

# The *Discipline Dish*

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**Bimonthly newsletter about the school-to-prison pipeline in Wake County**  
**November/December 2010**

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Inside this newsletter:

- Page 1: Promising Changes in Board Policy Followed by Inaction
- Page 3: NC Supreme Court Rules that Long-Term Suspended Students Must Receive an Alternative Education, Unless School Administrators Can: 1) Give an Important or Significant Reason for Denying Access to Alternative Education; and 2) Show that Complete Denial of an Education is Not Substantially More than Necessary to the Achievement of Their Important Reason
- Page 5 : NC Court of Appeals Rules that Student Interrogated by Wake County Principal and School Resource Office Should Have Received *Miranda* Warnings
- Page 5: Title VI Complaint Filed Against WCPSS
- Page 7: TASER Used on WCPSS Student
- Page 7: Other Media Coverage
- Page 8: Parents' Piece
- Page 9: Words of Wisdom
- Page 10: About the *Discipline Dish*

## **PROMISING CHANGES IN WCPSS BOARD POLICY FOLLOWED BY INACTION**

In a state that already has the third highest rate of suspension *in the country*, the Wake County Public School System (WCPSS) gave out, by far, the most long-term suspensions in North Carolina: 1,015 long-term suspensions occurred in WCPSS during the 2008-09 school year, the most recent year for which data is publicly available. This number was *22 times higher* than the number of long-term suspensions in the Charlotte-Mecklenburg school district the same year, though the school districts are approximately the same size. All of these long-term suspended WCPSS students were pushed out for the *rest of the school year*—with *no placements in alternative schools*. WCPSS also had the second highest number of short-term suspensions—20,651—in North Carolina during the 2008-09 school year. This isn't a new phenomenon in Wake County; WCPSS schools have given out over 20,000 short-term suspensions and over 1,000 long-term suspensions during each of the past five school years for which data is publicly available (106,333 short-term suspensions and 5,187 long-term suspensions in total).

In addition to high numbers of suspensions, WCPSS also sends too many children into the juvenile court system. During the 2008-09 state fiscal year, there were 802 school-based delinquency complaints filed against students in Wake County, which accounted for 32.9% of all delinquency complaints filed in Wake County. Almost all—91%—of the school-based delinquency complaints were for misdemeanors. All complaints filed against 16- and 17-year-olds go straight to the adult criminal system for processing, and potentially for charging, prosecution, and sentencing. Data concerning these school-based adult criminal court referrals aren't collected, which is a serious problem in itself that needs to be remedied, but estimates place the number of students in Wake County who are sent directly from school to the delinquency and criminal systems each year at well over 1,000. WCPSS also does not track school-based arrests.

Moreover, WCPSS maintains and operates a disciplinary system that has a grossly disproportionate impact on Black students. During the 2008-09 school year, Black students made up 26.1% of the total

student population, but received 62.3% of short-term suspensions, 67.5% of long-term suspensions, and 100% of expulsions. Also, during the 2008-09 state fiscal year, 73.4% of school-based delinquency complaints in Wake County were filed against Black students.

Driven by this shocking and unrelenting data, Advocates for Children's Services (ACS) presented the Wake County Board of Education with a blueprint for improving school discipline at a July 2010 meeting. Parents, advocates, service providers, and attorneys throughout the state made valuable contributions to the detailed report, which focused on fairness, equity, collaboration, prevention, and accountability. If adopted, the recommendations would reduce suspensions, school-based court referrals, and racial disparities, while keeping schools safe for all students.

Just over a month later, the Board of Education, at its September 9, 2010 meeting, voted to adopt one of ACS' recommendations. The Board changed the definition of long-term suspension from "removal from the school system for the remainder of the school year" to "in excess of 10 school days but not exceeding the time remaining in the school year." The Board also voted to give the Superintendent authority to reduce the length of mandatory (i.e., zero tolerance) long-term suspensions for individual students when mitigating factors exist.

