TESTIMONY OF KRISTEN HARPER, VICE PRESIDENT FOR PUBLIC POLICY AND ENGAGEMENT

CHILD TRENDS

Education and Labor Committee

Early Childhood, Elementary, and Secondary Education Subcommittee

"Serving All Students: Promoting a Healthier, More Supportive School Environment"

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I. Introduction

Chairman Sablan, Ranking Member Owens, and members of the Subcommittee—I thank you for elevating the important issue of creating healthy and supportive schools for all of our nation's children and youth. Please accept my testimony on behalf of Child Trends, a nonpartisan research institute known for its rigorous and objective research, which—over the last four decades—has served as a resource to officeholders of both parties. I am grateful for this opportunity to present the latest research and evidence that demonstrates the ongoing need to strengthen school capacity to support student health and well-being, the importance of reducing the overuse and disparate use of exclusionary discipline, and the need for federal support and leadership focused on prevention.

II. The need for healthy, supportive, and more equitable schools

Supportive and healthy learning environments are foundational to supporting students' academic achievement and mental health, advancing education equity, and assisting school recovery from the COVID-19 pandemic. Safe and supportive learning environments are highly predictive of both mental health and academic outcomes.[1,2] Students thrive when schools systematically work to improve school climate and languish when schools do not.[3]

Sadly, supportive schools are not enjoyed by all students. In one pre-pandemic study of middle schools across California, Black and Hispanic students consistently reported feeling less safe, less connected to school, and having fewer opportunities for participation relative to White students in the same school, creating a "school climate gap" directly correlating with disparities in academic achievement.[4] Further, school climates differ from school to school. In one study of a major school district, authors found that 41 percent of schools suffered from low teacher morale and limited staff and resources, while an additional 28 percent relied heavily on punitive discipline approaches while providing educators with little support.[5]

The pandemic has highlighted the role of schools in supporting student well-being. While school closures were necessary to protect school communities, they affected everything from students' access to consistent, nutritious meals;[6] to the provision of health services for students with disabilities;[7] to regular physical activity.[8] Recent data from the Centers for Disease Control and Prevention found that, following an initial decline in emergency department visits during the initial implementation of COVID-19 lockdown measures, mental health-related emergency department visits rose dramatically for children, increasing by 24 percent for children ages 5 to 11 and by 31 percent for children ages 12 to 17 over the same month span in 2019.[9] At the same time, some Black students reported that the shift to

virtual instruction had improved their opportunities for learning by relieving them of regular experiences with racism and bias, disproportionate discipline, and unwelcoming school campuses.[10]

To create supportive and healthy learning environments, schools should adopt a prevention strategy with an emphasis on fostering strong relationships and connections to school.

Adopting a prevention strategy means helping schools implement evidence-based approaches to mitigate risk factors (e.g., mental health challenges, home environment, etc.) and increase protective factors (e.g., positive student-adult relationships, school connection), with the goal of reducing threats to student health, safety, and academic success (e.g., dropout, school violence, school weapons carrying).[11,12,13]

Teacher-student relationships and students' feelings of connection to their schools are particularly important protective factors. When young people feel connected to schools and to school staff, they are less likely to engage in risky behaviors (e.g., substance use, violence), be absent from school, or experience emotional distress, and are more likely to have higher grades.[14] Connected students also do not bring weapons into the learning environment and are more likely to report the presence of weapons.[15,16,17]

Building strong interpersonal relationships characterized by trust, respect, and high expectations might also represent a key strategy to create more equitable school climates for students of color. One study found that black students were less cooperative when they did not trust their teachers' use of power and authority.[18] In the same study, student trust was predicated on the students' perception of whether the teacher cared for them and had high expectations for their academic performance.[19]

One of the clearest indicators that schools have not fully adopted a prevention strategy is the widespread, systemic overuse of exclusionary school discipline.

