

Testimony

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I am a licensed School Psychologist with over twenty years working in the public schools of the Commonwealth of Massachusetts. The majority of my work has been in helping school districts to meet the needs of students who struggle in school due to behavioral/social/emotional issues. I have worked in and consulted to numerous school districts on these issues including Lexington, Brockton, Quincy, Worcester, Andover, Springfield, Wakefield, Charlestown, Woburn and Winchester, as well as the states of Massachusetts, Washington and Wisconsin. I developed and teach a graduate level course at Lesley University on the impacts of student experience on their learning, which addresses creating safe and supportive school environments for all students.

I am testifying in support of H. 3435, An Act to Help Students Stay in School. This bill provides important limitations on a school's discretion to remove a child from class as a punitive measure, strikes a balance between the needs of most public school students and those of high-risk youth, many of whom are unnecessarily removed from school and permanently deprived of an education. It will also help to make Massachusetts schools safer and more supportive for all children and staff.

In part to address the safety needs of schools, the Legislature enacted the School Reform Act in 1993, providing building principals with enhanced powers to exclude students for misconduct that threatens the safety of students and staff and is inconsistent with a safe learning community. While this authority can be a part of creating a safe school environment, when misused it can have just the opposite result of that intended. When building principals rely heavily on student exclusion to achieve school safety, they create a school environment that is reactive and punitive. Such school environments not only distance students from school and negatively impact learning, they also increase the amount of disruptive behavior in the school (i.e. the more I punish and exclude, the more I will have to punish and exclude) and can create a punitive, exclusion and misconduct spiral. And as if this was not bad enough, the exclusionary model disproportionately impacts minority groups in the school.

Discipline systems that rely on punitive responses to student behavior assume that students will "learn" to use more appropriate behavior as a result of their punitive exclusion. This premise is based on two false assumptions. First, it is assumed that students actually have in their behavioral repertoire more appropriate responses to the situations that confront them. Without our working to proactively teach these responses/skills, it is unclear if the students actually have alternative responses they can use that the leadership would find more appropriate. Particularly with wide diversity in the student body, this

assumption may be less well founded, resulting in a higher proportion of minority students being excluded under such a punitive structure. The second assumption is that exclusion will actually produce the desired response in our students, i.e. that they will work hard to change their behavior to meet our expectations. Here again, the research shows clearly that punitive and exclusionary environments create distance, intolerance and disconnection, just the opposite of what we are trying to nourish.

Schools provide educational opportunities both academic and social, and exclusionary discipline deprives students of the chance to learn in both of these areas. Students need to be accountable for their behavior, there is no argument on this point. The issue is that we need to proactively address student needs/learning in the relational and self regulatory domains as opposed to merely punish them when their behavior is out of bounds. Their having the needed skills to meet school based expectations is critical to their competence in being a part of the school community and engaging in the learning process. For this to happen, we need to address these needs just as we would academic learning. Punitive models do not work in teaching students to read, write and do math, why do we think they would help students develop skills in self regulation and relationships.

Reduced exclusionary discipline will make schools safer. All too often we focus on a limited view of safe and supportive schools, a view that defines a safe and supportive school as a community that poses no obvious physical threats to our students. Metal detectors, visible security/police officers and strict enforcement of behavioral expectations including zero tolerance codes are often put forth as a safe school environment. Rather than accepting the presence of the impairments that students bring to school, the issues that are associated with them and working to meet student needs in these areas, we ignore them when we limit our focus to academic achievement and physical safety. When community expectations for students' achievement are high without the needed supports, the school environment becomes reactive, identifying underperformers and punishing their lack of achievement in meeting academic and behavioral expectations. These punitive actions are implemented with the best of intentions, but are inconsistent with the increasing body of research that defines a safe and supportive environment as one that addresses the needs of students in several dimensions, not just academic achievement and physical safety. It is as if, while aware of the social, emotional and cognitive impairments students bring to school, we are simply going to respond to the manifestations of these impairments with hard boundaries and punitive/exclusionary responses, effectively telling our students that they are on their own to address/overcome these impairments and if they do not overcome them, they will be excluded from school. The school environment and student learning suffer with this limited view of a "safe" school.

Schools that are narrowly focused on academic achievement and student behavioral control to achieve safety do not provide a safe and supportive school, but instead have created an intolerant culture in the school community that will often disproportionately impact minorities and students with social/emotional disabilities in the name of a safe environment (Osher et al, 2002, Skiba et al 2000). This in turn leads to reduced attachment to school and lowered achievement (Noguera, 2003). Often this situation arises among educators who use high levels of "...disciplinary referrals, punishment, segregation and removal from the school environments" (Osher , 2007) in response to student behavior

that is inconsistent with their expectations. Finally, these types of reactive school environments may actually increase the frequency of problematic behavior (Mayer & Sulzer-Azaroff, 1991) and contribute to student disengagement (Noguera, 2003).

Safe and supportive schools facilitate student learning in school and provide the needed social/emotional skills for students to be successful. Efforts to create safe and supportive school environments by simply providing clear behavioral expectations and reacting to student behavior with punitive and exclusionary discipline approaches do not create a safe and supportive environment and in fact create a school ecology that contributes to students feeling disconnected, disproportionately excludes minorities and results in higher levels of problematic behavior.

H. 3435 will appropriately limit the school leadership's ability to exclude students who truly present a clear danger to the school. Before a student can be suspended for more than ten days, the school must provide a written explanation of the exclusion. It must determine by clear and convincing evidence that the student knowingly and intentionally violated the school's rules, that there is a substantial likelihood that the misconduct will reoccur and that the student's presence would have a "substantial detrimental effect" on the general welfare of the school. Students will have the right to appeal a district's decision to the Commissioner of the MA Department of Elementary and Secondary Education. These procedures will create a safer environment for the students, ensure that all children are treated fairly and equally, and ensure that every child in the Commonwealth has a real opportunity to get an education.

References

Mayer, G.R. and Sulzer-Azaroff, B. (1991). Interventions for vandalism. In G. Stoner, M.R. Shinn and H.M. Walker (eds), *Interventions for achievement and behavior patterns* (pp.559-580), Bethesda, MD: National Association of School Psychologists.

Noguera, P. (2003). *City schools and the American dream: Reclaiming the promise of public education*. New York Teachers College Press

Osher, D. et al (2007). A comprehensive approach to promoting social, emotional and academic growth in contemporary schools. *Best Practices in School Psychology*

Osher, D. et al (2002). Schools make a difference: The relationship between education services for African American children and youth and their overrepresentation in the juvenile justice system. In D. Losen (ed.), *Minority issues in special education* (pp. 93-116). Cambridge, Ma: Harvard Education

Skiba, R.J. et al (2000). *The color of discipline: Gender and racial disparities in school punishment*. Bloomington: Indiana Education Policy Center.