

# *Dedining School Suspension in Wake County: Context & Questions*

## **About the Push Out Prevention Project (POPP)**

In response to Wake County's school-to-prison pipeline—a human and civil rights crisis—Advocates for Children's Services has launched the Push Out Prevention Project (POPP). The vision of the POPP is to dismantle the school-to-prison pipeline in Wake County, and the goals are to:

- **Significantly reduce the rates of suspensions and school-based court referrals;**
- **Eliminate disparities for students of color, economically disadvantaged students, and students with disabilities;**
- **Improve data collection, accountability, and transparency;**
- **Improve the availability and quality of alternatives to suspension and alternative education programs; and**
- **Create a replicable model of advocacy and reform.**

To achieve the vision and goals, the POPP staff engage in three primary activities:

- **Legal advocacy (with an emphasis on impact cases) for students who are being pushed out of the WCPSS and/or who are not being adequately served by the WCPSS;**
- **Community education in the form of trainings, presentations, publications, and media outreach; and**
- **Resource development and technical assistance for and collaboration with students, parents, educators, advocates, attorneys, policymakers, and others who are working for education justice.**

*Advocates for Children's Services*

*A statewide project of Legal Aid of North Carolina, Inc.*

## **Introduction**

This issue brief is intended to provide stakeholders and concerned citizens with the information necessary to think critically about the reported decline in suspensions in the Wake County Public School System (WCPSS). It begins with the context for the reported decline—an overview of recent developments that have impacted suspension rates in the WCPSS. It then provides a list of questions, which, if answered by policymakers, will provide important insight into the meaningfulness of the decline in school suspension in Wake County.

## **Background**

Over the last two years, the WCPSS has moved in a positive direction when it comes to reforming its notoriously bad discipline policies and practices and reducing the number of students who are pushed out of schools and into the juvenile and criminal justice systems as a result of the excessive use of suspension. The Student Code of Conduct was improved, alternative education placements were added, and community input and participation has increased.

In recent weeks, with heightened community and media scrutiny, an investigation by the U.S. Department of Education, Office for Civil Rights into the WCPSS' racially disparate discipline practices, and the October 2011 school board election as the backdrop, WCPSS officials have been touting significant reductions in suspensions.

Over a period of five school years (2004-05 to 2008-09), Wake County public schools handed out 106,333 short-term suspensions and 5,187 long-term suspensions. During the 2008-09 school year alone, 20,651 WCPSS students were short-term suspended and 1,015 WCPSS students were suspended for the rest of the school year. WCPSS had, by far, the most long-term suspensions among all of the local education agencies (LEAs) in the state—769 more than the LEA with the second most (Hoke County). Eleven WCPSS high schools gave out more long-term suspensions than 89 entire LEAs (Enloe: 84; Garner: 81; Sanderson: 53; Knightdale: 49; Middle Creek: 45; Millbrook: 41; Athens Drive: 36; Leesville: 36; Southeast Raleigh: 35; Wakefield: 33; Fuquay-Varina: 32). Additionally, the WCPSS had the fifth highest rate of long-term suspension among the 115 LEAs in North Carolina.

Data reported by the WCPSS indicates that, over the last two school years, short-term suspensions declined by 15.6% (20,651 to 17,429) and long-term suspensions declined by 36.3% (1,015 to 647). However, the WCPSS has already misreported the data at least once and important questions still linger. More detailed, publicly available information is needed in order to: 1) verify the veracity of the WCPSS' reports; 2) identify and replicate best practices; and 3) identify and correct ongoing problems.

## Timeline of Events Related to Suspension

Over the last 18 months, there has been a tremendous amount of activity related to school suspension in Wake County. The following is a summary of significant events.

**April 30, 2010:** In response to a complaint filed by Advocates for Children's Services (ACS), the North Carolina (NC) Department of Public Instruction (DPI), Exceptional Children (EC) Division issued a report finding that, during the 2009-10 school year, the WCPSS systemically violated state and federal laws that protect long-term suspended students with disabilities.

**July 29, 2010:** ACS presented the WCPSS Board of Education with a detailed blueprint for improving school discipline.

**Sometime after April 2010:** The WCPSS conducted an internal academic audit of in-school suspension programs. The audit was not published on the WCPSS website. The audit found the following:

- "WCPSS as a district does not have an underlying philosophy or set of procedures guiding ISS operation."
- "WCPSS does not centrally collect, store, or analyze ISS data; however, some data are maintained at the school level."
- "Limited academic and behavioral interventions are included in the program to sustain long term change."
- "[T]here is a significant variation in the implementation and characteristics of the program at the various schools. Consequently, we could not identify any measures with which to gauge the effectiveness or efficiency of the program and its impact on student behavior."
- "Due to the incomplete data records and the lack of consistency in the maintenance of program participation data it is not possible to effectively determine if the program is cost effective."
- "As a result of not having a district-wide program goal, it is impossible to develop appropriate program services or adequate performance measures."
- "Good educational practice would dictate that ISS should be viewed as a serious consequence. Even though class assignments are provided, a student is removed from the learning environment. The student is not receiving teacher instruction and often the assignments are not of equal quality compared to what they would have received if they were in the classroom...As a result, students are missing valuable instructional time while assigned to ISS though no guidance has been provided to school administration as to why, when, and for how long students should be removed from the classroom."
- "[T]he timely collection of appropriate academic assignments is problematic...None of the programs include formal academic instruction or tutoring in the ISS day...As a result of work not being received in a timely manner, the ISS coordinator often has to spend a great deal of time each morning tracking down teachers to find assignments. Furthermore, since assignments are not ready first thing in the morning, students do not always have things to work on when they arrive. Some of the assignments received from the teachers are of poor quality and not representative of what the student are missing in class, thus, students are not prepared when returning to class or the student is spending time doing busy work. In other cases students do not have enough work which results in the ISS coordinator having to find things for the student to do."
- "The lack of specific provisions in the program design regarding behavior modification caused there to be wide variability in the behavior improvement aspect of the program's implementation...There is a limited formal opportunity to engage the student in behavioral change."

