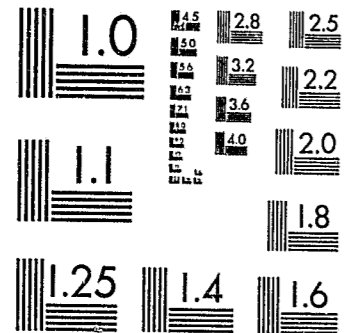


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

10/18/84

6LH49



Department of Justice

94479



STATEMENT

OF

ALFRED S. REGNERY
ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

BEFORE

THE

SENATE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON JUVENILE JUSTICE

ON

JANUARY 25, 1984

NCJRS

JUL 18 1984

ACQUISITIONS

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Public Domain/U.S. Senate
U.S. Dept. of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Thank you very much, Senator Specter, for asking me to testify at this hearing on school discipline and school crime. The issue is a timely and an important one. As you know, the executive branch has been addressing the question over the last several months, and we in the executive branch and particularly in the Justice Department, welcome your interest.

The Cabinet Council on Human Resources Working Group on School Violence and Discipline, of which I am a member, presented a memorandum to the Cabinet Council on Human Resources and to the President early in January, which outlined the nature of the problem as we saw it, and which made several suggestions on what we thought should be done. We have provided a copy of that memorandum to the subcommittee staff.

Additionally, the President addressed the issue of discipline in the schools at the Excellence in Education Forum in Indianapolis on December 8, 1983, and again addressed the issue in his weekly radio address on January 7, at which time he outlined some of the things that the executive branch would do to try to alleviate the problem.

The issue of crime in the schools is by no means a new one, nor is it a new one to this Subcommittee. Starting in 1975, this Subcommittee held a series of hearings which examined the problem of school crime and violence. Those hearings received nationwide coverage on television, radio, and in the newspapers. One of the lead witnesses, Joseph Grealy, described his experience as follows:

"As a prime witness, I presented evidence of the serious nature and extent of crime in our schools throughout the country. Representatives of school districts and educational associations also testified as to daily grim experiences in schools dealing with murder, assault, extortion, vandalism, theft and arson -- problems which create an atmosphere of fear and frustration and drain sorely needed monies from the basic educational process." 1

As a consequence of those hearings, Congress amended the Juvenile Justice and Delinquency Prevention Act in 1977 with the Juvenile Delinquency in the Schools Act, which recognized the problem of school crime and violence and which set forth various things that my office should do to help with the problem.

As a result of earlier initiatives in the Congress, the Department of Health, Education and Welfare, in 1978, released an extensive study on crime in the schools entitled, "Violent Schools -- Safe Schools: The Safe School Study Report to the Congress." The objectives of that study were to determine the frequency and seriousness of crime in elementary and secondary schools in the United States; the number and location of schools affected by crime; the cost of replacement or repair of objects damaged by school crime; and how school crime can be prevented.

The Violent Schools--Safe Schools study included the following findings:

- 6,700 of the nation's schools had a serious problem with crime;
- one-fourth of all schools in the country were vandalized in a given month and 10% were burglarized;
- in a typical month about 2.4 million secondary school students had something stolen and about 282,000 students reported being attacked;
- in a month's time 120,000 secondary school teachers had something stolen at school, 6,000 had something taken by force, weapons, or threats, 5,200 were physically attacked, about 1,000 of whom were injured seriously enough to require medical attention;
- the risk of violence to teenagers was greater in school than elsewhere. They spent 25% of their waking hours in school, yet

40% of the robberies and 36% of the assaults on urban students occurred in schools;

- data from students interviewed reflected that monthly 525,000 attacks, shakedowns, and robberies occur in public secondary schools -- almost 22 times as many as are recorded by the schools;
- an average of 21% of all secondary students stated they avoided restrooms and were afraid of being hurt or bothered at school; 800,000 students reported staying home from school because they were afraid;
- 12% of the teachers hesitated to confront misbehaving students because of fear, and almost half of them had been subjected to verbal abuse; and
- secondary students reported beer, wine, and marijuana were widely available in their schools. Almost half of them stated that marijuana was easy to get and 37% made the same comment concerning alcohol.