The overuse of exclusionary discipline is, in many ways, the antithesis of a prevention strategy. It is a reactive practice, taking place after a student has committed an offense and resulting in the removal of students from the very environment where they might receive supports to address the underlying causes of their behavior. While many might argue that exclusionary discipline prevents student behavior by acting as a deterrent, this logic has little support in research. Rather, the research literature shows that suspension is highly predictive of future suspension and has little impact on reducing misbehaviors such as bullying.[20,21,22]

Exclusionary discipline also comes at a high cost for students. Ten years ago, a landmark longitudinal study found that students who experience disciplinary exclusion were more likely to drop out of school and have contact with the juvenile justice system.[23] The research has only strengthened since then. In a 2018 study, the author used longitudinal data to build a statistically matched set of students with and without a history of suspension; prior to the suspension, both groups were indistinguishable from each other on 60 variables that might be predictive of suspension or behavior challenges (e.g., student risk behaviors, parental characteristics). The study found that, five years after the first suspension, suspended students are less likely to earn their diploma, more likely to experience expulsion, and more likely to experience arrest as a minor.[24]

Still, exclusionary discipline has continued. During the 2017-2018 school year, the average K-12 school suspended 4.5 percent of its students out of school, while middle and high schools suspended 7.4

percent of their students, according to Child Trends' analysis of the federal Civil Rights Data Collection (CRDC).[25] While both figures represent a decrease since the CRDC first shifted to a universal data collection during the 2011-12 school year, the nation achieved little progress in helping schools reduce their reliance on exclusion since the 2013-2014 school year.[26]

Annual out-of-school suspension rates seem like small figures—small enough to dismiss suspension as an occasional fluke and relevant only to a small subset of children, and small enough to disregard the consequences to individual students and look for evidence that the students must have been deserving of exclusion.

However, exclusionary discipline is best understood as a systemic failure. Our national focus on annual suspension rates—an important indicator to examine change over time—often leads us to miss how very many students experience suspension between preschool and 12th grade. One study estimates that 35 percent of students receive at least one in-school or out-of-school suspension during their school career.[27] Another study that followed Texas school students from 7th to 12th grade found that 31 percent of students had experienced an out-of-school suspension over the course of the study.[28]

Further, schools use disciplinary exclusion at substantially higher rates for Black students and students with disabilities. During the 2017-2018 school year, K-12 schools suspended 7.8 percent of Black students and 8.5 percent of students with disabilities, compared to 3.8 percent and 4.0 percent of White students and students without disabilities, respectively. Middle and high schools suspended more than 12 percent of students from both groups (Black students and students with disabilities) compared to 6.0 percent and 6.6 percent of White students and students without disabilities, respectively.[29] Historically, the risk of suspension for students with disabilities has been twice the risk for students without disabilities, while the risk of suspension for boys of color with disabilities has been four times the risk for students without disabilities.[30]

Research also points to systemic, rather than individual, causes for disciplinary inequities. Exclusionary discipline for subjectively defined, low-level disciplinary offenses are a clear source of school discipline disparities, with Black students frequently disciplined for minor behaviors that are often overlooked when committed by White students.[31,32,33] In contrast, research has found similar rates of exclusion across racial and ethnic groups for more serious offenses where student removals from school were mandated.[34]

In the midst of a pandemic, exclusionary discipline puts at risk collective efforts to improve student mental health and support COVID-19 recovery.

The COVID-19 pandemic has likely heightened the consequences of exclusionary discipline, which has long been a threat to children suffering from trauma after witnessing violence, losing a loved one, or experiencing abuse or neglect. Not every child who experiences adversity will suffer from trauma: Community and family supports, along with other factors, can play a powerful role in mitigating the impact of adverse events.[35] However, when children do experience trauma, they experience a range of reactions, including shifts in behavior, attention difficulties, and difficulties building relationships with others.[36]

Students experiencing trauma, then, are precisely the children likely to bear the brunt when school approaches to discipline are punitive and exclusionary, rather than supportive. Further, exclusionary discipline is a uniquely damaging approach for children already experiencing trauma, as it interrupts

their connections to the school community at precisely the time at which they need those supports the most.

The COVID-19 pandemic has further heightened these challenges by increasing childhood exposure to the death of caregivers and stripping back some of the protective factors that might have insulated children from the negative effects of adversity. An October 2021 study found that roughly 1 out of 500 children lost a parent or grandparent from April 2020 to June 2021, well before either the Delta or Omicron variants.[37] The study authors warned that this may be an underestimate due to the underreporting of COVID-19 deaths.

