



July 16, 2021

Mr. Alejandro Reyes
Director, Program Legal Group
Office for Civil Rights
Potomac Center Plaza (PCP), Room 6125
550 12th Street, SW
Washington, DC 20024

Dear Mr. Reyes:

On behalf of the American Speech-Language-Hearing Association, I write to comment on the June 8, 2021, *Federal Register* notice “Request for Information Regarding the Nondiscriminatory Administration of School Discipline.” ASHA urges the Office of Civil Rights (OCR) to continue addressing significant disproportionality in discipline.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 218,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

More than half of ASHA’s members work in educational settings. The services provided by ASHA members help ensure that all children, particularly children with disabilities, develop effective cognitive-communication skills and achieve successful learning outcomes while receiving a free appropriate public education (FAPE) in the least restrictive environment.

II. C. 1. – What are your views on the usefulness of current and previous guidance OCR and CRT have issued on school discipline.

ASHA applauds OCR’s actions to ensure that the administration of school discipline does not disproportionately impact students on the basis of race, color, national origin, sex or disability. In 2017, ASHA recommended “keeping the Office of Civil Rights (OCR) regulations and guidance at ED.”¹

II. C. 5. – What types of guidance and technical assistance can OCR provide to best help SEAs and LEAs...

ASHA recommends that any guidance and technical assistance that OCR provides to state education agencies (SEAs) and local education agencies (LEAs) should specifically include ways in which specialized instructional support personnel, such as audiologists and speech-language pathologists (SLPs), can help to identify, address, and remedy discriminatory student discipline policies and practices.

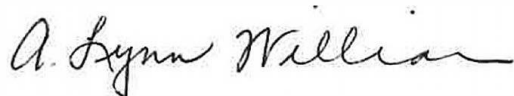
As part of OCR’s ongoing efforts, ASHA recommends the creation of a stakeholder taskforce and summit that includes representatives of educators, including specialized instructional support personnel (e.g., audiologists, SLPs), parents, students, and advocacy organizations to help identify and reach consensus on the specific recommendations needed to address these issues. The issue of disproportionality in the context of discipline and students with disabilities

needs a greater focus and requires that all relevant stakeholders be engaged in efforts to inform OCR's guidance, technical assistance, and other resources.

As OCR's RFI stated, "disparities in referrals to law enforcement are apparent in the treatment of students with disabilities as well. Students served under the Individuals with Disabilities Education Act (IDEA) represented 13 percent of total student enrollment but 27 percent of students referred to law enforcement in 2017-18. During that school year, Black students with disabilities represented 18 percent of all students provided services under IDEA but 32 percent of those who were referred to law enforcement." Furthermore, "Students with disabilities were also overrepresented in exclusionary disciplinary actions as shown by CRDC data from 2017-18. Despite representing only 13 percent of the student population, they represented 25 percent of all students who received one or more out-of-school suspensions and 15 percent of those who were expelled without educational services in 2017-18. Black students with disabilities represented 26 percent of expulsions without educational services although they accounted for only 18 percent of all students provided services under IDEA in 2017-18."

ASHA again urges OCR to address issues related to significant disproportionality around discipline. Audiologists and SLPs are grateful for the opportunity to engage and look forward to being part of the solution as OCR works to address these vital issues for all students, including students with disabilities. If you or your staff have any questions, please contact Bill Knudsen, ASHA's director of education policy, at bknudsen@asha.org.

Sincerely,



A. Lynn Williams, PhD, CCC-SLP
2021 ASHA President

¹ Richard, Gail J. (2017, August 30). *Response to U.S. Department of Education Request for Comments Regarding Executive Order 13777, "Enforcing the Regulatory Reform Agenda."* American Speech-Language-Hearing Association.