**September 9, 2010:** The WCPSS Board of Education approved: 1) changing the definition of long-term suspension from "removal from the school system for the remainder of the school

### *About Advocates for Children's Services*

*For over a decade, Advocates for Children's Services (ACS) has provided free legal representation for children who are in need of medical, psychiatric, special education, foster care, and adoption services. Over the last few years, ACS' focus has narrowed to issues related to public education access and quality.*

*ACS' vision is a world in which all people are treated with dignity, and have their basic human rights upheld and protected. ACS' mission is to fundamentally transform the public education system into one that empowers all children with the knowledge, skills, and experiences necessary to be responsible citizens and critical, courageous, creative thinkers. Its staff of five attorneys and two paralegals are dedicated to correcting the serious misconception that children are not independent, rights-bearing citizens who are entitled to express their opinions in matters concerning them.*

*To learn more about ACS, visit [www.legalaidnc.org/acs](http://www.legalaidnc.org/acs).*

## Timeline of Events Related to Suspension Continued

year” to “in excess of 10 school days but not exceeding the time remaining in the school year”; and 2) giving the Superintendent authority to reduce the length of mandatory (i.e., zero tolerance) long-term suspensions for individual students when mitigating factors exist.

**September 24, 2010:** A Title VI complaint was filed against the WCPSS alleging, in part, that the School System's disciplinary system has a grossly disproportionate negative impact on Black students (i.e., by suspending and expelling them at a rate significantly disproportionate to their representation in school population, by meting out to them more severe consequences for the same offenses as their white counterparts, etc.).

**October 8, 2010:** In a case brought by ACS and the Duke Children's Law Clinic, the Supreme Court of North Carolina ruled that school administrators must articulate an important or significant reason before denying students facing long-term suspension with an opportunity to access alternative education. (See *King v. Beaufort County Board of Education*)

**November 2010:** The WCPSS Evaluation and Research Department published a study of the WCPSS' alternative education options. The study found:

- "The alternative educational options in WCPSS are similar to those available in comparable North Carolina school districts, except that WCPSS does not provide a physical site for long-term suspended students and most other districts do. The capacity for WCPSS students served at each setting is generally lower as well...Overall, the needs of students district-wide seem to be disproportionate to the number of students the alternative settings are currently able to serve. Additionally, the district is in need of a site for students with severe behavioral issues who are not eligible for special education services and a separate setting for students serving long-term suspensions. WCPSS should also partner with community agencies to provide more alternative education sites."

**March 2011:** ACS published an issue brief that provided an analysis of suspensions and expulsions in the WCPSS during the 2009-10 school year.

**March 2011:** In response to the April 2010 report issued by the NC DPI, EC Division, finding that the WCPSS violated state and federal laws protecting long-term suspended students with disabilities, the WCPSS established the Infinity program to serve students with disabilities who are recommended for long-term suspension. Infinity was housed at Heritage High School and managed by a Florida-based nonprofit organization that took in \$70+ million in revenue during 2009. The program served only six students during the 2010-11 school year. Participating students attended five days per week for only three hours per day. Instruction was provided via computer. The contract that was approved by the Board of Education for Infinity was for \$213,930.

**May 3, 2011:** The WCPSS Board of Education approved the 2011-12 proposed budget, which included nearly \$2 million to expand the WCPSS' alternative education programs in the following ways:

- 100 new seats in Mary Phillips High School's evening program (Mary Phillips is an alternative school);
- 30 new seats for non-disabled students at Longview School (Longview is an alternative school serving middle and high school students);
- 90 new seats in the Building Resources for Individual Developmental Growth and Educational Success (BRIDGES) program (a short-term intervention for elementary school students with disruptive behavior);
- 330 in-school suspension seats in middle schools; and
- 210 in-school suspension seats in high schools.

### *About Legal Aid of North Carolina, Inc. (LANC)*

*Legal Aid of North Carolina (LANC) is a statewide, nonprofit 501(c)(3) law firm that provides free legal services in civil matters to low-income people. Its mission is to ensure equal access to justice and to remove legal barriers to economic opportunity. LANC operates in all 100 counties in North Carolina through 24 geographically-based offices. LANC also operates six statewide project units that focus on special areas of the law: Advocates for Children's Services, Battered Immigrant Project, Domestic Violence Prevention Initiative, Farmworker Unit, Mortgage Foreclosure Prevention Project, and Senior Law Project. Finally, LANC operates two regional projects: Low-Income Tax Clinic and Medical-Legal Partnership for Children. For more information, visit [www.legalaidnc.org](http://www.legalaidnc.org).*

### *Suspension and Expulsion in the WCPSS Over the Years*

#### *Definitions:*

- *Short-term suspension: suspension lasting one to 10 school days*
- *Long-term suspension: suspension lasting for the remainder of school year (changed for the 2010-11 school year)*
- *Expulsion: indefinite removal from all NC public schools*

#### *2009-10 School Year:*

- 19,392 short-term suspensions
- 837 long-term suspensions
- 10 expulsions

#### *2008-09 School Year:*

- 20,651 short-term suspensions
- 1,015 long-term suspensions
- 3 expulsions

#### *2007-08 School Year:*

- 22,707 short-term suspensions
- 1,103 long-term suspensions
- 1 expulsion

#### *2006-07 School Year:*

- 21,421 short-term suspensions
- 1,055 long-term suspensions
- 8 expulsions

#### *2005-06 School Year:*

- 20,274 short-term suspensions
- 1,011 long-term suspensions
- 17 expulsions

#### *2004-05 School Year:*

- 21,280 short-term suspensions
- 1,003 long-term suspensions
- 7 expulsions

#### *2003-04 School Year:*

- 20,471 short-term suspensions
- 758 long-term suspensions
- 6 expulsions

## Timeline of Events Related to Suspension Continued

**May 19, 2011:** ACS filed a second a second complaint with the NC DPI, EC Division, alleging that the WCPSS was continuing to systematically violate the state and federal rights of long-term suspended students with disabilities.