To complicate matters further, school discipline has changed in a myriad of ways since the start of the pandemic. As school systems rapidly moved to remote instruction at the start of the pandemic (and continue to rely on it during periods of high community transmission), the new medium has also ushered in a host of new behavioral expectations and disciplinary responses.[38,39,40,41] Schools enforced requirements regarding online dress codes (e.g., wearing pajama, hats, sleeveless shirts, or hoods on screen), tardiness, eating and drinking, having "foreign objects" at workstations, and disruptive online behavior. Disciplinary responses included limiting student audio or video, placing students in online supervised study or supervised virtual suspension, or blocking student access to email or online instructions.

With schools reopened, students must adhere to a host of new rules and behavioral expectations governing in-person learning, including coughing, spitting, sneezing on someone deliberately, and school attendance while awaiting a COVID-19 test result.[42,43,44,45] However, during the first year of the pandemic, school districts proposed a range of punitive disciplinary actions—from suspension, to assault charges, to removal from in-person instruction—for students violating these new rules. As schools work to reestablish safe and routine in-person learning, school reliance on exclusionary discipline threatens to undermine the very goals educators and administrators are striving for.

III.   What's needed to create the learning environments communities deserve

Schools' primary strategy should be prevention, with health, mental health, and social services and relationship-building as schools' primary tactics.

To advance a prevention strategy, schools systems can employ a range of approaches and implementation frameworks, with varying levels of research evidence. Below, I provide the evidence base for three programmatic approaches (i.e., social and emotional learning, restorative practices, and trauma-informed approaches) and three frameworks for delivering student supports (e.g., community schools, multi-tiered systems of support, and school-based health centers).

Social and emotional learning (SEL) describes programmatic approaches to build student skills with the goal of supporting healthy development and improving conditions for learning. Following the well-known SEL framework from the Collaborative for Academic, Social, and Emotional Learning, these skills include social awareness, relationship skills, self-awareness, self-management, and responsible decision making.[46] SEL stands on strong evidence: A 2011 review of 213 studies found that SEL programs not only improved students' academic performance, but reduced their emotional distress and reduced challenges with behavior.[47]

Restorative practices describe a range of approaches focused on promoting and repairing relationships and processes to help students acknowledge wrongdoing and make amends. These approaches often have a strong theoretical basis and are a promising option for schools. However, rigorous research to examine the effectiveness of these practices has only begun in recent years. Given what we know thus far, there is cause for optimism and justification for implementing restorative practices with the goal of evaluating, iterating, improving, and understanding these approaches. Initial research findings suggest that restorative practices may improve school climates, reduce student misbehavior, and reduce discipline disparities. However, research examining the implications of restorative practices for other outcomes—including bullying, absenteeism, and academic performance—have yielded mixed results.[48,49]

Interest in creating trauma-informed school systems has increased dramatically in recent years following broadened public awareness of childhood adversity and trauma. Given the far-reaching implications of trauma for child development, it is critically important that we design schools to welcome and support children with trauma, rather than harm them. In general, trauma-informed systems recognize and respond to individual trauma, while realizing the effects of trauma and avoiding retraumatization.[50] More research is needed to produce the effective, schoolwide trauma-informed systems that schools need.

Child Trends' review of the literature on trauma-informed systems found only nascent research exploring how to create an effective trauma-informed system within a school. There are clinical strategies with a strong evidence-base—such as cognitive behavioral interventions for trauma in schools and trauma-focused cognitive behavioral therapy—but these are approaches intended for small groups of students or individuals. They are not designed for schoolwide initiatives.[51] Meanwhile, some schoolwide strategies introduced by states—such as universal screening for childhood adversity and training school personnel on trauma—have not been rigorously evaluated.[52] However, Child Trends has previously raised concerns about proposals to implement universal screening for childhood adversity, flagging that this approach may misidentify children with trauma and risk retraumatization unless the screening is part of a more comprehensive assessment of the child, is conducted by an appropriately trained service provider, and uses a high-quality and appropriate screening tool.[53]

