



dignityinschools.org

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Via Email eseacomment@mail.house.gov

U.S. House of Representatives
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

RE: School Climate, School Discipline, and the Reauthorization of the Elementary and Secondary Education Act

Dear Chairman Miller, Ranking Member Kline, and Committee Members,

As the Committee on Education and Labor begins the reauthorization process for the Elementary and Secondary Education Act, we, the undersigned parents, students, educators, researchers, and civil rights and educational organizations, urge the Committee to devote serious attention to school discipline's impact on the health and academic success of our nation's students and schools. We urge the Committee to require the collection and reporting of better school climate and disciplinary data, incorporate school climate measures into the law's accountability framework, and provide funding support for intervention efforts designed to improve student engagement and the learning environment.

Maintaining a safe and healthy instructional climate is a critical responsibility of schools in the 21st century. Student behavior and academic achievement are inseparable, and safer schools are higher achieving schools. Unfortunately, many schools use only one set of tools—suspension, expulsion, and arrest—to maintain discipline and safety. Rather than contribute to a better learning environment, the overuse of these exclusionary practices has been shown to predict dropout and contribute to an unhealthy school atmosphere affecting students and teachers alike.

Under zero tolerance disciplinary policies, many students are suspended, expelled, or arrested for what used to be considered minor misbehavior. In Alabama, a high school student was sent to an alternative school for "drug use" after taking Motrin to relieve menstrual cramps. In New York, a middle school student was arrested for writing "okay" on her desk. In New Mexico, an 8-year-old student was arrested after throwing a basketball at another child.

Although there are instances when a student threatens the safety of a school or another student and must be removed from the classroom, out-of-school suspension and expulsion are clearly being overused. Each year, over three million students are suspended and over 100,000 are expelled nationally. As Secretary Arne Duncan warned from Selma, the overuse of exclusionary practices on students of color and students with disabilities is particularly disconcerting. African-American students (nearly 3 times as likely to be suspended and 3.5 times as likely to be expelled) and Latino students (1.5 times as likely to be suspended and twice as likely to be expelled) bear a disproportionate burden of these punishments when compared to their white peers, while students with disabilities are suspended and expelled at a rate roughly twice that of their non-disabled peers.

While none question the need to keep schools safe, educators, researchers, and communities are questioning the efficacy of exclusionary discipline. According to the American Psychological Association, the use of these practices does not improve behavior, but can instead increase the likelihood that students will fall behind academically, have future behavior problems, drop out of school, and become involved in the juvenile or criminal justice system. The use of exclusionary discipline affects not only the student being disciplined, but the health and success of the school as a whole: schools with high suspension rates score lower on state accountability tests, even when adjusting for demographic differences, and teachers prominently rank problems with safety and discipline as leading reasons for leaving their school or the profession entirely.

Fortunately, there are schools and communities that are taking positive, proactive steps to improve school discipline and are seeing great results. Many US schools are implementing Positive Behavioral Interventions and Supports (PBIS) in urban, rural, and suburban districts alike, an approach that – as the Committee noted in the Preventing Harmful Restraint and Seclusion in Schools Act (H.R. 4247) – “is linked to greater academic achievement, significantly fewer disciplinary referrals, increased instruction time, and staff perception of a safer learning environment.” Similar improvements to school climate result from complementary approaches like restorative practices and school offense protocols.

To secure academic success for all students, we must optimize their learning environments and ensure the health of their schools. As the Committee noted in H.R. 4247, “behavioral interventions for children must promote the right of all children to be treated with dignity.” Over-reliance on exclusionary discipline interferes with this right and with the Committee’s bold goals for reauthorization. Positive approaches can create healthier schools for students and teachers alike and better secure students’ right to a quality education.

We urge the Committee to take the following steps in reauthorization:

1. Congress should mandate the annual reporting of school discipline and climate data for all schools.

School discipline and academic success are inherently linked. To better support student achievement, educators, parents, and policymakers must be able to review information on the health of a school’s climate. Through the Individuals with Disabilities Education Act, the Gun-Free Schools Act, and the Civil Rights Data Collection, Congress and the US Department of Education (“ED”) have put the proper mechanisms in place for improved disciplinary data collection. The current variations in publicly reported data provide critical, albeit limited, information to parents, educators, advocates and policymakers about the health of our schools. Unfortunately, the collection differences also lead to compliance lapses. With Congressional leadership, and general buy-in to the concept of data-driven reform, the data collection could become both a more comprehensive and a more routine and manageable process for schools and districts.

Drawing from the Civil Rights Data Collection, from ED's A Blueprint for Reform, and from the laws mentioned above, ESEA should require all schools to annually report in- and out-of-school suspensions, students receiving multiple suspensions, expulsions, instances of corporal punishment, school-based arrests and referrals to law enforcement agencies, and referrals to disciplinary alternative schools. ESEA should also require states to collect and report broader information on the health of a school's climate, such as information on truancy, attendance rates, bullying and harassment and proactive efforts to address them, as well as parent, student, and staff surveys on the health of a school's learning environment. The data collected should be disaggregated by race, gender, special educational status, socioeconomic status, and English proficiency, and cross-tabulated to allow for more insightful review.

2. Congress should provide increased support for best practices in improving school discipline and climate – especially in turning around the lowest-achieving schools.

Schools and districts are seeing promising results from their investments in best practices for improving school discipline and school climate. The proven, positive results of PBIS implementation, as mentioned above, led Committee Members to sponsor legislation to expand PBIS and similar practices by explicitly tying these approaches to provisions of the ESEA. Congress should incorporate the language of the Positive Behavior for Safe and Effective Schools Act (H.R. 2597) into reauthorization.

