



Comments of the SPAN Parent Advocacy Network (SPAN) on Senate Bill 1020

The SPAN Parent Advocacy Network (SPAN) is pleased to provide these comments on Senate Bill 1020, An Act Concerning Student Disciplinary Actions.

SPAN is a 32-year old parent-led, parent-staffed non-profit organization whose mission is to empower parents to partner with professionals to ensure quality services and positive outcomes for New Jersey's children, youth and families. SPAN serves as New Jersey's federally-designated Parent Training and Information Center (PTI) (US Department of Education Office of Special Education Programs) and Family to Family Health Information Center (F2F) (US Department of Health and Human Services HRSA Maternal and Child Health Bureau); in both capacities, we provide information, training, and support to families of children and youth with disabilities and special healthcare needs or at risk of inappropriate identification. SPAN is also the New Jersey affiliate for Family Voices, the National Federation of Families for Children's Mental Health, and Parent to Parent USA. SPAN houses the National Center for Parent Information and Resources (National Parent TA Center) and Navigating Excellence-Parent Center Assistance and Collaboration Team (Regional Parent TA Center) (US ED OSEP), providing TA to 96 parent centers across the country on early intervention and special education, and National RAISE Transition TA Center and REAL Transition Partners Regional Transition TA Center (US ED Rehabilitative Services Administration), providing TA to parent centers on transition to adult life. Finally, SPAN co-directs the National Center on Family Professional Partnerships with Family Voices (US DHHS HRSA MCHB), providing TA to 59 F2Fs across the nation and territories. It is based on our 32 years of experience within New Jersey and our decades of national experience and expertise that we submit these comments.

SPAN strongly endorses this legislation's mandate for inclusion of information in district report cards on "(13) the number, percentage, and demographics, including race, gender, disability, and grade level, of students who received one or more suspensions or expulsions or who were reported to or arrested by law enforcement, by category of offense, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials." It is critical that schools, districts and the state track discipline demographics, particularly given the reality that students of color, especially Black/African-American students, and students with disabilities, are far more likely to be disciplined than White students or students without disabilities. You cannot address what you cannot know; requiring that this data be tracked and reported publicly will shine a light on troubling statistics and practices that continue to result in disproportionate discipline based on explicit or implicit bias against students of color and students with disabilities.

We are also pleased that the proposed legislation requires schools to publicly report the number of students who were reported to or arrested by law enforcement, an explicit component of the school-to-prison pipeline, by race, gender, and disability. Again, we know that students of color are disproportionately reported to law enforcement and arrested; this data will be critical for communities across New Jersey to understand the full extent of the problem in their district and come together to address it.

However, SPAN is concerned that the legislation does not (a) explicitly include students who receive in-school suspensions, and (b) address the use of restraints and seclusion on students with disabilities.

In-School Suspensions

An in-school suspension *is* a suspension and thus this legislation should be read to include a requirement to report on in-school suspensions. However, if this language is not explicitly included in the bill, there will be schools and districts that either intentionally or mistakenly misread the legislation so as not to include this category of suspension. (In our experience, many schools do not even notify parents of in-school suspension even though it is required because they do not consider in-school suspension to be “suspension.”) It must be explicitly stated so that there is no potential for misunderstanding.

Restraints and Seclusion

SPAN strongly urges the New Jersey Legislature to revoke the legislation it passed under former Governor Christie, who signed the bill into law, that specifically and explicitly allows the use of restraints and seclusion in New Jersey schools – and **only** against students with disabilities. New Jersey passed this discriminatory and regressive law at the same time that other states across the country were passing legislation **prohibiting** the use of restraint and seclusion. But until that happens, this proposed legislation must include the requirement for districts to report publicly on the use of restraints and seclusion, by race, gender, and disability. We know that even when restraint and seclusion laws are not limited to students with disabilities, in the 2015-2016 school year (according to data from the US Department of Education’s Civil Rights Data Collection), 71% of students who were restrained and 66% of students who were secluded were students with disabilities even though students with disabilities represented only 12% of the total enrollment. The data also demonstrates significant racial disproportionality: African-American students make up 15% of total enrollment, and yet they represent 27% of the students subjected to restraint and 23% of those students secluded in school. Only by requiring districts and schools to gather and publicly report this data will this abuse be uncovered, leading to the potential for parents and advocates to organize to combat and prevent it.

Research proves conclusively that punitive disciplinary practices, such as suspension, whether in or out of school; expulsion; and the use of restraints and seclusion, do not prevent or effectively address student misbehavior and, in fact, often exacerbate it. This legislation will hopefully shine a light on the disproportionate use of punitive disciplinary measures on

students of color and students with disabilities so that parents, youth, advocates, and human educators and administrators can work together to implement proactive measures such as school-wide positive behavioral interventions and evidence-based positive behavioral support plans for students.

We look forward to working with you to strengthen, enact, and implement this law for the benefit of our state's children and youth. Thank you for the opportunity to share our comments. Please contact me, Peg Kinsell, at pkinsell@spanadvocacy.org, to discuss our comments in greater detail.