Board members, Interim Superintendent Dr. Donna Hargens, and other district officials deserve praise for giving Wake County's school discipline crisis the close attention and initial action it desperately needs. They should be commended for their willingness to begin tackling critical issues affecting the school-to-prison pipeline. Community advocates and concerned families should remain vigilant and organized to hold policymakers accountable for implementing these important new changes fairly and meaningfully.

While the Board's recent actions will likely have positive impacts, it's unlikely that they'll directly result in significant reductions in total suspensions, school-based court referrals, or racial disparities. Many of the policies and practices that have created Wake County's school-to-prison crisis remain unaddressed. Therefore, after the September 9<sup>th</sup> meeting, policymakers needed to continue working quickly and comprehensively to reform discipline policies and practices. However, at the Board's next monthly meeting, held on October 5, 2010, *not a single discipline-related item was on the agenda*. If there are other changes in the works, the planning needs to be done publicly and there needs to be meaningful, grassroots community participation by those most affected by the school-to-prison pipeline.

For ACS' complete report, visit:

- [www.legalaidnc.org/public/ACS/Report.pdf](http://www.legalaidnc.org/public/ACS/Report.pdf)

For coverage of ACS' presentation, visit:

- <http://blogs.newsobserver.com/wakeed/finding-common-ground-on-reducing-student-suspensions>
- [www.newsobserver.com/2010/07/30/603844/wake-schools-hear-ideas-on-discipline.html](http://www.newsobserver.com/2010/07/30/603844/wake-schools-hear-ideas-on-discipline.html)

For coverage of the changes that occurred at the September 9<sup>th</sup> Board meeting, visit:

- [www.newsobserver.com/2010/09/07/669128/wake-school-administrators-seek.html](http://www.newsobserver.com/2010/09/07/669128/wake-school-administrators-seek.html)
- [www.newsobserver.com/2010/09/08/669724/school-discipline-changing.html](http://www.newsobserver.com/2010/09/08/669724/school-discipline-changing.html)
- <http://blogs.newsobserver.com/wakeed/aggravating-and-mitigating-factors-in-the-new-student-suspension-policy>
- [http://charlotte.news14.com/content/local\\_news/triangle/630098/wake-school-board-changes-rules-for-long-term-suspensions](http://charlotte.news14.com/content/local_news/triangle/630098/wake-school-board-changes-rules-for-long-term-suspensions)
- <http://blogs.newsobserver.com/wakeed/wake-to-end-zero-tolerance-discipline-policies>
- [www.wral.com/news/education/wake\\_county\\_schools/story/8250134/](http://www.wral.com/news/education/wake_county_schools/story/8250134/)
- <http://blogs.newsobserver.com/wakeed/school-board-to-vote-on-changing-definition-of-long-term-suspensions>

For an op-ed about the Board's inaction since September 9<sup>th</sup>, visit:

- [www.newsobserver.com/2010/09/28/706147/improving-wakes-suspension-policy.html](http://www.newsobserver.com/2010/09/28/706147/improving-wakes-suspension-policy.html)

### Action Steps

Contact the Board of Education member for the district where you live and/or where your child(ren) go to school.

- Ask him/her to act now to adopt ACS' recommendations and dismantle the school-to-prison pipeline.
- For Board member districts and contact information, visit: [www.wcpss.net/Board/](http://www.wcpss.net/Board/).

Testify at Board meetings.

- Board meetings take place at 3600 Wake Forest Road in Raleigh.
- The next two meetings at which public comment is allowed will take place on November 9<sup>th</sup> and December 7<sup>th</sup>.
- The meetings start at 3:00 p.m. Public comment starts at 4:00 p.m.
- For materials to help you develop your testimony, visit: <http://sites.google.com/site/ncstpp/wake>.
- To get support from others, including parents and advocates, interested in improving WCPSS policies and practices, contact the Wake Help Initiative at 919-576-WAKE(9253) or [wakehelp@gmail.com](mailto:wakehelp@gmail.com).

