



July 21, 2021

Mr. Alejandro Reyes
Director,
Program Legal Group
Office for Civil Rights Potomac Center Plaza (PCP), Room 6125
550 12th Street, SW Washington, DC 20024

Dear Mr. Reyes:

On behalf of AASA, The School Superintendents Association, representing more than 13,000 public school superintendents across the nation, I write to offer comments on the Office of Civil Rights' Request for Information on school climate and discipline practices in our nation's schools and how best to support and build schools' capacity to promote positive, inclusive, safe, and supportive school climates in a nondiscriminatory manner.

We share the Administration's commitment to addressing educational inequities and specifically the disproportionate discipline of students of color when compared to their White peers. We recently issued [An American Imperative: A New Vision of Public Schools](#) which insists that district leaders must commit to ensuring no learner is marginalized. "When we say the system must enable meeting the needs of and fostering growth for "ALL learners," we mean ALL—and especially the Black learners, Indigenous learners, and learners of color who have historically been the most marginalized...Public schools must serve as pillars of anti-marginalization and systemic equity—where ALL children are loved and respected; viewed for their humanity, boundless potential, agency in their lives, and vital and valued role in our nation; supported by a personal advocate across their learning journey; and provided the equity required to put them demonstrably on a path of well-being, success, and fulfillment."

In response to the RFI, it should come as no surprise that as a general principle, AASA does not welcome any new federal guidance or regulation unless, as in the case of the American Rescue Plan or other bills passed through reconciliation, we believe Congress was intentionally hamstrung in providing the appropriate level of clarity to districts on how to access funds, utilize funds, etc. Outside of those specific examples, we trust local leaders to appropriately interpret federal laws and to reach out to States and federal technical assistance centers for clarity if/when necessary.

In the context of this specific RFI, our opinion is that the issuance of new federal guidance will not be particularly impactful or useful for school leaders and the students we educate. This assertion is based on data [AASA collected in 2018 from 950 school leaders in 47 states](#) about how the 2014 discipline guidance was perceived in the field. We found that that the 2014 discipline guidance itself had a very limited impact on changing district discipline policies and practices. Similarly, based on our conversations with school leaders, the rescinding of the 2014 guidance by the DeVos Administration had a negligible impact on changing district policy and practice. Therefore, based on the feedback AASA has gathered through surveys and anecdotes over the past 7 years, we believe that any new federal discipline guidance that is issued by OCR will do not do much to change how districts are already addressing disproportionate discipline rates.

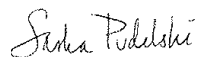
Instead, our data suggests that state policy changes have had a much greater impact on changing local district practices and reducing racial disproportionality in school discipline. Decisions by states to require the incorporation of restorative discipline practices, end zero-tolerance policies and limit exclusionary discipline practices have been much more impactful than anything that the Department has issued in reducing local discipline rates. This is evidenced by the fact that 90,784 fewer students experienced exclusionary discipline practices when we compare all CRDC discipline data from 2015-2016 to 2017-2018. This is important and encouraging data to lift up.

Over the past decade district leaders have also done much, regardless of the specific Administration and guidance documents issued or rescinded, to shepherd through and implement promising practices that reduce racial disproportionality in school discipline. The adoption and widespread incorporation of social-emotional learning for all students in many districts, the efforts to ensure educators and all school staff are trauma informed and trauma-skilled, and the continued refinement of Positive Behavioral Interventions and Supports, have all led to less exclusionary discipline rates generally and specifically reduced racial disparities. The funding from the American Rescue Plan will only ensure more students get the behavioral supports, mental health supports and social emotional learning that can meaningfully reduce discipline referrals and exclusionary discipline rates, so we expect greater progress and outcomes in the next few years.

Instead of new guidance, we encourage the Department to highlight and promote district best practices, provide toolkits and resources for addressing discrete disciplinary issues that have a disproportionate impact on one or more student population, and ensure that regional offices are prepared and able to weigh in on district inquiries on school discipline policy changes in a way that is non-threatening and helpful. Taken together, we believe these steps will enable school leaders to continue to making progress on the important work of reducing racial disparities in school discipline.

We would be happy to continue to provide examples of exemplar districts who have taken thoughtful, innovative and evidence-based approaches to reducing racial disparities in school discipline and reducing discipline rates overall to the Department.

Thank you for this opportunity to provide meaningful feedback.



Sasha Pudelski
Director of Advocacy
AASA, The School Superintendents Association