Aside from programmatic approaches, there are multiple schoolwide student support systems that, according to available evidence, can give schools greater capacity to support the whole child. Multi-tiered systems of support is a decision-making framework to help schools provide services to students based on their needs: Some supports are available to all students (universal), additional services are available to those who need more support (targeted), and highly tailored services are available to those who need intensive supports. Schools implementing universal supports, with fidelity, within a multi-tiered system of support have lower rates of out-of-school suspension for students with disabilities[54] and less racially disproportionate rates of out-of-school suspension.[55] Community schools are widely understood to have four components: "integrated student supports," "expanded learning time and opportunities," "family and community engagement," and "collaborative leadership and practices."[56] Community schools have been shown to improve students' sense of school connection, academic achievement, and school attendance while reducing disciplinary incidents.[57,58] School-based health centers can provide students with a range of health services, including primary care, mental health care, and various health screenings. In a recent review of the evidence base supporting school-based health centers, researchers found strong evidence that increasing the availability of mental health services by way of school-based health centers was associated with reductions in depressive episodes and suicide risk for teens.[59]

State and local discipline policies need revision to ensure clarity, support consistent enforcement, and avoid penalizing developmentally appropriate behaviors.

From 2012 to 2021, Child Trends supported the federal Compendium of School Discipline Laws and Regulations as part of the National Center for Safe Supportive Learning Environments. Since 2017, we have led 50-state scans of state policies that influence student safe and student health, including school discipline policies. We've watched states and school districts work hard to establish new policies that limit the use of suspension and expulsion for younger children, limit suspensions for subjectively defined offenses (e.g., insubordination), and encourage the use of alternatives to exclusion.[60,61]

Still, there is much room for improvement. Just this past October, a South Carolina court found two statutes that criminalized disorderly conduct in schools to be unconstitutional due to, first, their lack of clarity in defining the criminal behavior; and, second, the lack of a clear enforcement standard. Child Trends will soon release its own analysis illustrating how state school discipline policies suffer from similar challenges, even if the penalties of violating a code of student conduct are less severe. In 48 states and the District of Columbia, we found 159 policies that use vague language—including references to "disobedience" (20 states), "disruption" (43 states), "insubordination" (7 states), and "defiance" (15 states).[62]

While school discipline policy reform is a necessary step to creating equitable school climates, it is critically important that we not rely too heavily on mandates and restrictions, and that we instead take time to evaluate the limits and opportunities of policy reform. Research examining the implementation of local restrictions on exclusionary discipline has shown that school compliance varies widely: Schools that are least reliant on disciplinary exclusion are the most compliant, while schools that rely heavily on exclusion often don't comply or increase their rates of exclusion.[63] Discipline policy reforms are implemented by schools with vastly different school climates—some with highly collaborative learning spaces with strong educator support, some with punitive and authoritarian cultures, and some that lack resources and feature low teacher morale.[64] Discipline policy reform is an important tool, but it must happen alongside initiatives to improve school climates and address broader education inequities.

School systems must address both the root causes of exclusionary discipline and the broader education inequities that set the stage for differential treatment by race and disability.

School discipline disparities have many root causes directly related to discipline practice, discipline policy, and interpersonal interaction, including the following: implicit and explicit racial biases,[65] biased school discipline policies (e.g., prohibition on Black hair styles),[66] inconsistent enforcement of codes of conduct,[67] differential interpretation of similar student behaviors across racial and ethnic groups,[68] and differential scrutiny of students across racial and ethnic groups.[69] Strategies to address these challenges must be integrated into broader efforts to improve school climates and reform school discipline polices.

