



July 30, 2020

The Honorable Mary Ellen Brennan  
1200 N. Telegraph Rd.  
Department 404  
Pontiac, MI 48341

Dear Hon. Mary Ellen Brennan,

On behalf of the Michigan Association of School Psychologists, we are writing in response to your recent rulings with respect to “Grace.” While we understand we do not have all of the case information, we would be remiss if we did not advocate for alternate considerations in support for youth and their development. Given that Grace is a Black teenage girl with a disability, there are a few things we would like to highlight with respect to how youth like Grace are disproportionately impacted.

*Adverse Impact of School to Prison Pipeline and Other Juvenile Justice Considerations*

- Data show that the disproportionate suspension and exclusion from school of Black/African American students significantly contributes to a path for these students from the educational system to the juvenile justice system—also known as the school-to-prison pipeline (Kim et al., 2010; NAACP Legal Defense and Education Fund, 2005; Noguera, 2003).
- It has been asserted that zero tolerance policies and punitive discipline practices contribute to the school-to-prison pipeline, which disproportionately affects students from certain racial/ethnic groups and those with disabilities (Noguera, 2003).
- Long-term consequences of disciplinary disproportionality include lower rates of graduation, employment, and secondary education, as well as lower wages and higher arrest rates compared to White peers (Affleck et al., 1990; Sullivan, 2009).
- The NAACP Legal Defense and Education Fund (2005) has argued that there is a lower quality of education and more opportunities for negative modeling in juvenile justice

settings, versus alternate treatment facilities, including those with a focus on mental health and wellness.

- 30-85% of individuals who are in juvenile justice systems tend to also experience a disability (OSERS, 2017). Quite often, while in the juvenile justice system, these students do not receive appropriate access to special education and related services. This can lead to increased Free and Appropriate Public Education (FAPE) violations under the Individuals with Disabilities Act (IDEA) (NDTAC, 2014).

When considering these components, as well as with all youth in general, we strongly advocate for consideration of alternate methods to zero tolerance practices. Best practices for supporting the growth and development of youth, including adaptive behavior, involve consideration of various methods.

### *Positive Youth Development*

- Programs that adopt constructs such as **social-emotional learning (SEL)** and **restorative justice (RJ)** improve individual outcomes and create an atmosphere of respect and learning while focusing on long-term success rather than punishment (Osher et al., 2010).
- Managing and correcting student behavior by implementing programs that aim to develop student **self-discipline skills** such as disciplinary practices consistent with the **positive psychology framework** also show promise in reducing disparities (Bear, 2011).
- The majority of successful programs with positive outcomes share a common systems focus and **emphasis on prevention and teaching** rather than removal and punishment, which is associated with the disproportionate removal of students from certain racial/ethnic groups.

In addition to the above best practice for alternatives to zero tolerance and other highly punitive practices, we would also like to highlight additional information relevant to this case and positive youth development during the COVID-19 pandemic. The American Academy of Pediatrics (2020) has provided guidance for juvenile justice systems, including reducing new admissions to juvenile detention facilities and increasing diversion strategies. This is to help support both the physical and psychological safety and well-being of individuals during a pandemic. In addition, many school districts hold a deep belief that no harm should come to its students as a result of the sudden shift to online learning caused by the COVID-19 global pandemic.

In Michigan, Black youth are incarcerated at four times the rate of their white peers. Further, in Oakland County, 42% of juvenile cases in Oakland county involve Black youth, while the county is only comprised of 15% Black youth. Given this data, in conjunction with what is known about the school to prison pipeline and positive youth development, we would also like to advocate for transforming juvenile justice in Oakland County. Additionally, we would like to explore more opportunities to integrate supports for youth that include best practices versus that of disproportionate punitive practices. Macomb County and Wayne County are a few neighboring

examples of juvenile justice reform that have recognized the various needs for youth through a mental health and positive youth development lens.

We look forward to your consideration of this presented information and would be happy to help support in such juvenile justice reform efforts.

Sincerely,

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*On behalf of Michigan Association of School Psychologists (MASP)*

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