



♥ Ensuring a Place at the Table for Every Family

July 23, 2021

Alejandro Reyes
Office for Civil Rights
U.S. Department of Education
Washington, DC 20202-5076

Dear Mr. Reyes:

The National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) is a national organization with 70 family-led non-profit organizations members around the country including Parent Centers, Family to Family Health Information Centers, Federation of Families for Children’s Mental Health affiliates, and Parent to Parent programs as well as other national, state, and local organizations. Our primary goal is to strengthen the voice of families and family-led organizations at decision-making tables on issues impacting our nation’s children and families, especially those who face the greatest challenges and have the poorest outcomes, including children with disabilities and their families. National PLACE believes that the most effective and efficient way to educate, engage, and empower families is through supporting family-led organizations whose primary commitment is to family empowerment and who bring the knowledge, skills, experiences, and expertise that only peers can bring to the work.

We write to provide comments to the U.S. Department of Education’s (ED) Request for Information on Nondiscrimination in Discipline. Our comments today are based on the extensive experience of our members in providing support to parents around education, healthcare, and family support including addressing disparities and inequities across systems. They reflect the experiences of our members’ own staff, many of whom initially came to a family-led organization for help (and found their home!); our trained parent leaders; and the parents, youth and professionals we serve.

We support the comments submitted by National PLACE member The Advocacy Institute, as well as the Consortium for Citizens with Disabilities (CDC) and the Leadership Conference on Civil and Human Rights (LCCHR), to which National PLACE belong. Our specific comments will focus on our priority: enhancement of family and family organization engagement at decision-making tables.

In general, we are concerned that the request for information has no mention of parent/ family involvement, parent/family engagement, parent/family empowerment, or any other terms related to the invaluable and crucial role of families in their children’s education, including in particular the education of children who face the greatest disparities in discipline – children of color, children with disabilities, low-income children, and other children of the most underserved communities.

Historically, the most effective way to ensure that children, especially children who face challenges due to discrimination, receive needed services including educational services, has been through educated and engaged parents who have been prepared to effectively partner with professionals and advocate on behalf of their children. IDEA's focus on funding family organizations such as Parent Training and Information Centers and Community Parent Resource Centers to prepare and support parents has resulted in millions of families being better prepared for these roles. As an organization composed of family-led organizations who advocate for our nation's most marginalized children families, including those who are low-income students, of color, and/or with disabilities, and as a supporter of strong, impactful engagement of families in educational decision-making, National PLACE is highly concerned that there were no questions about the external supports that need to be in place to help families ensure that their children do not face discriminatory discipline or can address it if it occurs such as organizations that can provide them with information about their rights and how to use them, and support as they practice their new advocacy knowledge and skills. When parents do not know their rights or the rights of their children, or how to navigate and advocate within systems to secure those rights, it is tantamount to the rights not existing at all.

The position of National PLACE is that informed, knowledgeable, and empowered families must be at the heart of every initiative from every federal, state and local agency that serves children, youth and families, and thus, must be included as critical partners in all federal, state or local guidance along with support for the family-led organizations that have the capacity to inform and empower families, and technical assistance for those family organizations to ensure they remain strong and are effective.

National PLACE strongly recommends that (a) new, stronger, clearer guidance be developed, (b) with the active participation of diverse parent and youth leaders from around the country, and (c) include guidance mandating greater parental role in discipline for all students, with and without disabilities, with the right to be informed and engaged at individual, school, district and state levels.

Specific Recommendations Regarding Issues Central to Family Engagement

Enforcement Responsibility: To ensure that families, students and advocates can use the guidance once it is issued, National PLACE recommends that the guidance provide an overview of the Department's role in implementing and enforcing laws protecting students from discrimination related to school discipline; clarify OCR's role in investigating claims of discriminatory school discipline practices; and describe the various tools the Departments of Education and Justice will use to intervene when there is noncompliance, including resolution agreements with specific corrective actions, withholding of federal funds, etc.

Data: There must be steps taken to ensure accurate and complete data on discipline data elements in the Civil Rights Data Collection, including school-related arrest and law enforcement referrals. Access to accurate data is essential for families and advocates to be able to urge adoption of effective strategies.

Records: The guidance should clearly and specifically articulate Family Educational Rights and Privacy Act (FERPA) limitations on police access to records and describe the potential additional harm to students if records were to be provided to police, and clearly state the obligation under FERPA to provide students and parents/guardians access to records (including video and audio recordings) related to discipline or police contact.

Family and Professional Development: The guidance should include a focus on providing family and professional development on how to implement with fidelity evidence-based practices known to support inclusive and safe schools, including: adult implicit bias reduction, stress management, child and youth development, cultural humility and competency, transformative justice (with use of restorative justice for acute situations), healing justice, multi-tiered system of supports (MTSS), school-wide positive behavior supports, trauma- and healing-informed practices, social and emotional learning, etc. Training and support for families on these practices and approaches is critical so that children experience a seamless system of support from school and home. Also, the more families understand why certain practices are being used, including the evidence behind them, they are more likely to support the improvement efforts.

Family Notification and Participation: Finally, National PLACE strongly urges the Department to integrate into the guidance information that will put all in one place all the laws, regulations, etc. relevant to discipline, as well as relevant US Supreme Court decisions such as Goss v. Lopez that lay out the procedural safeguards for students relating to discipline. The guidance must clarify the requirements for parental notice of potential disciplinary action, the opportunity for due process, and the right of parents to be involved in the disciplinary process. The guidance must also include the specific additional protections for students with disabilities under IDEA or Section 504.

Conclusion

As an organization whose mission is to enhance the voice and impact of diverse families and family-led organizations at decision-making tables, National PLACE also strongly urges the Department to provide detailed guidance – developed with meaningful input from the students and families who are the intended beneficiaries of any discipline guidance related to equity and nondiscrimination – and effective technical assistance to help States implement an impactful stakeholder input process that is inclusive of all communities, particularly those whose children face the greatest risk of suspension and expulsion – with a particular emphasis on diverse families and youth, and the family-led organizations who support them - and to also ensure transparency in the process of developing state rules and processes to implement the federal guidance.

Thank you for the opportunity to provide these comments. Please contact us with any questions regarding our comments or recommendations.

Very truly yours,



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