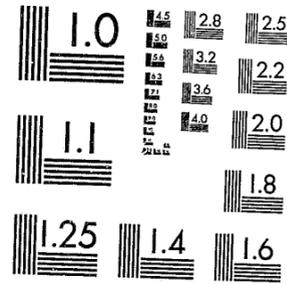


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REPORT OF THE SELECT COMMITTEE
ON
SCHOOL VIOLENCE

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REPORT OF THE SELECT COMMITTEE

ON

SCHOOL VIOLENCE

January 1981

NCJRS

AUG 27 1981

ACQUISITIONS



House of Representatives
State of Tennessee

NASHVILLE

January 14, 1981

Members of the House Committee on Education
The Governor
State of Tennessee

Gentlemen:

This study has been conducted by direction of the House Committee on Education of the Ninety-first General Assembly. The recommendations herein represent the opinion of the majority of the members of the Select Committee on School Violence.

The committee devoted considerable time to the collection and analysis of information about this important issue. The committee has endeavored to ensure that this report is objective and non-partisan, and it is our hope that it will prove useful to you in making decisions in your official capacity.

The committee appreciates the cooperation and assistance received from municipal officials and from individuals and organizations who extended their time and effort to make this report possible.

Respectfully submitted,

Bobby Wood
Chairman

BW/gdt

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THE SELECT COMMITTEE ON SCHOOL VIOLENCE

MEMBERS

Representative Bobby Wood, Chairman, Chattanooga
Representative Sharon Bell, Knoxville
Representative Wendall Hartzog, Memphis
Representative Alvin King, Memphis
Representative Harold Love, Nashville

EX-OFFICIO MEMBERS

Representative Frank Lashlee, Camden
Representative Walter Work, Burns
Representative W.R. Lowe, Lewisburg

Committee Staff: Billy Stair
Kimberly Dean
William Hollings

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PREFACE

The Select Committee on School Violence was created at the directive of Representative Frank Lashlee, Chairman of the House Committee on Education. Chairman Lashlee formed the committee in response to citizens and legislators who have voiced concern about the safety of Tennessee's primary and secondary schools, and about the extent to which resulting anxieties have affected the quality of the state's educational system.

The Select Committee on School Violence was a direct outgrowth of three bills introduced during the 1980 session of the Ninety-first General Assembly. These bills, HB 1999, HB2336 and HB 2357, represented attempts by Representative Harold Love to address what he believed to be a serious problem of violence in some Tennessee schools. Collectively, Representative Love's proposed bills would have effectuated far-reaching changes for the educational system's security and disciplinary procedures. While the House Education Committee concurred with the intent of these bills, a majority of committee members believed that the complexity of the issue and the difficulty of predicting the impact of a comprehensive response required that further study precede any legislative action.

The newly-created Committee on School Violence was comprised of Representative Love and four members of the House Committee on Education. The committee structured its efforts by focusing on the scope of school violence, the various causes for its existence, and the possible ways in which the General Assembly might be able to alleviate the problem.

The committee conducted two-day hearings in both Nashville and Chattanooga, receiving testimony from approximately thirty witnesses. Among those who testified were teachers, principals, superintendents, administrators, students, parents, law enforcement officers and a juvenile court judge. In addition, the committee benefited from the suggestions of the commissioner of the Department of Education and the executive secretary of the Tennessee Education Association. The contributions of these diverse groups enabled the committee to examine the problem of school violence from a number of perspectives, and to do so apart from the emotional atmosphere that often accompanies its discussion.

The committee found during the course of its study that many of the proposed solutions to school violence extend into relatively uncharted areas of the law. Each such topic discussed by the committee was subjected to a legal analysis by the Office of Legal Services. These examinations were undertaken so that members of the committee and the General Assembly hopefully may

avoid the frustration of spending a sizable amount of time on a proposal that later is declared unacceptable by the courts.

Though a multitude of practical and philosophical factors are involved in the issue of school violence, the committee's primary consideration was a desire to provide for the citizens of Tennessee a safe environment for the education of the state's pupils. It is with this thought in mind that the Select Committee on School Violence presents its findings and recommendations to the House Committee on Education and to the members of the General Assembly.

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INTRODUCTION

Before undertaking an attempt to design a legislative response to the problem of school violence, the committee tried to establish some parameters for the scope of its study. This action was necessary because of two factors that serve to complicate the understanding of violence and the extent of its presence in the state's primary and secondary schools.

