



April 13, 2022

RE: Recommendations for policy *JCD - Student Conduct Behavior Code*

Dear Gwinnett County Board of Education,

The Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett STOPP), is a parent-driven organization that organizes parents, youth, and community members around School to Prison Pipeline (STPP) issues by informing, training, and mobilizing parents, youth, and community members. Gwinnett STOPP was founded by parents who came to understand the gravity of the STPP in our community.

The over-representation of black and brown students as well as students with different abilities in the school discipline process and the under-representation of those same students in higher level learning opportunities has existed in Gwinnett County Public Schools (GCPS) for too long.

Student discipline policies should address the root cause of the behavior and, in accordance with a social emotional learning environment, equip students with the coping and self-regulation tools needed for constructive decision-making and problem-solving. The policies should be fair, proportionate, reasonable, and lay out clear expectations for student conduct. The policy should not criminalize student behavior that is developmentally appropriate and not likely to result in serious bodily harm, such as horseplay or unintentional contact, nor shall it redefine non-physical behaviors such as verbal conduct, body language, or gestures as fighting. The district and schools should create a discipline system that is preventative and restorative- not punitive and that is also separate from the state's juvenile justice system. The disciplinary code should utilize parent and student friendly language and not be written from a criminal justice perspective.

One look at the Gwinnett County Public Schools' discipline policies and you quickly understand that the discipline policies were not developed to accomplish *any* of the aforementioned goals. Policy JCD has not had an overhaul in over 10 years. GCPS has joined Learning 2025, which per its website is "an initiative that calls for holistic redesign of the public school system by 2025." We cannot get there without a holistic redesign of student discipline policies and practices as well.

We would be remiss if we did not raise the ongoing issue of operational transparency. Policy JCD is readily available online but to access the procedures that govern the implementation the community must call the Office of the Executive Director for Administration and Policy or submit an open records request.

Gwinnett STOPP recommends the following changes policy JCD - Student Conduct Behavior Code. These recommendations were developed collaboratively with Gwinnett parents, youth, and community members.

### **Intentionally address discipline disproportionality through JCD implementation procedures.**

Schools should consistently support a positive school climate by responding to student misbehavior as an opportunity to correct behavior and contribute to the student's personal growth. It is imperative that schools educate students intellectually and socially. Early and cumulative exposure to various forms of school punishment has been linked to the degree of school success, school disengagement, and involvement in the criminal justice system.<sup>1</sup> The first eight years of life build an important foundation for future health and life success in a child's life.<sup>2</sup>

- Out- of- school suspensions and expulsions shall be limited to incidents that involve conduct that poses an ongoing serious and credible threat to the safety of the school environment.
- All members of the School Community acknowledge that: 1.) overly harsh punishments not only miss the opportunity to teach the student positive communication and behavior skills, but also detrimentally affect the student's life chances years after the incident<sup>3</sup> and 2.) Studies show that before adulthood the brain is not fully developed, and minors are unable to fully rationalize decisions and consequences.<sup>4</sup> School policies shall reflect these facts and create an environment where students learn academics and positive behavior.

### **Utilize Restorative Practices**

*A restorative philosophy emphasizes problem-solving approaches to discipline, attends to the social/emotional as well as the physical/intellectual needs of students, recognizes the importance of the group to establish and practice agreed-upon norms and rules, and emphasizes prevention and early restorative intervention to create safe learning environments.*<sup>5</sup>

- Schools should use non-punitive interventions, whenever possible, in response to school infractions. Nonpunitive options include but are not limited to: schoolwide Positive Behavior Interventions and Supports (PBIS), counseling services, restorative justice, and peer mediation. Schools shall support non-punitive interventions by providing/utilizing:
  - Training for administrators, teachers and staff to serve as effective de-escalation intervention practitioners;
  - Restorative measures that allow all parties to be heard, which include peer counseling, mediation, restorative circles and conferences;
  - PBIS to address the behavior of all students and staff with transparent, measurable goals and published results.

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<sup>1</sup> Edward W. Morris, Brea L. Perry; The Punishment Gap: School Suspension and Racial Disparities in Achievement, *Social Problems*, Volume 63, Issue 1, 1 February 2016, Pages 68–86, <https://doi.org/10.1093/socpro/spv026>

<sup>2</sup> Halfon N, Hochstein M. (2002). Life course health development: an integrated framework for developing health, policy, and research. *Milbank Quarterly*, 80:433–79, iii

<sup>3</sup> See generally, ADVANCEMENT PROJECT, SCHOOL TO PRISON PIPELINE: BROCHURE, available at <https://advancementproject.org/resources/school-prison-pipeline-brochure/>.

