



## FOR IMMEDIATE RELEASE

### LEGISLATION THAT HURTS SCHOOL DISCIPLINE

I am a very positive person. I am “that person” who jumps out of bed in the morning excited to just be awake. That can be annoying to my wife. Especially if she hasn’t had her coffee.

I rarely feel the need to be blatantly critical of bad legislation. I will normally talk with the bill sponsor about how we can support their legislation, and/or suggest subsequent changes. However, there are two pieces of legislation that will be heard in the K-12 Subcommittee on Wednesday, February 20, 2019, of which I think folks need to be aware. We can all agree that teachers are underpaid, overworked, and underappreciated. However, I simply cannot reconcile the continued barrage of top-down legislation by the Tennessee General Assembly with the needs of educators, which merely add to the workload - and increase state and local expenses. Especially given the likelihood it will not help students. Here are two bills just this week that are good examples:

#### SUMMARY

*This legislation would merely add to the workload of teachers and increase state and local expenses.*

**HB 0405/SB 0107. Adverse Childhood Experiences Assessment.** We can all hope that no child is ever suspended or expelled from public schools. Every day across Tennessee, our educators work with children who have experienced physical abuse, verbal abuse, sexual abuse, physical neglect, and emotional neglect. However, this proposed legislation does little to prevent and address the consequences of adverse childhood experiences or promote healthy development and well-being among children, youth, and families. This legislation places greater responsibility in addressing societal issues squarely upon the school, teachers, and administrators by limiting the ability to discipline misbehavior. Research is needed to understand the variable effect of adverse childhood experiences across children and move toward evidence to guide recommended prevention and treatment approaches in public education, as well as in the wide range of community-based contexts in which adverse childhood experiences assessment, education, and interventions might take place. Legislators should take note that a great deal of variability exists within risk groups; further assessment of positive and negative deviance in outcomes and effects for otherwise similar groups of children might prove especially valuable, and would ideally occur in the context of longitudinal studies. Existing longitudinal studies should consider including adverse childhood experiences and related variables for this purpose. This should be done before a kid ever gets in trouble if this is a concern.

Transparency is the key to any disciplinary issue, and the process must be explained and understood. However, the cause and effect of not disciplining certain children may create more problems in schools. Jody Stallings, a nationally renowned teacher [recently wrote](#): “The best way to keep students in school is to increase the number of suspensions.” He added: “In many schools, kids can bully peers, assault teachers, sexually harass classmates and create major disruptions; yet nothing is ever done about it. Then we worry about test scores and achievement gaps while the biggest obstacle to fixing those things is right there in the classroom every day: disruptive students. There is a solution. Put them out.” That is a harsh assessment, but

probably has more of a chance of success than this suggested legislation. While there may be valid reasons to study the consequences of adverse childhood experiences a child is dealing with, and we must show compassion to all children, this legislation is like asking a fireman to analyze the cause of a fire before extinguishing the blaze. When you have a fire, you want the firefighter, not the arson investigator. We think the legislation is worth a discussion, nothing more. In the end, it does little to address chronic misbehavior issues. We oppose the legislation that mandates and requires ALL LEA's to create a policy requiring schools to perform an Adverse Childhood Experiences Assessment before a disciplinary issue involving suspension, including in-school suspension or alternative school, or expulsion. If a district chooses to adopt this policy, they can do it now without further legislation. A better message for legislators to send would be that students must realize that their actions have consequences and for parents to help re-enforce that position.

**HB 0767/SB 0820 Required Training in Restorative Justice.** On the left, Restorative Justice represents a perceived fight against racism. On the right, the guidance represents a bungled top-down government intervention that allows misbehavior to go unpunished. Rather than engaging in political rhetoric, we examined the comprehensive [study](#) by the RAND Corporation on this subject. The RAND Corporation is considered the gold standard in social science research. The findings: restorative justice led to safer schools, but also hurt black students' test scores. We can all agree that disciplinary processes must become more transparent. The U.S. Department of Justice and the U.S. Department of Education on December 21, 2018, withdrew their [statements of policy and guidance](#) on Restorative Justice. In light of this action, we oppose mandatory training for ALL employees in an LEA. Any district that wishes to engage in such training should be free to engage in training. The results should be studied and shared with the state. The state has a responsibility to vigorously enforce civil rights protections on behalf of all students. The robust protections against race, color, and national origin discrimination guaranteed by the Constitution, Title IV, and Title VI remain unchanged and continue to be vital for educational institutions in the United States. This legislation, if rejected, will not change those policies.

Julie Marburger, a sixth-grade teacher at Cedar Creek Intermediate School in Texas describes [what many educators are experiencing](#) when she posted: "People absolutely HAVE to stop coddling and enabling their children. It's a problem that's going to spread through our society like wildfire. It's not fair to society, and more importantly, is not fair to the children to teach them this is okay. It will not serve them towards a successful and happy life."

One teacher in Florida was [even fired for giving students zeroes](#) who didn't hand in work. Teacher Diane Tirado stated: "I'm so upset because we have a nation of kids that are expecting to get paid and live their life just for showing up and it's not real."

K-12 Chairman John Ragan, Representatives Kirk Haston, Iris Rudder, Terri Lynn Weaver, Mark White, and John Mark Windle understand, I hope, that a top-down approach simply does not work in education. We need discipline policies that districts and schools themselves choose. Our teachers need more support, not more unproven fads that require more work by educators for unproven results. Lack of student discipline, inadequate administrative support, and lack of respect are frequently cited why teachers leave the profession. This legislation does not help. Let your legislators know your opinion.

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