

Dept. of Justice: AG Kaul joins coalition of attorneys general supporting equitable student discipline in schools

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MADISON, Wis. – Attorney General Josh Kaul has joined 15 attorneys general in submitting information to the U.S. Department of Education (DOE) in response to the agency’s request for information regarding the nondiscriminatory administration of school discipline.

“The Biden administration should restore federal leadership in advancing equitable school discipline,” said Attorney General Kaul. “The administration should reissue and build upon the guidance issued by the Obama administration in 2014.”

The coalition sent a [letter](#) in May pointing out that exclusionary discipline remains prevalent across the country and continues to disproportionately impact students of color, students with disabilities, and LGBTQI+ students.

Last month, the DOE issued a [formal request for information](#) on the subject, opening a public comment window that closes at the end of the day.

The DOE’s request for information – for the first time – includes statistics from OCR’s 2017-2018 Civil Rights Data Collection (CRDC), which showed:

- Black girls were the only group across all races or ethnicities for girls where a disparity in school suspensions was observed. Black girls accounted for 11.2 percent of in-school suspensions and 13.3 percent of out-of-school suspensions, which is almost two times their share of total student enrollment

of 7.4 percent.

- Black boys accounted for 7.7 percent of total student enrollment and received both in-school suspensions and out-of-school suspensions at rates (20.1 percent and 24.9 percent, respectively) almost three times their share of total student enrollment – the largest disparity across all race/ethnicity and sex groupings.
- Students with disabilities were also overrepresented in exclusionary disciplinary actions: despite representing only 13.2 percent of the student population, they represented 24.5 percent of all students who received one or more out-of-school suspensions.
- Black students with disabilities represented 26 percent of expulsions without educational services although they accounted for only 18 percent of all students provided services under the Individuals with Disabilities Education Act (IDEA) in 2017-2018.

The coalition's response was filed in a letter sent to DOE today. The letter reasserts the states' request urging 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.

The 2014 guidance was withdrawn in 2018 despite DOE's data continuing to show racial disparities in the use of school discipline across the country. The AGs requested the federal government address discrimination in school discipline based not only on race, but also on sex, sexual orientation, gender identity, and disability.

Joining Attorney General Kaul in signing the letter are the attorneys general of California, Delaware, the District of Columbia, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Nevada, New York, Pennsylvania, Rhode Island, and Washington.