

Dear Chair Bilbray and members of the Education Committee,

This committee will be hearing on Thursday, March 23, 2023, the Governor's proposed reform to restorative justice. It represents a return to ZERO TOLERANCE POLICIES. While we may question the wisdom of mandating restorative justice in 2019, we should not also roll back to ZERO TOLERANCE punitive policies which would take Nevada in the opposite direction of most states. Let's find a balance that ensures school safety and treats children as "whole" children who are not just their worst acts but represent a growing child who needs to learn responsibility and accountability as we support them in environments over which they most likely have no control.

In sum below are key reasons why there has been a general movement against ZERO TOLERANCE

1. **ZERO TOLERANCE IS overinclusive.** There is no flexibility in applying rules of expulsion/suspension, acts with no intentionality of harm will be covered. For example, a child who brings to school the new hunting knife he got on his birthday for "share day" will be expelled, especially if he had prior discipline issues. Parents may not be home when children leave for school or did not have time to check her child's backpack. Another example, is children bringing their meds to school, which could technically fall under the offense of being in possession of drugs, if the administrator determines there was "intent" to distribute. Further, the problem with blanket punishments is that they are not likely to be effective in preventing future incidents and can lead to creating a school climate where students feel unfairly treated.
2. **ZERO TOLERANCE will be racially/special education disproportionate in impact.** The data from 2000-20 overwhelmingly established that AfAm, Native American, and Latino children were 3-4 times more likely to be subject to exclusionary discipline. In CCSD, the disproportionality for expulsions is 3x for African American children, and 4x for referrals to behavioral schools over 2015-19. Disproportionate impact does not reflect necessarily racism, but unconscious behaviors due to lack of cultural competency may be causing disproportionality. Innovative research from Yale psychologists, researchers tracked the eye movements of kindergarten teachers whose eyes wandered over to the African American children in the classroom. There are also cultural issues. For example, African American girl speaking loudly and cursing and then balls up her fists, can be perceived as "threatening assault." Yes, there are clear cases of assault, bringing weapons, and distributing drugs, but there is a lot of gray when these rules are implemented.
3. **ZERO TOLERANCE does not address the root causes of misbehavior.** Post Covid, mental health has shot up and, according to CDC, girls report feeling depressed. Remote learning put every child behind academically. Depression and anxiety often manifest as anger and misbehavior. Children who are not identified early as having emotional control issues don't get better with "zero tolerance" discipline. It takes dealing with conflicts in a positive and constructive way and providing support services and resources to address underlying issues that have led to problematic behaviors.
4. **ZERO TOLERANCE t does not address school safety.** Teachers and administrators may feel a false sense of security as they enforce rules, even for minor infractions, and increasingly exclude students from the classroom, but safety requires a school climate approach where students internally adopt the need for community rules and appropriate behaviors. Harsh enforcements suppress certain unacceptable behaviors, but they don't address "the whole school." In the long run, SEL and school climate approaches create a stable and safer school environment, but it does take more work.
5. **ZERO TOLERANCE leads to the ripple effect of students having less seat time in the classroom.** The ACLU reported that Nevada's average time out of the classroom for students that were involved in expulsions/suspensions was 60 days. With less seat time, these students are more likely to dropout.

Respectfully submitted,
Sylvia Lazos