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FOR IMMEDIATE RELEASE

May 24, 2021

**AG Kaul and Coalition of 23 AGs Supporting Equitable Student
Discipline in School**

MADISON, Wis. – Attorney General Josh Kaul and 23 attorneys general from across the country to urge U.S. Secretary of Education Miguel Cardona and Attorney General Merrick Garland to reinstate and expand a 2014 guidance package designed to help public elementary and secondary schools meet their obligations under federal law to administer student discipline equitably.

A [letter was sent](#) by the coalition pointing out that exclusionary discipline remains prevalent across the country and continues to disproportionately impact students of color.

“The Biden administration must act to dismantle the school-to-prison pipeline and to promote positive school climates. By restoring and expanding upon the 2014 school discipline guidance that was withdrawn by the Trump administration, the Biden administration can take a significant step in the right direction,” said Attorney General Kaul.

In addition, years of federal data demonstrates that students with disabilities are subjected to exclusionary discipline at twice the rate of students without disabilities. Similarly, data is now emerging that LGBTQ students may also be targeted more frequently with exclusionary and other more severe forms of discipline. This data prompted the AGs’ request that the guidance package be expanded to also address discrimination in school discipline based not only on race, but also on sex, sexual orientation, gender identity, and disability.

The letter also quantifies the lifelong impact these discriminatory practices can have on students, including contributing to an increased rate of incarceration—often referred to as the “school-to-prison pipeline.” Statistics show students who receive more frequent discipline, including suspensions, are more likely to serve jail or prison time.

In 2014, the U.S. Department of Education (DOE) and the U.S. Department of Justice (DOJ) jointly issued a guidance package that explained federal law prohibits school discipline that intentionally discriminates or unintentionally results in a disparate impact based on a student's race, color, or national origin.

Four years later, DOE and DOJ withdrew the guidance. This coalition of attorneys general is asking the departments to address this critical issue affecting some of our most vulnerable children by reinstating and expanding the 2014 guidance.

Data referenced in the letter supports the need for the coalition's request.

For example, the Department of Education's Office of Civil Rights (OCR) 2015-2016 Civil Rights Data Collection (CRDC) determined:

- Black male students represented eight percent of enrolled students yet accounted for 25 percent of students who received an out-of-school suspension;
- Black female students represented eight percent of students enrolled and 14 percent of out-of-school suspensions; and
- expulsion rates for all Black students accounted for 33 percent of all expulsions despite accounting for a total of 16 percent of students enrolled.

Additionally, the National Bureau of Economic Research recently found that attending a school with an above average use of suspension increases a student's future chances of being incarcerated by 17 percent. If the student is minority, the chance of incarceration increases by an additional 3.1 percent.

Joining Attorney General Kaul in the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.