

Center for *Children's* Advocacy

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY TO THE EDUCATION COMMITTEE IN SUPPORT OF

H.B. 1053 and H.B. 1058

An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two & An Act Concerning Chronic Absenteeism

March 11, 2015

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

The Center for Children's Advocacy **supports** House Bills No. 1053 and 1058.

I. House Bill 1053: An Act Concerning Chronic Absenteeism

The Problem

As educational attorneys, we see firsthand the disastrous effects that prolonged absenteeism can have on our child-clients. Since 2004, CCA has also run two Truancy Court Prevention Projects in four middle schools in Hartford and Bridgeport. This project is a partnership between CCA, the Capital Region Education Council (Hartford), and The Village (Hartford). Five Superior Court Judges and a U.S. District Court Magistrate volunteer for this project, which includes case management, legal assistance, and informal "court sessions" at which judges speak with students, and develop and monitor goals together. CCA staff and consultants have also written a number of reports and publications on truancy including a review of national best practice models¹ and a report on the link between unmet educational needs and truancy².

Despite some gains in both accessibility and quality of services for students with attendance problems, **many schools continue to lag in their identification** of these students and referrals to community and judicial resources. Many of these students never receive services, or receive them far too late in order for them to be successful. We have witnessed and addressed many instances where our clients have been chronically absent for weeks, or even months, before the school district even attempted to put interventions into place for the student. In some cases, the district failed to put these interventions into place at all.

For example, I have a 13-year-old client who was absent more than *sixty days* before the school attempted to intervene beyond a phone call. No home visits, no community referrals, nothing. In fact, when I became involved and contacted the school about this child, I had to remind them who this child was. And unfortunately, that happens all too frequently. With the passage of Raised Bill 1058, she would have been identified as being "chronically absent," and would have been flagged during the school's weekly Student Attendance Review Team meeting much sooner. She could have received the help she needed so that she would be able to re-engage the school community much more quickly. Without that rapid intervention, she suffered.

¹ "Truancy Intervention: National Models and Connecticut Initiatives," by Kathryn Meyer, Staff Attorney, Center for Children's Advocacy, 2013, at http://www.kidscounsel.org/our-work/aboutus_programs_tcpc/.

² "A closer look at the link between unmet educational needs and truancy," by Andrea Spencer, PhD, Educational Consultant, Center for Children's Advocacy, 2006, at http://www.kidscounsel.org/our-work/aboutus_programs_tcpc/.

It is important to highlight that students of color, students who receive free lunch, and students with disabilities are at a much higher risk for chronic absenteeism than their peers.³ In addition, these students who do not receive early intervention are more likely to fail classes, drop out of school, and become involved in the juvenile and/or adult justice systems.

Currently, schools and districts are only required to calculate Average Daily Attendance (ADA) as an attendance indicator. **ADA greatly masks the problem of chronic absenteeism** and makes it extremely difficult to ascertain how many students in a given district are consistently struggling with their attendance. There is no way to identify patterns of truancy demonstrated by individual students; ADA data only provides an incomplete snapshot. Though SDE has started to calculate chronic absenteeism data, **schools are not required to keep such data**, nor has such data been published in a format that is readily accessible to the public, such as the Strategic School Profile.

Further, while schools are required to follow the truancy laws that are already in place, there is no proscribed model through which the interventions should be administered. For many schools, especially those in low-income areas that are plagued with absenteeism issues, this lack of structure and oversight results in general disorganization and lack of coordination amongst the school professionals responsible for serving these children. The result is that the students' needs simply do not get met.

The Solution

By requiring districts to calculate and submit chronic absenteeism data, this bill will ensure a **much clearer picture** as to which districts are falling short of their obligation to serve these needy students. Further, it will encourage schools to keep track of chronic absenteeism in “real time,” making it much more likely that schools will address the issue as it unfolds, rather than in hindsight after the days have already been lost.

Through the institution of **School Attendance Review Teams (SARTs)**, or by using existing teams to achieve the same purpose, in each school that demonstrates 15% chronic absenteeism, or each district that demonstrates 10% chronic absenteeism, this bill will force school districts **to make combating chronic absenteeism and truancy a priority**.

SARTs are an effective model used in many other states that provide a structure through which schools can identify and provide interventions for truant and chronically absent students. Schools can enhance this model by inviting community providers to meetings if they so choose, which would help streamline the referral process for families.

II. **House Bill 1058: An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two**

The Problem

Brand-new SDE data shows:

- Suspensions and expulsions for children under 7 have **increased 22%** over the past two years.⁴

³ “Chronic Absenteeism: A Closer Look at Connecticut Data” by Ajit Gopalakrishnan, Chief Bureau of Data Collection, Research & Evaluation, Connecticut State Department of Education, May 15, 2013, p. 5 at

<http://www.sde.ct.gov/sde/lib/sde/pdf/deps/chronicabsenteeism/learningfromthedata.statepresentation.pdf>.

⁴ 1217 students under the age of 7 received out-of-school suspensions during the 2013-2014 school year; See “Suspensions and Expulsions in Connecticut” by the Connecticut State Department of Education, March 3, 2015, pg. 23, available at:

<https://s3.amazonaws.com/s3.documentcloud.org/documents/1681328/suspensions-and-expulsions-in-connecticut-2015.pdf>.

