LDF Urges Trump Administration to Keep School Discipline Guidance and Disband Commission

In response to the Parkland shooting, the Trump Administration is creating a Commission that is reportedly charged with repealing the school discipline guidance the Departments of Education and Justice released in 2014. Sherrilyn Ifill, President and Director-Counsel at NAACP Legal Defense and Educational Fund, Inc. (LDF), issued the following statement:

“Yet again, the Trump Administration, faced with a domestic crisis, has responded by creating a Commission to study an unrelated issue, in order to ultimately advance a discriminatory and partisan goal. When the federal government needed to confront voter suppression and foreign interference in our elections, it instead created the so-called “Election Integrity” Commission to take on the non-existent threat of in-person voter fraud. Now the Administration is using the tragedy at Marjory Stoneman Douglas High School to advance its efforts to repeal a policy designed to eliminate racial disparities in school discipline.

“School shootings are a grave and preventable problem, but rescinding the school discipline guidance is not the answer. Repealing the guidance will not stop the next school shooter, but it will ensure that thousands more students of color are unnecessarily ushered into the school-to-prison pipeline.

“The racial gaps in school discipline are well documented. Research is clear that overly harsh and exclusionary discipline for minor school-based offenses does not increase school safety or improve school climate. Moreover, it has a discriminatory effect on Black students. The most recent federal data shows that Black K-12 students are 3.8 times more likely to get an out of school suspension and 2.2 times more likely to be arrested in school. The 2014 guidance aims to aid schools in ensuring discipline is applied fairly and free from bias, as well as in identifying and addressing racial disparities in discipline.

“Even if the Administration rescinds the guidance, school districts, as recipients of federal funding, will continue to be required to engage in nondiscriminatory practices under federal law. But a repeal would remove a critical tool for educating schools about their legal obligations and best practices, and could signal tacit approval of racially discriminatory school discipline policies.
“We urge the Trump Administration to address the scourge of school shootings, but with actual solutions not discriminatory actions that will harm students of color. We also call on the Administration to study the wealth of research buttressing the school discipline guidance and to hear from teachers, parents, and students, who know the dangers of unfair disciplinary practices firsthand, before rescinding or replacing the guidance. Finally, we call on Congress to exercise its oversight authority to ensure that this Administration’s policymaking is transparent and that it is held accountable for ensuring all students are afforded equal educational opportunities.”

Read LDF’s testimony to the U.S. Commission on Civil Rights in support of the school discipline guidance here as well as LDF’s letter opposing the STOP School Violence Act here.

Read LDF’s report Police in School Are Not the Answer to the Newtown Shooting here.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*