



Durham Public Schools punish Black students and students with disabilities at higher rates than peers

Civil rights groups decry race and disability disparities in suspensions and file complaint against Durham Public Schools with the U.S. Department of Education's Office for Civil Rights, alleging violations of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973.

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DURHAM, N.C. - Today the Advocates for Children's Services project of Legal Aid of North Carolina ("ACS") and the Center for Civil Rights Remedies at the Civil Rights Project of UCLA ("CRP") filed a complaint with the U.S. Department of Education's Office for Civil Rights against the Durham Public Schools ("DPS"). The complaint exposes DPS's overreliance on out-of-school suspension, which disproportionately harms Black students and students with disabilities, in violation of Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. The complaint is filed on behalf of all DPS students who are unjustly harmed by the district's suspension policies, including two Black students with disabilities whose experiences are described in the complaint.

Black students are more than four times as likely to be suspended as White students. Alarming, this trend is growing. Over the last two years, DPS's suspension rates increased by approximately one-third. When a student is suspended out of school, the student misses critical learning time and the underlying causes of the misbehavior remain unaddressed. Research shows that being suspended even just once is associated with doubling the risk for dropping out of school. There are many responses that improve the learning environment without depriving students of valuable instructional time.

"We do not believe that DPS is intentionally discriminating against students, but the experiences of our clients and the district-wide data clearly show that DPS's policies are disproportionately harming certain groups of students," said Peggy Nicholson, an attorney with ACS.

Suspension rates within DPS were even higher among students with disabilities. For example, among middle school students, over 37 percent of Black males with disabilities were suspended, compared to 12.5 percent of White males with disabilities.

"In addition to being unlawful, it is not in our clients' or community's best interests for students to be unfairly punished and repeatedly suspended out of school," said Nicholson. "We filed this complaint on behalf of our clients because we know DPS, in partnership with the Durham community, is capable of addressing these systemic disparities in a way that will enable all children to grow into productive adults."

"Had I not met with Legal Aid, I would never have known my daughter's rights were being violated. [The school] never told me there were options other than suspension," said Latasha King, mother of a student represented by ACS, identified in the complaint by the initials N.B. "The first thing they would do is suspend her. My daughter would not have a police record if not for [Durham Public Schools]. It seems like every time they suspend her, they arrest her," said King.

"Suspensions are counterproductive, and fail to achieve the goals of maintaining safe and orderly schools. Durham Public Schools can reduce suspensions and adopt proven, effective strategies to improve student behavior and achievement," said Dan Losen, Director of the CRP. "School districts across the country are embracing positive alternatives rather than suspensions because these policies deliver results and benefit students and teachers."

The complaint asserts that DPS over-relies on suspensions, with students being punished and removed from school for minor misbehaviors such as talking out of turn. Sadly, Black students and students with disabilities disproportionately suffer the burden of these punishments. The complaint further calls upon the district to change its policies and practices in favor of more effective, child-appropriate student discipline approaches.

"Durham's failed policy of over-relying on suspensions and school removals wastes taxpayer dollars and deters students from graduating. It's time for Durham to embrace effective policies and serve all children fairly," said Shakti Belway, an attorney with the CRP.

Key Durham Public School data points:

- Black students are more than four times as likely to be suspended as White students.
- Suspension rates have increased by one-third over the last two years (with the incident rates for suspension increasing for grades 9-12 from 25.19 per 100 in 2010-11 to 33.40 per 100 students in 2011-12).
- In middle schools 37.2% of all enrolled Black males with disabilities were suspended *at least once* in 2009-10. That's nearly three times the rate of White middle school males with disabilities (12.5%) and seven times the rate for White middle school males without disabilities (4.9%).
- The Black/White gap at the high school level between Black females with disabilities (25%) and White females without (0%) is nearly as large at 25 percentage points.

"The racial disparities in Durham are stark. Black middle schools boys suffer the highest rates of push-outs, as do Black high school girls," said Losen. "This trend suggests that Durham is losing a significant number of Black students in middle school and early high school due to harsh and punitive suspension policies, before they have a chance to graduate."

These stark racial disparities can be remedied through changes in DPS policies and practices. For this reason, the complaint seeks a resolution agreement with the DPS that would set forth more effective discipline policies that provide better outcomes for children.

Read the full complaint:

http://www.legalaidnc.org/public/learn/media_releases/2013_MediaReleases/complaint-against-the-durham-public-school-district.pdf.

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Advocates for Children's Services is a statewide project of Legal Aid of North Carolina that serves children from low-wealth communities in education, Medicaid, and foster care cases. ACS fights for education justice and an end to the school push out crisis in North Carolina through legal advocacy, community education, and collaboration. For more information, visit www.legalaidnc.org/acs.

The Center for Civil Rights Remedies is an initiative of the Civil Rights Project (CRP) at UCLA, which has been national in scope since its inception at Harvard Law School by Professors Christopher Edley Jr., and Gary Orfield. CRP brings high levels of research scholarship to bear on issues of racial injustice in education. For more information, go to: www.civilrightsproject.ucla.edu.