Given the positive effect that efforts to improve school climate can have on academic success, Congress should encourage the implementation of evidence-based and promising practices to improve school climate when turning around the nation's lowest-achieving schools. Guidelines for both the Race to the Top Fund and the State Fiscal Stabilization Fund highlight PBIS and other efforts to improve school climate as a permissible use of school turnaround funds. Congress should support ED's suggestion by encouraging the implementation of best practices in improving school climate in turnaround schools. Congress should require those measuring the performance of turnaround schools, such as ED's proposed "quality review teams," to review the schools' disciplinary data and climate information to determine necessary interventions.

3. Signs of poor school climate – high disciplinary rates in particular – should trigger assistance and support from local and state educational agencies.

Over the past eight years, we have witnessed the negative side effects of a limited school accountability structure, one of which has been a sharp increase in the use of exclusionary discipline. To address these unintended consequences, Congress should expand the indicia of school success and offer the public and policymakers a fuller picture of school quality. Drawing from ED's A Blueprint for Reform, a "balanced scorecard" should be developed that includes a broader array of information integral to determining whether a school is meeting the needs of its community, and included among those metrics should be school discipline and climate information. However, discipline and climate information should not be used to punish schools, but to measure the health of the learning environment and, when necessary, trigger assistance and support from local and state educational agencies in securing high-fidelity implementation of evidence-based and promising practices for improving school climate.

4. Congress should create a discretionary grant program to fund the development and implementation of comprehensive local or regional strategies to reduce the use of exclusionary school discipline and the number of youth entering the juvenile and criminal justice systems.

The problems described above cannot be attributed solely to schools, or to law enforcement agencies, or to parents or students. Likewise, the solutions will also often require the efforts and input of all these stakeholders. There have been a number of highly successful local and regional efforts that have defied the trend toward more punitive treatment of youth. Working groups of stakeholders – including parents, youth, community members, school officials, and juvenile justice officials – have collaborated on the development and implementation of comprehensive strategies that have dramatically reduced the use of, and need for, exclusionary discipline and the number of youth entering the juvenile and criminal justice systems.

Congress should take these successes to scale and promote expanded educational opportunities for our Nation's youth by funding a competitive grant program through ESEA to support such community-based solutions. Funds should go toward the development and implementation of multi-year, comprehensive local or regional plans to reduce the use of exclusionary discipline and the number of youth entering the juvenile and criminal justice systems.

Sincerely,

The Dignity in Schools Campaign and the following organizations and individuals:

Advancement Project
Advocates for Children of New York
Advocates for Justice and Education, Inc
African American Male Achievement Group, Inc. (AMA) - Savannah, Georgia
Albany Park Neighborhood Council, Chicago
Alliance for Educational Justice
American Civil Liberties Union (ACLU)
Bazelon Center for Mental Health Law
Boston Youth Organizing Project
Californians for Justice
Center for Children's Advocacy, Hartford, CT
Center for Community Alternatives
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School
Children's Defense Fund - New York
Children's Law Center of Massachusetts
Citizens for Educational Awareness
Community Asset Development Re-defining Education (CADRE)
Community Legal Aid Society, Inc., Washington, DE
Concerned Citizens for a Better Greenville
Concerned Citizens for a Better Tunica County, Inc.
Council for Children with Behavioral Disorders (CCBD)
Connecticut Legal Services, Inc.
Designs for Change, Chicago, Illinois

Disability Law Center of Massachusetts
Disability Law Center of Utah
Disability Rights Wisconsin
e:merge/YDN
EdLaw Project in Roxbury, MA
Education Law Center - New Jersey
Education Law Center - Pennsylvania
FairTest (The National Center for Fair & Open Testing, Inc.)
Families Against Restraint and Seclusion
Forum for Education and Democracy
Gender JUST
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett STOPP)
Illinois PBIS Network
Independent Commission on Public Education (iCOPE)
International Institute for Restorative Practices
Jefferson County Alabama Family Court, the Honorable Brian Huff, Presiding Judge
JustChildren, a program of the Legal Aid Justice Center
Justice Policy Institute
Juvenile Law Center
Kenwood Oakland Community Organization
Legal Aid Society of Birmingham
Loyola School of Law (Chicago) - Street Law Program
Massachusetts Advocates for Children (MAC)
Mental Health Advocacy Services, Inc.
Mississippi Delta Catalyst Roundtable
MoM 424
MS Coalition for the Prevention of Schoolhouse to Jailhouse
Multiethnic Advocates for Cultural Competence
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Association of Black School Educators (NASBE)
National Disability Rights Network
National Economic and Social Rights Initiative (NESRI)
National Education Association
National Juvenile Justice Network
National PTA
National Women's Law Center
Nollie Jenkins Family Center, Inc.
Ohio Poverty Law Center
Padres and Jovenes Unidos
Philadelphia Student Union
Public Counsel - Los Angeles
Public Interest Law Center of Philadelphia
Pumphouse Projects
School Social Work Association of America
Sistas and Brothas United, NY

South Carolina Appleseed Legal Justice Center
South Carolina Autism Society
South Coastal Counties Legal Services
Southern Echo, Inc
Southern Poverty Law Center
Strategy Center's Community Rights "No Pre-Prison Campaign"
Youth on Board
Youth Represent
Youth United for Change

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