tools for our youngest children and not in the best interests of our children or our educational goals, and that we must end those practices statewide. The bill also requires that 3) schools provide notice to all students and their parents and guardians of free legal representation to represent them at expulsion hearings.

The intent of this bill is consistent with the mission of this Committee: to keep our children in school, connected to their learning and communities, on track to graduate from high school and pursue their professional dreams, and as far away from prison as possible.

I want to start off by naming what educational practitioners already know. Using out of school suspensions as a disciplinary tool for student behavior harms children. The kind of harm I'm talking about is deep and long lasting.

To put the harm in context, consider this: The one thing every incarcerated or formerly incarcerated person has in common is that they were suspended from school.

This kind of harm starts with out of school suspensions, and unfortunately, this practice is ubiquitous throughout our educational system as it is a remnant of much older times.

When we suspend children from school, which we did almost 800 times for students ages 3-11 in Maine in 2019, we send them the clear message that they do not belong in school. We send the message that something is wrong with them and that it is their fault.

But what we know now about children that we didn't know when these punitive disciplinary measures were put in place decades ago is that young children have feelings and they don't understand them, and they act out because of those feelings. My amazing mom is a play therapist and she was telling me that children need help to name their feelings, to know that others have these feelings too, and to help to express them in a healthy way. This is true for the many Maine children experiencing individual ACES, community trauma, houselessness, poverty, food insecurity, and children experiencing discrimination based on the color of their skin, their gender identity and sexual orientation, and/or their learning disability.

This is the social emotional learning challenge we have ahead of us, which will only be more challenging and complex as we come back fully from the pandemic in the fall. The social emotional piece will be front and center, and we must provide all of our students with the tools they need to manage their feelings without using exclusionary harmful policies so that we can best prepare them for all of the educational opportunities our schools offer.

Fortunately, we are in a good place, a good funding place, which is extremely rare. We are about to see an infusion of millions of dollars from the US Department of Education to address the social emotional work ahead of us. We have an opportunity, but we can easily miss this opportunity if we don't address these outdated, punitive, and harmful discipline policies.

It is important to note what we all know about systems: Tools will be used by systems if they stay in place, even if they are harmful, because systems move along doing things as they have always done them until there is pressure from their community or policy makers to put a change in place.

We are also in a good place on the policy level because the Maine Department of Education, together with the Maine School Boards Association, Maine School Superintendents Association, Maine Administrators of Services for Children with Disabilities, Maine Education Association, Maine Principals Association, and Maine Curriculum Leaders Association, made a commitment to equity by stating as follows:

“Equity depends on a deliberate and systematic abolition of the inequities that have been sewn into the fabric of American society. These persistent inequities have long disadvantaged students on the basis of race, sex, gender, gender expression, language, physical and intellectual ability, socioeconomic status, sexual orientation, indigenous origin, religion, and all aspects of human identity that have been subjugated within our society.

...

“We stand united in our commitment to this work and our support of the educators who are courageously stepping up and stepping into the learning, growing and changing that is needed. Our organizations will continue to provide resources, support and technical assistance as we all expand our own knowledge and capacity to engage in this critically important work on behalf of our students and our collective future.”<sup>1</sup>

I am grateful for this statement because it reflects a commitment of the most powerful educational organizations in Maine to support equity and to reject harmful inequitable practices, such as out of school suspensions and removing recess for children’s behaviors.

Let’s talk more about the harm.

When students come back from out of school suspension, which we must recognize that they all do, they are worse off than before the suspension. Why? Because of the clear message we sent. We as a State told them they don’t belong in school.

If you are told you don’t belong in school as a very young child, you believe it.

But then where do you belong?