**NC SUPREME COURT RULES THAT LONG-TERM SUSPENDED STUDENTS MUST RECEIVE AN ALTERNATIVE EDUCATION, UNLESS SCHOOL ADMINISTRATORS CAN: 1) GIVE AN IMPORTANT OR SIGNIFICANT REASON FOR DENYING ACCESS TO ALTERNATIVE EDUCATION; AND 2) SHOW THAT COMPLETE DENIAL OF AN EDUCATION IS NOT SUBSTANTIALLY MORE THAN NECESSARY TO THE ACHIEVEMENT OF THEIR IMPORTANT REASON.**

Two students, Viktoria King and Jessica Hardy, were suspended for five months from Southside High School, in Beaufort County, North Carolina, for fighting one another outside the school after it let out for a long weekend in January 2008. Though the fight lasted only five seconds and involved no weapons or serious injury, the girls weren't offered any alternative education during the period of their suspensions. The alternative school down the road enrolled students involved in other, related fights on that same day, but school administrators never gave Viktoria, Jessica, or their parents any reason why those two girls weren't allowed to attend the alternative school.

The students immediately went to court to challenge the school board's failure to offer them alternative school, claiming that their fundamental constitutional right to a sound, basic education was denied. The students argued that the State Constitution, the *Leandro* case, and other North Carolina cases involving the fundamental right to an education, make it illegal for a school system to deny a child an education unless it's absolutely necessary to do so.

The judge in Beaufort County Superior Court, where the cases were first heard, ruled for the school board and dismissed the students' case on many grounds. His justification? Even if everything the students said was true, they didn't have a legal case because the fundamental right to an education doesn't apply in the school discipline context; "...Leandro does not oblige our courts to apply strict scrutiny to student suspensions...The Leandro decision does not prevent a school district from temporarily halting the provision of educational services to a student suspended for violating a school board's conduct policies."

The students appealed the Superior Court's decision, but the Court of Appeals *agreed* with the Superior Court—the *Leandro* case did not apply to school discipline cases—and upheld the trial court's decision to dismiss the cases. Next, the students took their case to the Supreme Court of North Carolina.

On October 8, 2010, the Supreme Court *overturned* the Court of Appeals and the Superior Court, ruling that the students' cases should not have been dismissed. This, in itself, was a victory for the students, who now can finally demand that the school system explain why they were denied alternative education. The Supreme Court's decision stated: "Because exclusion from alternative education potentially infringes on a student's state constitutional right to equal educational access, school administrators must articulate a reason when they exclude a long-term suspended student from alternative education."

Ultimately, the Supreme Court held "that alternative education decisions for students who receive long-term suspensions are reviewed under the state constitutional standard of intermediate scrutiny...Under the state intermediate scrutiny standard, school administrators must articulate an important or significant reason for denying students access to alternative education[.]"

This question of "how will this apply to students today?" will be answered over time. It may take more court cases to make clear: 1) what kind of reasons will be considered "important or significant" enough to deny alternative school; and 2) whether complete denial of any alternative educational services affects students' right to education "substantially more than necessary."

These cases showed us all, again, that it's an uphill battle fighting for students' rights. Yet little by little, the courts are coming to recognize that schools can make bad decisions—even concerning students who are lawfully suspended—but those students have a right to have those decisions reviewed.