However, discipline disparities are also likely an outgrowth of known education inequities, including racial and socioeconomic segregation, disparate access to experienced educators,[70] and disparate representation in special education.[71]

Special education and racial segregation provide strong illustrations of how broader education inequities have implications for school discipline. Inequities within implementation of the Individuals with Disabilities Education Act (IDEA) are of particular concern, given that a quarter of Black students with

disabilities are suspended out-of-school each year. In 2019, schools identified Black children ages 6 through 21 as children with disabilities 40 percent more often than children from all other racial and ethnic groups.[72] Studies have shown that Black students are more likely to be identified with disabilities in majority-White schools than in majority-Black schools.[73,74]

Disability identification disparities are higher still for specific disability categories: For example, Black children are 80 percent more likely than all other racial and ethnic groups to be identified with emotional disturbance.[75] Under IDEA regulations, the identification of emotional disturbance is based on a determination of how a student's behavior and relationships impact their learning experience.[76] This means that, to meet IDEA's promise of a free and appropriate public education, students identified with emotional disturbance must have an individualized education program (IEP) that includes the behavioral supports they need to support their participation and progress in the general education curriculum.[77] Despite this, students identified with emotional disturbance experience exclusionary discipline at rates higher than students identified with any other type of disability. In the early 2000s, more than 60 percent of students with emotional disturbance would experience suspension or expulsion each year.[78]

IV. Child Trends' recommendations to federal officials

Federal agencies should provide sustained, robust, and aligned support for initiatives that emphasize prevention and expand students' access to health, mental health, and social services.

Over the last 12 years, federal support for student health and safety initiatives has waned and waxed, with sudden increases in support only coming after high-profile school shootings. Title IV, Part A of the Elementary and Secondary Education Act provides the strongest illustration of the inconsistency of federal support for these priorities. In 2010, federal support for Title IV, Part A formula dollars disappeared, with funding dropping from nearly $300 million to zero.[79] Formula dollars wouldn't be restored until after the Elementary and Secondary Education Act was reauthorized in 2015; even then, Congress appropriated $400 million for Title IV, Part A when the underlying statute authorized $1.6 billion.[80] However, appropriations promptly jumped from $400 million to $1.1 billion in 2018, after the shooting at Marjory Stoneman Douglas High School.

In the weeks and months immediately following a major school shooting, the political will to act may be powerful, but so too are public perceptions that the next school shooting is imminent. In the face of that fear, it is very difficult for public officials to hear the research on the importance of relationships and opt for prevention strategies.[81,82,83] Even now, in the midst of a pandemic—a very different emergency— federal officials have stepped forward to provide resources for mental health and school safety. However, it is an ongoing, ceaseless endeavor to create healthy school climates where students have strong, trusting relationships with adults and their peers and access to services. To be successful and resilient, schools must have consistent access to the resources they need to continuously support services for students; training and collaboration time for teachers and administrations; coordination between schools and communities and between public agencies; and systems for gathering, analyzing, monitoring, and using data.

Beyond robust and consistent federal support, school systems would benefit from stronger coordination and alignment across federal agencies so that schools are able to support the whole child. In 2021, Child Trends conducted a systematic review of federal formula and discretionary grant programs from 2010 to 2020 that could be used to create healthy schools.[84] After comparing these programs to the Center for Disease Control and Prevention's Whole School, Whole Community, Whole Child model—a school

health framework consisting of 10 components[85]—we found a largely piecemeal array of funding programs that failed to support all elements of a healthy school.

For example, for fiscal years 2019 and 2020, we identified 27 discretionary grant programs specifically focused on school health, with the bulk of funding sponsored by the Departments of Education, Health and Human Services, and Justice. Notably, the most discretionary funding in these two years was offered from the U.S. Department of Justice, with the bulk of funds focused on the STOP School Violence Program; additionally, two grants from the Community Oriented Policing Services Office (COPs) supported hiring school-based law enforcement. Despite this funding level, DOJ remains largely disconnected from interagency efforts to work primarily on preventing violence rather than preparing for it. That's not to say that federal agencies can achieve strong coordination just by gathering the right offices around the table. When the underlying statutes and regulations guiding agency activity feature fundamentally different strategies for creating safe and healthy schools and communities—for example, school hardening rather than prevention—collaboration is difficult.