The immediate question was a need to resolve exactly what school violence means in the context of the committee's study. The committee stressed that the public must differentiate between the problems of discipline and violence, two related but distinct issues. While instances of disrespect, verbal abuse, cheating or truancy are topics worthy of serious attention, they do not fall within the category of violence. For the purpose of this study, the committee defined school violence as acts involving arson, theft, vandalism or, most importantly, physical assault upon teachers or other students. The committee realized this distinction and tried to confine its efforts to school violence. Repeated testimony indicated, however, that the presence of violence is often the result of an unsatisfactory atmosphere of discipline within the school. Thus, an effort to reduce school

violence likely will prove ineffective if the legislature and local school boards do not give sufficient consideration to the accompanying issue of how best to improve the process of discipline.

A second factor complicating the study of school violence is the differences among school systems, and among schools within the largest systems. The uniqueness of each case can detract from the usefulness of comparisons or generalizations. It is common, for example, for a rural or small suburban school to function without the elaborate security system or trained security personnel that are found in many urban schools. If there is more theft or vandalism in the suburban school, it is erroneous to conclude that the urban school is less prone to the problem. Likewise, it is inaccurate to assume that schools will automatically reflect the degree of crime and violence in the surrounding neighborhoods. Schools in urban areas tend to be less violent than the immediate surroundings, while suburban schools often are plagued by more problems than their communities. Because of this phenomenon, it is evident that one must view teachers, students and administrators as directly responsible for the degree to which violence exists in their schools.

The problem of school violence is rooted in a complex relationship of numerous social, economic and psychological forces. Witnesses introduced the committee to several academic studies that attempted to explain the causes of school violence. Aware

of these independent studies, and restrained by the limitations of time and resources, the committee did not choose to pursue an indepth analysis of the cultural or economic origins of violence. Many of these problems exist beyond the influence of the legislature. For this reason, the committee believed it less important to explain social problems than to acknowledge their existence and understand their impact upon any attempt to reduce the violence in Tennessee's schools.

A final aspect of the framework for the study involved the committee's desired goals. The committee believed that too often those addressing education problems are reluctant to face the issue squarely, and are therefore incapable of achieving any meaningful progress. Stated simply, a problem as serious as school violence cannot be dealt with effectively by verbal generalities. Proposals to "increase awareness" or "improve channels of communication" are sincere in their intent, but fall far short of the response demanded by the problem. Recognizing this fact, the committee sought to identify, within legal and financial limits, any measure necessary to respond to the public's concern about violence in the schools of Tennessee.

THE SCOPE OF SCHOOL VIOLENCE

Before the committee could begin to explore any legislative recommendations, it first was necessary to determine the actual scope of violence in Tennessee schools. Extensive conversations with persons representing a range of educational perspectives convinced the committee that the extent of school violence in Tennessee is not as great as many citizens may believe. The fact that violence in the state's schools exists at all is unacceptable. Evidence indicated, however, that public understanding of the problem at times has been distorted by the media's tendency to sensationalize acts of violence when they occur. While it is the media's legitimate right to discuss the problem of school violence, the committee believed that both television and newspaper reporters should be more aware of their unique responsibilities to a community's welfare. A failure to recognize this obligation can, on the premise of "aggressive reporting," serve both to inflame an otherwise manageable situation and weaken unduly public support of the educational system.

A point of reference for the committee in its effort to determine the extent of violent behavior was a 1979 publication authored by the University of Tennessee Department of Education, entitled A Study of School Discipline in Tennessee. A survey of several thousand teachers revealed that 86 percent thought

discipline was either "more of a problem" or "a much greater problem" than it was a decade ago. Viewed differently, only 35 percent believed that the present status of discipline was either excellent or satisfactory, while the remainder considered it to be either less than satisfactory or very poor.

In regard to the more specific category of school violence, the committee obtained data from the Nashville and Chattanooga school systems that gave some indication of the extent of the school violence problem and its impact upon students who are intimidated by its presence. During a five-year period from 1974-1979, school officials in Nashville issued 380 suspensions related to the possession or use of weapons. Of this total, 213 were for the possession or use of knives, and 45 for possession of guns. At least one student was killed on school premises, while a significant but undetermined number were injured. While Chattanooga administrators did not believe violence to be a pervasive problem in their system, a survey of students suggested that the issue is worthy of attention. The survey revealed that one third of all students avoid certain restrooms or halls, seven percent of the students are "afraid all of the time," and a comparable number are absent one day each month because of anxieties resulting from a fear of violence.

