

SENATE STUDY COMMITTEE ON PUBLIC EDUCATION DISCIPLINARY REFORM

MEMBERS

Senator Vincent D. Fort, Chairman
District 39

Senator Don Balfour
District 9

Senator Edward E. Boshears
District 6

Senator David Scott
District 36

Senator Terrell Starr
District 44

INTRODUCTION

The Senate Study on Public Education Disciplinary Reform was created by Senate Resolution 632 and charged with reviewing disciplinary procedures in Georgia's school systems. The Committee was chaired by Senator Vincent D. Fort of Atlanta. Senators Don Balfour, Edward E. Boshears, David Scott, and Terrell Starr also served on the Committee. Serving as staff for the Committee were: Terry Allen, Fulton County Legislative Executive; Susan Drechsel, Office of Legislative Counsel; Amanda Nolen, Senate Information; and Lee Posey, Senate Research. The Committee held an organizational meeting in Atlanta, and public hearings in Macon, Albany, Savannah, Athens, and Atlanta. Each of the meetings was well-attended, proving that the topic was one of great concern not only to education organizations, but also to the public at large.

BACKGROUND

Over the past several years the issue of school discipline has become one of the most important public policy issues. While school shootings have been the most publicized aspect of the school discipline issue (during the 1997-98 school year, a series of tragic shootings at schools across America left 11 children dead) 95% of school discipline situations do not involve shootings, assaults, or other extreme cases. Indeed, most school discipline situations involve instances of what is described as "disrespect" and "disruption." Their deaths put the issue of school safety in newspaper headlines and at the top of public policy agendas. As legislators and the public struggled for answers to the

problem of school discipline and safety, the first and easiest answer was more zero tolerance laws and stricter rules for students. Interestingly, the large majority of testimony at the Committee's hearings did not relate to school violence.

It is critical to understand that the issue of school discipline must be examined in the context of how to create a school environments in which all children want to learn, and are able to learn, despite the challenges which may hinder their academic success. School discipline is related to issues of student achievement, retention, literacy, and dropping out among other issues. The solutions to these problemsHowever, the issue of school violence is only a small part of a broader issue, the issue of school discipline. The issue of school discipline is a much more difficult one to deal with than school violence. --> involves prevention and intervention, as well as implementing security measures.

The concern by many parents, children, and children's advocates that there was a need to change the school disciplinary process caused Senator Fort to introduce Senate Bill 614. There was insufficient time during the 1998 Session to consider all the concerns raised in the bill, and so the Committee was formed to examine public education discipline practices and procedures generally. The Committee, with the objectives listed below in mind, examined the broadest range of issues related to school discipline including equity, alternative schools, parental involvement, teacher training, and violence as well as the tribunal process.

SCOPE OF THE PROBLEM

During the 1996-97 school year, 10 percent of all public schools in the United States reported at least one violent crime to a law enforcement representative. Another 47 percent of public schools reported a less serious violent or nonviolent crime to a law enforcement representative. The remaining 43 percent of public schools did not report an incident of either of these types of crime. Perhaps due to media attention given to incidents of serious crime, students feel increasingly unsafe at school. Between 1989 and 1985, there were increases in the percentages of students feeling unsafe while they were in school and while they were going to and from school. In 1989, 6 percent of students ages 12 through 19 sometimes or most of the time feared they were going to be attacked or harmed at school. To keep violent incidents in perspective, it is important to note that school continues to be a safe place for most young people. In fact, as a study from the Justice Policy Institute points out, 40 children died at schools during the 97-98 school year, yet 3,024 children died in violent incidents outside of school.

At the same time, a fundamental tenet of school discipline in Georgia must be that the right of students who want to learn must be protected and indeed enhanced. Prompt and responsive means with which to deal with dangerous or chronically disruptive student behavior must be in place.

Suspension of a student from school should only be utilized as a last resort. A distinction should be made between the dangerous or chronically disruptive child and those who are not. For the latter group of students the emphasis should be on working with parents,

teachers, and administrators so that a student's behavior will not disrupt either the education of other children or their own education. According to Department of Education statistics analyzed by the Center for Children and Education, less than 5 percent of students are disciplined for major violations (offenses involving firearms, violence, drugs, alcohol, or property destruction). This would indicate the need for more options for children who misbehave.

The Committee adopted a list of objectives for its work which reflected the major issues concerning school safety and school discipline. Those objectives are presented below.

