



Simla Elementary School kindergarteners head to the gym at the Big Sandy School Monday, Feb. 25, 2019. More than 5,800 Colorado children in second grade or younger were suspended from school last year. Rural schools often have trouble finding the mental health supports to get them back to class quickly. (Mark Reis, Special to The Colorado Sun)

#### EDUCATION

## 5,800 Colorado kids in second grade or younger were suspended last year. State lawmakers want to reduce that.

A coalition has worked for 3 years to modify a Colorado law they say disproportionately affects minority and disabled students. It took a deal with rural educators to move forward.

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Christopher Osher

A deal that gives school administrators control over the number of days preschool and young elementary students can be suspended from school has increased the odds for a new law that will make suspensions and expulsions rarer in Colorado.

For several years, a broad coalition of civil rights groups, early childhood advocates and mental health professionals has been trying to change state law governing school suspensions. They say new restrictions are needed because educators are too quick to suspend young students, particularly those of color and those with with disabilities.

In the past, rural educators blocked reform over how suspensions are handled in the state. In 2017, the Colorado Rural School Alliance successfully argued that proposed restrictions on suspensions would make it too hard for rural schools to handle difficult children they feared endangered safety.

But this year, advocates pushing to change the law have agreed to revisions in House Bill 1194 that appear to have appeased the alliance and other groups representing rural educators, primarily by agreeing to remove a three-day limit on the length of time young children can be suspended from school.

For more than a year, supporters of the legislation reached out to the rural alliance and other rural education groups to find common ground, said Bill Jaeger, vice president of early childhood initiatives at the Colorado Children's Campaign, a nonprofit that advocates for early childhood issues.

"It's been a really productive, candid dialogue where advocates of this legislation have learned a lot, and those tasked with implementing any changes to policy have understood the motive behind the legislation," Jaeger said.

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# Rural schools alliance now neutral on bill

Michelle Murphy, executive director of the rural schools alliance, said Wednesday the amended bill had ensured that her group would take a neutral stance on the legislation. She predicted the bill would win passage without opposition from the alliance.

“We have incredible gratitude to the advocates and sponsors for understanding these concerns and working so hard to address them,” Murphy said.

Dozens of advocacy groups for early childhood development, children with disabilities and civil rights groups are pushing the legislation and think Democratic control of both the House and Senate gives them a better chance this year. The legislation died in the Republican-controlled state Senate in 2017.

Excessive suspensions send the message to too many kids “that we don’t want you in school, that something is wrong with you,” said Scott Utash, director of operations and head advocate for mental health for Padres y Jóvenes Unidos, a civil rights group based in Denver. “This is the age when kids should be bonding with their schools.”

The bill’s first test will come Thursday, when the House Education Committee is scheduled to consider it.

The bill would limit when schools can suspend or expel students from preschools funded by state tax dollars and kindergarteners through second graders in district and charter schools.

If the bill is signed into law, expulsions and suspensions in those age ranges would be restricted to when a student possesses a dangerous weapon on school grounds; possesses, sells or uses drugs on school grounds; or engages

in activity that endangers the “health or safety” of others so much that “failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed.”

The original version of the legislation restricted suspensions to three days. The amended version allows some flexibility and removes the three-day cap. Suspensions longer than three days would be allowed when circumstances require extra time to resolve the safety issue.

## **Struggles to find mental health care a factor**

Such flexibility is important for rural schools, which often struggle to quickly find a mental health provider that can support a suspended student and family and allow a speedy return to school, Murphy said.

“Our primary concerns were around creating flexibility — around the timelines, around the duration of school suspensions — so we can be sure there is adequate time to get support to students and the family,” she said.

Supporters also have agreed to an amendment that would expand the definition of “on school grounds” to also include “in a school vehicle or at a school activity or sanctioned event.” Another amendment would give school districts a full year to put in place policy changes if the bill is signed into law.

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Out-of-school suspensions for young students have risen steadily in recent years, from 5,217 in the 2014–15 school year, to 6,089 in 2016–17, according to Colorado Department of Education data.

Last school year, out-of-school suspensions dropped for the first time in 7 years, to 5,855 students. Of those suspended students in second grade or younger, 40 percent were classified as having special needs, according to the state's data.

The Obama administration in 2014 issued guidance urging schools to limit suspensions and other discipline that takes students out of classrooms. The recommendations noted that such punishments affect African-American and Latino students at higher rates. It also noted that suspensions correlate with increased dropout rates and a lack of academic achievement that can contribute to a "school-to-prison pipeline."

In December, the administration of President Donald Trump reversed course when U.S. Education Secretary Betsy DeVos rescinded the 2014 guidance. DeVos said the Obama-era guidance could endanger the safety of schools.

Several large school districts, including Denver Public Schools, already have moved to restrict suspensions of younger students. DPS last year adopted policies similar to those called for in House Bill 1194 and out-of-school suspensions for tax-funded preschool programs and kindergarten through second grade plunged by 69 percent, to 158 students, according to the data collected by the Colorado Department of Education.

## **One mother's story**

Parent Khafilah Malik said the legislation is needed to prod schools statewide to develop strategies to deal with students like her son, who has been diagnosed with autism spectrum disorder.

She said the teachers and administrators at the Odyssey School of Denver did a poor job of dealing with her son in 2017, when he was a 5-year-old kindergartener at the charter school.

Marnie Cooke, the executive director of Odyssey since 2016, said student privacy laws bar her from discussing a particular student or family. But she stressed no students have been suspended since her time as executive director at Odyssey.

Malik said that although there were no formal suspensions, she was called to the school repeatedly to remove her son from school, which she said amounted to him missing class time and becoming ostracized. The proposed legislation clarifies that requiring removal of a child from the school, even if for just part of the day, should be classified as an out-of-school suspension. Malik said the calls from the school asking her to take her child home got so prevalent that she had to quit her job as an assistant principal at Charter High School in Denver.

“He’s a little African-American boy who did not understand,” Malik said. “He has problems processing the world around him, sensory issues.”

As an example of how things could have been handled better she pointed out that, like many children with autism, her son would form attachments and cling to objects he considered special, particularly his toy dinosaur. One time her son left that toy in the gym and wanted to return to get it. The teachers, she said, ended up restraining him and he became combative.

“He was trying to tell them that he felt safe with his dinosaur and needed his dinosaur to feel safe,” Malik said.

She said that another incident that triggered her son revolved around an active shooter drill that scared him and prompted him to start knocking things off his desk as he melted down. The school ended up calling the police, who restrained him.

She decided to pull him out of Odyssey and put him in a program at the Tennyson Center, a residential treatment center in Denver for children with mental health issues. Many of the children there couldn’t talk and had

pronounced behavioral issues that frightened her son, Malik said. Her son now attends a different DPS school, but she is considering relocating him again, this time to Ellis Elementary, a Denver school that provides specialized instruction for kids with autism.

With a doctorate in education from West Virginia University, Malik said she's better equipped than most parents to navigate the school system to help her child. She fears that less experienced parents have even more significant barriers to overcome.

"I'm able to recognize and understand the politics of what they're doing to children," said Malik, who plans to testify in support of House Bill 1194 on Thursday.



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