

Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils

Policy Recommendations to the Georgia General
Assembly & Georgia Department of Education



THE GEORGIA
COALITION
WORKING TO
END THE SCHOOL
TO PRISON
PIPELINE (STPP)

FEBRUARY 2015

OUT-OF-SCHOOL SUSPENSION RATES BY RACE | GEORGIA 2011-2012

Source: Georgia Department of Education

14.5

suspensions per 100
BLACK students



7.2

suspensions per 100
MULTIRACIAL students



5.2

suspensions per 100
LATINO students



3.1

suspensions per 100
AMERICAN INDIAN students



4.2

suspensions per 100
WHITE students



Black students received out-of-school suspensions at **3.5 times** the rate of White students.

OUT-OF-SCHOOL SUSPENSION RATES BY DISABILITY STATUS | GEORGIA 2011-2012

Source: Georgia Department of Education

13.8

suspensions per 100
STUDENTS W/DISABILITIES



7.4

suspensions per 100
GENERAL EDUCATION students



Students with disabilities received out-of-school suspensions at **1.9 times** the rate of general education students.

School to Prison Pipeline in Georgia

The State of Georgia is no stranger to meting out stiff penalties to students who get “in trouble” at school. Georgia’s school to prison pipeline made national, state and local headlines on April 14, 2012, when CNN reported police in Georgia defended their decision to handcuff and arrest a six-year-old elementary student after the school called to report a child had assaulted the principal and was damaging school property.¹

The school to prison pipeline is the funneling of children from the public school system into the juvenile and criminal justice systems, in part, due to zero tolerance school discipline policies, disproportionate application of student suspensions, high stakes testing and administrative practices that adversely affect children of color, poor children and children with learning disabilities.

According to CNN, Milledgeville police were called to Creekside Elementary School for an “unruly juvenile,” who was allegedly throwing a tantrum. When the officer arrived, Salecia Johnson was on the floor of the principal’s office screaming and crying.² The six-year-old was subsequently handcuffed, placed in the police car, transported to the local police department and charged with simple assault and damage to property.

Georgia schools arrest students and refer thousands of students to juvenile detention centers, too often, for typical adolescent, non-violent behavior. For example: “An Allatoona High School senior was suspended for 10 days and faced felony charges after an assistant principal found a pocket knife in the center console of his car. School officials had been searching for marijuana and didn’t find any. A senior at Lassiter High School was also arrested [in the same month] after police performing a random sweep found several fishing knives in a tackle box and a butterfly knife in a compartment on the teen’s driver’s side door. Both were charged with carrying weapons in a school zone. Carrying weapons in a school zone is a felony punishable by two to 10 years in prison and fines of up to \$10,000.”⁷

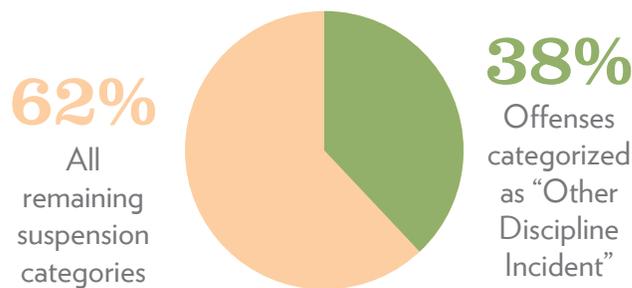
State laws in Georgia mandate zero tolerance public school discipline policies, which include automatic suspension, expulsion and referrals to alternative schools or to law enforcement for specified school-based infractions. Such policies have negatively impacted the state’s student academic achievement and overall economic health.

Under Georgia law:

1. Several types of behavior are prohibited, including use of electronic devices;³
2. School districts are obligated to report to law enforcement and the district attorney certain student behaviors that happen on school grounds;⁴
3. School districts are given absolute authority to remove chronically disruptive students.⁵

See Appendix A for the full text of these statutes.

NEARLY 40% OF ALL IN AND OUT OF SCHOOL SUSPENSIONS CATEGORIZED AS “OTHER”



African American students and students with disabilities are disproportionately affected by the application of these discipline practices. In Georgia, African American students are three and a half times more likely to receive an out-of-school suspension (OSS) than white students. A student with a disability is almost two times more likely to receive an OSS than a general education student.⁶ Nearly 40 percent of students were suspended out of school for infractions categorized as “Other Discipline Incidents,” which administrators use to discipline students for minor misbehavior such as running down the hallway.

The consequences for certain school-based behaviors create an automatic reporting requirement to a law enforcement agency, rather than a course of positive intervention by school administration. In Lowndes County Schools, a student can receive at minimum two days of detention and up to a referral to the local juvenile court for a dress code violation.⁸ Wearing the wrong clothes in Lowndes can lead to a student serving time in a juvenile detention center for a minor, non-threatening offense⁹ and can push a student unnecessarily into the juvenile justice system.

How Did We Get Here?

KEY LEGISLATIVE HISTORY

1994	Georgia passes the School Safety and Juvenile Justice Reform Act of which required teachers and principals to report students suspected of carrying a weapon, engaging in drugs or sexual offenses to law enforcement. Code section 20-2-1184.
1999	Senate Bill 49 was signed into law. This Act amended Code Section 20-2-751.3, prohibited certain conduct, and required school districts to include particular behaviors in their codes of conduct.
2000	<i>A+ Education Reform Act</i> goes into effect creating local school councils.
2004	The <i>A+ Education Reform Act</i> was amended in 2004 in HB 1190 to provide flexibility in local school council membership and other general proceedings.
2007	Georgia lawmakers passed legislation which allows teachers to remove constantly disruptive students from the classroom. Also, <i>A+ Education Reform Act</i> was amended to require that parents be a majority of local school council's members. O.C.G.A. § 20-2-751.5(c) (2007).

Across the United States, students are being suspended, expelled, arrested and sent to alternative schools. Frequently, students get “in trouble” for disciplinary matters that were traditionally handled by the school staff. Too often, students are arrested for normal adolescent behaviors like violating the dress code or being late to class. Instead of a trip to a counselor or a call home, students are handcuffed and escorted from the schoolhouse to the jailhouse and courthouse.¹⁰ Schools frequently use harsh discipline policies and practices that are ineffective, unfair and detrimental.¹¹

Consequently, the line between the education system and the juvenile justice system has blurred. Today’s public school environments include metal detectors, armed security officers and random police searches. Georgia’s DeKalb County School District’s 2015 proposed budget included \$2.1 million for the hiring, training and equipping of six new school resource officers who will be assigned to patrol and monitor the district elementary schools.¹² This increase can be attributed to the

August 2013 invasion of McNair Discovery Learning Academy elementary school by an armed gunman. What is unique about the McNair invasion is that no one was hurt because a school employee talked the gunman into unarming himself and turning himself into the police. When questioned about solutions to the issue, “interim DeKalb County School Superintendent Michael Thurmond said that increasing the number of school resource officers—trained law enforcement personnel—was under consideration.”¹³

Likewise, Gwinnett County Public Schools’ 2015 budget included the hiring of nine additional school resource officers at a cost of \$1.8 million. This would provide a police presence at every middle and high school in Gwinnett. This push for additional law enforcement adds a police presence earlier in students’ lives, which according to the research on armed security in schools, can be detrimental to students for a number of reasons.¹⁴



The School-to-Prison Pipeline: Inexcusable

ABSENTEEISM: AN IMPEDIMENT TO LEARNING

Each year, in the United States, more than three million students are sent home from school because of an out-of-school suspension, resulting in massive amounts of lost instructional time.¹⁵ It is well established and obvious that students have trouble learning when they are absent from the classroom. Once suspended, the majority of students fall behind in their schoolwork and/or become disengaged from school altogether. Research shows that just one suspension in the 9th grade can double a student's odds for dropping out of school.¹⁶

The zero tolerance policy and practice approach to discipline in Georgia has helped to create a statewide education crisis. Current local school discipline policies undermine student success through statewide initiatives like the state-mandated accountability contracts. For example, one of the key measurements in the accountability contracts is increased graduation rates. This measurement could be more easily attained by removing zero tolerance policies, which directly contribute to increased absenteeism, and consequently, potential decreases in graduation rates.