<sup>4</sup> See generally, ALOK JHA, THE GUARDIAN, AGE OF CRIMINAL RESPONSIBILITY IS TOO LOW, SAY BRAIN SCIENTISTS, available at <https://www.theguardian.com/science/2011/dec/13/age-criminal-responsibility-brain-scientists>.

<sup>5</sup> Schiff, M., & Bazemore, G. (2012). "Whose Kids Are These?" Juvenile Justice and Education Partnerships Using Restorative Justice to End the "School-To-Prison Pipeline". In *National Leadership Summit on School-Justice Partnerships* (p. 6). New York, NY. Retrieved from <http://www.nycourts.gov/ip/justiceforchildren/PDF/Handouts/Collection%20of%20Reports%20-%20National%20Summit.pdf>

- Establish a School Culture and Climate Team (SCCT) at every school consisting of the lead school counselor, school social worker, support staff, and senior level students.
  - SCCT shall host regular meetings with a clear purpose and participatory processes to build and nurture caring relationships with each other, students and school community.
    - The SCCT shall enact and implement participatory process to solicit input and approval from the school community and students to develop a school-based behavior matrix
      - Conduct regular and ongoing training with teachers where teachers are provided with ample time and nonevaluative professional development to reflect on their biases, assumptions, and anxieties.
  - SCCT shall engage in continuous reflection and evaluation with embedded feedback loops
- Utilize mediation as a nonpunitive intervention tool.

#### **Provide Accountability and Support to Staff**

The district and schools shall collaborate to ensure school discipline is administered in such a way as to keep students within their traditional learning environment to the greatest extent practicable and provide additional professional development to staff with high disciplinary rates.

- Establish employee performance measurement for administrators and teachers based on student discipline to eliminate racial, ethnic, socioeconomic status, and differing ability disparities in the administration of student discipline practices and policies.

#### **Data Transparency**

- Regularly review disaggregated individual student level data. Without it, corrections cannot be done. All student discipline reports should be disaggregated by race, gender, education program, grade, and school. Reports should be posted on the GCPS website.

#### **Parent Notification**

- Parental notification of disciplinary incidents shall not exceed one school day/24 hours. Incidents involving an School Resource Officer (SRO)/police shall not exceed one hour.

#### **Reduce the Amount of Discretion in the Code**

- Increase the number of levels ideally to seven, but at the least five. This would provide the opportunity to add non-punitive interventions. If our only tool is a hammer, everything looks like a nail.

*(See other systems' codes of conduct: [MCPS](#) and [RCSD](#))*

#### **Discipline Policy Statement**

- The statement should specifically include emotional safety. Possible language- "GCPS believes that all children can thrive in a safe learning environment where students are emotionally and physically safe".

#### **Scope of the Code**

- **Subsection h** – AWOL should be limited to school hours.

## **Equal Opportunity Statement**

- Provide remedies for violations.

### **Rule 5— Abuse, Threats, Intimidation, Assault, or Battery by a Student on Another Student or to Any Other Person Not Employed by the School**

The district and schools should make clear, consistent, and fair distinctions in student conduct such that discipline is proportional to the conduct that is in violation of the Code of Conduct.

The current fighting policy is broadly defined to include verbal abuse, gestures, profanity, kidnapping, and homicide/murder. Fighting is not horseplay and requires intent to harm or cause pain with physical contact. The following shall be considered:

- Felonious actions shall have its own separate and distinct code section.
- Distinction shall be made between intentional and unintentional physical contact.
- Unintentional contact shall not be considered fighting;
- Unintentional contact includes, but is not limited to, bumping, brushing, or tripping.
- A student shall only be disciplined for conduct in which the student intentionally participates.
- Verbal misconduct, including gestures and profanity, are not fighting.
- Distinction shall be made between minor contact and serious physical injury with severe discipline reserved for intentional contact that results or could result in serious physical injury.

The recommended changes are as follows.

### **RULE 5 - ABUSE, THREATS, INTIMIDATION BY A STUDENT ON ANOTHER STUDENT OR TO ANY OTHER PERSON NOT EMPLOYED BY THE SCHOOL (*Revised*)**

#### **SECTION A Verbal Abuse**

A student shall not make oral or written communication, create a document, or make symbolic gestures or contact of a threatening, distracting, or provoking nature, to or about a person/student or in the presence of a person/student. This includes but is not limited to: bullying; disrespectful conduct; insults; use of profanity; ethnic, racial, sexual, disability, or religious slur; or harassment.