For coverage of the case, visit:

- [www.nytimes.com/2010/10/09/us/09suspend.html](http://www.nytimes.com/2010/10/09/us/09suspend.html)
- [www.newsobserver.com/2010/10/09/729784/supreme-court-sides-with-expelled.html](http://www.newsobserver.com/2010/10/09/729784/supreme-court-sides-with-expelled.html)
- [www.nytimes.com/2010/03/19/education/19suspend.html](http://www.nytimes.com/2010/03/19/education/19suspend.html)
- [www.wdnweb.com/articles/2009/10/28/news/doc4ae779dc8ef59718230319.txt](http://www.wdnweb.com/articles/2009/10/28/news/doc4ae779dc8ef59718230319.txt)

For the full text of the case, visit:

- [www.aoc.state.nc.us/www/public/sc/opinions/2010/pdf/480A09-1.pdf](http://www.aoc.state.nc.us/www/public/sc/opinions/2010/pdf/480A09-1.pdf)

### **Action Steps**

Fight for students facing long-term suspension or expulsion and remember to:

- Argue that a student suspended from school should have access to some sort of alternative education.
- Any time a student is denied alternative school, demand that the school give a reason, in writing, why that denial occurred. Find out about the alternatives (e.g., placement in an alternative school, online courses, tutoring at home) that might be available in your school district. Ask the school to give a reason why the student was denied each alternative.
- Find out whether other students disciplined for similar behavior as your student were offered a spot in an alternative program of some kind. The more you can compare how different students are treated, the more it can be shown that these decisions are arbitrary and don't meet the constitutional standard.
- Start documenting how students who aren't given alternative schooling aren't receiving a sound, basic education. It needs to be made clear that suspension isn't just a "temporary" or "potential" constitutional violation—these weeks and months out of school impact a student's educational opportunities in a major way. Track a student's educational progress after they miss school due to long-term suspension; draw a direct line between that time out of school and the student's lack of educational opportunities, even when they return to school. Research from all around the country proves this connection, but it needs to be proven on a local level for individual students.

## **NC COURT OF APPEALS RULES THAT STUDENT INTERROGATED BY WAKE COUNTY PRINCIPAL AND SCHOOL RESOURCE OFFICER SHOULD HAVE RECEIVED *MIRANDA* WARNINGS**

At East Millbrook Middle School, a student was suspected of possessing and distributing marijuana. The school resource officer (SRO) patted down the student and drove him across campus in a police car to the principal's office. The student was interrogated in the principal's office for approximately six hours while the armed SRO was either present or nearby. The student wasn't allowed to have lunch and his mother was not called until after the six hour interrogation was over.

The student admitted during the interrogation to having marijuana. However, at no point was the student read his *Miranda* rights, nor was he told that he was entitled to speak with his parents or have them present during questioning. Before a custodial interrogation (i.e., questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his or her freedom of action in any significant way) can take place, a juvenile must be advised that:

- The juvenile has a right to remain silent;
- Any statement the juvenile makes may be used against the juvenile;
- The juvenile has a right to have a parent, guardian, or custodian present during questioning (Note: When the juvenile is less than 14 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney); and
- The juvenile has a right to consult with an attorney and that one will be appointed for the juvenile if he or she wants representation.

The SRO filed a juvenile petition against the student for: 1) felony possession of marijuana with intent to sell and deliver a controlled substance; and 2) selling or delivering a controlled substance. The student's defense attorney filed a motion to suppress the confession, but the trial court judge denied the motion. The student was adjudicated delinquent (i.e., found guilty) and received a level 1 disposition (i.e., sentence); however, his case was appealed.

Nearly a year later, on August 18, 2010, the case was heard in the Court of Appeals of North Carolina. The Court issued its ruling on October 19, 2010, holding that the confession should've been suppressed, vacating the adjudication and disposition, and remanding the case to the trial court for further proceedings. In other words, the Court ruled that the confession shouldn't have been introduced in court in the first place, threw out the conviction and sentence, and sent the case back to the trial court for any further actions.