A 2011 study conducted by the Georgia Department of Education found a substantial decrease in student graduation rate as it relates to 8th, 9th, and 10th grade absences. For these students in particular, missing 11 to 14 days of instruction in the 8th grade (2006) is equated to an estimated graduation rate of 52.33% compared to an estimated graduation rate of 78.73% for those who missed 0 days in 8th grade – a decrease of slightly more than 26%.¹⁷

In the 2011-2012 school year, Georgia ranked 48th in the nation in overall high school graduation rate.¹⁸ That same year, an estimated 60,600 students dropped out of high school, resulting in approximately \$7.8 billion dollars in lost lifetime earnings.¹⁹

SCHOOL SAFETY

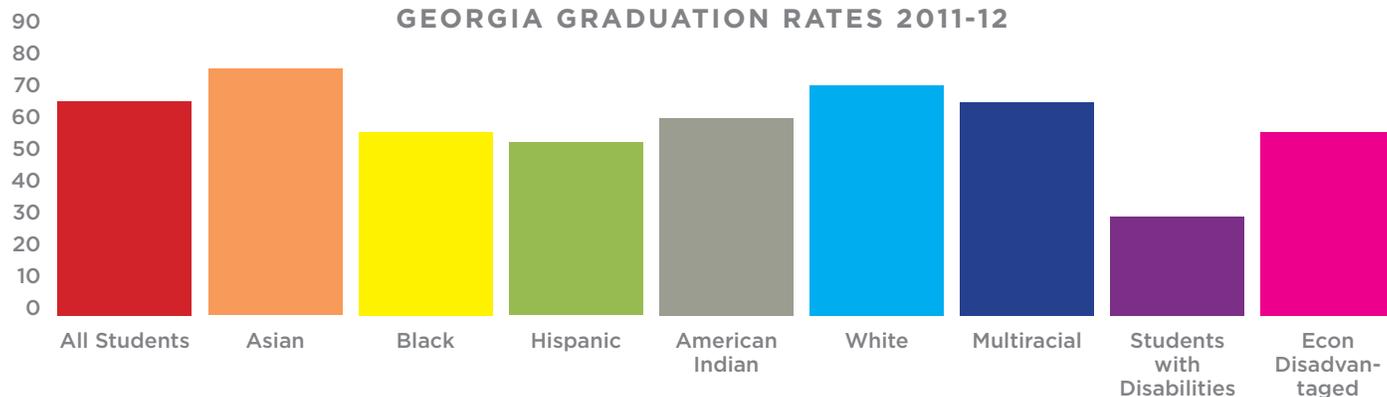
Over the past two decades, especially in the wake of Columbine, Littleton, Newtown and other school tragedies, we have witnessed a surge in **zero tolerance policies** and the implementation of school resource officers aimed at making schools safer for our children. Too often, rather than protecting schools from external dangers, responding to typical student misbehavior has become the primary role of the school resource officer.

According to the National Association of School Psychologists (NASP) in their *NASP Recommendations for Comprehensive School Safety Policies*:

“When considering school-wide efforts to promote safety, NASP recommends addressing the continuum of needs and services that lead to improved safety, well-being, and learning for children and youth, instead of the historical practice of primarily increasing school building safety measures, such as armed security guards, metal detectors, and surveillance cameras.”²⁰

Instead of investing in all students—providing them with the attention, resources and guidance they need to succeed—too many school districts in Georgia rely on overly-punitive and unproven methods of punishment that push children out of the educational institution designed to help them grow and thrive. Georgia's children deserve better.

GEORGIA GRADUATION RATES 2011-12



Securing the Education Pipeline in Georgia

Local School Councils: A Powerful Tool for Transforming Georgia's Schools

The A+ Education Reform Act of 2000 established local school councils (LSC). The Act evolved from findings of a special task force convened by the Governor in 1999 charged with finding solutions to remedy many years of lackluster education that disproportionately affected students of color and students with disabilities.²¹ The Act was passed with bipartisan support and addressed the task force's findings on accountability, testing, and school climate issues.²² The Act required each school in the state to develop an advisory council comprised of parents and community members. The A+ Education Reform Act was amended in 2004 in HB 1190 to provide school councils with flexibility in membership and other general proceedings and again in 2007 to **require that parents be a majority** of the council's constituency.²³

As written in the Act, local school councils were "...intended to help local boards of education develop and nurture participation, bring parents and the community together with teachers and school administrators to create a better understanding of and mutual respect for each other's concerns, and share ideas for school improvement."²⁴ To this end, each local school council serves as a policy-level advisory body to the principal, superintendent, and local board of education. As an entity, it may advise and make recommendations on any matter related to school improvement and student achievement.²⁵

This local school council model is based on years of research and decades of lived experiences. As perhaps best stated by a researcher in 1999, "mutually responsive relationships seem more likely to flourish if such programs focus more on the interconnectedness of parents and teachers through their mutual commitment to children and on exploring ways to enhance and celebrate this connectedness."²⁶ In 2005, Dr. Thomas Pharis, former Grady County School System superintendent, led an

extensive study of local school councils in 80 Georgia schools within the forty-one county Valdosta State University service area to address the growing interest in accountability and the sharing of school governance with parents, teachers, the community, and business leaders.²⁷ The results of Pharis' study concluded that school council members most often identified open communications and availability of information as factors enabling school council effectiveness. In addition, participants believed that input from the community, cooperation and teamwork, and development of a focus for council action were important factors for school council effectiveness.²⁸

In order for school councils to maintain their effectiveness, Pharis suggested that members undergo site-based professional training in the shared decision-making processes.²⁹ Furthermore, the study also indicated that student performance can be improved through the involvement of a variety of constituents in school level decision-making and that the principal plays a vital role in council effectiveness.³⁰ For this reason, Pharis concluded that school principals should be encouraged to undergo leadership training designed to improve shared decision making skills and collaboration in the school.³¹

Georgia's local school councils serve as model bodies to implement effective change. The *A+ Education Reform Act* provides a vehicle, through LSCs, for parents and community members to engage in the school system and improve school discipline policies and practices. An example of how councils may be effective is by appointing committees or task forces,³² such as a task force to address discipline in a school. Additionally, the Act requires Local Boards of Education to have a role within councils. School boards shall:

- provide all information not specifically made confidential by law;
- designate an employee of the school system to attend council meetings when requested;
- review the school council's annual report; and
- respond to requests for information from a school council.³³

This mandate provides parents with a direct avenue, through local school councils, to make recommendations to the school board as well as a way to receive pertinent information from those officials.



