U.S. Department of Education Announces Voluntary Resolution of Mississippi's Tupelo Public School District School Discipline Investigation

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Contact:  Press Office, (202) 401-1576, press@ed.gov

The U.S. Department of Education announced today that its Office for Civil Rights (OCR) has reached an agreement with the Tupelo Public School District in Tupelo, Mississippi, to ensure nondiscrimination in the district's disciplinary system for students.

OCR's investigation revealed that black students had been disproportionately subjected to discipline at every stage in the district's discipline process. In addition, the district implemented its discipline policies and procedures such that black students received harsher discipline than white students for similar offenses.

"I commend Tupelo Public School District for making this commitment to ensuring equity in the administration of school discipline, and I am so pleased that the nearly 8,000 students in one of Mississippi's largest school districts can now expect safe and fundamentally fair treatment in their schools," said Catherine E. Lhamon, assistant secretary for the Office for Civil Rights. "We look forward to working with the district to implement this agreement."

OCR's investigation found that in the two school years that it examined (2010-11 and 2011-12), black students made up nearly half of the student enrollment at the three schools with the highest numbers of disciplinary sanctions. Yet, black students received 81 percent and 78 percent of the disciplinary referrals in those two years, respectively, and 77 percent of the in-school suspensions in both school years.

Administrators at all levels had broad discretion to identify misconduct as a violation of the discipline policies and punish it with exclusionary discipline, including out-of-school suspensions, referrals to the district alternative school and expulsion. Black students received 80 percent or more of these exclusionary discipline sanctions and assignments to the local juvenile detention center.

Students could be suspended out of school for 10 days for highly subjective offenses such as "improper behavior at school" and "other misbehavior." The district's current discipline policies have increased the disciplinary sanctions for middle and high school students. These policies require reporting to the police and mandatory referrals for first-time offenses to the highly restrictive alternative school for a minimum of 45 days for fighting, 90 days for drinking or possessing alcohol and 180 days for possessing or being under the influence of drugs. And, while the district seldom expels students, it reported to OCR in the 2011-12 Civil Rights Data Collection that its only expulsions were of black students. The district also reported that it did not suspend or expel preschool students.

Through the agreement, which the district signed prior to the completion of OCR's investigation, the district commits to take specific actions to ensure that it implements fair and equitable discipline policies and practices that lead to less frequent exclusionary discipline and increased educational opportunities for all students. Specifically, the district has agreed to take a number of corrective measures. Such as:

- Ensure to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from school.
- Collaborate with experts on research-based strategies designed to prevent discrimination in the implementation of school discipline.
- Review and revise the disciplinary policies, and implement disciplinary practices that will effectively promote the fair and equitable administration of discipline.
- Provide training for staff and administrators on the disciplinary policies, and implement programs for students and parents and guardians that will explain the policies and behavioral expectations.
- Provide teachers and administrators with the tools and training to support positive student behavior to prevent and address misconduct.
- Require school staff to employ a range of corrective measures before referring a student to disciplinary authorities.
- Ensure that the district has in place at each school a system of supports to assist students who display behavior problems.
- Effectively address school climate issues.
- Establish student, staff and parent committees to discuss matters concerning the equitable treatment of students in the implementation of the district's discipline policies, practices and procedures.
- Conduct a comprehensive review of its use of law enforcement officials to assess the effectiveness of the use of these officials and provide law enforcement officials training that explains the district's obligations under Title VI and the district's student discipline policies, practices, and procedures. and
- Collect and evaluate data on an ongoing basis to assess whether the district is implementing its student discipline policies, practices, and procedures in a non-discriminatory manner.

OCR will closely monitor implementation of the agreement. A copy of the resolution letter is posted here. And, a copy of the agreement can be found here.

The Tupelo district is a pre-kindergarten through 12th grade school system located in the northeastern corner of Mississippi. It enrolls approximately 7,500 students in 13 schools.