**May 25, 2011:** Local education justice advocates submitted a public records request to learn more about the Second Chance Online Resource for Education (SCORE) program. The WCPSS started SCORE during the 2009-10 school year to serve students who have been recommended for long-term suspension. Participating students, who are generally already behind academically and at risk of eventually dropping out, are expected to sit in front of a computer for five to seven hours per day, five days per week. There are no teachers physically in the rooms with the students—all instruction is virtual. Students who attend the SCORE program at one of the sites in Wake County because they do not have a computer and/or high speed internet at home are not provided with transportation to and from the sites. Economically disadvantaged students who participate in SCORE are not provided with free and reduced-price lunch. Finally, there are no opportunities for kinesthetic learning, group work, physical education classes, elective classes, or honors and advancement placement courses, all of which are critical components of providing all students with their state constitutional right to a sound basic education and students with disabilities to the free, appropriate public education to which they are entitled by state and federal law.

**June 23, 2011:** Governor Beverly Perdue signed into law a new school discipline statute, which required significant changes in local school board policies.

**July 1, 2011:** The WCPSS reported to the NC DPI that, during the 2010-11 school year, it had 17,429 short-term suspensions, 319 long-term suspensions, and 2 expulsions. LEAs are required by state law to make yearly reports on suspensions and expulsions to the NC DPI. The report was signed by Victoria Curtis (WCPSS Student Due Process Officer), Russ Smith (WCPSS Head of Security), and Superintendent Anthony Tata.

**July 12, 2011:** The WCPSS voted on revisions to the Student Code of Conduct. Most of the major changes were required in order for the Code to reflect the new state school discipline statute.

**July 28, 2011:** WCPSS responded to the public records request regarding the SCORE program that was filed on May 25, 2011. The response revealed that during the 2010-11 school year:

- 1,256 students were recommended by principals for long-term suspension
- Approximately 654 students were offered SCORE
- 292 students enrolled in SCORE
- 274 of the 292 (94%) students who enrolled in SCORE did not start the program within 10 school days of the start of their suspensions
- 233 students "completed" SCORE
- 66 of the students referred to SCORE were students with disabilities receiving special education services
- 53 students who participated in SCORE had individualized education programs (IEPs)
- There were only two SCORE teachers who were certified special education teachers
- Only 44.5% of end-of-grade (EOG) exams completed by students in SCORE received passing scores
- Only 41.7% of end-of-course (EOC) exams completed by students in SCORE received passing scores
- The caseload for each transition counselor varies between 119 students and 225 students

## Timeline of Events Related to Suspension Continued

- SCORE did not begin until September 20, 2010, even though schools on the year-round calendar started on July 9, 2010 and schools on the traditional calendar started on August 25, 2010
- SCORE ended on June 10, 2011; however, year-round schools did not end until June 30, 2011
- Students and their parents/guardians had to travel to the Central Services building in Cary for SCORE orientation
- Parents were responsible for contacting the SCORE sites and arranging placements
- There were only 55 total spots available at the SCORE sites
- There was no central database of SCORE site seats
- Each SCORE site was paid \$9 per day, per student
- There was no SCORE site staff training, and none is planned for the 2011-12 school year
- In order to successfully participate in SCORE students must have been able to: send and receive email; research topics on the Web; attach, send, and open documents; participate in live, online discussions; and post assignments to a discussion board (students are supposedly trained in the technological requirements during a brief orientation)
- There was no website to which students and parents could go for more information about SCORE
- Participating students were not allowed to participate in sports and extracurricular activities, even though they were not considered suspended
- Students had to waive all of their due process rights to appeal their recommendations for long-term suspension in order to accept placement in SCORE
- SCORE was not formally evaluated after the 2009-10 school year and there is no formal evaluation planned for the 2010-2011 school year
- SCORE cost \$771,680

**July 29, 2011:** The NC DPI, EC Division issued a report finding that during the 2010-11 school year the WCPSS systemically violated state and federal laws that protect long-term suspended students with disabilities. The report noted that "a vast majority of the students are failing" and "the students are not benefitting from the services delivered via the computer, i.e., SCORE and Infinity."

**September 1, 2011:** WCPSS issued a press release 38 minutes prior to an ED Task Force meeting. The press release reported 647 long-term suspensions and called the previous report to the NC DPI a "technically incorrectly characterizing."

**September 1, 2011:** At an ED Task Force meeting the discussion of suspensions was supposed to last 45 minutes but it only lasted 15 minutes. Handouts containing incorrect data were distributed to attendees.

**September 20, 2011:** The Board of Education voted to approve locating an all-male "leadership academy" at Longview School beginning in 2012-13. Longview, the only school of its kind in WCPSS, serves middle and high school students with disabilities needing intensive academic and/or behavioral interventions. Longview students typically have been pushed out of their base schools and are one step away from the school-to-prison pipeline.