The *A+ Education Reform Act* was grounded in evidence-based practices that unite the school community. Georgia should invest in smarter educational strategies that involve parents, teachers, and communities in a meaningful way to improve student outcomes. For the past few years, the “Parent and Teacher Empowerment Act,” also known as the “Parent Trigger Act,” has been proposed in the Georgia General Assembly. Each year the bill has failed to pass. Instead of focusing on reactionary bills to school governance like Parent Trigger, the Georgia General Assembly should focus on strengthening local school councils.

NATIONAL LANDSCAPE FOR LOCAL SCHOOL COUNCILS

Given this research background, pursuing and investing in strategies that actively involve parents and bring all members of the school community together is the best choice. Across the country, in places like Illinois, Connecticut, and Kentucky, models for local school governance have emerged. In Chicago, IL, local school councils are involved in decision-making around school programs, budgets, and leadership.³⁴ Illinois law mandates that councils consist of 12 members, as well as a full-time student member, and these councils are encouraged to “...nominate...candidates reflecting the racial/ethnic population of the students at the attendance center.”³⁵ Additionally, the chairperson of these councils must be a parent.³⁶

In Connecticut, school governance councils were created to respond to proposed “parent trigger” laws, which allow for parents and teachers to convert an existing public school into a charter or remove school personnel.³⁷ The councils in Connecticut advise on hires, promotions, and operations as well as parental involvement policies.³⁸

In Kentucky, U.S. Secretary of Education Arne Duncan stated that “the transition to higher standards is going well...and parents are a huge part of why.”³⁹ Through engagement and communication, parents have been able to enrich their schools and communities.

2014 FEDERAL GUIDANCE STRONGLY SUPPORTS COMMUNITY ENGAGEMENT

Georgia’s local school councils are in alignment with best practice recommendations for improving schools issued by the U.S. Departments of Justice and Education (“DOJ” and “DOE”). In January 2014, DOJ and DOE jointly released federal guidance to assist states and districts to develop practices that enhance school climate and end racial disparities in school discipline.⁴⁰ As part of the guidance, DOJ and DOE encourage school districts and policymakers to “involve families, students, and school personnel in the development and implementation of discipline policies or codes of conduct and communicate those policies regularly and clearly.” Beyond the guidance, federal laws also encourage parental engagement. The Elementary and Secondary Education Act (ESEA), the most recent version of No Child Left Behind (NCLB), promotes parental engagement as a tool to advocate for training on alternatives to discipline, funding to address school climate, and ensuring a quality education for all students.⁴¹



Local School Councils are the Solution

We believe that local school councils are uniquely suited to address discipline and education issues within Georgia’s school systems. The *A+ Education Reform Act* required that school councils be established in every school receiving federal funds (Title I funds, according to ESEA) by October 1, 2003.⁴² The Act also specifies the minimum membership requirements, which include the “principal of the school, two certificated teachers, and four parents (or guardians)—two of whom must be businesspersons.”⁴³

Research has shown that parent engagement is an effective strategy for school reform. The local school council model lends itself to encourage parent and community engagement within each school, such that parents have a direct advisory role not only to the principal, but also to the local school board. As advisory bodies, local school councils may provide recommendations on many matters relating to student achievement, school climate, school budget allocations and, importantly, student discipline, among other issues.

Local school councils in Georgia are currently:

- developing long-term strategic plans to ensure their students continue to be well-rounded successful students through a holistic curriculum;
- overseeing school improvement, including ongoing staff development;
- supporting the principal in obtaining needed facility upgrades; and
- exploring ways to reduce class sizes to improve learning outcomes.

Together, we can build safer schools, reduce the achievement gap, and prevent our youth from entering the juvenile and criminal justice systems. Through local school councils, we can unite school staff and parents in an effort to create the highest quality education possible, while still keeping schools accountable and accessible to the communities they serve. Therefore, we urge the Georgia General Assembly and the Georgia Department of Education to invest in evidence-based policies and practices that will improve academic and life outcomes for our children and ensure economic prosperity for our state.



Strengthening Local School Councils Georgia General Assembly and G

Recommendations for the Georgia General Assembly

What follows are recommendations to the Georgia General Assembly to elevate the function of local school councils (LSC) as governance bodies for school districts and to keep school districts accountable for discipline policies and practices:

1. Fund the LSC Mandate

Fund the LSC mandate to provide: professional development training for all LSC members on their roles, rights and responsibilities; regular leadership training opportunities designed to improve shared decision making skills and collaboration within the school; best practices and evidence-based solutions to discipline; and general funds to address other hurdles to academic achievement for LSC members. The Georgia General Assembly should augment Title I funds to improve the effectiveness of LSCs and their collection and analysis of pertinent school data—starting with the state’s Priority and Focus Schools, as designated by Georgia’s ESEA Flexibility Request, dated February 6, 2012.⁴⁴

2. Strengthen LSC Advisory and Governance Abilities

Position LSCs to have “oversight and response” capabilities for school climate. Provide that LSCs review all cases in which a discipline code of “Other” is assigned in a disciplinary situation and where the school’s average ISS (in school suspension) and/or OSS (out-of-school suspension) rates exceed three days. Additionally, award LSCs the authority to trigger the implementation of Positive Behavioral Interventions and Supports (PBIS), restorative practices or similar research-proven positive behavior modification methods in their schools. Although there is free training given by the Georgia Department of Education (DOE), only the local school boards are able to request implementation of PBIS.

3. Provide State Oversight of Local School Councils

Provide state oversight of LSCs to ensure accountability of the school. Any school, whether traditional or charter, found not to have an active LSC should receive a reduction in the school’s College and Career Readiness Performance Index (CCRPI) score or other similar statewide accountability instrument. Additionally, the Georgia General Assembly should mandate that local school council performance be added to the school district’s Superintendent’s performance measurement for parental engagement.

4. Compare Incident Data Rates

Require each school to compare its discipline incident rate to the national average incident rate. Schools with higher incident rates should: (1) receive immediate implementation of PBIS, restorative practices or other similar research-proven positive behavior modification methods, if not already in place; and (2) if in place, the Georgia Department of Education should conduct a review and provide recommendations for improvement that include additional support for the successful implementation of the positive behavior modification program.

5. Clarify Discipline Data Reporting

Provide clarification for required school referrals to juvenile and adult courts. Appropriate codes should be added to the student discipline data reporting guidance to ensure accurate reporting of disciplinary referrals to alternative education programs.

