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Frett-Gregory Proposes Bill Limiting Early-Grade Suspensions, Citing Harm to Academic Performance

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Education Commissioner Dionne Wells-Hedrington testified in favor of a bill that seeks to limit the expulsion and suspension of students from pre-kindergarten through third grade. By. V.I. LEGISLATURE

Senator Donna Frett-Gregory, vice chair of the Committee on Education and Workforce Development, on Monday introduced Bill 35-0082, aiming to limit the expulsion and suspension of students from pre-kindergarten through third grade and provide for wraparound services for those students in need of behavioral interventions.

Ms. Frett-Gregory cited research showing that out-of-school suspensions can harm academic performance and exacerbate behavioral problems. A report from the Public Policy Research

Institute and the Council of State Governments Justice Center, the senator said, found that students suspended out of school are more likely to fall behind academically, drop out, or become involved with the juvenile justice system. She also pointed to over 20 states and the District of Columbia that currently have laws limiting the use of out-of-school suspensions. The senator listed states such as California, Florida, Texas, Virginia, Colorado, Washington, Ohio, Illinois, Connecticut, and New Jersey as examples.

Sen. Frett-Gregory's proposed legislation seeks to understand and address the root cause of the student's behavior by providing necessary services and consultations, developing a plan with parents, and ensuring the student's swift return to the classroom with the required support. "Doing this allows us to truly provide a free, appropriate public education, where we look at each student as an individual that is worthy of such," she said. "Sending a primary grade child home as a punishment will not address the issues that we are facing."

As she has done on numerous occasions in the past, Ms. Frett-Gregory further argued for the need to align the efforts of different agencies, including the Office of Gun Violence, the Departments of Education, Health, Human Services, the Police Department, and the court system, to effectively address the challenges faced by children in the Virgin Islands.

V.I. Dept. of Education Commissioner Dr. Dionne Wells-Hedrington and her counterpart at the Department of Health, Justa Encarnacion both testified in support of the proposed legislation. "There is no doubt that every child, every parent, educator and educational leader supports that students in grades pre-K to third should not be suspended or expelled," declared Mrs. Wells-Hedrington.

While the current student discipline policy does not allow for the expulsion of primary or intermediate students (K-6), the Education commissioner noted that policies do not necessarily have the permanence of statute. However, she pointed out that the proposed legislation differs from the Board of Education's current position particularly regarding "level four" infractions, which are major acts of misconduct. Under current guidelines, students committing such infractions are subjected to a mandatory 10-day suspension and possible recommendation for expulsion, with the exception of students from K to 6.

Dr. Wells-Hedrington suggested several amendments to the proposed bill, including an amendment to limit expulsion due to serious offenses like weapons use, controlled substance distribution, or behavior endangering others, to a 60-day period. This would be followed by a Mental Health Review to evaluate the child's readiness to return to school. She also suggested an amendment to ensure that decisions on the expulsion of students in grades pre-K to third grade be made as part of the school's basic child study team, which would include mental or behavioral health specialists.

Mrs. Wells-Hedrington voiced strong support for the addition of a section mandating a course on mitigating classroom behavioral issues for school-based professionals, provided that funding is allocated for the necessary professional development.

During Health Commissioner Encarcion's remarks in support of the draft legislation, she discussed the importance of recognizing adverse childhood experiences (ACEs) that might result in disruptive behavior. "Toxic stress from ACEs can change brain development and affect how the body responds to stress," she said. ACEs are linked to chronic health problems, mental illness, and substance misuse in adulthood."

Wells-Hedrington highlighted the critical role that schools play in providing support for children's overall well-being, mentioning that untreated mental health issues can often lead to disruptive behavior. She emphasized, "As a community, we all can recognize challenges that families face and offer support and encouragement to reduce stress... If not, the statistics show that almost 70 percent of children and youth who have noticeable mental health disorders become involved with the juvenile justice system."

Ms. Encarnacion also expressed her support for programs such as Positive Behavioral Interventions and Supports (PBIS), which use a proactive approach to discipline and foster positive behavior. She elaborated on the tiered model of PBIS, which includes universal interventions, targeted interventions, and intensive interventions for students with significant behavioral challenges.

There was no expressed opposition to the proposed legislation during the debate that followed the presentations of testifiers. Rather, questions were asked by senators seeking clarity on various aspects of the current scenario surrounding holistic support of children in the education system.

In response to a query from Senator Franklin Johnson, Deputy Commissioner of Public Health Services Renan Steele confirmed that a school-wide survey would be undertaken in the latter portion of the year in partnership with Rutgers University to assess the level of function and specific needs of students, so the implementation of testing measures and services can be tailored accordingly.

Representatives from both health and education departments told Senator Carla Joseph that they had noticed increases in incidents of violent behavior issues amongst students, attributing it to the aftermath of the pandemic and the lack of understanding on how to express and deal with conflict and emotion. Some students turn that violence inwards, leading to the uptick in self-harm cases noticed by officials.

Dr. Nicole Sims, assistant commissioner at the Department of Health stressed that understanding emotions and conflict resolution should start from birth, and younger children should be taught coping mechanisms to handle their emotions.

Senator Javan James asked about the timeline for developing the course for professionals, teachers, and administrators provided for the bill. Wells-Hedrington suggested that they would immediately start working with consultants on creating a series of modules for the certification process. Mr. James exhorted the commissioners of Education and Health to prioritize the legislation should it come to pass, as a means to address the existing behavioral issues among students. He stressed the importance of a structured school environment and shared his personal experience as an example.

Ultimately, the bill received unanimous support from the lawmakers present at Monday's committee meeting, and will now move on to the next step in the legislative process.