For a summary of the case from the UNC School of Government, visit:

- [www.sog.unc.edu/programs/dss/documents/2010-10-21\\_2010October19Juvcases.pdf](http://www.sog.unc.edu/programs/dss/documents/2010-10-21_2010October19Juvcases.pdf)

For the full opinion, visit:

- [www.aoc.state.nc.us/www/public/coa/opinions/2010/pdf/091653-1.pdf](http://www.aoc.state.nc.us/www/public/coa/opinions/2010/pdf/091653-1.pdf)

### **Action Steps**

Tell students about their *Miranda* rights. Encourage them to ask for their parents to be called and then remain silent when questioned by administrators or SROs about matters that could potentially lead to juvenile or criminal charges being filed.

## **TITLE VI COMPLAINT FILED AGAINST WCPSS**

The Civil Rights Act of 1964 was motivated by the historic civil rights movement of the 1950s and 1960s. The Act is a landmark piece of legislation that, after a long and oppressive history of legalized racism in

the United States, finally outlawed major forms of discrimination against Blacks, other racial minorities, and women, and was intended to end racial segregation in the United States. It outlawed unequal application of voter registration requirements and racial segregation in schools, at the workplace, and by facilities that served the general public. Title VI of the Civil Rights Act of 1964 prohibits discrimination (whether intentional or unintentional yet discriminatory in impact) on the basis of race, color, or national origin by recipients of federal financial assistance, such as the WCPSS.

On September 24, 2010, a Title VI complaint was filed against WCPSS. The first two sections of the complaint argue that the recent WCPSS school reassignments were done in an intentionally discriminatory manner and have a discriminatory impact on students of color.

The third section of the complaint argues that the WCPSS denies Black students equal participation in its programs by operating a disciplinary system that has a grossly disproportionate impact on Black students. During the 2008-09 school year (the most recent year for which data is publicly available), Black students made up 26.1% of the total student population, but were subjected to 62.3% of short-term suspensions, 67.5% of long-term suspensions, and 100% of expulsions by the WCPSS. Black students were also often punished more severely than similarly situated (i.e., comparing “first-time offenders” who committed the same offense) White students during that year. These patterns have a damaging impact on Black students’ participation in school programs and have persisted for many years—even though less discriminatory and more effective alternative school discipline policies are available.

The complaint asked for the Department of Education of the United States, in part, to:

- Fully investigate the claims of discrimination; and
- Force the WCPSS to adopt disciplinary policies that are administered in a way that does not disproportionately deny equal educational opportunities to Black students.

For the full text of the complaint, visit:

- <http://pulse.ncpolicywatch.org/2010/09/28/understanding-the-complaint-filed-against-the-wake-county-schools/>

For a summary of the complaint, visit:

- <http://wakeupwakecounty.com/cms/page/title-vi-complaint-against-wake-county-public-schools-school-board>

For media coverage of the complaint, visit:

- <http://blogs.newsobserver.com/wakeed/feds-reviewing-naacp-complaint-against-wake-county-schools>
- [www.newsobserver.com/2010/09/26/703383/naacp-takes-wake-to-feds.html](http://www.newsobserver.com/2010/09/26/703383/naacp-takes-wake-to-feds.html)
- <http://abclocal.go.com/wtvd/story?section=news/local&id=7688774>
- <http://blogs.newsobserver.com/wakeed/naacp-files-federal-civil-rights-complaint-against-wake>
- [www.wral.com/news/local/story/8348916/](http://www.wral.com/news/local/story/8348916/)
- [www.charlotteobserver.com/2010/09/26/1718788/rights-groups-file-complaint-over.html](http://www.charlotteobserver.com/2010/09/26/1718788/rights-groups-file-complaint-over.html)

### **Action Steps**

If you know a student of color who was assigned or disciplined in a discriminatory manner, contact:

- Anita Earls, Southern Coalition for Social Justice, 919-323-3380, [anitaearls@southerncoalition.org](mailto:anitaearls@southerncoalition.org); or
- Mark Dorosin, UNC Center for Civil Rights, 919-843-7896, [dorosin@email.unc.edu](mailto:dorosin@email.unc.edu).