### *Other Facts About the School-to-Prison Pipeline in the WCPSS*

*During 2010-11:*

- 18,167 students in grades 3-8 (27%) were not proficient in reading and math on their end-of-grade exams;
- 9,788 students in grades 9-12 (15%) were not proficient on all of their end-of-course exams; and
- 2,051 students (19%) did not graduate from high school within four years of entering 9th grade

*During 2009-10, there were:*

- 54 law enforcement officers assigned full-time to patrol the public schools (called "school resource officers" or "SROs"), each of whom cost taxpayers \$80,000 per year;
- 6 former law enforcement officers employed on a full-time basis to work in the WCPSS (called "security investigators"); and
- Dozens of private security guards.

*During 2009-10:*

- Black students were 26% of all students, yet 58% of the students who received at least one suspension. They were 6 times more likely than White students to receive a short-term suspension and 7 times more likely than White students to receive a long-term suspension. They also were given 61% of short-term suspensions, 63% of long-term suspensions, 80% of 365-day suspensions, and 80% of expulsions.
- 13% of WCPSS students received special education services, yet 30% of students who received at least one suspension received special education services.
- Male students were 51% of all students, yet 70% of the students who received at least one suspension.

## Questions About Suspension

The WCPSS has failed to provide the public with detailed information about suspensions during the 2010-11 school year. The following questions, if answered by WCPSS officials, will provide important insight into how much progress has truly been made in reforming school push out policies and practices. The questions are organized into the following categories: Data; Interventions and Alternatives to Suspension; Alternative Education Services; and Transparency, Accountability, and Community Involvement.

### Data

The state definition of long-term suspension has existed for many years and it is extremely clear that any suspension lasting longer than 10 school days is considered a long-term suspension. Why then was the data reported incorrectly to the NC DPI on July 1, 2011? The press release issued by the WCPSS on September 1, 2011 called the report to the NC DPI a "technically incorrectly characterizing." What does that mean? Who was responsible for "incorrectly characterizing" the data? What actions have been taken to ensure that incorrect characterization does not happen again?

Why have the numbers of short-term suspensions and long-term suspensions declined over the last two school years? If the answer is unknown, should there be a thorough study of the decline in order to explore what has worked and should be replicated and what additional changes are needed?

The public information provided to local advocates on July 28, 2011 revealed that 1,256 students were recommended for long-term suspension during the 2010-11 school year (nearly twice as many as the newly reported final number of long-term suspensions, 647). What exactly happened to each of the 609 students who were recommended for long-term suspension but not included in the final total number of long-term suspensions?

The press release issued by the WCPSS on September 1, 2011 indicates that the 647 students who were long-term suspended during the 2010-11 school year were comprised of: 320 students who declined alternative programs, 53 students with disabilities who received ongoing educational services, and 274 students who participated in SCORE. This implies that every student who was ultimately long-term suspended had the option of an alternative placement. However, the public information provided to local advocates on July 28, 2011 revealed that approximately 14 students were not offered an alternative education program placement. How many students who were recommended for long-term suspension were not offered an alternative education program placement?

What is the suspension data for the 2010-11 school year disaggregated by:

- School;
- Grade;
- Gender;
- Race;
- Disability status;
- Primary offense; and
- Length of suspension?

Did racial disparities in suspension decrease or increase during the 2010-11 school year, and by how much?

Did disparities in suspensions for students with disabilities decrease or increase during the 2010-11 school year, and by how much?

#### *WCPSS in the News*

*"For the second consecutive year, the Wake County Public School System has violated state and federal law by failing to provide an adequate education for 164 middle and high school students with disabilities, according to the North Carolina Department of Public Instruction...This time, DPI is effectively calling school administrators to the principal's office by requiring Wake County Assistant Superintendent Marcia Connelly and Senior Director Bob Sturey to meet with it to review the infractions...In some cases, Wake schools offered lessons—mostly computerized—to students for just three hours per month; the 'classes' were held at Hardee's, McDonald's, Dunkin' Donuts and Subway." - The Independent Weekly, August 17, 2011*

## Questions About Suspension Continued

What was the average length of short-term suspensions during the 2010-11 school year?

What was the average length of long-term suspensions during the 2010-11 school year?

How many recommendations for long-term suspension during the 2010-11 school year were not recommendations for suspensions lasting the remainder of the school year? How many long-term suspensions did not last for the remainder of the school year?

How many students had multiple short-term suspensions during the 2010-11 school year? What was the average and range of short-term suspensions received by students who received at least one short-term suspension?

How many students had multiple long-term suspensions during the 2010-11 school year?

Why does the WCPSS not collect data on:

- Economically disadvantaged students who are suspended;
- Students with limited English proficiency (or students who are English language learners) who are suspended;
- Students who are suspended from the bus and have no other means of getting to school; or
- Students who are placed in in-school suspension?

How many students participated in SCORE during the 2009-10 school year? Were they counted as long-term suspended?

During the 2009-10 school year, were students who had to wait more than 10 school days before being able to start SCORE counted as long-term suspended? If so, would that mean that those responsible for the WCPSS' suspension data during the 2010-11 school year already knew that such students needed to be counted? If not, is the comparison of the 2009-10 school year suspension data and the 2010-11 school year suspension data meaningful; and will formal notice be sent to the NC DPI that the 2009-10 school year data needs to be corrected?

Were students on home/hospital (homebound instruction) counted as long-term suspended during the 2010-11 school year? Were they counted as long-term suspended during the 2009-10 school year? Were they counted as long-term suspended during the 2008-09 school year? Given that most students placed on home/hospital received only four hours per week of instruction (and sometimes less)--and that the NC DPI, EC Division has twice said the practice violates state and federal law--should such students be counted as long-term suspended?