One program for which federal coordination and alignment could yield sustainable support for school health and student support initiatives is Medicaid reimbursement. In 2014, the Centers for Medicaid and Medicare Services (CMS) published guidance clarifying that Medicaid can be billed for free health services for eligible students. Prior to the guidance, Medicaid could only be billed for school-based health services provided to students with disabilities as part of their IEPs. However, a Child Trends study of state Medicaid policies found that, as of December 2020, more than half of states have policy barriers limiting school Medicaid programs. In most cases, states had not yet taken the step of revising State Medicaid Plans—which requires CMS approval—to allow Medicaid reimbursement for school-based services not included in an IEP. Further, within states that have broadened Medicaid reimbursement, school districts have experienced a range of challenges navigating the paperwork and parental consent requirements of the complex program.[86] Federal coordination could yield new strategies to support states and school districts to expand their Medicaid programs and keep the program manageable for school administrators.

Federal agencies should provide leadership on school discipline by advancing public awareness of the disparate application and overuse of exclusionary discipline, and should invest in research to explore root causes.

The education field benefits from current federal efforts to highlight the prevalence of disciplinary exclusion, but more is needed. The most powerful source of school discipline data available is the Civil Rights Data Collection. This dataset allows the education field to monitor trends in both exclusionary practices (e.g., suspension, expulsion, referrals to law enforcement, and school-based arrests) and other school responses to behavior that may threaten student well-being (e.g., corporal punishment, seclusion, restraint). To remain such a powerful equity tool, the Civil Rights Data Collection must capture all popular approaches that schools utilize to address student behavior. As schools increasingly look to threat assessment as a strategy to address school violence, we'll need greater data transparency to help the field monitor any disparities that might threaten students of color and students with disabilities.

Beyond the Civil Rights Data Collection, there are other sources that, if made available to researchers, could do more to help the field better understand the underlying root causes of inequity for children of color and children with disabilities. The data that states submit to the U.S. Department of Education under Section 618(d) of IDEA is one such dataset. These data contain the early indicators of how school systems respond to students they perceive as having academic or behavioral challenges. While USED

routinely publishes analyses of national data for Congress, and makes state-level tables available to the public, the local-level data are not available to either the broad public or to researchers. At a minimum, local-level, restricted use Section 618(d) data should be available to researchers in the same way as the Civil Rights Data Collection.

Efforts to increase the field's access to powerful data should be paired with investigator-initiated research funding to help the field investigate the systemic factors underlying discipline disparities and school reliance on exclusion. There is much we don't know about many of the approaches schools are using, or how we might refine implementation strategies. Schools are doing well to innovate, but they are left in the dark without research partners to evaluate their work. Rigorous research helps us distinguish approaches that should continue to be refined from those we should leave behind.

Federal leaders should clarify the obligations of school systems under federal civil rights laws and the Individuals with Disabilities Education Act (IDEA), and should promote compliance through enforcement and technical assistance.

Titles IV and VI of the Civil Rights Act of 1964, and the Individuals with Disabilities Act, are powerful tools in the work to safeguard children of color and children with disabilities from discriminatory school discipline and its harmful effects. It is imperative that school and district administrators, as well as state officials, understand their obligations under these provisions. With respect to civil rights laws, school and district leaders need a clear legal standard that they can use to understand whether they are engaging in discriminatory conduct. Further, given the widespread nature of school discipline disparities, federal leaders should provide ongoing technical assistance to the field to help schools avoid or rectify discriminatory school discipline practices.

With respect to IDEA, federal leaders can provide greater transparency to parents and communities regarding state implementation of regulatory provisions designed to address racial and ethnic disparities within special education. Under the 2016 Equity in IDEA rule, states are required to use a standard approach to identify school districts with significant disproportionality—that is, schools with racial and ethnic disparities in the identification, placement, and discipline of children with disabilities—and require those districts to set aside 15 percent of their IDEA, Part B funding to address the disproportionality. However, details regarding state and local implementation of the rule are difficult to come by, and little is known about the process of identifying districts, how IDEA funding is used for disproportionality, or whether there are lessons learned.

V. Closing

In the midst of the COVID-19 pandemic, supportive, healthy, and equitable learning environments are essential to our recovery. We are fortunate that research has made clear many of the challenges we need to tackle and highlighted the evidence-based approaches needed to help schools achieve their goals. Moving forward, our success in providing each child with supportive conditions for learning rests on whether we allow research and data to guide our work.

Thank you again for this opportunity to share our perspective.

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