Print, sign, and mail an endorsement letter, which can be found at:

<http://wakeupwakecounty.com/cms/page/title-vi-complaint-against-wake-county-public-schools-school-board>.

## **TASER USED ON WCPSS STUDENT**

On August 30, 2010, a Cary police officer, assigned as West Lake Middle School's school resource officer (SRO), TASERed an eighth grade female student who was involved in a fight. A TASER is a gun-shaped weapon and is loaded with cartridges that shoot two small hooked metal electrodes that hook into the skin or clothing to prevent removal and distribute a charge of about 1200 volts in electrical pulses at a rate of 19 pulses per second. The girl was taken to the hospital for observation.

The Cary News reported that WCPSS isn't entirely clear which weapons police carry in their schools. WCPSS also doesn't document how often SROs use force on students and therefore doesn't know how many of its students have been subdued by stun guns. Finally, the report revealed that WCPSS leaves decisions about enforcement methods, equipment, and the collection of data and records about use of force by police in the hands of individual police departments.

Ron Margiotta, Chairman of the WCPSS Board of Education, said that the school system could benefit from a consistent standard for SROs and that the incident at West Lake Middle School "could trigger it so change could happen a lot sooner." School board member Keith Sutton also indicated that the Cary incident could prompt further TASER talk. Said Sutton, "We don't want to make a knee-jerk reaction. I'm sure we'll get to the bottom of it." Hopefully the Board members' responses were more than empty rhetoric. The Board of Education should prohibit law enforcement officers from carrying TASERs inside of schools and create a consistent policy, including transparent reporting and investigation procedures, for use of force. This is another organizing opportunity for students, parents, and concerned citizens.

For media coverage, visit:

- [www.carynews.com/2010/09/04/20227/taser-use-prompts-talk-of-policy.html](http://www.carynews.com/2010/09/04/20227/taser-use-prompts-talk-of-policy.html)
- [www.carynews.com/2010/09/08/20289/a-stunning-decision.html](http://www.carynews.com/2010/09/08/20289/a-stunning-decision.html)
- [www.newsobserver.com/2010/09/02/659962/taser-hits-teen-at-school.html](http://www.newsobserver.com/2010/09/02/659962/taser-hits-teen-at-school.html)
- [www.newsobserver.com/2010/08/31/656262/officer-stops-school-fight-with.html](http://www.newsobserver.com/2010/08/31/656262/officer-stops-school-fight-with.html)

## **OTHER MEDIA COVERAGE**

### ***Pepper Spray Ends School Fight***

The News and Observer  
September 29, 2010

"A fight involving students at Athens Drive High School prompted a Raleigh police officer to use pepper spray in a crowded cafeteria Tuesday morning, resulting in minor injuries to several students who were bystanders...Sixteen students were treated for exposure to the spray, four of whom were taken to a hospital...Six ambulances were sent to the school to handle the incident..."

[www.newsobserver.com/2010/09/29/708350/pepper-spray-ends-school-fight.html](http://www.newsobserver.com/2010/09/29/708350/pepper-spray-ends-school-fight.html)

[www.newsobserver.com/2010/09/28/707477/pepper-spray-used-to-quiet-wake.html](http://www.newsobserver.com/2010/09/28/707477/pepper-spray-used-to-quiet-wake.html)

### ***Tailored Discipline***

The News and Observer  
September 9, 2010

"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...And when students give up, what they have in store too often is a hurtful blend of joblessness, crime and premature parenthood."

[www.newsobserver.com/2010/09/09/671233/tailored-discipline.html](http://www.newsobserver.com/2010/09/09/671233/tailored-discipline.html)

### ***Under Scrutiny, Wake County Schools Rethink Long-Term Suspensions***

Independent Weekly

August 18, 2010

by Joe Schwartz

"In a state that ranks among the top five in the U.S. in out-of-school suspensions, Wake County's numbers outpace those in the rest of North Carolina. One-quarter of all long-term suspensions in the state came from Wake County. And it's not just how many students are being expelled, but who: a disproportionately high number of black males and freshmen, school data shows..."

