

GENERAL ASSEMBLY OF VIRGINIA -- 1997 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 638

Directing the Standing Subcommittee on School Drop Out Prevention to study the potential impact of lowering the compulsory school attendance age and the use of in-school suspensions on school drop out in the public schools of the Commonwealth.

Agreed to by the House of Delegates, January 29, 1997
Agreed to by the Senate, February 19, 1997

WHEREAS, pursuant to House Joint Resolution No. 241 (1996), the Standing Subcommittee on School Drop Out Prevention was continued to monitor the factors contributing to school drop out and to focus on and provide leadership in addressing and solving related problems and issues; and

WHEREAS, under Virginia's compulsory school attendance law, persons 5 to 18 years of age are required to attend school; and

WHEREAS, over the years, the age for compulsory school attendance has been changed, shifting from 16 to 18; and

WHEREAS, this change in public policy was effected to ensure a better educated citizenry, particularly given the emergence of a rapidly evolving information age dependent on sophisticated technological advances and a highly skilled workforce; and

WHEREAS, although the amount of time spent in active learning suggests improved educational, employment, and personal outcomes for the persons exposed to such instruction, other mitigating factors often negatively affect a student's decision to remain in school until graduation; and

WHEREAS, some of these factors are: economic conditions, nontraditional family arrangements, poverty, crime, more rigorous academic standards, peer pressure, and disciplinary problems; and

WHEREAS, notwithstanding the compulsory school attendance law, one out of four entering ninth graders leaves school before graduation; and

WHEREAS, escalating school violence has prompted legislators, educators, and school administrators nationwide to examine security and prevention measures in recent years; and

WHEREAS, drug use and lack of discipline have been cited as the most significant problems facing public schools; and

WHEREAS, the Commonwealth has not been immune to these alarming trends, as Virginia's public schools have witnessed increasing numbers of acts of violence and crime; and

WHEREAS, while the Code of Virginia outlines clear procedural standards for suspensions and expulsions consistent with *Goss v. Lopez*, 419 U. S. 565 (1975), local school boards have traditionally held broad discretionary authority in establishing grounds for these disciplinary actions; and

WHEREAS, as a means of handling minor student disciplinary problems and infractions, public schools have traditionally relied on in-school suspension; and

WHEREAS, too often students placed in in-school suspension miss valuable instruction time; and

WHEREAS, it is alleged that in-school suspension classes are located in isolated areas of the school and are staffed by persons who may not be trained to manage disruptive students; and

WHEREAS, despite these efforts to balance individual privacy rights with the school's interest in maintaining a safe learning environment, disciplinary actions, in the form of suspensions and expulsions, may be inconsistently imposed and may adversely affect particular student groups or populations, especially those who are educationally at risk; and

WHEREAS, the standing subcommittee determined that although the General Assembly has created and funded regional alternative education programs to provide an educational program under more appropriate conditions for disruptive students who have been removed from school attendance, such students are not required by law to attend these or any other educational program while they are out of school; and

WHEREAS, determining whether the public policy of the Commonwealth should be that of encouraging or requiring students who have been suspended or expelled from school to complete their education is fraught with complex legal, fiscal, and social implications; and

WHEREAS, although the standing subcommittee has recommended legislation to address the immediate problems presented by these concerns; and

WHEREAS, although suspensions and expulsions may be necessary and appropriate to ensure a safe and productive learning environment, the standing subcommittee's initial review of the effects of such disciplinary procedures suggests that it is necessary to (i) determine whether particular student populations are adversely and disproportionately affected, (ii) determine whether some of these students might be better served by other disciplinary measures that do not demean, isolate, or deprive the student of an education, and are commensurate to the infraction or infraction allegedly committed, and (iii)

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identify alternative disciplinary actions or programs that might increase the likelihood that the suspended or expelled student will return to school; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Standing Subcommittee on School Drop Out Prevention be directed to study the potential impact of lowering the compulsory school attendance age and the use of in-school suspensions on school drop out in the public schools of the Commonwealth.

The standing subcommittee shall:

1. Consider the efficacy of lowering the compulsory school attendance age and its subsequent impact on school drop out;
2. Review the compulsory school attendance laws of other states to ascertain whether there is a trend nationally to lower the age for school attendance;
3. Determine the status of and the extent to which in-school suspension is used as a disciplinary action;
4. Review school board policies governing in-school suspension and identify the violations of student conduct policies for which students are placed in in-school suspension;
5. Determine whether the prevailing use of in-school suspension meets the legal requirements for the removal of students from school attendance;
6. Consider such other related issues as the standing subcommittee may deem necessary and appropriate.

The Division of Legislative Services shall provide staff support for the standing subcommittee. The Department of Education shall provide technical assistance to the standing subcommittee, upon request. All agencies of the Commonwealth shall provide assistance to the standing subcommittee, upon request.

The standing subcommittee is authorized to hold additional meetings to continue this study, which direct costs shall not exceed \$6,000.

The standing subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.