For context, I share the following data:

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<sup>1</sup> The Maine Department of Education, Maine School Boards Association, Maine School Superintendents Association, Maine Administrators of Services for Children with Disabilities, Maine Education Association, Maine Principals Association, and Maine Curriculum Leaders Association enthusiastically affirm the right of every student to an equitable education. We proudly and steadfastly support the educators and districts in Maine who are taking on the work of understanding and dismantling racism and inequity in our schools and communities. We urge all Maine schools and educators to accept their role and responsibilities in examining and addressing the inequities that have long existed in our society and institutions.  
<https://mainedoenews.net/2020/12/11/joint-statement-of-commitment-and-support-for-diversity-equity-and-inclusion-in-maine-schools/>

Approximately 14,000 young people in Maine between the ages of 16 and 24 are not in school and not working.<sup>2</sup> I wonder what messages they were sent in school? Do we know why they were pushed out of school? Do we know how many of them were suspended and for how many of the 175 required days of school per year?

Here's what we know about the students who end up pushed out of the educational system and into the correctional system:

22% of the children in Maine's youth prison today are Black and brown - despite the fact that Black and brown people make up less than 2% of our population.

80-88% of the children incarcerated in Maine have learning disabilities.

LGBTQI+ children are disproportionately represented in Maine's maximum security youth prison.

100% of the children incarcerated in Maine have 4 or more ACES.

Unfortunately, these disparities are similar when we analyze the out of school suspension data.

In our Maine public schools last year, there were approximately 800 incidents of out of school suspensions - and those were just for pre-K - 5th graders in public schools. My youngest child is 10 years old and in 5th grade. In the 2nd grade, he loved reading books like the Cat in the Hat. In the 3rd grade, he loved reading the Wishing Tree, in the 4th grade, he loved reading Wonder, and now he loves literally anything written about sports. He also lives for recess and playing on the playground every day for the short amount of time we allow children to do that during school hours.

As policy makers, we know that when we say NO to children being in school, we inevitably say YES to pushing them out of school. We say YES to them not graduating high school. We say YES to them simply not having a meal because they are not in school. We say YES to the likelihood that they will enter the juvenile justice system where only a few are every able to make it out of once they are in.

Suspensions and expulsions have tremendous costs and negative consequences for our students, schools, and our families. Children who are suspended or expelled from school:

- may be unsupervised during daytime hours;

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<sup>2</sup> Maine Kids Count - [https://www.mekids.org/site/assets/files/1241/kidscount\\_2019.pdf](https://www.mekids.org/site/assets/files/1241/kidscount_2019.pdf)

- cannot benefit from great teaching, positive peer interactions, and adult mentorship offered in class and in school;
- are unable to develop the skills and strategies they need to improve their behavior and avoid future problems;
- are less likely to graduate on time and more likely to be suspended again, repeat a grade, be pushed out of school, and become involved in the juvenile justice system; and,
- Are disproportionately students of color, LGBTQ students, students with disabilities, and economically disadvantaged students.

Exclusionary policies erode trust between students and school staff and undermine efforts to create the positive school climates needed to engage students in a well-rounded and rigorous curriculum. In fact, research indicates that schools with higher suspension rates have lower school-wide academic achievement and standardized test scores for all students. Suspensions and expulsions lead to lost learning time and deprive children of support and opportunities that can help them overcome early challenges.

The financial costs to taxpayers as a result of suspension and expulsion practices cannot be ignored.

It costs \$13,000 - \$14,000 a year for the State of Maine to educate a child. For the 882 suspensions in 2019, which likely resulted in a loss of at least 2,400 school days for those students, as far as I can tell, the State and Maine taxpayers pay our schools the same amount per student whether they are in school or are suspended out of school.

On the Department of Corrections side, it costs us more than \$660,000 a year to incarcerate a child here in Maine today, and 53% of the children incarcerated in Maine today are there for the sole reason to provide “care,” not because they are a public safety risk.<sup>3</sup>

It is time for Maine to follow best practices and say NO to out of school suspensions for our youngest children everywhere in our State, and definitively state that recess and the opportunity to run around is as needed for children as the food they eat at lunch. The human and financial costs are too high to do otherwise.