Given that SCORE produced such bad academic results, participating students are not provided with transportation, students in SCORE cannot participate in extracurricular activities or sports, SCORE does not meet the requirements to be an "alternative learning program" (ALP) under the state definition, etc., should students who completed SCORE be counted as long-term suspended?

What other ways, if any, were suspensions counted differently during the 2008-09 school year and 2009-10 school year, as compared to the 2010-11 school year?

During the 2010-11 school year, how were students counted (i.e., short-term suspended, long-term suspended, or something else) who were recommended for long-term suspension, out of school for more than 10 school days, and then:

- Started NC Virtual School;

### *WCPSS in the News*

*"The Wake County schools have been hands-down North Carolina champs when it comes to disciplinary suspensions that keep students out of school for weeks or even months at a stretch. That is not a badge to be worn with pride. Although misbehavior by students can be a serious matter, there's no reason to think that Wake has had a far worse problem with student misconduct than any other school system in the state. Yet that's what its disciplinary regime has suggested." - The News & Observer, September 9, 2010*

## Questions About Suspension Continued

### *Consequences of Out-of-School Suspension*

*Suspended and expelled children are forced to endure the devastating consequences of school exclusion, which include:*

- *Accelerating the course of possible delinquency by leaving youth with little parental supervision and more opportunities to socialize with deviant peers;*
- *Increasing the likelihood of dangerous conduct, such as engaging in physical fights, possessing weapons, and using alcohol, tobacco, and drugs;*
- *Generating feelings of alienation and failure that lead to unemployment, gangs, and crime;*
- *Leading to isolation, suicidal ideation, and substance abuse;*
- *Intensifying conflicts with adults;*
- *Creating a self-fulfilling belief that a student is incapable of abiding by schools' social and behavioral codes;*
- *Decreasing motivation to learn;*
- *Worsening academic performance (including failing grades and retention); and*
- *Increasing the likelihood of dropping out and not graduating.*

- Enrolled in a charter school;
- Enrolled in a private school;
- Enrolled in Tar Heel Challenge Academy;
- Enrolled in a GED program or earned a GED;
- Moved out of Wake County;
- Entered jail or prison;
- Entered wilderness camp;
- Entered a day treatment program;
- Became employed;
- Started Job Corps; or
- Started home school?

Were these students included in the total number of long-term suspended students? If not, why not?

How many students were readmitted to their schools of origin or other "typical" school after serving more than 10 school days of suspension? Were these students included in the total number of long-term suspended students? If not, why not?

How many students who enrolled in the Alternative Counseling Education (ACE) program were suspended from school for more than 10 school days before re-entering school? Were these students included in the total number of long-term suspended students? If not, why not?

Why did some students reject an offer of alternative education during the 2010-11 school year? If the answer is unknown, will students who reject an offer of alternative education be asked to supply a reason during the 2011-12 school year?

### **Interventions and Alternatives to Suspension**

How many students were served by the WCPSS' four alternative schools (River Oaks Middle School, Mount Vernon Middle School, Longview School, Mary Philips High School) during the 2010-11 school year, disaggregated by:

- Base school;
- Reason for referral;
- Length of attendance;
- Race;
- Gender;
- Disability status;
- Free and reduced-price lunch status; and
- Limited English proficiency status?

Is there currently a completed array of intervention services document? If not, why not? If so, has it been distributed to all WCPSS employees; and has training been provided to staff on using the document and connecting students with intervention services?

Is the Campbell Juvenile Justice Project currently the only restorative justice program in the WCPSS? Does the WCPSS coordinate any restorative justice programs? If so, what are they? If not, why not?

## Questions About Suspension Continued

Is every student who is repeatedly short-term suspended in a given school year, and thus at risk of academic failure, provided with a personal education plan (PEP)? If not, why not, and how was it determined which students were given a PEP and which were not?

Has the Alternative Counseling Education (ACE) program ever been formally evaluated? If so, what were the results? If not, why not?

How much did the ACE program cost, broken down by line item, during the 2010-11 school year?

How many students participated in the ACE program during the 2010-11 school year, disaggregated by:

- School;
- Grade;
- Race;
- Vendor; and
- Length of suspension?

How many students were offered the ACE program during the 2010-11 school year?

How many students completed the ACE program during the 2010-11 school year?

### Alternative Education Services

Why does the WCPSS not have a high-quality "brick and mortar" school with highly-qualified, in-person teachers designed to serve suspended students (or students who have been recommended for suspension)?

What programs (e.g., structured day) served short-term suspended students during the 2010-11 school year? How many students were served at each program? What programs that serve short-term suspended students will be available during the 2011-12 school year?

Why did the Infinity program only serve six students during the 2010-11 school year, even though in April 2010 the NC DPI, EC Division ordered WCPSS to start a program and the contract was approved by the Board of Education in February 2011? What were the expenses for the Infinity program last school year? How many students qualified for the Infinity program, but were not offered it as an option?

Before deciding to locate a "leadership" academy at Longview School, did WCPSS officials consult those most directly impacted—students, parents, and staff at Longview School and at the schools receiving the students? If so, in what format was the feedback obtained? If not, why not?

Why is the "leadership" academy going to be at located the current Longview School? What other options were considered and why were they not selected?

Which school(s) will the students who currently attend Longview School attend once Longview School is converted to a "leadership" academy? Will their new placements provide an appropriate education in the least restrictive environment, as required by law?