The impact of violence and disciplinary problems is not confined to students. A third of Chattanooga's teachers profess dissatisfaction with their job. One teacher out of eleven plans to leave teaching as soon as possible and, perhaps most disturbing,

four teachers of every ten state that they regret their choice to enter the profession. In explaining these disturbing attitudes, 54 percent of those dissatisfied said that poor student behavior is the primary source of their disillusionment.

Having acknowledged the effects of violence on the attitudes of students and teachers, there is little need to try to quantify the relationship of these attitudes to the process of learning. An atmosphere of anxiety will serve to impede even the most conscientious teaching efforts. For some schools, a failure to deal adequately with the problem of violence has been responsible in part for a steady decline in achievement scores.

If allowed to go unchecked, the problem of school violence will produce for a local system serious consequences that cannot be overstated. Escalating tension among students and teachers, when combined with a perceived deterioration of academic quality, inevitably will have a destructive influence upon a community's confidence in the education system. Already some of Tennessee's school systems have experienced the reaction of many middle class parents who have chosen to remove their children from public schools in favor of expensive but presumably safer private academies. Having abandoned a direct interest in the public schools, these parents become increasingly less willing to support the local tax structure needed to finance and improve the education system. Without this support, educational quality will deteriorate further and so accelerate the downward spiral.

In summary, two facts about school violence emerge that warrant reiteration. One is a clearly identifiable trend that over the last decade has produced -- particularly in the major cities -- a less acceptable discipline situation in the primary and secondary schools. The second is an equally important need for the public to realize that the problem is not as catastrophic as many in the media and elsewhere would have them believe. Indeed, only about 2-3 percent of the students are responsible for most violent behavior. While serious, extreme violence is found in only a few of the state's schools, and is still within the ability of the legislature and local school systems to be dealt with effectively. Progress in this effort awaits only the willingness of those involved to take the necessary measures.

CAUSES OF SCHOOL VIOLENCE

The committee devoted a considerable portion of its time to a discussion of the causes of school violence. Not surprisingly, witnesses offered a large variety of explanations, both practical and theoretical, for the existence of violence in some local school systems. The committee's initial task consisted of categorizing the causes of school violence. This approach enabled the committee to distinguish between causes of primary and secondary importance, and further to identify present policies that may serve to exacerbate the situation. A clearer understanding of these relationships resulted in the committee's ability to isolate those issues subject to improvement by legislative action, and relegate to a later time those problems beyond the boundaries of the General Assembly's influence.

The decision to avoid a lengthy analysis of some problems did not mean that the committee was unsympathetic to those who discussed them. Rather, the committee believed that the state's education system exists within a society that possesses certain intractable cultural and fiscal limitations. Few would dispute the testimony of witnesses who spoke of the violent nature of American society, or of others who pointed out the psychological pressures that plague adolescents who come from impoverished and broken homes. Likewise, the committee recognized that violence often is precipitated by overcrowded classrooms or schools

located adjacent to main thoroughfares. Yet the fact remained that in these and other instances, enormous sums of money would be required even to address the problem with the chances of success at best questionable. The state's cloudy revenue projections left the committee no choice but to concentrate on those issues that can be resolved with legislation and a minimum of additional funds.

Below are the causes of school violence to which the committee devoted particular attention. They are followed by a discussion of proposed responses from the legislative and local school systems.

BUSING AND SCHOOL CONSOLIDATION

The past decade has witnessed two dramatic changes in the administration of local school systems in Tennessee. Throughout the state, both city and county governments have engaged in the process of consolidation, in which two or more older schools have been closed and combined into a single and much larger school. The goals of consolidation are reduced capital costs and the opportunity to provide students with educational experiences that are not cost-efficient in smaller schools.

A second and related change has been the necessity in some of the state's larger school systems to rezone neighborhoods in order to comply with court-ordered desegregation plans. Sometimes done in coordination with consolidation

efforts, such rezoning often has resulted in hundreds of students being removed from one school and transported to another school several miles away.

