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AND THE WORKFORCE
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February 12, 2014

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Secretary Duncan and Attorney General Holder:

In January the departments of Education and Justice issued joint guidance on school discipline to help prevent discrimination and slow down the "school-to-prison pipeline." The recommendations encourage schools to establish procedures to distinguish between disciplinary infractions appropriately handled by school officials and threats to school safety. Opposing discrimination is a shared goal. However, recognizing the complexity of school discipline policies, we believe such policies are best handled by the teachers, state officials, and local school leaders who are most equipped to assess the needs of individual students and the school community as a whole.

Across the country, local school leaders are working to reform and improve discipline policies. These experts understand appropriate school discipline is not only critical to a safe and orderly learning environment, but also a significant factor in a student's academic success. Teachers and school officials must have the flexibility to assess the situation and enforce the discipline policies fairly to promote school safety and address inappropriate behavior.

School groups have also taken steps in recent years to address challenges with school suspensions and expulsions by examining alternative disciplinary actions that do not reduce students' time in the classroom. The National School Boards Association released a report in April 2013 entitled, "*Addressing the Out-of-School Suspension Crisis: A Policy Guide for School Board Members.*" The report highlights examples of successful student discipline policies established by school boards to support safe learning environments.

Additionally, AASA: The School Superintendents Association recently launched a public-private initiative with ten school districts nationwide to explore effective discipline alternatives to suspension and expulsion. The districts are examining existing discipline codes, and exploring reform opportunities that would improve current policies and practices to help children remain in the classroom and in school as much as possible.

The departments' guidance offers a number of practical recommendations to encourage positive interventions in schools and better ensure employees are trained to recognize possible discrimination. However, the guidance also provides examples of what each department might find discriminatory, even when policies have been applied fairly and equally to all students. We are concerned this may have a chilling effect on teachers and school leaders working to address discipline issues with students, potentially leading to unruly and unsafe classrooms that could adversely affect student learning.

Ultimately, we fear the departments' guidance could limit educators' ability to enforce appropriate discipline policies needed to promote a safe learning environment for students. We would appreciate the opportunity to meet with you to discuss our concerns. Please contact Mandy Schaumburg on the House Committee on Education and the Workforce staff at (202) 225-6558, or via email at mandy.schaumburg@mail.house.gov, to schedule this briefing as soon as possible.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



TODD ROKITA
Chairman
Subcommittee on Early Childhood,
Elementary, and Secondary Education



MATT SALMON
Member
Committee on Education and the Workforce



TREY GOWDY
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