Objectives of the Senate Study Committee on Public Education Disciplinary Reform

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| I. Examine the available information on school violence, expulsions, suspensions, and other incidents to determine the extent of school discipline and safety problems in Georgia's schools. |
| II. Discuss school discipline in the context of other aspects of education reform such as: early intervention; professional development for teachers, administrators, and support staff; class size; and character education. Focus attention on preventing incidents, not just responding to incidents. |
| III. Evaluate the present in-school suspension, alternative school, and chronic disciplinary student programs to see whether or not these programs have clear objectives, sufficient resources, and rehabilitation/readmission plans for students assigned to the programs. |
| IV. Review innovative measures for ensuring that all students have the chance to be educated in a classroom environment that best suits their particular needs. |
| V. Examine the disciplinary tribunal hearings and appeals process to determine its fairness and effectiveness for all parties in terms of procedures and results. |
| VI. Discuss state and community resources available to help schools deal with problems involving student conduct and discipline. Formulate strategies to encourage parental involvement and collaboration with health and human services agencies and public safety organizations. |
| VII. Ascertain whether school student conduct and discipline laws have a disparate impact on low income and minority students. Recommend ways of ensuring equality of treatment of students under these laws. |

The Committee heard testimony addressing each of those objectives. The hearings were attended by several hundred students, teachers, administrators, and community members and leaders. Nearly 20 hours of testimony was taken. The Committee gratefully received the opinions, experiences, and advice of individuals and groups dedicated to improving Georgia's schools.

The committee believes that near consensus was reached through the hearing process regarding the following points:

* A large number of students are being disciplined in Georgia's public schools. In 1996-97, there were over 600,000 suspensions, expulsions, and alternative school placements. This imposes great hardship students who fall behind in classwork, and on school officials who process the disciplinary referrals.

* Excluding students from school for disciplinary reasons often does not solve the problem of misbehavior. Alternative approaches are needed to prevent chronic disciplinary problems from developing and to more effectively remedy such problems as they occur.

* Students, parents, and teachers all have great frustration for the current system of discipline. Students many times perceive that discipline is done in such a manner which does not serve their best interests. Parents perceive that they are asked to participate in their children's education only when problems occur. Teachers perceive that they are asked to carry the burden of large classes and at-risk students with little support from either administrators or parents.

* Most students want to learn, most parents want to become involved, and most teachers want to create equal opportunities for all children to succeed. Unfortunately, statistics show that minority students have disproportionately high rates of retention, dropping out, and receiving disciplinary punishment. Despite the best intentions, the relationship between minority parents and school officials remains generally distrustful and unproductive.

The testimony gathered by the Committee included several particular concerns_ children at risk; classroom teacher support and skills; fair treatment for all children; lack of parental involvement and responsibility; school violence and weapons; and school bus safety.

CONCERN: CHILDREN AT RISK

Children often come to school with problems that, if not addressed, leave them at risk for academic failure. While external problems such as poverty do not absolve schools of the responsibility of teaching students, those problems do have an impact on whether children succeed or fail. Academic failure, in turn, makes it more likely that these children will become discipline problems.

Recommendations:

Alternative schools were an area of concern for the Committee. Despite the fact that large numbers of Georgia students are receiving their education in an alternative environment [See footnote 11](#), data regarding the quality of these programs has largely been anecdotal. The Department of Education has urged that funding be tripled to better support the CrossRoads program. As additional funding is made available, the quality of the local programs must be assured. Alternative schools must not be considered dumping grounds

for students or teachers but settings where students with severe discipline problems are educated and prepared for reentry into the mainstream school.

The Committee urges that the results of the Department of Education's recent evaluation of the program be used to determine "best practices" for alternative schools. Promising methods include programs that are collaborative efforts on the part of several counties, allowing the maximum scope of services and funding leverage, and alternative school programs that also serve students whose discipline problems are solved by programs of study organized differently than the typical school. Other methods include programs that include highly skilled teachers, individualized instructional plans, emphasis on parental involvement, thorough assessment of student learning and behavioral problems, intensive provision of tutoring and counseling, and options for accelerated counseling, and vocational training. An emphasis should be put on identifying those alternative schools which need assistance so that a plan can be developed to improve them.

Funding for counselors through the QBE formula for counselors in the lower elementary grade level. Counselors are funded through the QBE formula under the direct instructional cost components on the basis of 1 per 624 FTEs for grades 6-8, and 1 per 400 FTEs in grades 9-12. A line item of \$12,205,002 was included in the FY '99 budget to fund counselors in grades 4-5. Many teachers and administrators testified to the Committee that there are severe behavioral problems in children at younger and younger ages. Rather than fund alternative programs for elementary students, priority should be given to funding counselors who can help classroom teachers with these students.