It is not the purpose of this study to debate the merits of either consolidation or busing. One cannot escape from the fact, however, that the disruption of community-based schools has been a major cause of violence in many local systems. Students who are naturally "turf conscious" generate extreme tension when placed in a new school with different traditions and patterns of conduct. When the consolidation efforts involve groups from both predominantly black and predominately white schools, the potential for conflict is enormous. If the issue of school violence is to be faced forthrightly, policymakers must acknowledge that turf consciousness and racial tension are primary causes of violence in many schools. Having acknowledged this reality, they then must take it into account when discussing efforts to provide a safe and qualitative education system.

LENGTHY BUS RIDES

While obviously related to the broader concept of consolidation and integration, many witnesses stated that the very length of a bus ride is conducive to violent behavior on the bus. Rides that begin or end in darkness provide the worst atmosphere for problems, particularly for emotionally disturbed students.

DRUG USE

Virtually every junior high and high school in the state -- public and private -- has suffered from an increased presence of drugs over the last ten years. For the most part, the use of drugs does not contribute to violent behavior. Students under the influence of marijuana or barbituates are more likely to be indolent than aggressive or hostile. The relationship of drugs to violent behavior comes from the large amounts of money involved in the sale of drugs on or near the campus. When a student feels to have been cheated in a drug deal, or else is known to be carrying a large amount of drugs or cash, violent conflict becomes inevitable.

HANDICAPPED STUDENTS

Since the passage of the Handicapped Education Act in 1972, many Tennessee schools have experienced problems with attempts to conform to the law's requirement that handicapped students be "mainstreamed" with conventional classes. Many handicapped students have benefited greatly from the opportunity to share learning experiences in a more traditional atmosphere. For many teachers, however, the presence of some handicapped children has resulted in violent acts of behavior that have generated anxiety among classmates and served as a serious impediment to learning.

For the purposes of this study, the committee focused upon two groups of handicapped children. The first would fall into the category of being "behaviorally disoriented."

These students often have serious inabilities to function for extended periods without brief acts of disruptive and provocative behavior. While a debate continues over whether these students should be mainstreamed with other pupils, few observers deny that they are deserving of special training under the Handicapped Education Act.

A second group of "handicapped" children has produced a greater division of opinion among teachers and administrators regarding its proper role within the educational system. This diverse category of students is linked only by the common characteristic of being "socially maladjusted," a term that has proved to be ambiguous and extremely flexible in its application. Recognizing this flexibility, numerous local administrators have classified students guilty of violent behavior as "socially maladjusted," and thus have qualified legally for additional state funds under the Handicapped Education Act. The result of this situation is a perverse paradoxical logic in the present disciplinary process: if a student commits a violent act he must be expelled from school; however, the exhibition of violent behavior qualifies the student as being "socially maladjusted," meaning the school must not only allow the student to return, but provide him with a special education program at considerable cost.

The committee heard from several witnesses who urged that the socially maladjusted clause be deleted from the

definition section in the Handicapped Education Act.

In this way, they said, principals would be better able to deal with problem students, and the state would experience less of a drain on needed educational resources.

DISAFFECTED STUDENTS

Many students who participate in violent behavior can be identified as having specific physical or psychological problems. But a large number -- perhaps even a majority -- is composed of students who simply do not want to be in school. With little concern about graduation, and even less about the acquisition of verbal or mathematical skills, this small group of students has a disruptive influence disproportionate to its size.

Two factors worsen this situation. The state's mandatory attendance law requires that many of these students be compelled to attend school beyond the point at which they have decided to forgo any attempt to learn. More importantly, most schools suspend a student temporarily for acts of violent behavior. If the student does not want to be in school anyway, suspension serves as no deterrent to violent behavior, and in some cases may even be an incentive. One Nashville police officer told the committee that a suspension policy has been proved to have a direct correlation with burglaries in the surrounding community. In light of these facts, the committee believed

that an effort to devise a new suspension policy was among the most important goals in the attempt to reduce school violence.

OTHER CAUSES OF SCHOOL VIOLENCE

The previous categories have discussed causes of school violence that are related to attitudes or specific activities of students. The committee's study revealed that school violence, or at least the degree of school violence, often is attributable to an inadequate response by the school or the juvenile justice system.

