

American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN®

SAHM
SOCIETY FOR ADOLESCENT
HEALTH AND MEDICINE

February 15, 2019

The Honorable Betsy DeVos
U.S. Secretary of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary DeVos:

On behalf of the American Academy of Pediatrics (AAP), an organization of 67,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, and the Society for Adolescent Health and Medicine (SAHM), a multidisciplinary organization that promotes optimal health, well-being, and equity for all adolescents and young adults by supporting adolescent health and medicine professionals through the advancement of clinical practice, care delivery, research, advocacy, and professional development, we write to share our concern about the recommendation in the *Final Report of the Federal Commission on School Safety* to rescind the existing Title IV guidance on school disciplinary actions.

The vision of the AAP and SAHM is that all children and adolescents have optimal health and well-being and are valued by society. The AAP celebrates the diversity of children and families and in its AAP Diversity and Inclusion Statement notes “that children are increasingly diverse, with differences that may include race, ethnicity, language spoken at home, religion, disability and special health care need, socioeconomic status, sexual orientation, gender identity, and other attributes.”¹ The Academy promotes nurturing, inclusive environments, which requires actively opposing intolerance, bigotry, bias, and discrimination. The AAP is committed to using policy, advocacy, and education to encourage inclusivity and cultural effectiveness for all.

SAHM also recognizes the value and importance of adolescents of all races and ethnicities, and through its position paper, “Racism and Its Harmful Effects on Nondominant Racial–Ethnic Youth and Youth-Serving Providers: A Call to Action for Organizational Change,” notes that structural racism (also called institutional racism)—defined as differential access to goods, services, and opportunities based on race—affects health throughout the life course. The article also notes that structural racism “manifests as inherited disadvantage when discriminatory policies become integrated into organizations.” SAHM calls on society to “develop, implement,

¹ AAP Diversity and Inclusion Statement. *Pediatrics*. 2018;141(4):e20180193

and evaluate policies, practices, and interventions” to address racism “through collective, system-wide action.”²

Because of the Academy’s and the Society’s strong belief in diversity and inclusion, we are strongly supportive of the approach taken in the 2016 final guidance that was designed to identify and prevent discrimination in school discipline. As then Secretary of Education Arne Duncan noted in his 2014 letter to school stakeholders that precipitated the 2016 final guidance, “unfortunately, a significant number of students are removed from class each year – even for minor infractions of school rules – due to the exclusionary discipline practices, which disproportionately impact students of color and students with disabilities.” Specifically, the 2016 guidance established a methodology to calculate whether significant disproportionality in discipline rates exists and required states to calculate whether there is significant disproportionality identification with certain racial groups, as well as students with disabilities and impairments. Under the guidance, states are also required to address significant disproportionality in incidence, duration, and the type of disciplinary action, and must clarify their existing requirement for the review and revision of relevant policies, practices and procedures when significant disproportionality is found.

The AAP and SAHM believe that the final 2016 rule not only provided the opportunity for increased transparency concerning each state’s definition of significant disproportionality, but that it also provided the states with adequate flexibility and ultimately provided consistency. Transparency is critical in an environment where application of suspension and expulsion policies is inconsistent, with 10 percent of schools being responsible for 50 percent of suspensions.³ Rescinding the final rule would thwart transparency, which can help establish more consistent policies that will ultimately benefit children and adolescents.

SAHM and the AAP oppose the recommendation in the *Final Report* to rescind this rule because children and adolescents cannot wait for significant disproportionality to be addressed. Data from the Department’s Office of Civil Rights (OCR) found widespread inconsistency with disciplinary action, with black students facing more frequent and severe disciplinary actions than their white peers. For instance, it found that black students were suspended and expelled at a rate three times higher than white students.⁴ In addition, OCR found that “among several students who were disciplined for the first offense of using profanity, black students were the only ones suspended from school, while white students received warnings and detention for similar behavior.”⁵ Unfortunately, the *Final Report* ignores these findings.

The AAP is strongly opposed to out of school suspension. In its policy statement “Out of School Suspension and Expulsion,” the Academy states that, “The AAP does not support the concept of zero tolerance for the developing child. The AAP maintains that out-of-school suspension and

² Racism and Its Harmful Effects on Nondominant Racial–Ethnic Youth and Youth-Serving Providers: A Call to Action for Organizational Change. *Journal of Adolescent Health*, Volume 63, Issue 2, 257 - 261

³ American Academy of Pediatrics, Blueprint for Children: How the next president can build a foundation for a health future. <https://www.aap.org/en-us/Documents/BluePrintForChildren.pdf>

⁴ CIVIL RIGHTS DATA COLLECTION Data Snapshot: School Discipline: <https://ocrdata.ed.gov/downloads/crdc-school-discipline-snapshot.pdf>

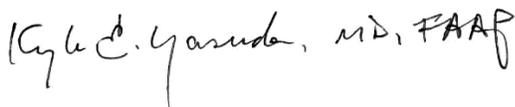
⁵ K-12 EDUCATION Discipline Disparities for Black Students, Boys, and Students with Disabilities, Government Accountability Office, March 2018: <https://www.gao.gov/assets/700/690828.pdf>

expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy.”⁶ Out of school suspension interrupts children’s education and yields poor results. Additionally, students who experience out of school suspension are as much as ten times more likely to ultimately drop out of high school.⁷ The data are clear —out of school suspension and expulsion create poor outcomes for children. Thus, it is even more critical that the Department of Education ensures that states are disciplining children fairly.

School discipline policies that result in minority and disabled students receiving a significant disproportionate amount of out-of-school suspensions when compared to their peers is a problem that needs to be addressed. Ensuring that the proper data is collected by schools so that they can recognize if a problem exists is a good start and should not be considered controversial.

For the reasons stated above, the American Academy of Pediatrics and the Society for Adolescent Health and Medicine urge you to reconsider your decision to rescind the significant disproportionality guidelines. We would be happy to discuss this issue with you or others in the department as well if your schedule would allow. In addition, we continue to stand ready to share our expertise about meaningful policy reforms to promote and ensure the safety of all children, as we have since the formation of the Federal Commission on School Safety. If we may provide further information or assistance, or to schedule a meeting, please contact Patrick Johnson in our Washington, D.C. office at (202) 347-8600 or pjohnson@aap.org.

Sincerely,



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President
American Academy of Pediatrics



Deborah Christie, PhD, FSAHM
President
Society for Adolescent Health and Medicine

⁶ Out-of-School Suspension and Expulsion. Council on School Health. *Pediatrics* Mar 2013, 131 (3) e1000-e1007; DOI: 10.1542/peds.2012-3932.

⁷ Ibid.