Although the National Institute of Education (NIE) study has never been duplicated in its scope, additional research indicates that the problem is still a very real one. A major 1983 study of school violence by Jackson Toby, Director of Rutgers University's Institute for Criminological Research, for example, concluded that the NIE data had probably understated the actual instances of school violence at the time the survey was conducted. ("Violence in School", Crime and Justice: An Annual Review of Research, vol. 4).

Similarly, a November 29, 1983, report prepared by the Boston Commission on Safe Public Schools, chaired by retired Massachusetts Supreme Court Justice Paul C. Reardon entitled "Making Our Schools Safer for Learning", concluded that the problems described in the NIE report have probably worsened since 1978. According to the study, 25% of the high school students surveyed by the panel reported that they had property stolen or vandalized, 13% had been victimized by physical assault, and 9% by robberies during the course of the 1982-83 school year. Moreover, 37%

of male students and 17% of female students surveyed in Boston high schools reported that they had carried a weapon in school at some time during the school year -- a problem about which the panel had "no doubt" was "on the rise." In news reports discussing the Commission's report, the Boston Superintendent of Schools characterized his city schools as safer than those in other cities.

The issue is not, of course, whether the problem is "better" or "worse" than in 1978. Any violence in school is unacceptable. Since violence is still a real problem in many schools, we need to do what we can to help.

Teachers, as well as students, are victims of school crime. As the report to the President noted, "For many teachers, schools have become hazardous places to teach and definitely places to fear. Self-preservation rather than instruction has become their prime concern."

And as Ernest Boyer, Commissioner of Education during the last Administration, noted:

"Beaten down by some of the students and unsupported by the parents, many teachers have entered into an unwritten, unspoken corrupting contract. The promise is a light workload in exchange for cooperation in the classroom. Both the teacher and the students get what they want. Order in the classroom is preserved, and students neither have to work too hard nor are too distracted from their preoccupations. All of this at the expense of a challenging and demanding education."

In a poll taken by the National Education Association (NEA) during 1983, nearly half the teachers responding reported that student misbehavior interfered with teaching to a "moderate or great extent." And the percentage of teachers polled by the NEA who reported being physically attacked during the preceding year increased by 53% between 1977, the year of the NIE study, and 1983. The percentage reporting malicious

damage to their personal property increased by 63% over the same period. The 1983 report of the Boston Commission of Safe Public Schools, mentioned earlier, indicates that 47% of a large sample of Boston teachers who had responded to the panel's mail survey reported that they had been victims of theft, 11% reported being physically assaulted, and 3% had been robbed during the course of the past school year. Ironically, the percentage of teachers reporting in-school physical assaults is eleven times the percentage that reported being assaulted in the neighborhood surrounding the school.

By the same token, the cost of school crime to taxpayers is overwhelming. Taxpayers pay teachers to teach, but teachers cannot do so because they are too busy working as disciplinarians. Taxpayers buy books and equipment, and student vandals destroy them. Taxpayers pay their taxes for education, but buy burglar alarms, break-proof glass, and police patrols for the halls instead. In fact, the National PTA recently observed that the annual cost of vandalism -- something in the vicinity of \$600 million per year -- exceeds the nation's total expenditure on textbooks. Security personnel, security systems, and the cost of lost teacher time and the demoralization of schools and school systems is probably even a greater expense.

As the Cabinet Council Report to the President points out minority students are substantially more likely to be the victims of school crime than are non-minority students. Students in predominantly minority schools are twice as likely to be victims, for example, of serious crimes as students in predominantly white schools. Teachers in these schools are five times more likely to be victims of attacks requiring medical treatment, and three

times more likely to be robbed.

Minority families, particularly those who live in the inner city, depend on the public school to a far greater degree than do middle income whites or others to assist their children in their fight for upward mobility in society toward a successful and self-sufficient life. Where discipline breaks down in their public school, where crime and drugs are rampant, the students who want to be educated cannot be, and students who may not even have a predisposition to be unruly not only fail to get an education, but get drawn into criminal activity themselves. Restoring order in such schools, on the other hand, as many schools have already done, by consistently and fairly enforcing rules that are understood and known by the students and by giving the students a structured environment where they know what is expected of them and they know the consequences of their actions if they misbehave, will -- and has proven to -- reduce suspensions and dismissals while at the same time raising educational standards.

