



Michigan Board of Education Presentation
Update on “Rethink Discipline” implementation
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Over the past 17 years or so, I have come before this body many times to discuss school discipline. I appreciate the opportunity to come today, approximately 18 months after the “Rethink Discipline” laws went into effect.

I am the Executive Director of the Student Advocacy Center of Michigan, an organization that has been around since 1975 helping underserved students stay in school, get back in school and find a path to school success. We have offices in Ypsilanti, Detroit and Jackson and receive calls from around the state through our statewide Helpline, which is promoted on MDE’s toolkit for implementing the new laws. I personally have studied and worked on school discipline since 2000.

I won’t spend time today talking about the extensive research on the harm suspensions and expulsions exact on individual students, families, peers, schools and communities. My assumption is you know this. I also won’t spend much time talking about what happened last school year with the implementation of the new laws, as troubling as those stories are, because it was the first year.

Today, I want to share what we are seeing in the field and what our peers are seeing. SAC was proud to gather with ACLU of Michigan, Street Democracy, various legal aid offices, parent advocates, dispute resolution practitioners and others to convene what we dubbed the *Rethink Discipline Summit*. We met last summer and again in December. The purpose of the summit was to identify the ways in which schools have implemented PAs. 360-366 and brainstorm ways we can improve.

In summary, I can say our state has reduced the number of students expelled and the average number of days out on expulsion — but we shouldn’t start celebrating yet.

	Average Length of Expulsion	Total Students Expelled	Total Michigan Student Count	Rate of Expulsion	Average Number Expelled Per School Day
2017-2018 *	155	1091	1468256	0.074	6.06
2016-2017	179	1238	1476450	0.084	6.88
2015-2016	167	1318	1483645	0.089	7.32
2014-2015	173	1347	1499041	0.090	7.48
2014-2015	189	1520	1516371	0.100	8.44

* 1st year of Rethink Discipline implementation



We see a 12% drop in expulsions, but still more than 1,000 are expelled. The length of expulsions decreased slightly but still averages 155 days, despite expulsions now being defined as 60 days out or more.

And this data is so limited. Since the new laws passed, advocates have seen an increase in the use of 59-day suspensions, but suspension data remains hidden in our public reporting systems.

We also have seen an increase in the use of unilateral placement to understaffed virtual settings with a startling lack of due process. Once again, the students who need the most get the least, and no one has to report it as an expulsion.

There are a number of other trends advocates have identified in our work:

- Outdated student handbooks (and lack of access to handbooks)
- A general lack of knowledge and training about the laws. This includes a lack of understanding of how many days constitutes an expulsion and what rebuttable presumption means. Just in the last month, I had to explain to a district that 100 days out was an expulsion, not a suspension. And our advocates never hear any decision-making body refer to the concept of rebuttable presumption. There continues to be an ongoing insistence that there are mandatory expulsions beyond violations of the federal Gun-Free Schools Act.
- A cursory consideration of the 7 factors or no consideration at all.
 - The 7-factor template used by most districts omits one of the 7 factors and is built as a checklist. Writing down “age 15” does not demonstrate that you’ve considered how the age should play a role in the response to behavior. Printing out a student’s entire discipline record does not indicate that you’ve really considered how past behavior patterns (and school responses) should inform decisions today.
 - We have had districts and charters tell advocates that they would not consider the 7 factors at all. Recently, a board member argued that the 7 factors only applied to certain situations. It also important to mention that we rarely see or hear of a 7-factor consideration for suspensions of less than 10 days, although the law requires it.
- A refusal to share with parents/students how the 7 factors were considered. We know most parents/guardians don’t even know to ask, but those who do call us incredibly frustrated that their districts won’t share that information or that they take weeks to get it to them, making us wonder if they are scrambling to complete this requirement after the fact, rather than before the removal. In our experience, the 7 factors are rarely discussed unless an advocate or parent/guardian brings it up and sometimes, not even then.
- A lack of understanding of lesser interventions and the persistent belief that lengthy removals remain necessary. SAC collaborated with several districts to develop an extensive lesser intervention tool, which is available on our Website. We also have countless examples that have worked in nearly all disciplinary situations. But still we are told that the situation is “too serious” for a lesser intervention or that a lesser intervention was considered but determined not appropriate without ever disclosing what was considered. A few case examples:
 - A student with no high school discipline record was recently expelled for more than 100 days without written consideration of the seriousness of the charge, lesser



interventions or restorative practices. We were told the infraction was too serious to warrant a lesser intervention, even after we explained that another district would have suspended this student for 10 days.

- o A 9th grader involved in a verbal altercation was expelled for the rest of the school year for “persistent disobedience,” despite our team lining up extensive community resources for him and despite the district never trying positive interventions with him.
- o A 10-year-old 5th grader who spit at a peer (who spit at them first) was expelled for 180 school days for persistent disobedience without written consideration or discussion of the 7 factors. We were told at the appeal hearing that the student’s behaviors were too dangerous to consider lesser interventions.
- Lack of understanding of restorative practices. We are often told situations are “too serious” for restorative practices, even in situations where the law says restorative practices should be the 1st consideration.
- General lack of basic due process (timely notification, decisions based on evidence, impartial hearing officer, right to appeal, right to a hearing).
 - o Recently, multiple students involved in a fight were told they had to attend the alternative virtual night school. SAC had to request multiple times for a disciplinary hearing.
 - o A 6th grade student was expelled for 180 school days, but the family wasn’t provided written notice of the hearing and believed it was a re-entry meeting due to the student completing a behavioral health program (a condition the school indicated would allow the student to return to school). The district did not address the 7 factors.

In closing, I will say that we have seen some great successes. Districts that used to automatically expel 180 days for fights, for instance, have partnered with us to dramatically reduce those removals with great outcomes. We know alternatives are possible and that they actually help get to the root of the problem, prevent future wrongdoing and repair the harm. It is these success that push us forward to think creatively on how we can encourage more districts to follow state laws. We look forward to working with you.



Recommendations for State Board of Education Action

- 1. Develop an expedited process to revise the state’s model code of conduct to incorporate changes to the school code regarding discipline.** We would ask that the public comments already submitted after the laws changed be incorporated into a new draft and that additional feedback be sought on this draft.
- 2. Partner with us to request an attorney general’s opinion on what is required for districts to comply with the Rethink Discipline laws and basic due process rights outlined in the Supreme Court decision, Goss vs Lopez.**
- 3. Revise MARSE to incorporate references to the new state discipline laws, including consideration of the 7 factors before any removal and documented consideration for removals over 10 days.**
- 4. Expand data collection and transparency regarding discipline.** The Parent Dashboard should include both expulsion and suspension numbers and rates. Expulsion data should be more easily found on www.mischooldata.org (perhaps in the Student Counts reports). And suspension data needs to finally see the light, just as attendance data has.
- 5. Pass a resolution indicating that Michigan will continue to rely on the 2014 federal guidance to public schools related to the administration of school discipline (with particular focus on the disparate impact of disciplinary practices on students of color), despite the recent rescinding of that federal guidance.** Washtenaw Intermediate School District and the national Dignity In Schools Campaign have examples we can share.
- 6. Provide leadership on the new laws, lesser interventions, restorative practices, and investments in trauma-informed, preventative approaches presented in places such as the annual statewide School Justice Partnership conferences.** Targeted, regional trainings are needed, as well as financial support to implement evidence-based approaches.