[www.indyweek.com/indyweek/under-scrutiny-wake-county-schools-rethink-long-term-suspensions](http://www.indyweek.com/indyweek/under-scrutiny-wake-county-schools-rethink-long-term-suspensions)

## **PARENTS' PIECE**

The following reflections were written by Donald Hartsfield, the father of a WCPSS middle school student:

My daughter is an 8th grade student in a Wake County public school. She was suspended from school for the entire rest of the year for bringing "counterfeit alcohol" to school. She was charged with Sale/Distribution/Use of Alcohol. What she brought to school was Pepsi and a non-alcoholic mixer in a water bottle. The principal went under the assumption that it was alcohol until I proved her wrong, and then changed the charge to "counterfeit alcohol," 7 hours after the incident happen. By this time she had already suspended 11 other students because they also drank out of the bottle.

On September 17, 2010, my daughter was suspend for 10 days with the recommendation for long-term suspension and no opportunity to return to school. The other 11 students were also suspended for 10 days with the recommendation for long-term suspension, but could come back to school if they took a drug program that cost \$450.

On September 17, 2010, it was an early release day and school ended at 11:20 p.m. The incident happened around 9:00 a.m. I was not called to come to the school until 3:30 p.m. that afternoon. They told me that they forgot to notify me, that they had the right to keep her, and that they don't call parents right away because it would hamper their investigations. During this time my daughter was told that her "fate was in the hands of the school resource officer" and was coerced into writing a statement.

When I met with the principal and assistant principal, they told me that my daughter told them it was soda, and told the 11 other students that it was soda, and then after they drank it, she told them it was alcohol. I told the Principals that it couldn't have been alcohol because I don't have any in my house. I asked them how they determined it was alcohol and they said by the smell and because the school resource officer said it was alcohol. Once my daughter came in the office, I asked her what was in the bottle. She told me, "Pepsi and the green stuff in the cabinet." I told her that the green stuff is not alcohol. I asked her why she told them it was alcohol. She said "because [the assistant principal] told me it was green Vodka." I asked her why she wrote a statement saying it was alcohol. She said "because [the assistant principal] told me to." So, I went home, got the bottle of green mix, and brought it back to the school for them to smell. The smell is consistent with the water bottle my daughter brought to school. Once we got home, we found out that the school resource officer had locked my daughter in a conference room. The explanation that was given was that it was for her safety because some of the other students involved wanted to fight her. We also learned that they did not offer her lunch like they did the other students. The explanation was that they forgot.

On Monday, September 22, 2010, I went to the school and delivered a letter to the principal asking her to reconsider the suspension since all of the students, including my daughter, told them it was, and it actually was, soda. She reconsidered and changed the other 11 students' punishments to 5 days of short-term suspensions and 3 days of in-school suspensions, and required them to meet with the counselor about peer pressure. She offered to change my daughter's suspension to 5 days of short-term suspension and a \$450 drug program. I declined the offer. So, she suspended my daughter for 10 days with a recommendation for long-term suspension.

I filed my appeal for the school-based hearing and this is where the frustration for me *really* began. When we got to the meeting the due process officer read a Notice of Suspension that was different from the one I had. I was told that it was revised and they mailed a copy to me. The principal and assistant principal repeatedly lied about the facts of the case and even stated it was my word versus their word. The due process officer allowed the principals to interrupt me during my presentation to try and contradict what I was saying, but when I tried to do the same he would hold up his hand for me to stop. When I went into this hearing I didn't expect to win because the panel is made of teachers who report directly to the principal and instruction on policy is coming from the due process officer who is also a county employee. The suspension was upheld and I appealed to the Superintendent.