Increased funding for school social workers. School systems earn funding for school social workers and school psychologists based on FTE counts, as part of the indirect instructional cost component of the QBE formula. Social workers are earned on the basis of 1 per 3,300 FTEs. School psychologists are earned on the basis of 1 per 3,100 FTES. The base-sized school system in the QBE formula is 3,300 FTEs.

Conflict Resolution/Mediation programs help students learn to react nonviolently when conflicts arise and come to reasonable solutions to difficulties. Excellent programs already exist (for example, the Resolving Conflicts Creatively Program in the Atlanta Public Schools and Project Dove), and should be supported by grant funds provided by the state. Character education is another device which can serve as a preventive measure. It should be implemented in alternative schools as well as regular classrooms. The Georgia Humanities Council's work in the area of character education should be expanded so that more teachers and students can avail themselves of this approach. Special attention should be given to creating a stronger link between technical skill/career development and alternative schools.

CONCERN: CLASSROOM TEACHER SUPPORT AND SKILLS

The role of the classroom teacher is critical in creating an environment in which all children can learn. Many teachers, even experienced ones, may feel at a loss when dealing with certain students. Many people who testified at the hearings said conflict

between some students and teachers can be traced to cultural differences.

Recommendations:

Those preparing to teach should be equipped to teach each child in his or her classroom. As part of the year-long internship being piloted by the Professional Standards Commission, teacher candidates could be placed in several different types of schools for practice teaching earlier in their preparation, they should have externships in organizations and agencies (such as welfare offices) that come into contact with children and their families in different environments. Teacher education programs should include preparation in classroom management skills and cultural diversity training.

Teachers already in the classroom, administrators, and school employees, also should have training in classroom management skills and cultural diversity. Efforts should be made through teachers organizations and other groups to provide such training as part of professional development efforts. Good programs, again, exist in Georgia and should be replicated. Dr. Alice Duhon of Albany State, for example, has a great deal of expertise in this area as part of the teacher preparation area. Such training should be adaptable for those already in the profession.

Often, the newest recruits to the teaching profession are given the toughest classes filled with the neediest kids. School systems should be rewarded for encouraging their most experienced teachers to take these classes.

It is important that more African American teachers, principals, and educators be recruited, trained, hired, and retained. Such increases could help to provide an increasingly diverse student population with role models to reinforce self esteem.

* Anika Jones testified about methods being used in some middle schools which have effectively decreased discipline problems by improving student learning opportunities. Teachers can accomplish both goals when receiving smaller class sizes, training in student- centered instructional methods, and extra support for students needing tutoring and counseling.

CONCERN: FAIR TREATMENT FOR ALL CHILDREN

The Study Committee heard testimony that public school discipline policies have a disparate impact on African American children, particularly African American males. It is critical that as many parents and students as possible believe that the discipline process is fair and impartial. If it is not, the parents and students will not respect or learn to respect the school system. The goal should be to make the system fair for all students. The following statistics from the Georgia Department of Education shed some light on the issue of racial disparity:

Category	White	Black	Hispanic
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Total enrollment 96-97 (by percent)	57%	37%	2.2%
Students retained 97-98	41%	53%	4%
Students in Alternative Schools (by percent)	38% (97-98) 43% (96-97) 42% (95-96)	58% (97-98) 54% (96-97) 56% (95-96)	1.5% (97-98) 1.2% (96-97) 1.0% (95-96)
Students expelled 96-97 (by percent)	35%	61%	2%

Recommendations:

* Statistics must be kept consistently by the Georgia Department of Education that show the number (by system) of children in alternative schools and in-school suspension programs, and the number of children suspended or expelled, by race, gender, and socio-economic status. (The latter could perhaps be expressed using the criteria of eligibility for free and reduced lunch.) These statistics would enable legislators to examine trends in school discipline and to view these trends in light of other statistics such as assignment to special education classes and high school completion. To ensure that such information is collected and reported, a report by the Georgia Department of Education should be made to the legislature annually.

* Due process requirements that need to be strengthened include timely and complete notification of parents and students regarding hearings and fully informing them of their right to have an advocate present at these hearings. Furthermore, a tribunal hearing should be given a student who has accumulated a total of ten days suspension even if the ten days have not been assigned as punishment all at one time.

* See Boshears recommendation. Do we want to include this? If so do we want to emphasize mediation?

Senator, my thought is that having parent volunteers on tribunals, and mediation programs are two different things and we should include both.

