



Seema Gajwani
Special Counsel for Juvenile Justice Reform
Public Safety Division
Office of the Attorney General for the District of Columbia

Before

The Committee on Education
The Honorable David Grosso, Chair

Public Oversight Hearing
on

B22-594, “Student Fair Access to School Act of 2017”
B22-179, “D.C. Public Schools Alternatives to Suspension Amendment Act of
2017”

January 30, 2018
10:00 am
Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, District of Columbia 20004

Greetings Chairman Grosso, Councilmembers, staff, and residents. My name is Seema Gajwani, Special Counsel for Juvenile Justice Reform in the Office of the Attorney General (OAG). I am pleased to appear on behalf of Attorney General Karl A. Racine to testify in support of the goals of Bill 22-179 and Bill 22-594: reducing the excessive use of exclusionary school discipline measures.

Since coming into office, Attorney General Racine has been focused on protecting public safety and reducing juvenile crime in the District. He recognizes the correlation between youth who are suspended and otherwise excluded from school and those involved in the juvenile justice system -- a correlation widely proven by research. A study conducted by the Council of State Governments showed that students who are suspended demonstrate weaker academic skills, higher dropout rates, and higher rates of involvement with the juvenile justice system. It makes sense; students who are told not to come back to school, just like those who are truant, are more likely to get behind in school and more likely to get involved in negative behavior—including criminal activity. Schools must do everything in their power to make it easier for students to get to class, and must not be permitted to exclude students from school for minor offenses. It is clear that an inordinate use of school suspensions and exclusions pushes youth into the juvenile justice system, harming those students and putting public safety at risk. I am pleased to note that OAG has a positive relationship with officials in our public school systems, and they are making progress towards the goal of reducing out-of-school time for students resulting from disciplinary actions as well as from truancy.

Excessive use of suspensions and exclusions in schools, especially among poor students of color, contributes to the school-to-prison pipeline. According to a 2016 report from the U.S. Department of Education, 3.5 million students in the United States were given an out-of-school

suspension during the 2011-2012 school year. And black students are suspended and expelled at a rate three times greater than white students, while students with disabilities are twice as likely to receive an out-of-school suspension as their non-disabled peers.

Among other things, the Office of the Attorney General for the District of Columbia is the exclusive prosecutor for juvenile crime in the District. We are keenly aware of OAG's position as the gatekeeper to our city's juvenile justice system. Since 2015, OAG has increased by fivefold the rate at which we send low-level juvenile offenders to intensive diversion programs, providing effective rehabilitative services to youth in lieu of prosecution. The juveniles who have completed these programs have shown an extraordinary success rate, with more than 80 percent not having been rearrested. Attorney General Racine seeks to change the culture of juvenile prosecution to be more focused on rehabilitation than retribution, with the ultimate focus on reducing recidivism and making the District a safer place.

It is our experience that leads OAG to support the goals of the legislation. These bills seek to hold the District accountable on issues of discipline, and could lead to a sea change in how schools deal with conflict and interact with students and families. This will require a significant culture change at many schools. We are pleased that Chancellor Wilson has a track record of addressing school misbehavior with a goal of rehabilitating the student, not just punishing him or her. Similarly, OAG juvenile prosecutors are encouraged to take a restorative approach to juvenile crime where appropriate – recognizing that youth make bad decisions, but that they can be rehabilitated as well. Attorney General Racine has built a Restorative Justice Program at OAG, housed alongside juvenile prosecutors. By helping juvenile offenders understand the harm they have committed, and by encouraging them to speak directly to the victims of the crime, young people can build empathy, consequential thinking, and critical

problem-solving skills. Each instance of serious misbehavior should be a teachable moment, at school and even in the justice system -- especially for youth who come from communities struggling with chronic, multi-generational poverty, structural racism, and limited economic opportunities.

There are many promising, evidence-based models of rehabilitative approaches to delinquent behavior, one being restorative justice. Many schools across the District have begun to use restorative practices. However, culture change is not easy. Teachers struggle on the front lines every day, and they need support and training to use alternative disciplinary approaches to solve problems. The Office of the State Superintendent of Education (OSSE) and District of Columbia Public Schools (DCPS) are in the very early stages of a restorative justice culture change at most schools. OAG strongly recommends that the Council allocate more resources for training and coaching on restorative justice and other evidence-based models of strengths-based discipline in order to support teachers as they adjust to the new laws.

Finally, the data collection and reporting components of these bills are especially vital to gauge successful implementation and outcomes. However, policymakers and those implementing these new policies must be careful to ensure the accuracy of the data collected. Student advocates note that one possible unintended consequence of the law changes may be an increase in referrals to law enforcement for behavior that would not rise to the level that would justify an out-of-school suspension. We must be vigilant about tracking rates of arrests and referrals for prosecution for behavior originating at schools. OAG applauds efforts in the bill to track that data.

OAG is eager to continue working with the Council and the Executive to address challenges of excessive exclusionary disciplinary practices, given the clear risks to students'

well-being and to public safety posed by excessive out-of-class time. As OAG continues to review the legislation, we will be in contact with Committee staff regarding any technical or legal concerns. I am happy to answer any questions that you may have.