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October 21, 2015

Darnell Earley  
Emergency Manager  
Detroit Public Schools  
14<sup>th</sup> Floor, Fisher Building  
3011 West Grand Blvd.  
Detroit, MI 48202

Deborah Jenkins, Principal  
King High School  
3200 E. Lafayette  
Detroit, MI 48207

Latoya Hall-King, Principal  
Cody- Detroit Inst. Of Technology  
College Prep High School  
18445 Cathedral Street  
Detroit, MI 48228 -1809

Re: King and Cody High Schools Suspensions

Dear Mr. Earley, Ms. Jenkins and Ms. Hall- King:

The ACLU of Michigan is alarmed by the mass suspension of student athletes at Martin Luther King and Cody High Schools from academic classes in the wake of a fight that reportedly involved only some of the members of the two schools' football teams.

According to reports received by the ACLU of Michigan, school officials did not distinguish students involved in the conflict from those who were not involved – and in some cases who were not even present at the game. In addition, the procedure reportedly used for suspension may not have provided the students with constitutionally-required due process. In other words, each student should have been provided with specific information about the nature of their alleged misconduct, and also an opportunity to explain their actions or defend against the accusations.

The ACLU of Michigan does not suggest there is no need for disciplinary measures to be taken against individuals who were involved in the fight. But it violates the Constitution and common sense to arbitrarily deprive students who were in no way culpable of the opportunity to attend classes and obtain an education. Determining who was -- and who was not -- involved in the conflict is best accomplished by providing due process protection.

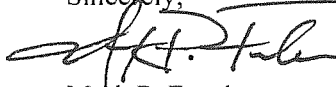
For quite some time, the ACLU of Michigan has worked to eliminate what many call “the school-to-prison pipeline.” This refers to the disproportionate exclusion of students of color from school, and an all-too-common correlation between these suspensions and expulsions and involvement in the juvenile justice and criminal justice systems. Unnecessary suspensions disrupt students’ education and undermine their ability to realize their potential. Suspending students who were not involved in the fight from classes solely because they are part of the football team is not only unnecessary, it is not the most effective way to address the underlying problems that led to the fight.

Suspension is often not the best method of discipline because it is in the schools where students who have engaged in misconduct can best learn how their actions have negatively impacted others, and where students can also have the opportunity to acknowledge their errors and take steps to restore broken relationships and otherwise repair any damage they have caused. A process called “restorative practices” which has been used in Detroit Public Schools is suited to accomplish these objectives, particularly in cases where there have been inter-personal conflicts. While students who participate in restorative practices often find it to be substantially more difficult than suspensions, the process has also proven to be more effective in driving home the lessons that need to be learned and in changing student behavior.

It is our understanding that DPS, to its credit, will be using restorative practices in this case. However, we further understand that this process will be used along with suspensions. Students belong in classrooms and not in the streets – an all-too-common destination for students who are suspended. Restorative practices are best used as an alternative to excluding students from school. In fact, given the experience that DPS has gained with this process, the school district should use this incident as a step toward expanding the routine use of restorative practices district-wide.

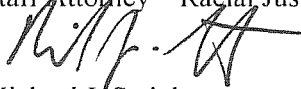
It’s one thing to punish every member of a football team for the acts of a few by preventing them from playing in a championship football game – a collective punishment that Mr. Earley apparently regards as an excessive penalty. It’s much worse to collectively punish innocent football players for the acts of others by preventing them from attending classes. The ACLU of Michigan therefore strongly urges that the school district rescind all suspensions pending appropriate investigations and hearings that comply with due process requirements. We further urge you to refrain from penalizing in any way those student-athletes who are innocent of any misconduct.

Sincerely,



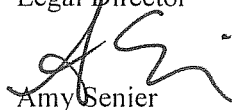
Mark P. Fancher

Staff Attorney – Racial Justice Project



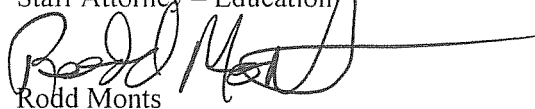
Michael J. Steinberg

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Cc: Detroit Public Schools Board of Education  
c/o Herman Davis, President