

Testimony of Eduardo R. Ferrer
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Public Hearing Before the Committee on Education
“Student Fair Access to School Act of 2017”
“DC Public Schools Alternatives to Suspension Amendment Act of 2017”
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Good morning, Chairman Grosso and members of the Committee on Education. My name is Eduardo Ferrer. I am a Ward 1 resident; a founding member of the Every Student, Every Day (ESED) coalition¹; and the Policy Director at the Georgetown Juvenile Justice Initiative. This testimony is my own and does not represent the views of Georgetown. Thank you for the opportunity to testify today, and thank you for your continued leadership on ending DC’s school to prison pipeline. My testimony today will focus on my support of the Student Fair Access to School Act of 2017² and, time-willing, will include a one key recommendations to ensure effective implementation of the legislation.

For far too long, public schools in DC have suspended far too many of its students. Last school year alone, DCPS and public charter schools issued at least 12,897 suspensions.³ Indeed, during the 2016-17 school year, DC schools suspended at least 7.4% of its total student body; 10.2% of its Black students; 10.7% of its students identified “at-risk”; 14.1% of its students with disabilities; and 16.1% of students identified as homeless.⁴ During the previous school year, DC schools also suspended at least 19% of its students under CFSA care.⁵ What is particularly troubling about the extent of these suspensions is that over half of the suspensions were issued for behavior that was not violent or dangerous and that one-third of the suspensions issued were for “disrespect, insubordination, and disruption.”⁶ Moreover, 37% of the suspensions issued last school year were given to elementary school students and 35% were given to middle school students.⁷ I give all this data because I want to be very clear about whom we are suspending in

¹ The mission of the Every Student, Every Day Coalition is to advocate for policies and programs that increase school attendance, enhance school engagement, promote student achievement, and decrease the District’s reliance on suspension, expulsion, and school-based arrest in order to achieve social, economic, and racial justice.

² Hereinafter abbreviated as “the Fair Access to School Act.”

³ I say “at least” because we know that there is a serious problem with the underreporting of suspensions through schools’ use of undocumented suspensions, do not admit lists, refusing entry to students, involuntary dismissals, counseling out, and other tools used by the schools that are not reported by the schools as being formal suspensions. For instance, a recent Washington Post investigation examining a one-month sample comparing do-not-admit lists and attendance records concluded that students were issued 406 days of suspension during that the month studied, but that only 15% of those days were actually reported as suspensions. Instead, students who were denied entry to the building due to documented or undocumented suspensions were even marked as present, “attending an in-school activity,” or given an unexcused absence. See Emma Brown and Alejandra Matos, *Some D.C. high schools are reporting only a fraction of suspensions*, WASH POST (July 17, 2017).

⁴ *State of Discipline: 2016-17 School Year*, DC Office of the State Superintendent of Education [hereinafter SY2016-17 Discipline Report].

⁵ *State of Discipline: 2015-16 School Year*, DC Office of the State Superintendent of Education, at 22-23. OSSE did not include the number of youth under the care of CFSA in its School-Year 2016-17 report.

⁶ SY2016-17 Discipline Report, at 50-52.

⁷ *Id.* at 22-23.

the District. For the most part, in DC, every year, we are suspending scores of poor black kids who have suffered trauma and/or have disabilities. Most of them are not yet teenagers. And we are suspending most of them for non-violent, non-dangerous behavior.

We do this in DC – we suspend all these students – despite the fact that school exclusion does not work.⁸ Indeed, school exclusion not only does not productively address the behavior of the youth suspended, but exclusion also makes it more likely that the young person will be held back, drop out, and end up justice-involved.⁹

Unfortunately, I see these negative effects of suspension every day in DC. As a defense attorney for youth accused of being delinquent or in need of supervision, I represent primarily 13 to 17 year olds. All of my clients live in poverty. Nearly every single one of my clients is a youth of color. When I dig into their personal history – or their “social factors” – as we call them in juvenile court, I find trauma – lots and lots of unaddressed trauma. I also very often find a history of suspensions that has led them to the doorstep of the court. Every morning when I go to work I see DC’s school to prison pipeline flowing right in front of my eyes. This bill is not an academic exercise in policy development; this is about putting an end to the harm to our kids caused by school exclusion and replacing it with meaningful positive solutions that actually work.

Every time we exclude a young person from school, it is a missed opportunity. It is a missed opportunity to listen to what our young people are trying to communicate to us through their actions. It is a missed opportunity to learn about the couch surfing, the empty fridge, the mom recently diagnosed with cancer, the adoptive parents telling the court they do not want to be your parents anymore, the uncle that bled out right in front of you. It is a missed opportunity to intervene early, to pull a young person close instead of pushing them away, to connect them with services that will actually address the reasons underlying difficult behavior and will help prevent them from becoming a client of mine.

I strongly support the Fair Access to School Act because the act recognizes that students have a right to be heard and to be helped by adults in school. I support the Fair Access to School Act because I know that exclusion does not find someone a home, satiate hunger, cure cancer, or heal the pain and grief caused by the loss of a parent or other family member. I support the Fair Access to School Act because it seeks to move us away from the punitive, ineffective practices of the past and move us to earlier and more effective prevention and intervention efforts. Indeed, the justice system in the District of Columbia has begun to make great strides in its adoption of a public health approach to violence prevention. It is time for the schools in DC to do so as well and do their part to end the school to prison pipeline.

⁸ Tony Fabelo et al., *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (Council of States Governments Justice Center and The Public Policy Research Institute, Texas A&M University, July 2011); Brea Perry & Edward Morris, *Suspending Progress, Collateral Consequences of Exclusionary Punishment in Public Schools*, 79 Am. Soc. Rev. 1067 (2014); Russell J. Skiba and Daniel J. Losen, *From Reaction to Prevention: Turning the Page on School Discipline*, AMERICAN EDUCATOR, AFT, Vol. 39, No. 4, Winter 2015-16 Ed., at 6.

⁹ *See id.*

As I close, I would be remiss if I did not offer one suggestion for improving the current version of the bill. Schools cannot be expected to make this shift unless they are properly supported and properly resourced to do so. Indeed, I do not believe teachers, administrators, or schools are to blame for our failed approach to discipline. For far too long, our society demanded zero tolerance and we have never adequately invested the time, space, money, training, and supports for our schools to approach discipline with positive solutions. As a result, I recommend the establishment of a Positive School Culture Fund that would provide grants to individual public schools, local education agencies, and/or non-profit organizations partnering with individual public schools or local education agencies to reduce suspensions and expulsions, improve attendance, and promote positive school culture. Such a fund is critical to effective implementation of the Fair Access to School Act.

Thank you for the opportunity to testify today. I am available to answer any questions.