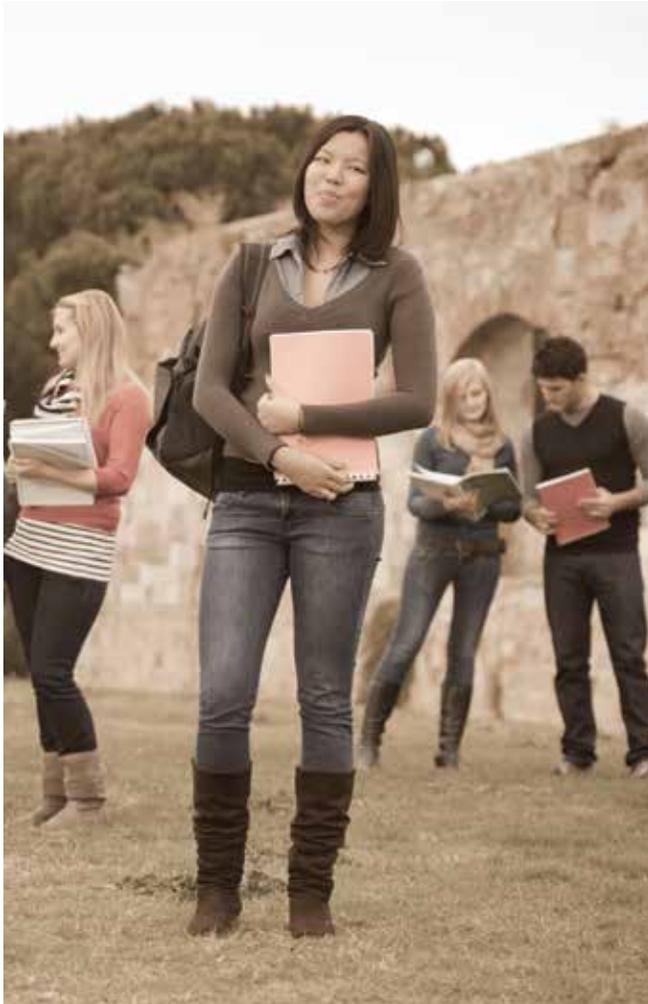
6. Provide Resources, Training, and Support

Ensure that adequate resources, training, and support services are available to every school to implement PBIS, restorative practices, or other similar research-proven positive behavior modification methods. The Georgia DOE strongly recommends full implementation of Positive Behavioral Interventions and Supports (PBIS).⁴⁵ We applaud the Georgia General Assembly and the Governor for supporting additional funding for PBIS, a step forward for Georgia’s children.

7. “Returning Child” from Georgia Department of Juvenile Justice (DJJ)

Amend laws requiring DJJ and local districts to make every effort to return a child who has been in DJJ’s custody to a traditional school setting immediately upon release. Such children should have appropriate government and community-based support services, and not be sent to an alternative school or removed from the school system, if their reentry assessment indicates that they are not a serious risk to themselves or to others.

Councils: Recommendations for the Georgia Department of Education



Recommendations for Georgia Department of Education

What follows are recommendations to the Georgia Department of Education to keep school districts accountable for discipline policies and practices:

1. Ensure the Transparency of Regional Education Service Agencies (RESA)

Make RESA offices more regionally accessible; create clearer communications for parents/guardians about the function of RESAs; and recommend that each school provide to parents/guardians a formal plan for mainstreaming their students into the traditional school setting. We applaud the Georgia Department of Education in acknowledging the strategic use of RESAs as a catalyst for implementing PBIS statewide.

2. Develop a School Improvement Plan Guide

Develop a school improvement plan guide that includes a progressive discipline model, such as improving school disciplinary policies and implementing measures that meet the requirements of the Child in Need of Services article of the Juvenile Code.⁴⁶ Ensure the guide provides educational instruction/programs designed to meet the unique needs of students in a wide variety of settings that result in increased student achievement.

3. Review Student Codes of Conduct

Review school districts' student codes of conduct to ensure that the policies reflect a progressive discipline model.

4. Report All School Data Publicly

Post reports online regarding progress toward meeting the school's student achievement goals, including *discipline*.

Initiatives to Secure the Education Pipeline in Georgia

100 Stories in 100 Days

In the spring of 2010, the American Civil Liberties Union (ACLU) of Georgia, Interfaith Children’s Movement (ICM), and the Georgia State Conference National Association for the Advancement of Colored People (NAACP) hosted a forum on STPP issues in Atlanta, Georgia. The forum was so successful that the coalition decided to expand the concept and hold regional events across Georgia. In the fall, 100 Stories in 100 Days, a statewide symposium and training series was sponsored by Atlanta Community Engagement Team (ACET), ACLU of Georgia, Georgia State Conference NAACP, Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP), and ICM entitled “100 Stories in 100 Days.” The series visited five cities, based on regions identified by the state board of education as Race to the Top districts. A story demonstration project was launched. Symposia and trainings included: understanding and gathering local and national data that influences the educational system; what to do when your child is disciplined at school; factors that contribute to STPP; legal challenges to the STPP; and legislative solutions to dismantle the STPP. Community and faith-based organizations provided the venues and invited their constituents. Attendees participated in dialogue; committed to action items to address STPP issues in their communities; and shared their experiences with the education system through written statements and video interviews. Through this work, we learned that communities are best served by being provided training and resources to address local issues.



100 Stories ~ Building 100 Solutions for Securing the Education Pipeline for Georgia’s Children

This is a targeted statewide effort designed to raise awareness, educate, organize and develop a community-oriented action plan to stop the school to prison pipeline. The school to prison pipeline is the funneling of children from the public school system into the juvenile and criminal justice systems, in part, due to zero tolerance school discipline policies, disproportionate application of student suspensions, high stakes testing and administrative practices that adversely affect children of color, poor children and children with learning disabilities. The plan will be developed with information and data obtained from key stakeholders: parents, students, education community, faith community, legal community, elected officials and civic/advocacy organizations.

2025 Black Men & Boys Network—Atlanta Community Engagement Team (ACET)

In August of 2012, ACET embarked on a Civic Engagement campaign as part of the next phase of its local impact site work for the 2025 Black Men & Boys Network in Atlanta. As a result of the campaign ACET engaged in two projects—mapping of the factors that influence justice decisions in low income/at risk communities in Atlanta and a statewide review of Georgia’s local school councils. These projects enabled ACET to engage key stakeholders such as state policy makers, education advocates, organizers and direct service providers in the 2025 Black Men & Boys’ “We Dream A World” policy recommendations. The campaign resulted in effecting a positive change for citizens of Georgia.





Interfaith Children’s Movement (ICM) STPP Campaign—“Every Child A Learner”

ICM began its work on ending the school to prison pipeline in 2008 and held its first “School to Prison Pipeline” forum in 2009 at the Adamsville Recreation Center in Atlanta, GA, in collaboration with Georgia State University’s School of Social Work. Recognizing that our children’s educational success depends on their ability to stay in school, ICM further developed this effort into an ongoing statewide campaign to raise awareness of this systematic process of removing children from the formal education process in our public schools. “Every Child A Learner” (ECAL) embraces the right of every child in Georgia to receive the highest quality public education because *there’s no such thing as a child who can’t learn.*

ICM’s work to end the school to prison pipeline includes: (1) providing presentations, trainings and forums to increase community/parental engagement in the governance of public school systems; (2) advocating for changes in state, district and local policies that negatively impact student achievement within local public schools; (3) promoting the implementation of school climate improvement solutions (such as Positive Behavioral Interventions and Supports and restorative practices); (4) working collaboratively with other organizations to develop and implement area-based solutions; and (5) engaging the community-based agencies in implementing programs that support life-long learning for children most affected by the school to prison pipeline.

