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FEDERAL CIVIL RIGHTS COMPLAINT CHALLENGES DISCRIMINATION IN CITY OF RICHMOND PUBLIC SCHOOLS

RPS discipline policies discriminate against African-American students and students with disabilities

RICHMOND, VA – Two students and the local branch of the National Association for the Advancement of Colored People have filed an anti-discrimination complaint against Richmond Public Schools with the U.S. Department of Education’s Office of Civil Rights.

RPS’ discipline policies punish African-American students and students with disabilities more harshly and more frequently than their peers, the complaint asserts. During the 2014-15 school year, African-American students with disabilities were 12.91 times more likely than white students without disabilities to be short-term suspended, according to data provided by the Virginia Department of Education.

The complainants are represented by the Legal Aid Justice Center’s JustChildren program and the American Civil Liberties Union of Virginia.

“These disparities cannot be explained by differences in student behavior,” said Rachael Deane, an attorney with the Legal Aid Justice Center. “Rather, there is overwhelming evidence that the school division’s discipline policies are excessively punitive and lack clear standards for application, leading to subjective interpretation and selective enforcement.”

Complainants allege that the student code fails to clearly define misconduct and prescribes overly harsh consequences for relatively minor misbehavior. “The ACLU is concerned about the wide disparities in the application of student discipline based on race and disability,” said ACLU of Virginia Legal Director Leslie Mehta. “Overly punitive discipline policies damage the learning environment, deny African-American students and students with disabilities of their right to an education and push children into the school-to-prison pipeline.”

During the 2014-15 school year, African-American students made up about 76 percent of the total student population in RPS but were issued 93 percent of short-term suspensions, 98 percent of long-term suspensions, and 97 percent of expulsions. African-American students were 5.69 times more likely than white students to be short-term suspended. Students with disabilities were 2.77 times more likely than students without disabilities to be short-term suspended. Students with disabilities made up 16

percent of the student population but were issued 31 percent of short-term suspensions, 30 percent of long-term suspensions, and 63 percent of expulsions.

“The school division must conduct an unflinching examination of these disparities and adopt strategies to improve school climate and ensure that discipline policies are fair for all students,” said Lynetta Thompson, president of the Richmond NAACP.

The complaint calls for alternative approaches to discipline that would address instances of student misconduct while improving overall school climate. It argues that that Richmond Public Schools could eliminate discrimination and more effectively ensure safe and orderly schools through the use of positive behavioral interventions and supports, social and emotional learning programs and restorative justice processes.

“Suspensions hurt everyone. Students who are removed from school are at a greater risk of academic failure, dropping out, and becoming involved in the justice system,” said Deane. “We hope this complaint leads to a positive transformation within the city schools.”

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The Legal Aid Justice Center has been providing legal advice and representation for low-income individuals in Virginia since 1967. Its mission is to serve those who have the least access to legal resources. LAJC’s JustChildren Program is Virginia’s largest children’s law program. Through litigation, community education and organizing, collaboration, and legislative and policy advocacy, JustChildren strives to ensure that the Commonwealth’s most vulnerable young people receive the services and supports they need to lead successful lives in their communities.

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The American Civil Liberties Union (ACLU) of Virginia is a private, non-profit organization that promotes civil liberties and civil rights for everyone in the Commonwealth through public education, litigation and advocacy with the goal of securing freedom and equality for all. In addition to the litigation for which the ACLU has been known, we also educate the public, inform the media, lobby legislators, organize grassroots activists, and disseminate information about our constitutional freedoms through our membership and volunteer chapters.

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