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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

January 7, 2004

Mr. Karl R. Girton, Chairman
State Board of Education
333 Market Street
Harrisburg, Pa 17126-0333

Original: 2367

Democratic Chairman Education Committee

Caucuses

PA Higher Education Assistance Agency, Member
Board of Directors

PA Historical And Museum Commission
Black History Advisory Committee, Member

PA Legislative Black Caucus, Member

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2004 JAN 12 AM 11:59
STATE BOARD OF EDUCATION
RENEE J. COMMISSION

Dear Mr. Girton:

On December 17, 2003 the House Education Committee heard a presentation from Mrs. Edith Isacke and Mr. Jim Buckheit from the State Board of Education. I would first like to commend the board on its new language prohibiting the use of corporal punishment as a form of student discipline. I support this measure and applaud the board's rejection of this antiquated measure.

Next, I would like to address the concerns I had with the Boards' elimination of the Educational Specialist description language that currently appears in Chapter 7(Pupil Personnel Services). The response that I was given from the presenters was that the board decided to delete Chapter 7 because the same information that is held in Chapter 7 is also contained in Chapters 49(Certification of Professional Personnel) and 354(Preparation of Professional Educators).

After further investigation into this issue I discovered that Chapters 49 and 354 only discuss the need for Educational Specialists to be certified and competent in their specific practice. However, the Chapter 7 language that actually describes the functions of each specific service to be provided and stipulates that those services must be provided in a coordinated effort is not included. In the new proposed section of Chapter 12(Student Services), there is no mention that any of these services must be provided, in fact it states that the student services program may include those services, making them optional.

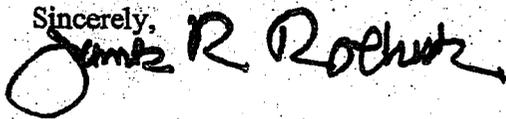
It is very essential that these descriptions remain and be added as part of the new proposed section of Chapter 12(Student Services). These descriptions have provided guidance to practitioners and school districts when the role and function of important services become an

Mr. Karl R. Girton
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issue. They serve a greater purpose than merely being job descriptions. Without these descriptors school districts may blend the functions of these professionals making them far less effective and ultimately the people who will suffer as a result of their ineffectiveness are the students.

I urge the State Board to reconsider the decision to remove the Chapter 7 language, I suggest that the descriptions of the duties of individual Education Specialists be added to the proposed new language in Chapter 12 and also that the new definition, "student services" be revised to state the following: "Services [may] should include, but are not limited to, guidance counseling, health services (as per Article XIV of the Public School Code of 1949 and 28 Pa Code Chapter 23 (relating to school health), psychological services, social work and student attendance services.

Thank you for affording me this opportunity to submit my official comments the Board, I sincerely hope this issue can be remedied.

Sincerely,


James R. Roebuck Jr., Chairman
Education Committee (D)

JRR/eld

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House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

December 30, 2003

Democratic Chairman Education Committee

Caucuses

PA Higher Education Assistance Agency, Member
Board of Directors

PA Historical And Museum Commission
Black History Advisory Committee, Member

PA Legislative Black Caucus, Member

Karl Girton, Chairman
Sate Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

Original: 2367

RECEIVED
2004 JAN -5 PM 9:29
LEGISLATIVE COMMISSION

Dear Mr. Girton:

I would like to take this opportunity to comment on the recently proposed 22 Pa Code, Chapter 12, regarding student rights and responsibility, as revised by the State Board of Education. Specifically my concerns are directed towards section 12.3(school rules) and 12.6(exclusions from school) dealing with student suspension/expulsion policies and suspension/expulsion guidelines.