Georgia Department of Education PBIS Initiative

Positive Behavioral Interventions and Supports (PBIS) is an evidence-based, data-driven framework that assists school teams in implementing systems change. The primary goal of PBIS is to help schools design effective environments that increase teaching and learning for all students. Through a problem-solving approach, the PBIS framework begins with examining and improving the entire school climate. The Georgia Department of Education has established the following strategic goals for further implementing PBIS for 2014-2020:

- increase awareness and visibility of PBIS;
- expand the infrastructure to lead and support PBIS implementation;
- increase training and coaching capacity at all tiers on the PBIS continuum;
- develop a comprehensive PBIS evaluation system; and
- engage community stakeholders in PBIS.

Finding New Directions, Increasing Student Achievement

Finding New Directions, increasing student achievement, is a new initiative launched by Gwinnett STOPP in January 2013. Finding New Directions brings community stakeholders together to discuss alternative disciplinary options. The focus is to develop and adopt parent & community-driven discipline policies targeted at reducing suspensions, referrals to the disciplinary alternative school, and school-based arrests in Gwinnett County Public Schools. The initiative also addresses transparent data accessibility, reduction in the involvement of School Resource Officers in discipline issues, increase in the usage of school-based restorative practices, and tracking of student outcomes at disciplinary alternative schools. The initiative strives to strengthen the partnership between home and community. The overall initiative goal is to shift from a punitive system for addressing student misconduct to a restorative one based on interventions.

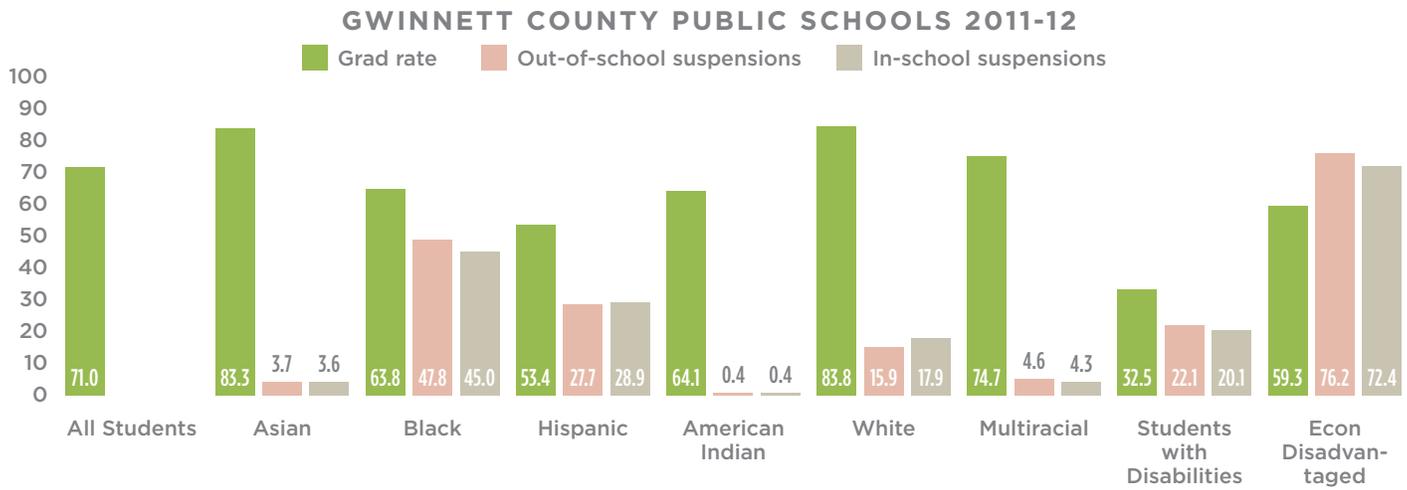


The Data

The data will demonstrate the experiences of students by race, special needs and free and reduced meals across Georgia. Through effective implementation of the local school councils mandate and this Coalition’s recommendations, each of these communities would be better able to address their specific community needs and challenges as defined by their data.

Gwinnett

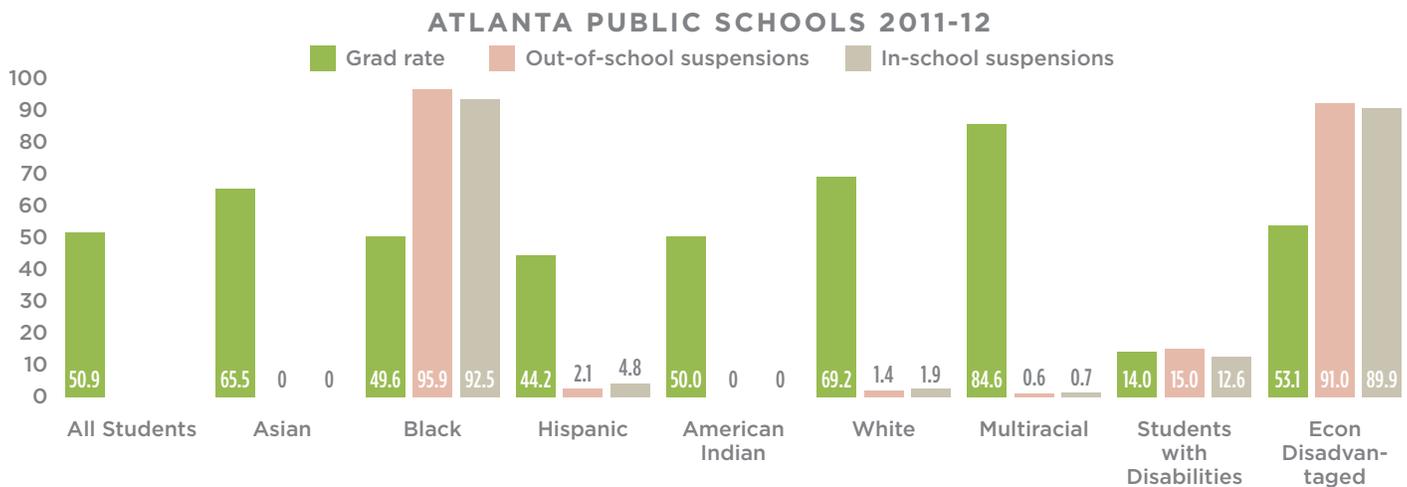
In Gwinnett County, Georgia’s largest school system and 12th largest in the nation, Black students comprise 30% of the total enrollment population, but account for 47.8% of out-of-school suspensions. 53.7% of Gwinnett County Public Schools students receive free and reduced meals.⁴⁷



According to the most recent US Department of Education Office of Civil Rights data collection, Black students in Gwinnett County Public Schools comprise 56% of all expulsions. 11.2% of students in Gwinnett County Public Schools receive special education services (IDEA & 504).⁴⁷

