

## **LD, 474 “An Act Regarding School Discipline for Maine’s Youngest Children”**

*Testimony in support provided by Pedro A. Vazquez, Chair South  
Portland Human Rights Commission  
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Members of the Committee:

School is a place where childhood happens. Most of us believe that every child, whatever their color, background or zip code, has the right to learn in a supportive environment that respects their humanity, upholds their dignity, and responds fairly to mistakes and missteps. Instead, zero tolerance and other exclusionary school discipline policies are pushing kids out of the classroom and eventually into the criminal justice system at unprecedented rates. Funding choices prioritize misguided discipline schemes, harming students who are Black, brown, LGBTQIA+ or disabled for making mistakes that - for wealthy white kids - are deemed part of growing up and learning. Neighborhood public schools are supposed to be a place where all children can learn, grow, and thrive.

Many students under strict zero-tolerance policies are punished without a second thought. This type of disciplinary procedure has been proven in research to have an overall negative effect on students, and a disproportionately negative effect on minoritized communities. In an American Psychological Association report, a task force gathered data related to certain assumptions that coincided with zero-tolerance policies. One of the assumptions, similar to the broken-window theory, was that only with swift, strict, and uniform zero-tolerance punishments would students be deterred from breaking the rules. Further, the assumption was that this would in turn improve the overall behavior of the student and decrease disciplinary infractions in the school. However, the task force’s research found that assumption to be false:

The notion of deterring future misbehavior is central to the philosophy of zero-tolerance, and the impact of any consequence on future behavior is the defining characteristic of effective punishment. Rather than reducing the likelihood of disruption, however, school suspension in general appears to predict higher future rates of misbehavior and suspension among those students who are suspended. In the long term, school suspension and expulsion are moderately associated with a higher likelihood of school dropout and failure to graduate on time.

Further research has shown that these policies can put students at risk for dropping out of school and/or entering the juvenile justice system. Punishments like out-of-school suspensions can severely disrupt a student's academic progress. The Center on Youth Justice at the Vera Institute of Justice found that "for similar students attending similar schools, a single suspension or expulsion doubles the risk that a student will repeat a grade. Being retained a grade, especially while in middle or high school, is one of the strongest predictors of dropping out." In a national longitudinal study, it was reported that youth with a prior suspension were 68% more likely to dropout of school.

In fact, school discipline appears linked to the criminal justice system. According to a comprehensive study conducted by Texas A&M University's Public Policy Research Institute and the Council of State Governments Justice Center, students who are suspended or expelled are nearly three times more likely to come into contact with the justice system the next year. That same study found that 23 percent of students disciplined at school had some contact with the juvenile justice system, compared to just two percent of students who had not been disciplined.

It is clear schools with zero-tolerance policies play a role in the school to prison pipeline. It is imperative that we reconsider the way that student discipline is structured, and look to holistically develop them into positive, contributing members of society. If this becomes our priority, then students can be set on a better path and a more positive

learning environment can be created within our schools. We can accomplish this through the use of tools like interventions, administrative discretion, cultural competency training, and other disciplinary responses, to repair and reconcile harm done to individuals or groups within school communities. The initial intent behind zero-tolerance policies was to create a better learning environment for all students in the school - however, countless studies have proven that these policies have created the reverse effect. Now, it is time for leaders and policy makers to adopt a different, better approach that affirms and values all students at their core.

LD474 provides a mechanism for us as compassionate members of communities and citizens of the state of Maine to protect our most vulnerable from the trauma and harm inflicted by the lack of protections that exist within the current framework.

Relying on harsh discipline policies robs teachers, administrators and parents of the chance to help children learn from their mistakes and keep them engaged in the classroom, instead of idling at home or in the streets. Compelling data underscores the need for systemic changes in school discipline policies that wrongly favor punishments such as suspensions and expulsions instead of constructive approaches for managing behavior and encouraging learning.

I encourage you to support LD474.