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February 6, 2018

To: Chairman Groene and members of the Education Committee  
From: Juliet Summers, policy coordinator for child welfare and juvenile justice  
Re: **LB 999, to change provisions relating to the student discipline act**

Education is a key indicator of future opportunity for children, and we should make every effort to ensure that our education system is setting students up for success. When disciplinary processes are structured in clear and fair ways, students at risk of drop out are better supported to succeed in their education. Voices for Children in Nebraska supports LB 999, because it provides procedural protections that will keep students on track to educational success, rather than pushing them out to the streets and court system.

We know that schools may struggle with inadequate resources, but we must find ways to address misbehavior while allowing students to pursue their education. Even students who misbehave deserve a meaningful opportunity to continue their education, and we all benefit when they do so. Procedures and policies that rely too heavily on exclusion from school result in lower educational attainment not only for suspended or expelled students,<sup>1</sup> but for the student body as a whole. Studies have shown that schools with a higher reliance on exclusion as a form of discipline actually score lower on academic achievement tests among the total student body, even when controlling for socioeconomic and demographic factors.<sup>2</sup> Modifying our student discipline act to provide heightened procedural and substantive educational protections for students who might otherwise be at risk of drop out will benefit our student populations as a whole.

In the 2015-2016 school year, there were 728 students in public and nonpublic schools expelled (0.2% of our total student population). There were 13,521 students suspended (4%).<sup>3</sup> These numbers may not seem alarming, but we must remember that disaffection from school is also a major driver of our juvenile justice system. Students who miss more than twenty days of school, including for out of school suspensions or expulsions, can be referred to county attorneys for prosecution. In fact, in FY 2016-2017, there were nearly twice as many youth placed on juvenile probation for "status offenses" like truancy than for felonies. **In fact, 512 students, 11% of all youth placed on probation in FY 2016-2017, were for excessive absences from school.**<sup>4</sup> This *does not include* any students who had a higher-level charge beyond absenteeism. **At an average daily cost of \$17.36 per youth on probation,**

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<sup>1</sup> Skiba et al. *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force 63*. 2006.

<sup>2</sup> Boccanfuso, C. and Kuhfeld. M. *Multiple Responses, Promising Results: Evidence-Based, Nonpunitive Alternatives to Zero Tolerance* (Publication #2011-09). Child Trends. 2011.

<sup>3</sup> *Kids Count in Nebraska Report 2017*. Voices for Children in Nebraska; data provided by the Nebraska Department of Education. Page 49.

<sup>4</sup> *Juvenile Services Division Detailed Analysis, Fiscal Year 2016-2017*. Administrative Office of the Courts & Probation. Page 6.

**with an average length of time on probation of 14.48 months for status offenses,<sup>5</sup> the estimated average cost of those 512 students to our state general fund was \$3,989,789.** Resorting to the justice system is a costly and heavy-handed approach to student discipline and adding clarifications and procedural protections to our student disciplinary process, that will keep at-risk students engaged in their education whenever possible, will have a direct impact on those numbers.

With that, I'd like to thank Senator Vargas for bringing LB 999, and this committee for your time, attention, and commitment to improving our education system for all. I'd be happy to answer any questions.

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<sup>5</sup> Data from *Juvenile Services Division Detailed Analysis, Fiscal Year 2016-2017*. Administrative Office of the Courts & Probation. Page 11. Estimated general fund impact derived by calculating (average daily cost) x (days in a month) x (average months on probation) x (number of youth on probation for truancy).