### *Best Practices in School Discipline*

*Mandate that all schools employ school-wide strategies—such as Positive Behavior Interventions and Supports (PBIS)—that emphasize clear expectations, academic achievement, and individualized interventions*

*Involve students, parents, and community members in developing student conduct policies and behavior standards, monitoring data, and making recommendations for reform*

*Provide students facing long-term suspension with strong due process protections, such as automatic appeals of recommendations for long-term suspension and information about local advocacy and legal services organizations*

*Ensure that high-quality educational alternatives to suspension, such as in-school suspension and alternative school, are readily available and used by school and district administrators to prevent students from being punished academically during their suspensions*

*Ensure that high-quality behavioral alternatives to suspension, such as restorative justice (e.g., mediation and community service) and mandatory counseling, are readily available and used by school and district administrators*

*Increase the number of highly-qualified school counselors, psychologists, and social workers*

*Increase community outreach and parental engagement*

***Rights of All  
NC Public School Students***

*All public school students in NC have the right to:*

- *The equal opportunity to a sound basic education (at a minimum, students must: receive a free education that teaches them to read and write, and to use science, math and technology; know history, civics, geography, and economics well enough to be an informed member of society and participate in the democratic process; be able to successfully go on to college or vocational education after graduation; and have learned enough knowledge and skills to compete for further education or a decent job);*
- *Have their parents inspect and review their complete educational records;*
- *A personal education plan (PEP), if they are for at risk of academic failure or scored a Level I or Level II on their EOGs/EOCs;*
- *Clear rules and policies defining prohibited behavior and potential consequences;*
- *Freedom of speech and expression, although it cannot be vulgar, lewd, threatening, or disruptive speech.*
- *Freedom of religion, both to express religious views and also to be free from the establishment of religion by the school;*
- *Freedom of assembly, including the right to form non-disruptive protests, although the school can restrict the location when on school property;*
- *Freedom from discrimination based on race, national origin, gender, religion, or sexual orientation;*
- *Freedom from unreasonable searches and seizures; and*
- *Remain silent when questioned by the police.*

## Questions About Suspension Continued

Will the WCPSS' alternative school capacity be even lower after Longview School ceases to exist? If so, how many seats will be lost?

Are caseloads of 119 to 225 students for each transition counselor too many students for transition counselors to handle? If so, what changes will occur during the 2011-12 school year to ease the burden on transition counselors and allow them to more effectively assist students?

Are transition counselors required to stop working with students once they are enrolled in SCORE? If so, why; and who else, if anyone, is available to work with students continuously, from the time they choose to enroll in SCORE to the time they re-enter their school of origin?

Why did 94% of students who enrolled in SCORE during the 2010-11 school year not start SCORE within 10 school days after being suspended?

What does it mean to "successfully complete" SCORE?

The EOC passage rate of students in SCORE dropped significantly in the Spring of 2011. Have the possible root causes been investigated? If so, what were the causes? If not, why not?

Do all students who participate in SCORE and do not pass their EOGs or EOCs have the opportunity to retest? If not, why not?

Why was no formal evaluation of SCORE conducted after the 2009-10 school year?

Why was no formal evaluation of SCORE conducted after the 2010-11 school year?

What changes are being made to SCORE for the 2011-12 school year? What will be done to ensure that SCORE produces better academic results during the 2011-12 school year? What will be done to ensure that SCORE approaches the NC DPI's "Seven Standards of Alternative Learning Programs"?

Will there be a formal evaluation of the SCORE program after the 2011-12 school year?

The public records request regarding SCORE asked: "How does SCORE address the needs of LEP students? Are ESL/ELL services available? If so, what services are available and who provides these services? If not, why not?" The response was: "LEP plans follow the student. The individual department is responsible for providing services." What was meant by "individual department"? How are services provided?

The response to the public records request regarding SCORE claimed that PEPs for students enrolled in SCORE are "the responsibility of the base school." Are PEPs being created for students participating in SCORE who need PEPs but did not have one when they entered SCORE? Are base schools actually following PEPs for students in SCORE? If so, how?

The response to the public records request regarding SCORE claimed that SCORE site staff have been formally asked for feedback. When was the request made? What was the format of the request (e.g., survey, focus groups, meeting, etc.)? What exactly was the feedback?

Have there been any formal requests for feedback about the SCORE program sent to participating students, their parents, and transition counselors? If so, what were the results? If not, why not?

## Questions About Suspension Continued

Why are students who attend SCORE coded as Longview? Is the WCPSS receiving federal Title I money, federal free and reduced-price lunch funds, special education funding, and state average daily membership (ADM) money for students participating in SCORE? If so, where exactly does the money go once students begin SCORE?

What happens to funds (i.e., Title I money, federal free and reduced-price lunch funds, state ADM money, etc.) associated with students who are placed on home/hospital?

What are the specific expenses that add up to the \$771,680 cost for SCORE for the 2010-11 school year? What were the sources of revenue that were used for each line item?

The public records request regarding SCORE asked: "Is the technology used for SCORE, or any other aspect of SCORE, provided by a private company or did WCPSS create SCORE in its entirety? If payments are made to a private company, which private company, for what services, and how much is paid?" The response was: "Wake County Public Schools uses WIMBA and Blackboard." Are payments made to private companies? If so, which companies, what services do those companies provide, and how much money is paid to the companies?

The public records request regarding SCORE asked: "Who does a SCORE site coordinator contact if they are having technical problems? Who does a student doing SCORE at home contact if s/he is having technical problems?" The response was: "Both contact SCORE Staff – SCORE Instructional Technologist." Who is the "SCORE Instructional Technologist"? Is there only one technology specialist assigned specifically to SCORE? If so, is it a full-time position? If not, how many hours per week is the person available to assist with SCORE-related technical problems?

Many students signed away their due process right to appeal their recommendations for long-term suspension in order to enroll in SCORE. They did so with the understanding that they would not have a long-term suspension on their records if they successfully competed SCORE. However, now, even if a student completed SCORE "successfully," it is likely that the student was out of school for more than 10 school days before starting SCORE (as 94% of SCORE students were). Therefore, there will be a long-term suspension on such students' records. What will be done to remedy the misleading of over 200 students and their families?