* Local school systems should include unpaid volunteer representatives of the community, not just teachers and administrators on panels, if suspension or expulsion is being recommended. The Georgia School Boards Association and Georgia School Superintendents Association could assist in formulating a protocol for this which addresses the concerns of administrators. **A model for such an effort could also be the juvenile court mediation efforts.** It would be advisable for a pilot program for such outside volunteers be established in ten school systems to be selected by the State Board of Education.

Mediation as an alternative to the disciplinary tribunal process should also be pursued. Mediation programs, such as those used in the Juvenile Court system, might provide

appropriate models.

CONCERN: LACK OF PARENTAL INVOLVEMENT AND RESPONSIBILITY

Meaningful parental involvement will help reduce the gulf between school and home, a gulf the Senators became very aware of from testimony at the public hearings. The first time a parent goes to his or her child's school should not be for a disciplinary hearing. To forestall chronic discipline problems, school systems must develop new and better means for involving parents.

Recommendations:

* Excellent programs for fostering links between parents and the schools exist, and can be duplicated. The Committee resolves to seek funding in the FY 2000 budget to provide release time and training to enable administrators and teachers to implement programs such as the one at Pine Ridge Elementary in Stone Mountain.

* A staff person at the Department of Education should be identified as a resource person for parent involvement programs. (Louisiana has a clearinghouse for Parental Involvement in its Department of Education.) Parent programs which use parents as paid and volunteer "attendance officers," "bus monitors," and "discipline monitors" should be developed.

* Enact legislation requiring that employers give parents time off to attend disciplinary tribunal hearings. Twelve states have adopted legislation that allows parents time off to attend activities at their child's schools. [See footnote 22](#). School systems should be encouraged to schedule parent/school conferences concerning discipline during time periods after the normal work day in order to allow parents to attend without taking time from work.

* Enact legislation making it a misdemeanor for a parent not to attend a meeting called for the purpose of devising a Student Support Team Plan when their child has been determined to be a chronic disciplinary student. Also, legislation should be enacted which will require increased parent accountability for truant children.

CONCERN: SCHOOL VIOLENCE AND WEAPONS

Surprisingly, the committee heard less testimony on violence and weapons than might have been expected with the high level of attention given to recent school shooting incidents. The testimony that was given did point to situations which should be given attention.

Recommendations:

* Police Chief Michael Dorn, Bibb County Schools, told the Committee that students in our schools have access to numerous inexpensive, disguised weapons, easily obtained by

mail order or the Internet. These weapons include items such as pocket combs and lockets that are actually knives. Concealed weapons such as these should not be available to our children. Furthermore, O.C.G.A. 16-11-127.1 (which deals with carrying weapons within school safety zones, at school functions, or on school property) defines a knife as having a blade of three or more inches. Police Chief Michael Dorn, Bibb County Schools, told the committee that most assaults are made with knives with shorter blades, blades or length found on some of the items described. These items should be considered weapons.

* The Minor's Firearm Safety and Adult Responsibility Legislation introduced in 1997 should be enacted.

CONCERN: SCHOOL BUS SAFETY

The committee heard from school bus drivers regarding their having to drive and maintain discipline at the same time.

* Senator, I will ask Sam McCullough at DOE tomorrow morning if there is any existing regulation which would prohibit a system from allowing parents to act as bus monitors. More monitors on buses are very much needed. Funding for monitors should be incorporated into the transportation grant.

* The recruitment of parent volunteers who would be trained is something which could be encouraged, provided that such parents are fully trained and screened.

* Senator, I think the recommendation should be for a study committee to be formed to look into bus safety, both discipline and technical issues (I get asked about seat belts all the time). --> More study is needed to examine discipline on buses as a distinct issue so that concerns such as separating older students from younger students on school buses can be considered. A study committee should be appointed to examine student transportation safety and discipline issues more fully.

CONCLUSION

The Constitution of the State of Georgia declares that the provision of an adequate public education for the citizens is a primary obligation of the state. School discipline policies and procedures have a tremendous impact on the quality of education Georgia's children receive. If school discipline policies and procedures are not effective, the result is a classroom environment in which learning does not take place. If, on the other hand, school discipline policies and procedures are unfair, or do not address the underlying reasons why children misbehave, they simply result in our neediest children being deprived of their right to the education which can improve their lives.

Footnote: ¹An unduplicated head count of students in alternative schools from the fall and spring counts totaled 11,063 for the 1997-98 school year.

Footnote: 2²While Senator Balfour agrees that businesses should be urged to allow parents time off to attend disciplinary hearings, he does not agree with the recommendation that legislation requiring employers to do so should be enacted.

[BACK](#)