Discipline is a key factor in the abandonment of urban public education for private schools. The report of the Secretary of Education to Congress on the financing of private elementary and secondary education reported that discipline was considered to be a very important factor in choosing their children's current school by 85.6% of public school parents who had considered other schools, and 87.1% of private school parents. Among parents who had transferred children from public to private schools, discipline was the second most frequently cited reason. As the report to the President of the Cabinet Council on Human Resources concluded, "The hard-won right of minority children to an equal educational opportunity is

being eroded by unsafe and disorderly schools. Permitting the current deterioration of order in the public schools to continue would be anti-minority in the most fundamental sense."

The Cabinet Council Report to the President on School Discipline indicates, in the strongest terms, that disorder in the schools has a very direct impact -- perhaps the most direct -- on the question of educational quality. As James Coleman concludes in his recent book, High School Achievement:

"When study of the effects of school characteristics on achievement began on a broad scale in the 1960's, those characteristics that were most studied were the traditional ones: per pupil expenditures as an overall measure of resources, laboratory facilities, libraries, recency of textbooks, and breadth of course offerings. These characteristics showed little or no consistent relation to achievement. The characteristics of schools that are currently found to be related to achievement, in this study and others ... are of different sort."

"The reasons for superior academic achievement in private as opposed to public schools can be broadly divided into two areas: academic demands and discipline. For these are not only major differences between the public and private sectors; as stated earlier, the schools within the public sector that impose greater academic demands (such as greater homework) and stronger discipline (such as better attendance) bring about greater achievement than does the average public school with comparable students."

As the report to the President pointed out, there is general agreement with Coleman's view of the importance of an orderly environment to learning. The Excellence in Education Commission, for example, found that improved discipline is a prerequisite for improving our nation's schools. A bipartisan Merit Pay Task Force of the U.S. House of Representatives cited improved discipline as essential to upgrading the quality of teachers and teaching. In fact, there is little debate that educational excellence cannot be achieved without order, and that discipline of students is an integral part in their education generally, and of

a quality education in particular. Many schools across the country which have had serious discipline problems have been able to restore order and discipline, with a consequence of restoring educational excellence to an astounding degree. As the report to the President points out:

"The striking feature of the measures involved is their basic common sense. These do not require massive spending -- only motivation and leadership. These include such simple steps as staff agreement on the rules students are to follow and the consequences for disobeying them, and involvement in support of principals and teachers in the disciplinary process."

The Report of the Boston Commission on Safe Public Schools concluded that discipline and order needed to be a more distinct part of the public school's agenda. The report said:

"...the Commission found that there has not been a clear commitment to make the prevention of disorder and the handling of discipline an integral, important part of the educational program. This was evident in the lack of understanding as to what behavior is expected; in the widespread ignorance of the lengthy Code of Discipline; in the uneven administration of disciplinary measures from school to school; and in the inadequacy of resources that should be available as constructive alternatives to suspending disorderly students."

The Cabinet Council Report speaks of several schools which have been able to restore order and emphasizes the key importance of restoring the authority of principals to deal with the problem of school discipline. Let me discuss one example with which I am personally familiar.

George Washington Preparatory High School in the Watts section of Los Angeles, a school whose student body is 95% black and 5% hispanic was, five years ago, one of the worst schools in Los Angeles. It had a serious drug and gang problem, and was a school where disruptive students were, in essence, in control. As Time magazine, in its April 25, 1983, issue said, "Only four years ago, Washington High would have matched most

people's Hollywood image of the blackboard jungle. 'Morale here was terrible,' recalls Margaret Wright, a leader of the parents' group. 'The rooms were dirty and 90% of the teachers were rotten.' "

In 1979, George McKenna, who Time magazine describes as "a tough-minded civil rights activist" became principal, and moved quickly to restore order. He imposed a strict discipline code, requiring both students and parents to sign an agreement that they would abide by it. I have a copy of that contract, which is a fascinating document, and would ask that it be included in the hearing record. McKenna got rid of bad teachers and recruited new ones. He and a group of students painted out all the graffiti in the school, and he made it clear that no graffiti would reappear. Teachers were instructed to assign homework everyday, students were instructed that they could not cut classes or school, and teachers were required to call parents if students did not attend. There was to be no evidence of gang membership or gang activity whatever, and a host of other reforms were put in place. Improvement in both discipline and educational standards was dramatic.