According to the public records request regarding the SCORE program, after the Discipline Review Committee recommends SCORE for a student and the transition counselor is provided with the student's name, the transition counselor "must wait 1 week, for Student Due Process to send procedures." Why must transition counselors wait one week for the Office of Student Due Process to send procedures? What are the "procedures"? Do the procedures differ on a case-by-case basis? If so, how?

The public records request response regarding SCORE states that students are offered the opportunity to enroll in SCORE at "each level of appeal." Yet, the public records request also states that students "have to waive all or any of their due process rights when they accept SCORE." Parents were told they could not both accept SCORE and appeal the principal's recommendation for long-term suspension. Why were parents misled? Why were parents not informed that they would be re-offered SCORE at each level of appeal?

The public records request regarding SCORE asked: "How many students completed SCORE with failing course grades?" No response was provided. During the 2010-11 school year, how many students completed SCORE with all failing course grades, and how many completed SCORE with at least one failing course grade?

### *Suspension Rights*

*Students facing short-term suspension (10 school days or fewer) have the right to:*

- *Receive an explanation from the school as to why they are being suspended (what rule they broke and the evidence against them);*
- *Tell their side of the story; and*
- *Take textbooks home, get homework, and have a chance to make up tests.*

*Students facing long-term suspension (11 school days or more) or expulsion have the right to:*

- *Take textbooks home, get homework and have a chance to make up tests during the first ten days of the suspension and during the appeals process;*
- *Receive written notice of the charges that must include: a description of the incident; the specific policies or rules from the student code of conduct that the student is charged with violating; the specific process for parents to request a hearing to challenge the suspension or expulsion, including how many days a parent has to request it; and the format for holding a hearing;*
- *A hearing before an unbiased decision-maker where students can present evidence in their defense; question the witnesses, evidence or statements used against them; make a recording of the hearing; and bring an attorney to the hearing;*
- *Appeal to the local board of education; and*
- *Appeal to the local superior court.*

### ***Special Education Rights***

*Students with disabilities that negatively affect their education have the right to:*

- *A free, appropriate public education, including special education and related services to meet the students' needs;*
- *An individualized education program (IEP) designed to meet their unique educational needs;*
- *Receive their education in the least restrictive environment, with their non-disabled peers as much as possible; and*
- *A free independent educational evaluation if the student's parent disagrees with the evaluation conducted by the school.*

*Students with disabilities who are suspended for more than ten consecutive school days have the right to:*

- *A special meeting called a manifestation determination review (MDR) to decide if the alleged misbehavior was: 1) caused by or directly and substantially related to the disability, or 2) a direct result of the school's failure to implement the student's IEP;*
- *A functional behavioral assessment (FBA) to figure out the causes of the behavior problems and to identify ways to prevent problem behaviors; and*
- *A behavior intervention plan (BIP) to reduce the likelihood of misconduct; identify supports or strategies that will improve behavior; establish steps to be taken when misconduct happens; and identify consequences for misconduct.*

## **Questions About Suspension Continued**

There were 55 SCORE site seats and 15 laptops loaned to participating students during the 2010-11 school year. Did all of the other 200 or so students who participated in SCORE have computers and high speed internet at home? If not, where exactly did they participate in the SCORE program?

If students in SCORE are not considered suspended, and research demonstrates the importance of extracurricular activities and sports in improving academic outcomes, why are students who are in SCORE not allowed to participate in extracurricular activities and sports?

The public records request regarding SCORE asked: "How many students who have been recommended for long-term suspension have not been offered SCORE? Why were they not offered SCORE?" The response was: "Approximately 14. Not offered SCORE because of the severity of incident or availability of space." What were the severe incidents? What offenses are so severe that a student cannot participate in online classes from home? If space was not available, that implies the student could not participate in the program at home and there were an inadequate number of SCORE site seats. However, the public records request states: "Riley Hill, WEB Dubois, and Sowing Seeds never met their capacity." So, was the issue "availability of space" or another reason?

Why is there is no SCORE site staff training planned for the 2011-12 school year?

### **Transparency, Accountability, and Community Involvement**

Who were the members of the Discipline Review Committee during the 2010-11 school year? Do all of them review every recommendation for long-term suspension? If not, how many of them review each recommendation, and how is it determined which members review which recommendations?

There are not any evaluations of suspensions and expulsions posted on the WCPSS Evaluation and Research (E&R) Department's website. Have there been any studies conducted by the WCPSS? If so, why were they not posted on the E&R Department's website? If not, why not?

The public is generally not made aware of the WCPSS' suspension data for a given school year until at least three months after the school year has ended. This prevents accountability during the school year and the ability to make necessary mid-course corrections. Why does the WCPSS not make the data publicly available after each quarter, or least halfway through the school year?

Why has the WCPSS not initiated a community-based school discipline oversight committee that involves students, parents, and teachers, and engages in activities such as reviewing data (redacted to the extent necessary under the Family Education Rights and Privacy Act), developing policy recommendations, and receiving recommendations from stakeholders?

There have been many public hearings about student assignment. Why have there not been any hearings about school discipline?

Given the fact that school discipline is such a huge issue and impacts all students, why is there not a school board committee that focuses solely on school discipline? (e.g., a stand-alone committee with four work groups: Policing and Security; Suspension and Expulsion; Interventions and Alternatives to Suspension; and Services for Suspended Students.)