Foremost among these contributing factors to school violence is the great disparity that often exists among and within local systems regarding the manner in which violence is punished. When punishment for similar offenses varies among students of different race or sex, it is inevitable that both students and teachers will lose respect for authority. The committee determined that a clear and consistently applied disciplinary process is imperative to any attempt at reducing school violence.

A consistent discipline policy also would serve to improve the present situation in which many teachers are reluctant to respond effectively to violent behavior due to fear of suit, publicity or reprisal. The committee believed that the legislature and local school boards should leave no doubt about their willingness to protect teachers in this area. Related to this issue is what the committee

and numerous witnesses felt to be an attitude on the part of many that too often is weighted on the side of a student's rights as opposed to the safety of teachers and other students. Some committee members expressed the belief that a fundamental change in these attitudes is an indispensable antecedent to addressing the problem of school violence.

Finally, the committee was confronted by the fact that most teachers, bus drivers and other school staff are ill-trained to cope with violent behavior. Without such training, students who persist in violent behavior will continue to have an advantage during any confrontation.

The causes of school violence perhaps can be summarized with one observation presented at the Chattanooga hearings. Over the last ten years, teachers and principals have raised their level of tolerance and correspondingly lowered their expectations of student behavior. To experience any meaningful change in the pattern of school violence, it is necessary that an atmosphere of discipline be returned to the schools, wherein it should be applied firmly and consistently to all acts of disruptive behavior. Only in this way can education begin to regain some of the credibility that has been lost to the problem of school violence.

LEGISLATIVE OPTIONS TO REDUCE SCHOOL VIOLENCE

The Select Committee on School Violence, after receiving evidence sufficient to determine the scope and causes of school violence, gave extensive consideration to a variety of legislative options designed to equip local officials with the statutory authority necessary to reduce the presence of violent behavior. As stated previously, the committee confined its attention to actions that would have little or no fiscal impact upon either the state or local school systems. The committee subjected each proposal to an analysis by the legal staff, which researched court decisions in other states where similar statutes have been enacted. This process resulted in six proposals that the committee believed are justified and could be effective in addressing the problem of school violence.

1) EXTEND TO LOCAL SCHOOL SYSTEMS THE AUTHORITY TO CONDUCT UNANNOUNCED SEARCHES FOR WEAPONS AND DRUGS

Testimony from teachers, principals and students left at least one indisputable fact: no effort to control school violence will succeed unless it encompasses a satisfactory means of reducing the number of weapons present in classrooms at all grade levels. Though the case perhaps was not a representative example, a Nashville student testified that over one-half of the males at

his school carried weapons. The presence of so many weapons, when coupled with the normal tensions found in any school, increases dramatically the chances of violence, serious injury or even death.

The danger generated by the proliferation of weapons is worsened by extensive drug use, a problem as prevalent in suburban schools as those in urban areas. The large sums of money associated with the sale of drugs guarantee conflict among those who buy and sell. Thus, the committee determined that the initial response to school violence must be an immediate and concerted effort to remove the presence of weapons and drugs, even at the risk of confronting fundamental questions about privacy and search and seizure.

Virtually all observers contend that success in removing weapons and drugs from the schools is contingent upon the ability to conduct unannounced searches not only of lockers, but of coats, purses and a student's pockets. Most witnesses agreed that searches confined to lockers would be generally ineffective, largely because weapons are concealed in students' clothes, and not their lockers. To undertake such an ambitious task, the committee acknowledged that it might be necessary to use metal detection devices or trained dogs to locate weapons and drugs. The committee believed these methods, though objectionable to some, are justified by the consequences of tolerating the continued presence of weapons and drugs in the primary and secondary schools.

In a legal context, student searches by school officials reside in a distinct category of the "search and seizure" question. An overview of case histories would indicate that judicial interpretations have not been entirely consistent. One series reflects the opinion that students are "persons" by constitutional definition, and that school authorities therefore do not possess absolute authority over students. Another series of rulings reflects a judicial trend toward viewing principals and teachers not as government officials, but as persons acting "in loco parentis" with respect to students. This interpretation applies a lesser standard than the traditional "probable cause" to student searches.

