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Christina amends discipline policies

Christina School District, which has had a recent history of controversies surrounding its zero-tolerance policies and had the highest suspension rate in the state, has instituted a number of changes to make punishments more accurately fit student behavior.

As a result, the mother of an 11-year-old girl found with box cutters in her jacket more than two years ago has dropped her lawsuit because the district agreed to rescind the girl's expulsion and continued changing its discipline policy.

The district has had several notable examples, including the expulsion in April 2009 of an elementary-school girl for bringing a pastry knife to class to cut a cake and the expulsion in October 2009 of a 6-year-old boy for bringing a camping utensil to eat his pudding at lunch.

"Appropriate discipline is absolutely necessary in the school," said Kathleen MacRae, executive director of the American Civil Liberties Union of Delaware, which represented the girl and her mother, Wanda Stanley. "They need to maintain order.

"But it's extreme policies that don't allow for common-sense application of the rules ...," MacRae said. "That's when we have problems."

After the case involving the kindergartner, which drew national attention, the district gathered parents, educators and community members for suggestions on how to modify its discipline policies.

District officials declined to comment on the box cutter case, but said changes to its discipline policy were made prior to the settlement, including:

>> It would consider mitigating circumstances before imposing punishment, including the risk of harm, intention, age and grade of the student.

>> Increase the amount of time before a district-level expulsion hearing is held from two to 10 school days to allow for better due process.

>> Provide more training for school authorities to advise students they do not have to answer questions or provide a written statement during the investigation of an alleged disciplinary violation.

"We are very pleased that Christina officials and board members agreed to make a number of important changes to their disciplinary policies that will improve due process for students and help make punishment imposed by the school more appropriate to the infraction," MacRae said. "Zero tolerance results in too many students being expelled, and even turned over to the police, for immature behavior that would have earned a few days of detention a generation ago."

In the latest case, a box cutter was found in the coat pocket of the then-Pulaski Elementary School fifth-grader. The girl was expelled in March 2009.

The coat was brand new, and the girl's mother, Stanley, argued the box cutter had been accidentally left in the pocket by someone at the store where it was purchased. A letter from the

manager of the Foreman Mills store stated the box cutters were similar to ones they used at the store, said Richard Morse, the ACLU attorney who represented the girl and mother.

School officials said these circumstances were irrelevant due to their zero-tolerance policies, even though they previously made exceptions for other students. The district and state boards of education each ruled the expulsion was justified.

The girl, now 13, went through a series of transitions after her expulsion, including staying home and attending alternative and charter schools before ending up in the Red Clay Consolidated School District this year, Morse said.

The negotiated settlement reverses these decisions and revises school disciplinary policies so student expulsion is less likely to affect her as she moves forward in school.

"So it's legally as if she was not expelled and thus she does not have an expulsion following her on her school records," Morse said.

The case was before the state Human Relations Commission, which investigates and mediates accusations of discrimination, when a settlement was reached.

The family's accusations regarding the expulsion included that it was based on racial discrimination, Morse said.

The U.S. Department of Education's Office for Civil Rights began an investigation last year on whether black male students are punished disproportionately in the Christina School District -- one of five districts nationwide under scrutiny for their discipline records.

The national suspension rate for all students was 7.1 percent in 2006, according to a report by the U.S. Department of Education. During that same year, the Delaware rate was 12.8 percent. The Christina School District had the highest rate among the state's 19 school districts in the 2008-2009 and 2007-2008 school years. However, the district's numbers went down in almost every school in 2009-2010.

Statistics for the current school year are not available.

"The case is under investigation," said Jim Bradshaw, a spokesman for the federal education department. "[Office for Civil Rights] is examining whether the Christina School District discriminates against African American students, and in particular African American male students, by disciplining them more frequently and more harshly than similarly situated white students and white male students."

The girl's mother said the district's policies should affect all students equally.

"I am happy to say that my daughter and I can now rest to know justice has been made and we can now get back to our normal lives," she said.

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