- Over **1200 children** were excluded from school during the 2013-2014 school year.
- 76% of these children were **Black and Hispanic**, with the vast majority of those being boys of color.

This data has generated a lot of attention and outrage, as it should. Unfortunately, we are not surprised to hear these numbers. In fact, it has only confirmed what we have suspected based on our caseloads of excluded little children.

These parents reach out to CCA because they are confused and desperate. They feel disempowered and helpless to protect their children. Many of these parents know their children struggle; they are attempting to work with providers to address their children's difficulties. But they cannot do this alone. They need the support and expertise of school staff to assist them in this endeavor.

For example, I have a client with a six-year-old son. She was called so frequently to pick him up that she lost her job. After she lost her job, the school suggested that she "volunteer" and attend school *all day every day* with her child. She did this for over a year. And her child ultimately improved, not because the school did its part, but because the mother essentially babysat her child. This is not productive or even feasible for most of our low-income clients, and shouldn't be necessary in our schools.

The bottom line is this: suspending and expelling these little kids **simply does not work**. It does not produce the intended effect of deterrence. It does not "teach them a lesson" that they can understand.

What it does is "suspend" the problem. The underlying causes of the behavior are put off to deal with another day. Or put off indefinitely, so that these children never receive the education and treatment that they require to be successful in a classroom. These are the same kids who end up chronically absent, involved in the juvenile justice system, and dropping out of school. These little children are old enough to know that their school is pushing them out, and they feel ashamed and embarrassed. We shouldn't be surprised that these feelings interfere with their ability to connect and engage with school in the long term. We, as adults, need to take responsibility for our part in that.

The Solution

We need to eliminate the option of excluding young children from school. Attached to this testimony is a factsheet that outlines some of the many **alternatives** that administrators have instead of suspension or expulsion, many of which are particular to this age group. These options include **home visiting programs**⁵, **in-home mental health treatment**⁶, and **classroom consultation services**⁷, all of which are free and accessible to students and schools across the state. Further, the State Department of Education produced an excellent resource for schools on how to implement **quality in-school suspension programs**⁸. This would ensure that children could remain in school and learning, while still providing a separate space for children who may need it.

⁵ Examples include Child First (www.childfirst.com) and Promising Starts/Project LAUNCH (<http://www.wheelerclinic.org/pdf/services/Promising%20Starts.pdf>).

⁶ The Department for Children and Families' website includes descriptions and contact information for these programs, available at <http://www.ct.gov/dcf/cwp/view.asp?a=2558&q=314366>.

⁷ The Early Childhood Consultation Partnership is one such statewide service. See <http://www.eccpct.com/>.

⁸ See the State Department of Education's "Guidelines for In-School and Out-of-School Suspensions," revised December 2010, available at http://www.sde.ct.gov/f/pressroom/In_School_Suspension_Guidance.pdf

There are a multitude of other alternatives to exclusion that are proven effective for older children that could be adapted for younger children as well. These ideas include **restorative justice programs**,⁹ **juvenile review boards**, and **school climate reform initiatives**.

Across the country, cities and districts have instituted similar legislation and policies. For example, in August 2014, the **Chicago** Public Schools Board voted to ban the use of suspensions for pre-K through second grade students.¹⁰ The Superintendent in **Minneapolis** implemented a ban on suspensions for “nonviolent behavior” for pre-K through first grade students, in September 2014.¹¹ The **Los Angeles** Unified school board voted to ban the use of suspensions for “willful defiance” offenses in May 2013.¹² The **D.C.** City Council will soon vote on a bill that eliminates the use of suspensions for pre-K, with a few limited exceptions.¹³

In closing, the Center for Children’s Advocacy urges the Committee to pass Raised Bills No. 1053 and 1058. This bill will ensure that we are able to prevent and intervene with chronically absent students, that our littlest learners are not excluded from the environment in which they most need and deserve to be: school.

Thank you for your time and consideration.

Respectfully submitted,

Kathryn Scheinberg Meyer, Esq.
Staff Attorney, Educational Success Project
Center for Children’s Advocacy

⁹ See the “Existing Local Initiatives” section in “Keeping Kids in Class: School Discipline in Connecticut, 2008-2013,” by Connecticut Voices for Children, February 2015, at pg. 24, available at <http://www.ctvoices.org/publications/keeping-kids-class-school-discipline-connecticut-2008-2013>.

¹⁰ Becky Vevea, *CPS Softens Strict Discipline Policies*, WBEZ 91.5, June 24, 2014.

¹¹ Alejandra Matos, *Minneapolis Bans Suspensions of Youngest Students*, MINNEAPOLIS STAR TRIBUNE, Sept. 5, 2014.

¹² Theresa Watanabe, *L.A. Unified Bans Suspension for ‘Willful Defiance’* L.A. TIMES, May 14, 2013.

¹³ Michael Alison Chandler, *Grosso’s Bill to Ban Pre-K Suspensions Applauded; Advocates Urge Further Steps*, WASHINGTON POST, Feb. 4, 2015.