



## DEPARTMENT OF THE ATTORNEY GENERAL

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### **Hawaii Attorney General Joins Coalition of 23 Attorneys General Supporting Equitable Student Discipline in School**

HONOLULU — Hawaii Attorney General Clare E. Connors joined 23 state attorneys general to urge U.S. Secretary of Education Miguel Cardona and U.S. Attorney General Merrick Garland to reinstate and expand a 2014 guidance package designed to help public elementary and secondary schools meet their obligations under federal law to administer student discipline equitably. The letter sent by the coalition points out that exclusionary discipline remains prevalent across the country and continues to impact students of color disproportionately.

In addition, years of federal data demonstrates that students with disabilities are subjected to exclusionary discipline at twice the rate of students without disabilities. Similarly, data is now emerging that LGBTQ students also may be targeted more frequently with exclusionary and other more severe forms of discipline. This data prompted the state attorneys general to request that the guidance package be expanded to address discrimination in school discipline based not only on race, but also on sex, sexual orientation, gender identity and disability.

The letter also quantifies the lifelong impact these discriminatory practices can have on students, including contributing to an increased rate of incarceration—often referred to as the “school-to-prison pipeline.” Statistics show that students who receive more frequent discipline, including suspensions, are more likely to serve jail or prison time.

In 2014, the Department of Education (DOE) and the Department of Justice (DOJ) jointly issued a guidance package explaining that federal law prohibits school discipline that intentionally discriminates or unintentionally results in a disparate impact based on a student’s race, color, or national origin. But DOE and DOJ withdrew the guidance four years later. The coalition of attorneys general is asking the departments to reinstate and expand the guidance to address this critical issue affecting some of our most vulnerable children.

“Students should be treated equally, including when it comes to discipline,” Hawaii Attorney General Clare Connors said. “Subjecting students to disparate punishment

based on categories such as their race, gender or gender identity, sexual orientation, disability, or national origin is discriminatory and has long-lasting, harmful impacts on our children's future.”

Data referenced in the letter supports the need for the coalition's request. For example, the Department of Education's Office of Civil Rights (OCR) 2015-2016 Civil Rights Data Collection (CRDC) determined:

- Black male students represented eight percent of enrolled students yet accounted for 25 percent of students who received an out-of-school suspension;
- Black female students represented eight percent of students enrolled and 14 percent of out-of-school suspensions; and
- Expulsion rates for all Black students accounted for 33 percent of all expulsions despite accounting for a total of 16 percent of students enrolled.

Additionally, the National Bureau of Economic Research recently found that attending a school with an above average use of suspension increases a student's future chances of being incarcerated by 17 percent. If the student is minority, the chance of incarceration increases by an additional 3.1 percent.

Attorney General Nessel initiated the letter and is joined by the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

The letter may be accessed [here](#).

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