Thank you for the opportunity to bring this important policy to your Committee today. There are many folks here to testify today, and I respectfully request that we allow the students to testify first so that they can get back to class.

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<sup>3</sup> <https://www.mainejjtaskforce.org/>

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## **Joint Statement of Commitment and Support for Diversity, Equity and Inclusion in Maine Schools, 2020**

The Maine Department of Education, Maine School Boards Association, Maine School Superintendents Association, Maine Administrators of Services for Children with Disabilities, Maine Education Association, Maine Principals Association, and Maine Curriculum Leaders Association enthusiastically affirm the right of every student to an equitable education. We proudly and steadfastly support the educators and districts in Maine who are taking on the work of understanding and dismantling racism and inequity in our schools and communities. We urge all Maine schools and educators to accept their role and responsibilities in examining and addressing the inequities that have long existed in our society and institutions.

We define educational equity as providing each student a legitimate opportunity to learn, grow, and thrive in school and beyond.

Equity depends on a deliberate and systematic abolition of the inequities that have been sewn into the fabric of American society. These persistent inequities have long disadvantaged students on the basis of race, sex, gender, gender expression, language, physical and intellectual ability, socioeconomic status, sexual orientation, indigenous origin, religion, and all aspects of human identity that have been subjugated within our society. We recognize that education is one of many systems that have had a role in perpetuating racial inequities, and that through close examination of our system, we can and must strive to attain diversity, equity, and inclusion of all voices and experiences. We believe this work is central to living up to our promises of providing an outstanding education for every Maine learner and continuing to be a public education system of excellence.

We recognize and commit to our role and duty as Maine public education leaders to actively partner with all schools in constructing a new educational paradigm, founded on the certainty that every student can and will be successful when:

- School is a welcoming, safe place for all school community members to bring their whole identities with them
- Social emotional and behavioral supports are understood as critical prerequisites to academic learning
- Students' primary and home languages are recognized as assets, cultivated, and leveraged
- Every educator in every role shares the responsibility for ensuring equity for every student and participates in equity education, both in teacher and administrator preparation programs and ongoing throughout their careers
- Families are meaningfully engaged as partners in their children's education and welcomed into our schools

- All academic and non-academic programming is culturally responsive and co-constructed with community members

Examining racism and inequity is difficult work. As each student of Maine is a future citizen of our global society, we believe this is work that needs to be engaged in respectfully and civilly by all the schools and communities in our state. Understanding and addressing racism and inequity will take many different forms, all of which are valid and needed. Already many educators, school districts, and organizations are exploring this work in some of the following ways:

- Defining with school and community members what makes a safe and welcoming place for all and committing to the vision
- Reviewing your SAU's Controversial Issues policy and best practices for engaging in discussions responsively and responsibly.
- Engaging community members in discussions and actions to ensure that schools are a safe and welcoming place for all students
- Engaging in equity audits to examine a variety of practices and programs
- Expecting all school personnel to engage in professional learning about anti-racism and culturally responsive practices
- Reviewing and revising curricula and materials to ensure they are well-rounded, decolonized, and representing all experiences
- Adopting anti-racism instructional practices, programs, and policies
- Establishing Diversity Equity and Inclusion (DEI) committees of stakeholders
- Establishing expectations that every student will achieve and is challenged with rigorous curricula
- Creating, supporting or amplifying student Civil Rights Teams within each school

We believe in the power and responsibilities that are bestowed on our educational institutions to provide a safe and equitable place in which all students can thrive, and where students are encouraged to examine their world, their beliefs and their role in society through multiple perspectives. We believe all students, all families, and all human beings deserve to be celebrated, included, and heard, and we are committed to supporting our schools and educators in taking on the challenge of examining and changing our practices.

We stand united in our commitment to this work and our support of the educators who are courageously stepping up and stepping into the learning, growing and changing that is needed. Our organizations will continue to provide resources, support and technical assistance as we all expand our own knowledge and capacity to engage in this critically important work on behalf of our students and our collective future.