Atlanta

In Atlanta Public Schools, Black students make up 78% of the total enrollment population, but account for 95.9% of all out-of-school suspensions. 74.8% of Atlanta Public Schools students receive free and reduced meals.⁴⁸

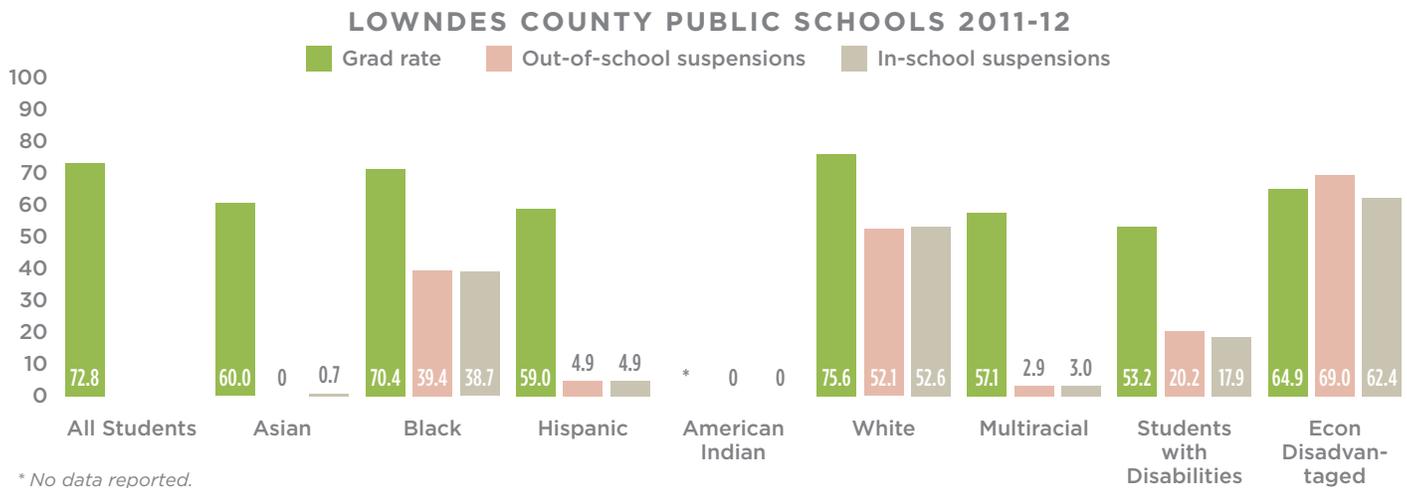


According to the most recent US Department of Education Office of Civil Rights data collection, Black students in Atlanta Public Schools comprise 97% of all expulsions. 10.3% of Atlanta Public Schools students receive special education services (IDEA & 504).⁴⁸



Lowndes

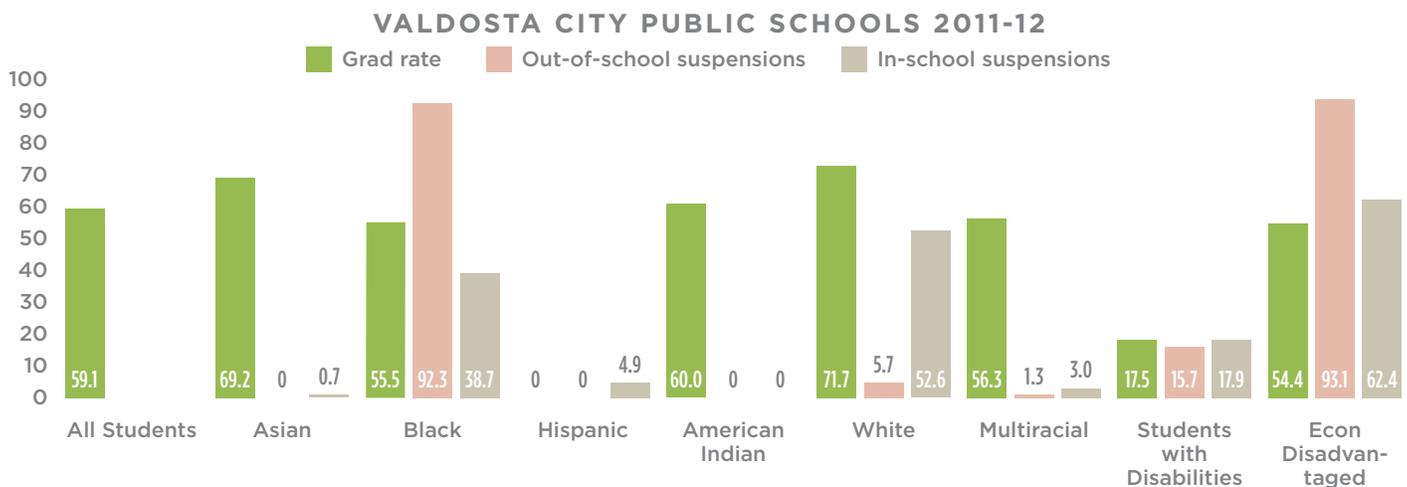
In Lowndes County Public Schools, Black students comprise 22% of the population, but account for 39.4% of all out-of-school suspensions. 48.1% of Lowndes County Public Schools students receive free and reduced meals.⁴⁹



According to the most recent US Department of Education Office of Civil Rights data collection, Black students in Lowndes County Public Schools comprise 50% of all expulsions. 10.7% of students in Lowndes County Public Schools receive special education services (IDEA & 504).⁴⁹

Valdosta City

In Valdosta City Public Schools, Black students make up 75% of student enrollment, but account for 92.3% of all out-of-school suspensions. 75% of Valdosta City Public Schools students receive free and reduced meals.⁵⁰



According to the most recent US Department of Education Office of Civil Rights data collection, Black students in Valdosta City Public Schools comprise 100% of all expulsions. 12.6% of students in Valdosta City Public Schools receive special education services (IDEA & 504).⁵⁰

The Coalition

Atlanta Community Engagement Team (ACET)

Atlanta Community Engagement Team (ACET) is a network of community-based organizations engaged in organizing, advocacy, and leadership development to address the needs and circumstances of Black men and boys in Atlanta, Georgia.

Gwinnett Parent Coalition to Dismantle the School-to-Prison Pipeline (Gwinnett SToPP)

The Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP) formed in 2007 by a small group of parents who grew to understand the magnitude of the school-to-prison pipeline in their own community.

The vision of Gwinnett SToPP is to lead a parent-driven, community-centered partnership to:

- Reduce both the number of children removed from the classroom and the duration of the absence;
- Educate parents and the community on the characteristics, contributors and consequences of the pipeline;
- Monitor district trends, policies and practices that contribute to the pipeline to ensure transparency and accountability; and
- Recommend national best practices to dismantle the pipeline.

In 2011, Gwinnett SToPP launched the Parent Leadership Institute (PLI). PLI is an extensive grassroots school-advocacy training program for parents. PLI pairs grassroots community leadership training with education advocacy training and school discipline reform tools. Project teams implement a school-community project in their immediate school cluster designed to influence a feeder into the School to Prison Pipeline, ultimately improving the climate for learning in schools. Gwinnett SToPP is an active member of the national Dignity in Schools Campaign and sits on the steering committee of the organization.

