

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 474 – Ought To Pass

An Act Regarding School Discipline for Maine’s Youngest Students

Joint Standing Committee on Education and Cultural Affairs

April 26, 2021

Senator Rafferty, Representative Brennan and members of the Joint Standing Committee on Education and Cultural Affairs, good morning. My name is Meagan Sway, and I am Policy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to vote “ought to pass” on LD 474, which would improve educational outcomes for Maine’s schoolchildren and interrupt the school-to-prison pipeline.

This committee is charged with creating policy that best allows schoolchildren to grow and learn. Zero-tolerance disciplinary policies—and other policies that overly rely on suspensions and expulsions to address challenging child behavior—do not allow that. Removing young children from classrooms can immediately hinder students’ emotional and social development. It removes students from positive, pro-social influences and it denies them the opportunity to learn the skills needed to interact successfully with peers and adults. Suspending or expelling young people also dramatically increases the likelihood that those students will drop out before graduating from high school.¹ Enforcing severe disciplinary policies and practices pushes children permanently out of the classroom, without regard for the long-term impact.

Children of color and children with disabilities are especially vulnerable to the inappropriate use of suspensions and expulsions, and it is even worse for students of color with disabilities: In 2015-2016, 6.7 percent of children with disabilities being served under IDEA in this country experienced one or more out-of-school suspensions, and of those children, 61 percent were children of

¹ Dolores A. Stegelin, Ph.D., *Preschool Suspension and Expulsion: Defining the Issues*, Institute for Child Success, Dec. 2018, at p.2, available at <https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>.

color.² In Maine, according to the Office of Civil Rights Data, the statistics are similarly concerning. For example, in 2017, 57 percent of Black boys, 27 percent of Hispanic boys and 25 percent of native students with disabilities in Bangor, and 40 percent of Black boys and 50 percent of Asian girls with disabilities in Lewiston all had one or more out-of-school suspensions.³

In light of growing understanding of the harms of suspensions and expulsions, a number of other states have moved to limit their use on young children. In 2018, Virginia banned the use of most suspensions or expulsions longer than three days for children in kindergarten through the third grade, and the District of Columbia banned out-of-school suspensions for children in kindergarten through the eighth grade. In 2015, Oregon limited the use of out-of-school suspensions and expulsions for students in fifth grade or lower to three serious circumstances. These are but a few of the many examples of states around the country that have recognized that exclusionary discipline is counterproductive to the aims of teaching young people to be good citizens and scholars.

We all wish for school environments that keep every student safe and allow every student the room to learn and grow. Knowing the harms that suspensions and expulsions cause, and that they are disproportionately suffered by children with disabilities of all races but especially those of color, Maine must turn away from the use of suspensions and expulsions whenever possible. We must instead divert our resources away from punitive models and into what schools need to ensure their students are healthy: paying teachers adequately; keeping student-to-teacher ratios low; funding sufficient counselors rather than school resource officers; and providing the appropriate, legally required special education services to those who qualify will all help school administrators turn away from punitive models that derail lives, and towards healthier schools and communities. Please vote “ought to pass” on LD 474.

² U.S. Commission on Civil Rights, *Beyond Suspensions*, July 23, 2019, at p. 63, available at <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.

³ See Office of Civil Rights Data Collection, available at <https://ocrdata.ed.gov/search/school>