The prohibited behaviors below include but are not limited to the following:

- 5AA. Oral threat/Intimidation (fear of bodily harm)/verbal assault;
- 5AB. Written threat;
- 5AD. Bullying; (See note on bullying and state law below.)
- 5AE. Use of profanity;
- 5AF. Ethnic, racial, sexual, religious or disability slur;
- 5AG. Harassment - Repeated words (verbal or written), conduct, or action that annoys, alarms, or causes distress and serves no legitimate purpose;
- 5AH. Other: (list) \_\_\_\_\_

State law defines "bullying" as: 1) any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; 2) any intentional display of force such as would give the victim reason to fear or expect immediate bodily injury or harm; or 3) any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass,

or intimidate that: a) causes substantial physical harm; b) substantially interferes with a student's education; c) is so severe, persistent or pervasive that it creates an intimidating/threatening educational environment; or d) disrupts the orderly operation of school. Upon finding that a student in grades 6 - 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school. (O.C.G.A. 20-2-751.4) Retaliation for reports of bullying will not be tolerated and will be subject to independent disciplinary action.

## **RULE 6 – FIGHTING (*New*)**

Fighting is an unacceptable response to conflict. A student shall not cause or attempt to cause physical injury or behave in such a way as to reasonably cause bodily injury to any student/person. A student shall not engage in any behavior that threatens the safety or well-being of another person. The prohibited behaviors below include:

- 6AA. Pushing and shoving** – contact intended to cause harm. This does not include contact with stated or implied consent, unless consent is obtained by coercion or threat.
- 6AB. Hitting** – any intentional touching or striking of another without his or her stated or implied consent or through consent obtained by coercion or threat, against the person's will and/or intentionally causing bodily injury to another person.
- 6AC. Fighting** – mutual participation in a physical altercation occurring between two or more persons with no one main offender and no major injury. This does not include verbal confrontations or self-defense.
- 6AD. Major Fighting** – mutual participation between two or more persons in a hostile, physical encounter/altercation involving serious force/violence that results in a serious physical injury requiring professional medical attention.

### **Process of Responding to a School Fighting Incident**

- a. Upon responding to a school fight, the nearest staff member shall notify a school administrator.
- b. The administrator shall contact the counselor, intervention specialists, or SCCT.
- c. After contacting the appropriate person(s) listed above, the administrator is required to notify a parent or guardian on record to engage in the full investigation process.
- d. Contingent on the investigator's findings, the appropriate restorative action shall take place.
- e. Based on a minor or non-criminal student misbehavior or nonviolent misbehavior, the school shall:
  - i. Provide support services: peer mediation, conflict resolution, and/or family counseling. Based upon the outcome of support, the school shall offer:
    - 1. Additional support services to identify root cause OR
    - 2. Advance the issue to a team member of peer mediation or mentorship program.

These recommendations are the first step to finding solutions to eliminating racial, ethnic, socioeconomic status, and differing ability disparities in the development and administration of student discipline practices and policies to “become a system of world-class schools where students acquire the knowledge and skills to be successful in college and careers.” GCPS and the Gwinnett County community has lots of resources. If we all purposefully engage with the urgency of now, we’d be successful.

Respectfully submitted,

Marlyn Tillman

Executive Director/Co-Founder

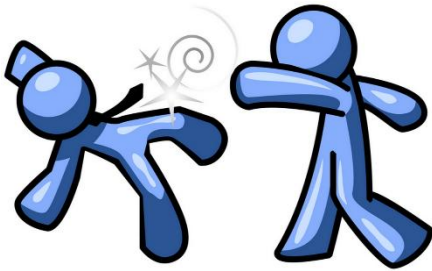
Enclosure

# GWINNETT STQPP

Empowerment, Education, Accountability

## Proposed Gwinnett County Public Schools Fighting Policy

### *What Exactly Is a Fight?*



- Current fighting policy is broadly defined to include verbal abuse, gestures and profanity. Our proposed policy limits fighting to physical contact.
- Current fighting policy makes no distinction between intentional and unintentional contact. Our proposed policy limits the definition of fighting to intentional contact intended to cause harm.
- Current fighting policy makes no distinction between minor physical contact and serious physical injury when addressing discipline. Our proposed policy suggests that discipline should serve to educate and correct behavior and that severe punishment should be reserved only for dangerous physical contact to ensure the safety of children and staff.

### *What Should Schools Do?*

Our proposed policy seeks to provide interventions that serve to prevent behavior from escalating to physical contact by:

- Training teachers and staff to serve as effective de-escalation intervention practitioners
- Implementing restorative measures that allow all parties to be heard so that they can come to an accord rather than have an environment of slowly simmering resentment
- By incorporating Positive Behavior Interventions and Supports with fidelity, to address the behavior of all students and staff with transparent, measurable goals and published results



**We believe that a positive school climate for all students is crucial to the success of any school and contributes to the success of all students – not just those with discipline issues.**