The Interfaith Children's Movement

The Interfaith Children's Movement (ICM) is a statewide grassroots, advocacy movement dedicated to improving the well-being of children in Georgia. ICM was founded in 2001 in response to the adverse conditions affecting children in our state, including high rates of juvenile justice involvement, educational failure and child sex trafficking. ICM provides education, advocacy, mobilization, networking and information resourcing on children's issues and seeks to establish a statewide network of interfaith communities that will:

- become educated about the issues and policies affecting children;
- become active in advocacy and policy-making processes;
- establish environments of nurture, education and protection for children; and
- promote the common good for all children.

ACLU of Georgia

The American Civil Liberties Union (ACLU) advances the cause of civil liberties in Georgia, with an emphasis on the rights of free speech, free press, free assembly, freedom of religion, due process of law, and takes all legitimate action to the furtherance of such purposes without political partisanship.

Structurally, the organization is comprised of two separate corporate entities, the American Civil Liberties Union of Georgia, and the ACLU Foundation of Georgia. Both are statewide organizations with the same overall mission that share office space and employees.

The ACLU of GA is committed to challenging the "school to prison pipeline," a disturbing national trend wherein children, disproportionately children of color, are being funneled out of public schools and into the juvenile and criminal justice systems. The ACLU of GA is working to challenge numerous policies and practices within public school systems and the juvenile justice system that contribute to the school to prison pipeline.

Advancement Project

Advancement Project is a multi-racial civil rights law, policy, and communications "action tank" that advances universal opportunity and a just democracy for those left behind in America. For the past ten years, Advancement Project has focused on the use and devastating effects of harsh school discipline policies and practices, and the increased role of law enforcement in public schools. We work at both the national level and on the ground with our community partners to reform practices that lead to the criminalization of students.



Appendix A

O.C.G.A. § 20-2-751.5 (2014) **§ 20-2-751.5. Student codes of conduct;** **safety rules on school buses; distribution**

- (a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:
- (1) Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;
 - (2) Physical assault or battery of teachers, administrators, and other school personnel;
 - (3) Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;
 - (4) Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
 - (5) Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
 - (6) Disrespectful conduct toward other students, including use of vulgar or profane language;
 - (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions;
 - (8) Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;
 - (9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
 - (10) Inciting, advising, or counseling of others to engage in prohibited acts;
 - (11) Marking, defacing, or destroying school property;
 - (12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;
 - (13) Unlawful use or possession of illegal drugs or alcohol;
 - (14) Willful and persistent violation of the student code of conduct;
 - (15) Bullying as defined by Code Section 20-2-751.4;
 - (16) Marking, defacing, or destroying the property of another student; and
 - (17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

With regard to paragraphs (9), (11), and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

- (b) (1) In addition to the requirements contained in subsection (a) of this Code section, each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:
- (A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;
 - (B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and

(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

- (c) Each student code of conduct shall also contain provisions that address any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.
- (d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.
- (e) Any student handbook which is prepared by a local board or school shall include a copy of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school as annually distributed pursuant to Code Section 20-2-736. When distributing a student code of conduct, a local school shall include a form for acknowledgment of the student's parent or guardian's receipt of the code, and the local school shall solicit or require that the form be signed and returned to the school.

O.C.G.A. § 20-2-1184 (2014) **§ 20-2-1184. Reporting of students** **committing prohibited acts**

- (a) Any teacher or other person employed at any public or private elementary or secondary school or any dean or public safety officer employed by a college or university who has reasonable cause to believe that a student at that school has committed any act upon school property or at any school function, which act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127, 16-11-127.1, 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the principal or president of that school or the principal's or president's designee.
- (b) The principal or designee who receives a report made pursuant to subsection (a) of this Code section who has reasonable cause to believe that the report is valid shall make an oral report thereof immediately by telephone or otherwise to the appropriate school system superintendent and to the appropriate police authority and district attorney.
- (c) Any person participating in the making of a report or causing a report to be made as authorized or required pursuant to this Code section or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, providing such participation pursuant to this Code section is made in good faith.
- (d) Any person required to make a report pursuant to this Code section who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

O.C.G.A. § 20-2-738 (2014) **§ 20-2-738. Authority of teacher over classroom;** **procedures following removal of student from classroom;** **placement review committees**

- (a) A teacher shall have the authority, consistent with local board policy, to manage his or her classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with local board policy.

- (b) A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section. Each school principal shall implement the policies and procedures of the superintendent and local board of education relating to the authority of every teacher to remove a student from the classroom and shall disseminate such policies and procedures to faculty, staff, and parents or guardians of students. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee.
- (c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal's designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher gives his or her consent, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code section. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher withholds his or her consent to the student's return to his or her class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee shall convene by the end of the second school day following such removal by the teacher and shall issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings; provided, however, that the student shall not be returned to the class of the teacher who removed him or her, as an appropriate temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code section.
- (d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the establishment at each school of one or more placement review committees, each of which is to be composed of three members, to determine the placement of a student when a teacher withholds his or her consent to the return of a student to the teacher's class. For each committee established, the faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member, and the principal shall choose one member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student may not serve on the committee. The placement review committee shall have the authority to:
- (1) Return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or
 - (2) Refer the student to the principal or the principal's designee for appropriate action consistent with paragraph (2) of subsection (e) of this Code section.

The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to the return of a student. Local boards of education shall provide training for members of placement review committees regarding the provisions of this subpart, including procedural requirements; local board policies relating to student discipline; and the student code of conduct that is applicable to the school.

- (e) (1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:
 - (A) Place the student in an alternative education program;
 - (B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section; or
 - (C) Make another disciplinary decision or recommendation consistent with local board policy.
- (2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee shall determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, as follows, provided that the placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:
 - (A) Place the student into another appropriate classroom or an alternative education program;
 - (B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section;
 - (C) Make another placement or disciplinary decision or recommendation consistent with local board policy; or
 - (D) Implement or recommend any appropriate combination of the above and return the student to the class from which he or she was removed upon the completion of any disciplinary or placement action taken pursuant to this paragraph.
- (f) Within one school day of taking action pursuant to subsection (e) of this Code section, the principal or the principal's designee shall send written notification of such action to the teacher and the parents or guardians of the student and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.
- (g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.
- (h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