This issue is addressed specifically in the 1977 edition of Law and Tactics in Juvenile Cases:

The chief justification for lesser standards governing student searches is that school officials require broad discretion in order to preserve the smooth operation of the school and protect the welfare of the students. Admittedly, the schools themselves cannot afford the time or money to give each student accused of a wrong the procedural and substantive safeguards the state courts presently afford criminal defendants. However, granting arguendo that school officials have supervisory power which may extend to searching students or their lockers, what is really at stake is the distinction between searching for a violation of school rules and evidence gathering for the police. School officials should not be entitled to participate in the arrest and prosecution of their students under the guise of preserving order and discipline in the school. The umbrella of in loco parentis should not extend beyond the accomplishment of educational goals to the criminal prosecution of students.

In a 1979 case, Doe v. Renfrow, an Indiana court ruled that

The student's fourth amendment rights are modified by the limited in loco parentis relationship between student and school officials. While there is a core of privacy so vital to the student's personhood that it must be respected by a school official standing in loco parentis, that sphere of privacy protected by the fourth amendment can usually be invaded by a school official standing in loco parentis without a warrant, and (rather than upon probable cause) upon reasonable cause to believe that the student has violated or is violating school policy.

Based upon these and other interpretations, it is reasonable to assume that a statute enacted by the General Assembly to permit arbitrary searches of students for weapons and drugs could withstand a court challenge. Such a statute, along with the accompanying regulations, must be drawn carefully and express a clear intent. A rational attempt to limit the presence of weapons would be a positive step in controlling school violence. An ill-considered policy, however, could serve to entangle further an already confusing situation. Realizing the significance of its actions, the committee decided that the safety of teachers and students demanded a bold response equal to the severity of the problem.

2) REQUIRE THAT LOCAL SCHOOL SYSTEMS ESTABLISH AND ENFORCE A UNIFORM POLICY OF DISCIPLINE, SUSPENSION AND EXPULSION

There appeared to be unquestionable evidence that reluctance on the part of a principal or school superintendent to punish unacceptable behavior in a consistent manner is a primary cause of continued trouble in the schools. While the committee understood

that many actions take place under unique circumstances, they remained convinced that a uniform policy of discipline is critical to establishing the respect of students and the realization that violent behavior will result in undesirable punishment.

For both philosophical and practical reasons, the committee decided not to recommend the enactment of a statewide discipline policy. Rather, they believed that although each school system should be required to have a uniform policy for all schools within the system, each community should be allowed to design a policy according to local concerns. Such a policy should be simple and clear, so that students and parents will have no doubt about the consequences of misbehavior. With the exception of a delineation for the lower grades, the policy should be applied with equal consistency to both sexes and all races. Thus, an assault upon another student, whether perpetrated by a black, white, male or female student, will result in a pre-determined punishment.

The committee believed that the Department of Education should be instructed to design a model uniform discipline policy, with the understanding that it would be advisory and not mandatory.

3) REQUIRE THAT PRINCIPALS REPORT TO THE POLICE ALL INCIDENTS OF ASSAULT, VANDALISM AND EXTORTION WHICH CONSTITUTE A VIOLATION OF TENNESSEE LAW

The committee found that among the most frustrating aspects of the school violence problem was a reluctance on the part of many teachers and principals to report incidents of assault,

vandalism and extortion. A continued refusal to inform law enforcement authorities of these actions serves only to convince a student that future misbehavior holds little risk of resulting in serious punishment.

Two reasons account for the reluctance of teachers and principals to report violent incidents. Foremost is the fear that punitive action will result in a suit, reprisal or unwanted publicity. For principals, it appeared that many are unwilling to report violent behavior out of concern that authorities will question their ability to control the schools. The committee believed this practice, while understandable, to be detrimental to efforts at reducing school violence.

A juvenile judge testified that if more information was available, it would be easier to identify the small number of students responsible for most of the violent behavior in any particular school. Moreover, it would be easier for a judge to reach an appropriate decision if a student's prior record of serious misbehavior was documented.

The committee decided that in order to focus upon those students most responsible for violent behavior, all incidents of assault upon other students or teachers, all incidents of vandalism, and all verified incidents of extortion should be reported by the principal to police authorities. It would, of course, be in the discretion of the principal to differentiate between a minor altercation of no significance and one inflicted

without just provocation to injure or intimidate the victim. In each instance the police would decide whether the offense warranted further action.

