



April 2019

Dear Rep. Filler and the Committee on Judiciary

Student Advocacy Center of Michigan is pleased to offer support for HB 4379 and urge the House Committee on Law and Justice to pass these out of committee quickly.

Student Advocacy Center of Michigan has been around since 1975 helping struggling students get back into school and find a learning path to be productive citizens. We have offices in Ypsilanti, Detroit and Jackson and have helped more than 600 school-age youth around the state last school year. Our Student Rights Helpline serves families throughout the state.

The first time I personally assisted an expelled sexual assault survivor, I thought, this must be an isolated situation. But shortly thereafter, another student came forward. And then another. And another.

In the first case I assisted, a 15-year-old girl whose mother called us after she was expelled for 180 days. She had been forced to perform oral sex on an older student, but she was the one expelled, not the boy. The parent felt like her daughter was treated like a criminal from the beginning. They tried to appeal, but the school board said the decision stood, and of course, in Michigan, there is no way to appeal beyond the local school board.

A few months later, a student with whom we had been working to get needed educational services was assaulted in school during her first semester of high school. "Donna" was facing expulsion in the same manner as the person who assaulted her. She felt punished for not fighting harder to stop the attack. The school did not refer her to any supportive services. They said they did not believe it was assault.

The most humiliating part for her was seeing the moments leading up to the attack on tape in front of the disciplinary hearing panel, and being forced to defend her actions. They talked about the clothes she wore and how friendly she was with the boys. We asked how expulsion could possibly be the appropriate response, even if the act was consensual. They argued that her butt had been exposed and caught on video. They said she should not have been in that part of the building, so she must have been asking for this to happen to her.

Ultimately, Donna was expelled for 180 days for indecent exposure and disruption of the school environment.

SAC worked with this young woman throughout her expulsion, secured an alternative education for her and then helped her to get reinstated. I asked her if she wanted to come with me today. She said she just wanted to put this whole thing behind her. I can't blame her.

It was humiliating. Shameful. And the place that should have protected and supported her instead questioned, shamed and excluded her. And their exclusion was for 180 days, a harsh punishment even if the school believed the act was consensual.

Most women I know will admit they have been forced to perform some sexual act. It is humiliating. Shameful. Scary. But, for this to happen at school, to be "caught" and then to have school exclusion be the response? There are no words.

Study after study has shown that suspensions and expulsions increase school dropout, failure and juvenile justice involvement, while negatively impacting school climate and perceptions of school safety. In our own work, we have intimately seen how suspensions are experienced as rejection and can cause depression and low self-esteem. This should not be the response to a student who reports being sexually assaulted.

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Studies also indicate that suspensions and expulsions impact school culture and the students left behind. Suspending students in these situations does little to contribute to a school culture where youth would feel safe to report.

This should be cause for concern. According to the Department of Justice, only 310 out of every 1,000 sexual assaults are reported to police. That means about 2 out of 3 go unreported. And why report if you worry you'll be blamed or even disciplined for reporting?

HB 4379 sends a strong message that suspension and expulsion is not an acceptable response to reports or suspicions of sexual assault in schools. These bills make it clear that support and referral are the right response.

We have heard some concerns raised that students may "claim" sexual assault to avoid a suspension or expulsion. Research shows the prevalence of false reports are low — between 2 and 10% of reports. In our more than 40 years of experience with school discipline, we rarely see students who know their educational rights. It is unlikely they would learn about this law and decide to make such a stigmatizing statement to avoid suspension.

But let's say they do. Under this bill, districts still have an option to suspend a student for up to 10 days after considering 7 factors, including alternatives to removal.

A larger concern for our state is how many women are not reporting sexual assaults at all and the chilling impact school removal has on a student wanting to report. A larger concern for our state is why we continue to over-rely on removal from school as a response to behavior in school.

We heard another concern raised about districts being able to discipline survivors when they break other school rules while being assaulted. For instance, what if the survivor fights back and the school has a zero tolerance policy for fighting?

I would say, we are in a new day. Zero tolerance was to end with the Rethink Discipline laws that went into effect Aug. 1, 2017. Districts who continue to talk about zero tolerance policies for anything other than possession of firearms are in violation of state law.

If a survivor fights back while being assaulted, the district should consider the seven factors and reach out to agencies such as the Student Advocacy Center for help in thinking about alternatives to removal. We are truly happy to help.

We want to thank Rep. Rabhi for introducing this important legislation. We wish it wasn't needed. We wish survivors would be believed, protected, and supported. We wish there was more buy-in to alternatives to suspension and expulsion. We've come along way, but we still have a long way to go. We must take action based on where we are today. And survivors need the state's protection in schools.

Sincerely,

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