Footnotes

- ¹ Antoinette Campbell, *Police handcuff 6-year-old student in Georgia*, CNN (Apr. 17, 2012, 5:51 PM), available at <http://www.cnn.com/2012/04/17/justice/georgia-student-handcuffed/index.html>.
- ² *Id.*
- ³ O.C.G.A. § 20-2-751.5.
- ⁴ O.C.G.A. § 20-2-1184.
- ⁵ O.C.G.A. § 20-2-738.
- ⁶ Georgia Department of Education 2011-2012 out-of-school suspension rates by race data (on file with author).
- ⁷ Associated Press, *Ga. lawmakers seek to revisit school weapon policy*, Athens Banner Herald (Sept. 29, 2013), available at <http://m.onlineathens.com/local-news/2013-09-29/ga-lawmakers-seek-revisit-school-weapon-policy>.
- ⁸ *Lowndes County Schools Student & Parent Handbook*, The Lowndes County School System (Jul. 1, 2014), available at [http://www.lowndes.k12.ga.us/files/user/29/file/July%203%20to%20printer\(1\).pdf](http://www.lowndes.k12.ga.us/files/user/29/file/July%203%20to%20printer(1).pdf).
- ⁹ *Id.*
- ¹⁰ Advancement Project, *School-to-Prison Pipeline Brochure 2* (Jul. 2013), available at http://b3cdn.net/advancement/b1e523c6750ff67af3_43m6ih8ns.pdf.
- ¹¹ *Id.*
- ¹² *Proposed DeKalb school system budget includes pay raise*, Neighbor Newspapers (May 13, 2014, 09:35 AM), available at http://www.neighbornewspapers.com/view/full_story/25096589/article-Proposed-DeKalb-school-system-budget-includes-pay-raise.
- ¹³ Jim Galloway, *How McNair elementary breaks the school-shooting stereotype*, Atlanta Journal Constitution (Aug. 21, 2013, 09:13 PM), available at <http://www.ajc.com/weblogs/political-insider/2013/aug/21/unspoken-aftermath-dekalb-school-shooting-incident/>.
- ¹⁴ *Press Release: NASP cautions against increasing armed security to improve school safety*, National Association of School Psychologists (Jan. 9, 2013), available at http://www.nasponline.org/communications/press-release/NASP_Statement_on_Increasing_Armed_Security.pdf.
- ¹⁵ Daniel Losen, Jonathan Gillespie, & Gary Orfield, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*, The Civil Rights Project (Aug. 7, 2012), available at <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-crrr-research>.
- ¹⁶ Daniel Losen & Tia Elena Martinez, *Out-of-School and Off-Track: The Overuse of Suspensions in American Middle and High Schools*, The Civil Rights Project (Apr. 8, 2013), available at <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools>.
- ¹⁷ *GaDOE Research Shows Student Attendance Significantly Impacts Student Achievement*, Georgia Department of Education (Sept. 7, 2011), available at <http://www.gadoe.org/External-Affairs-and-Policy/communications/Pages/PressReleaseDetails.aspx?pid=19>.
- ¹⁸ Marie Stetser & Robert Stillwell, U.S. Department of Education National Center for Education Statistics, *Public High School Four-year On-time Graduation Rates and Event Dropout Rates: School Years 2010-11 and 2011-12* (Apr. 2014), available at <http://nces.ed.gov/pubs2014/2014391.pdf>.
- ¹⁹ Alliance for Excellent Education, *The High Cost of High School Dropouts* (Nov. 2011), available at <http://all4ed.org/wp-content/uploads/2013/06/HighCost.pdf>.
- ²⁰ National Association of School Psychologists, *supra* note 14.
- ²¹ H.R. 425, 145th Gen. Assemb., Reg. Sess. (Ga. 1999), available at <http://www.legis.ga.gov/Legislation/Archives/19992000/leg/fulltext/hr425.htm>. See also Board raises minority issues, *The Augusta Chronicle* (Jun. 13, 1999), available at http://chronicle.augusta.com/stories/1999/06/13/met_263556.shtml (addressing Gov. Roy Barnes' new education reform task force and its efforts to reverse years of mediocrity in Georgia classrooms).
- ²² O.C.G.A. § 20-2-85(a).
- ²³ Georgia School Council Inst., *School Councils* (2007), available at <http://www.georgiaeducation.org/councils/councils.html>
- ²⁴ O.C.G.A., *supra* note 22.

- ²⁵ *Id.*
- ²⁶ Jennifer Sumsion, Early Childhood Research & Practice, *A Neophyte Early Childhood Teacher's Developing Relationships with Parents: An Ecological Perspective* (Nov. 1, 2000), available at <http://ecrp.uiuc.edu/v1n1/sumsion.html>.
- ²⁷ Thomas Pharis, Randall v. Bass, & James L. Pate, *The Rural Educator*, School Council Member Perceptions and Actual Practice of School Councils in Rural Schools, available at http://www.ruraleducator.net/archive/26-2/26-2_Pharis.pdf (last visited Oct 13, 2005).
- ²⁸ *Id.*
- ²⁹ *Id.*
- ³⁰ *Id.*
- ³¹ *Id.*
- ³² H.B. 1187, 146th Gen. Assemb., Reg. Sess. (Ga. 2000).
- ³³ *Id.*
- ³⁴ David Bacon, *Trigger Laws: Does Signing a Petition Give Parents a Voice?* (Fall 2011), available at http://www.rethinkingschools.org/archive/26_01/26_01_bacon.shtml.
- ³⁵ 122 Illinois Compiled Statutes 5/34-2.1 (1995).
- ³⁶ *Id.*
- ³⁷ Eric Schulzke, *Parent Unions: Trigger laws spawn new parent empowerment tool*, Deseret News (Jul. 30, 2014), available at <http://national.deseretnews.com/article/2007/parent-unions-trigger-laws-spawn-new-parent-empowerment-tool.html>.
- ³⁸ Connecticut State Department of Education, *Factsheet on School Governance Councils Responsibilities, Per Pupil Act 10-111* (2010), available at http://www.sde.ct.gov/sde/lib/sde/pdf/deps/sgc/SGC_Responsibilities.pdf.
- ³⁹ Arne Duncan, *Parent Voices for World-Class Education* (Jan. 13, 2014), <http://www.ed.gov/news/speeches/remarks-us-secretary-education-arne-duncan-national-assessment-governing-board-educati>.
- ⁴⁰ U.S. Department of Justice, *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline* (Jan. 8, 2014), available at <http://www.justice.gov/crt/about/edu/documents/dcl.pdf>; See also U.S. Department of Education, *Guidance Package* (Jan. 8, 2014), available at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html> (detailing the Department's process of investigating complaints filed alleging discrimination based on a school district's disciplinary practices).
- ⁴¹ U.S. Department of Education, *Part A- Improving Basic Programs Operated by Local Educational Agencies, Section 1118* (Jan. 8, 2014), available at <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1118>.
- ⁴² O.C.G.A. § 20-2-85.
- ⁴³ O.C.G.A. § 20-2-86.
- ⁴⁴ Georgia Department of Education, *ESEA Flexibility Request* (Feb. 6, 2012), available at <http://www2.ed.gov/policy/eseaflex/approved-requests/ga.pdf>.
- ⁴⁵ Joint House and Senate Education Committee Georgia Department of Education Presentation, Jan. 30, 2013 (on file with author).
- ⁴⁶ O.C.G.A. § 15-11-380. Article 5.
- ⁴⁷ Georgia Department of Education 2011-2012 out-of-school suspension rates by race, FTE Enrollment by Ethnicity/Race, and Free and Reduced Price Meal Eligibility (on file with author). See also U.S. Department of Education, *Civil Rights Data Collection*, available at: <http://ocrdata.ed.gov>.
- ⁴⁸ *Id.*
- ⁴⁹ *Id.*
- ⁵⁰ *Id.*