There have been several reports and data reported concluding school discipline practices disproportionately exclude Black students from opportunities to learn. One report published by the Council for Exceptional Children titled "The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions", states that black students, particularly males are disproportionately subject to questionable discipline practices and account for the largest percent of students subjected to corporal punishment, suspension, and expulsion. The percentage of expelled or suspended black students in 1999 (35%) was twice as high as the rate of white students(15%) suspended or expelled, according to the U.S Department of Education's 2003 report, "Status and Trends in the Education of Blacks". Not only are black students more likely to be suspended, but they are excluded from school more often and often for less severe infractions when compared to white students. Most astonishing is that this report found that while black males compose only 8.23% of the total student population, they receive corporal punishment and are suspended at rates over three times their percentage in the population. It can be concluded that students who are suspended or expelled, typically cannot be expected to be learning. Given histories of underachievement and school failure in the black community, lost opportunities for schooling are of even greater import because it results in long-term negative consequences.

Since the State Board of Education is currently proposing changes to Chapter 12 which specifically deals with suspension/expulsion policies, I believe it is pertinent that this issue of Black students being disproportionally excluded from school be addressed in the proposed changes to sections 12.3 and 12.6. All students deserve fair and equal treatment as well as fair and equal discipline. I encourage that sate board of education to investigate this issue further.

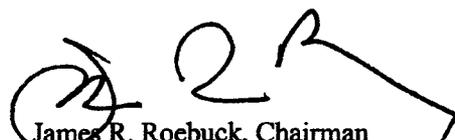
Some suggestions include requiring School districts to: reexamine their required code of student conduct which includes policies governing student discipline: begin a preliminary study of the rates and offensive at which minority students are suspended/expelled versus white students to ensure that differential discipline is not applied to any group of students based on their ethnicity, gender, ability or

socioeconomic status; develop a commonly used definition of disproportional to be applied across all 501 school districts, for example if black students receive punitive consequences greater than their percentage in the total population by 10% or more than it can be determined that these students are subject to disproportional suspensions/expulsions; determine if discipline data are an accurate reflection of the rate of suspension and expulsion; critically examine the policies and practices by which students are referred for discipline and excluded from school; make genuine efforts to determine which students are differentially affected in order to develop proactive strategies to prevent differential and inequitable outcomes; examine school policies related to behavioral expectations for potential biases or inequities, while clear behavioral expectations are necessary in order to create an academically conducive environment, some expectations have little to do with attaining that goal. Such expectations may stem more from issues related to power and control than from the need to socialize students to become productive. Arbitrary expectations may hold little relevance in students' lives and may violate black students' cultural norms. Chapter 12 section 12.3(school rules) makes it very clear that School boards may not make rules which are arbitrary or capricious.

Finally, in order to reduce the use of exclusionary discipline, school professionals must foster nurturing and caring relationships with all students, while especially making efforts to connect with those students who have histories of school infractions or with attributes associated with suspension, dropping out of school, and other negative outcomes. In the study, "Diversity and school restructuring: Creating partnerships in a world of difference", a focus group was conducted with Black male high school students who frequently received school suspensions, these students were asked what would be an effective measure for making school a better place for them, they suggested that teachers "get to know" them and what their lives are like when they are not in school settings. A possible way for this to be accomplished is by utilizing interest questionnaires or surveys, talking with students, and generally showing interest in their extracurricular interests. It is unrealistic to expect educators to be familiar with all cultural aspects that characterize ethnic groups; therefore it is important for them to work to develop positive, caring and productive relationships with family and community members. Teachers can use the expertise of community members and enlist their assistance in breaking down cultural stereotypes and misconceptions and reducing the cultural discontinuity students experience in school settings which can prevent school exclusions and improve the success of Black children and youth.

I urge the state board to examine the concerns I have outlined and genuinely make an effort to correct this issue in all school districts across this commonwealth. I have enclosed for your reference two studies which focus on this issue.

Sincerely,



James R. Roebuck, Chairman
House Education Committee (D)

JRR/eld
Enclosures

cc: Mr. Robert Nyce, Executive Director, IRRC ✓
Members of the House Education Committee (Harrisburg Offices)