I filed the Superintendent appeal knowing that the chance of it being overturned was highly unlikely. The assistant superintendents who review cases were once principals, so they are colleagues of the principals who suspend students. The Superintendent offered to reduce the long-term suspension to a 10-day suspension, but my daughter could not return to campus; instead, she would have to take the SCORE online program. I called the due process office for clarification on what exactly was being offered and they said it was basically a paperwork thing on my daughter's record. It would say 10-day suspension instead of long term suspension. I then appealed to the School Board. At the school board hearing, they upheld the suspension but allowed my daughter to return back to school

I would recommend that every parent go online and read *Research Based Recommendations for Improving School Discipline in Wake County Public Schools* by Jason Langberg. This let me know that it was not an isolated issue, but coercion, principals lying, and holding students a long time before they call their parents happens all around the county. This is the culture of Wake County public schools because there is no accountability. The principals expect that whatever they say will be believed over the student or parents and they will compromise their own integrity at the expense of the student. The reason they can get away with it is because it happens to a small number of families each year, and each family takes a stand only when their child has been wronged. As parents, we need to let our voices be heard and tell the principals, superintendents, and school board that this type of behavior is unacceptable.

Some keys to me managing the process were that I went online and looked for articles by Jason Langberg. This gave me an idea of what to expect and how to work through the process and not get frustrated and fight on. I would recommend fighting on all the way to the school board. What do you have to lose? If the suspension the principal gives you is worst case scenario, if you appeal all the way to school board, they can't give you anything more than what has already been given. Less than 5% of long-term suspensions reach the school board. If it was to go to up to 50%, that would have been over 500 school board hearings in 2008-2009. That would mean about 3 hearings per day every day. It would get to a point where they would have to change the policy or hire a lot of people to handle it.

As a parent, if your child gets suspended, I would:

- Appeal all the way to the school board. You have nothing to lose.
- Tell your child that if he/she gets called to the office, to not say anything or write any statement until you get there.
- If you feel confident in your public speaking skills, go to the hearings without a lawyer. If you get a lawyer, then the school's lawyer will be present as well. Their school policies were written by their lawyers, so they know all the loopholes. What I did was consult with a lawyer to shape my argument, then went in and presented myself at the school-based and school board hearings.

### **WORDS OF WISDOM**

“Although removing a student from school may create a better learning environment for others whose education was being disrupted by that student's actions, the removed student does not typically benefit from removal, nor does simply removing the student from school address the cause of the student's misbehavior. The more time students spend out of school, the more their academic progress will suffer. As students fall further behind, it becomes more likely that they will not catch up with their schoolwork, or

worse, that they may never return to school. Alternative strategies to serve the academic and behavioral needs of suspended and expelled students are necessary to prevent at-risk students from becoming 'repeat offenders' after they return to their home school and to ensure that their difficulties do not escalate to the point where more serious behavioral events occur or where students drop out of school altogether. Although suspensions and expulsions are legitimate and reasonable means to ensure a safe and orderly school climate, these actions should not be the end goal of student discipline. Significant remediation efforts need to take place to ensure that those students who are removed from school get the help they need to return to the regular school environment and be successful, both behaviorally and academically."

— *Annual Study of Suspensions and Expulsions, 2006-2007*, North Carolina Department of Public Instruction, p. 5-6.

### **ABOUT THE *DISCIPLINE DISH***

The goal of the *Discipline Dish* is to provide the citizens of Wake County with the information they need to:

- Understand the school-to-prison pipeline crisis and recent events related to the crisis;
- Hold policymakers accountable; and
- Advocate for more fair, just, and equitable school discipline policies and practices.

The *Discipline Dish* is published by Jason Langberg, an Equal Justice Works Fellow at Advocates for Children's Services (ACS). ACS is a statewide project of Legal Aid of North Carolina, Inc. ACS' managing attorney, three staff attorneys, and paralegal primarily engage in the following activities:

- Provide free, high-quality legal advice and representation for indigent families in public education-related cases; and
- Engage in community education in the form of presentations, trainings, media outreach, and publications.