The committee determined also that hospitals should be required to notify a principal if a student is treated for a drug overdose. The intent here is not to punish the student, and notification should not include the student's name. In such instances, the word "overdose" is often a misnomer. The reaction is as likely to be caused by bad quality drugs as from taking too large a quantity. Thus, if one student becomes dangerously ill from taking a drug, the chance exists that many others in the school will be in possession of the same drug. By notifying the school, a hospital may prevent a large scale tragedy by alerting principals and students to an existing problem.

4) ALLOW AND ENCOURAGE LOCAL SCHOOL SYSTEMS TO ADOPT AN IN-SCHOOL SUSPENSION POLICY

Both teachers and police officers told the committee that the common practice of suspending students for a brief period is of little deterrence to students who are often glad to be out of school. The committee reached a consensus that a policy of in-school suspension would be less attractive to students who participate in violent behavior. (This assumes that the incident is not referred to the Juvenile Court.)

The committee felt it inadvisable to mandate such a policy upon local systems, in part for philosophical reasons, but also

because a requirement of in-school suspension might impose a financial burden upon some systems. Local systems would be left with the flexibility to decide if punishment should involve some sort of manual labor, or whether students simply should be confined under supervision to a classroom for a designated period. A policy of in-school suspension not only would be a deterrent to misbehavior, but also an important means of reducing neighborhood crime committed by students suspended from school.

5) DELETE THE TERM "SOCIALLY MALADJUSTED" FROM THE DEFINITION SECTION OF THE HANDICAPPED EDUCATION ACT

Approximately 750 Tennessee school children receive about \$300,000 in special education funds by virtue of being labeled "socially maladjusted." For many principals, this practice becomes a travesty of the law's original intent of serving handicapped children when a student expelled for assault demands readmission on grounds of being "socially maladjusted." The elimination of this definition would not prevent any student with a legitimate physical or learning disability from receiving handicapped services. The deletion would, however, give principals greater discretion over expulsions, save a substantial amount of state funds, and restore a measure of credibility to the intent and function of the handicapped education program.

6) MODIFY LAWS REGARDING REIMBURSEMENT FOR VANDALISM

The provisions of Tennessee Code Annotated, Sections 37-1001 through 37-1003, exempt parents from reimbursement to the school for vandalism if the parents exercise "due care and diligence"

in their control of the child. Some witnesses urged that this phrase be deleted, as it presents an obstacle to attempts at obtaining compensation for serious vandalism. The committee agreed, but believed that such modifications should be handled carefully.

If, for instance, a school system adopts a uniform discipline system, all students, regardless of family income, should be required to compensate a school for vandalism. For poorer students, compensation might be satisfied through a work requirement. But it would be not only unfair but probably unconstitutional to allow some children to pay and force others to work. To circumvent this problem, a statute could offer any student guilty of vandalism an option either to pay compensation or work a comparable amount of time at the school.

In addition to this change, some witnesses advocated raising the maximum recoverable amount for school vandalism from \$5,000 to \$7,500. The committee was receptive to this request, but agreed with the Commissioner of Education that the problem of vandalism will be resolved only by a greater willingness on the part of school officials to force parents or guardians to bear the financial consequences for their children's behavior.

RECOMMENDATIONS OF THE
SELECT COMMITTEE ON SCHOOL VIOLENCE

1. That legislation be introduced to the General Assembly to allow local school systems to conduct, under specified conditions, unannounced searches of lockers and students for weapons and drugs.
2. That legislation be introduced to the General Assembly to require that local school systems establish and enforce a uniform policy of discipline, suspension and expulsion. The Department of Education shall be required to draft a model disciplinary policy, which shall be advisory and not mandatory.
3. That legislation be introduced to the General Assembly to require principals to report all incidents of assault, vandalism and extortion which constitute a violation of Tennessee law.
4. That legislation be introduced to the General Assembly to require that hospitals notify the appropriate principal if a student is treated for a drug overdose. The notification need not include the student's name.
5. That legislation be introduced to the General Assembly to amend statutes regarding reimbursement for vandalism. Such legislation shall raise to \$10,000 the maximum recoverable amount, and delete language referring to parents' "due care and diligence" of the child.
6. That legislation be introduced to the General Assembly to allow local school systems to establish a policy of in-school suspension.
7. That legislation be introduced to the General Assembly to amend the Handicapped Education Act by deleting the words "socially maladjusted" from the definition section.

END