Suspensions, for example, are now 40% below what they were two years ago. Truancy, in 1982, was only half of what it was in 1979, and is substantially lower during this school year. Five years ago, 43% of the senior class even expressed an interest in going to college. Last year, 80% of the senior class did go to college. George Washington boasts the Los Angeles school district's biggest increase in the number of students taking the SAT tests and the inner city's lowest percentage of students barred from extracurricular activities by poor grades. The list of improvements goes on and on.

I visited George Washington Preparatory High School in early December, and spent the morning with Principal George McKenna. He is a strong and visionary person who has raised student expectations, enforced rules fairly and consistently, and made the students realize, more than anything else, that they need a good education to make their way in the world. The students are proud of their school, are well-behaved and well-dressed, and respect the school's fair and consistent enforcement of rules that they understand.

I asked Mr. McKenna about the cost of making such reforms. He told me that there was virtually no cost. I asked him what the effect would have been of spending any amount of money in 1979 to improve the school, and he responded that any amount of money spent would have been like pouring money down a rat hole. The school did not need money, he explained, it needed discipline and discipline made all of the difference.

Interestingly, but not surprisingly, as truancy at George Washington has gone down, so has crime in the neighborhood. McKenna estimates that breaking and entering, perhaps the most common juvenile offense, is down by over 60% in the school neighborhood, largely because the students who might otherwise be committing such offenses are now in school. McKenna also discovered, after reviewing the data, that of some 800 students who were being bused away from George Washington in 1979 to largely white schools, most were good students who wanted an education, but felt an education was not available at George Washington. Since the school has been turned around, virtually nobody wants to be bused away, and in fact, the school has a waiting list of over 200 students to get in.

One of the things recommended to the President in the Cabinet

Council Report, and one of the things the President requested that the Department of Justice do in his radio speech on January 7, was to establish a National School Safety Center. We are now in the process of planning such an undertaking. We anticipate that such a center would have the following functions:

- act with the Department of Justice and Department of Education to encourage an effective and cooperative interagency effort to improve campus safety;
- gather and analyze nationwide information on school safety and crime prevention techniques and programs that may, in turn, be utilized by education, law enforcement, and other criminal justice practitioners and policymakers;
- gather and analyze nationwide legal information regarding school discipline, campus safety, and criminal law, rules, and procedures and proceedings in federal, state, and local jurisdictions;
- develop and confer with a carefully recruited, distinguished National School Safety Information Network representing 58 states and territories;
- participate in relevant conferences;
- create a national awards program to recognize and publicize outstanding school safety and campus-related juvenile delinquency prevention leaders from everywhere in America;
- publish a National School Safety Bulletin to inform the nation's 75,000 leading opinion-shapers about emerging school safety issues and campus crime prevention programs identified by the National School Safety Center;
- prepare and/or promote school crime and safety materials for use by educators, law enforcers, criminal justice leaders, and other interested practitioners and professionals;
- conduct a nationwide, multi-media school safety advertising campaign; and
- visit with key education, law enforcement, criminal justice, and other professionals as well as community leaders in the 58 states and territories to discuss and help seek answers to their particular school crime and violence problems.

My office may also undertake other initiatives, and is looking at

other projects which could be beneficial.

The President requested the Department of Justice to file amicus curiae briefs when appropriate in cases dealing with school discipline. A mechanism has been established at the Department of Justice to monitor such cases and to alert the Solicitor General's office when such cases arise. Remaining issues raised in the report to the President are still being discussed and planned.

In conclusion, we at the Justice Department are certainly very pleased to be able to participate in this initiative to restore discipline in the schools. School discipline is one of the things that Congress set forth in the Juvenile Justice and Delinquency Prevention Act, and is certainly something that can have a strong impact on juvenile crime generally. Schools are, after all, after the family, the greatest influencing factor on young people's lives, and to fail to provide young people with a safe and structured environment, with a set of rules that is consistently and fairly enforced and with the guidance to become law-abiding citizens, is to do a disservice to our youth and to neglect our duties in preventing juvenile crime.

END