## Questions About Suspension Continued

In December 2010, advocates for community-based organizations were invited to join the WCPSS Suspension Professional Learning Team (PLT). The mission of the Suspension PLT was "to ensure that WCPSS implements best practices to uphold the student code of conduct and prevent suspensions." There were four work groups: African American Suspension, In-School Suspension, Array of Services, and Code of Conduct. The advocates worked diligently to support the work of the Suspension PLT. However, after the April 2011 Suspension PLT meeting, advocates were critical of the way in which the revisions to the Student Code of Conduct were being handled and they made suggestions for additional improvements. The Suspension PLT has not met since that meeting over five months ago. Why not? Will the Suspension PLT ever meet again? If so, when?

The "Alternatives Subcommittee" of the ED Task Force was initiated and met for the first time in April 2011. It has met off-and-on for the last six months. It still does not have a mission, goals, or a work plan. What is the purpose of the Alternatives Subcommittee? When will it develop a plan and engage in meaningful work?

In-school suspension in WCPSS is being replaced by "Alternative Learning Centers" (ALCs) in all middle and high schools. What is the detailed plan to evaluate the ALCs after the 2011-12 school year? What standardized tools will be in place during the 2011-12 school year to capture the data and information necessary to complete a thorough evaluation?

What exactly will be done during the 2011-12 school year to improve academic achievement at WCPSS' four alternative schools?

### *If You Are Interested In...*

*Finding legal assistance for a student who is being pushed out of school, contact Jason Langberg, Equal Justice Works Fellow/ Attorney, Advocates for Children's Services, at 919-226-0052 ext. 438 or [jasonl@legalaidnc.org](mailto:jasonl@legalaidnc.org).*

*Serving as a parent/ guardian peer supporter, contact the Wake Help Initiative at 919-576-9253(WAKE) or [wakehelp@gmail.com](mailto:wakehelp@gmail.com).*

*Joining a Study Circle on racism and education justice, contact Crystal Hayes, Director of Racial Justice, YWCA Greater Triangle, at 919-828-3205 ext. 18 or [chayes@ywcatriangle.org](mailto:chayes@ywcatriangle.org).*

*Joining grassroots organizing efforts to dismantle the school-to-prison pipeline, contact Onisade Burney-Scott, Director of Strategic Projects, YWCA Greater Triangle, 919-828-3205 ext. 19 or [oburney-scott@ywcatriangle.org](mailto:oburney-scott@ywcatriangle.org).*

*Joining a WCPSS committee and/ or task force that is addressing school discipline issues, contact Bridgette Burge, Director of Advocacy and Community Initiatives, YWCA Greater Triangle, at 919-828-3205 ext. 16 or [bburge@ywcatriangle.org](mailto:bburge@ywcatriangle.org).*

## Conclusion

Several key elements are missing from the WCPSS' self-congratulatory comments over the reported decline in school suspensions: 1) a recognition that the WCPSS still suspends far too many students; 2) correct information; and 3) important details that allow the public to evaluate the true nature of the suspension data.

Reforming school discipline in WCPSS should not be about merely making the data look better, taking credit, silencing critics, or doing the bare minimum to comply with bad laws. Rather, reforming school discipline is, first and foremost, about valuing all children and giving meaning to a belief that there are no throw away students. It is also about making schools safer. It is about making teachers' lives easier by saving them hours and hours that would otherwise be spent on catching up students who have fallen further behind, by giving them more behavior management options, and by making lasting, positive changes to student behaviors through productive consequences. It is about making schools less hostile and alienating toward children of color, poor children, children with disabilities, and other children who are disproportionately excluded from the educational process. It is about sending the right messages to those students' communities. It is about dispelling myths that schools are dangerous and that suspension is an effective means of deterrence and rehabilitation. It is about recognizing that schools are among the safest places for children to be, that suspensions invariably make things worse for students and schools, and that children are categorically less culpable than adults. It is about making data-driven, research-based decisions. It is about transparency and accountability. For these reasons, and many others, the WCPSS must expedite comprehensive school discipline reform efforts. Complacency and contentment are the enemies of progress.

Additionally, in a time of austerity and resource starvation in public education, the WCPSS must be thoughtful about every dollar spent. Taxpayer money should not be wasted on failing programs. Instead, scarce funds should be invested in high-quality, carefully evaluated interventions and alternatives to suspension.

Moreover, the WCPSS must collect suspension data responsibly and report it with integrity. The reporting confusion and inaccuracies undermine public confidence in the school system and give community members cause for tremendous skepticism. Stakeholders must be able to trust the information they receive from the School System and feel secure in knowing that they are not being fed half-truths and incomplete pictures.

Finally, the WCPSS will never achieve its mission to "significantly increase achievement for **all** students by providing a world-class education that equips students with the knowledge and expertise to become successful, productive citizens" if it continues to push so many students out of schools, into low-quality alternative education programs, and ultimately into the school-to-prison pipeline. Better data is not nearly as important as better outcomes for our most vulnerable students.

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*To learn more about the school-to-prison pipeline, visit:*

- *Advocates for Children's Services, [www.legalaidnc.org/acs](http://www.legalaidnc.org/acs)*
- *Advancement Project, [www.stopschoolstojails.org](http://www.stopschoolstojails.org)*
- *American Civil Liberties Union, [www.aclu.org/racial-justice/school-prison-pipeline](http://www.aclu.org/racial-justice/school-prison-pipeline)*
- *Dignity in Schools, [www.dignityinschools.org](http://www.dignityinschools.org)*
- *NAACP Legal Defense Fund, <http://naacpldf.org/category/education/school-prison-pipeline>*
- *Southern Poverty Law Center, [www.splcenter.org/what-we-do/children-at-risk/school-to-prison-pipeline](http://www.splcenter.org/what-we-do/children-at-risk/school-to-prison-pipeline)*

Advocates for Children's Services  
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