

COMMON GOOD

REFORMING AMERICA'S LAWSUIT CULTURE

FOR IMMEDIATE RELEASE

CONTACT: Danielle Rhoades – Goodman Media
(212) 576-2700 x 242

LEADING EDUCATION REFORM EXPERTS ENDORSE LEGISLATION INTRODUCED BY U.S. SENATOR ZELL MILLER

Proposed Bills Would Clarify and Ease Legal Burden on Schools – Reducing the Need for Lawyers and Legal Proceedings

NEW YORK, NY - June 29, 2004 – Common Good announced today that some of the leading education reform experts in the nation have endorsed two new bills recently introduced in the U.S. Senate by Senator Zell Miller (D-GA).

The “Fairness in School Discipline Act” (S. 2404) sets clear guidelines for Federal due process required in connection with school disciplinary procedures. It seeks to correct a widespread misconception over what federal law requires in the way of due process when a student is suspended for unruly behavior. For example, when a student is suspended for 10 days or less, principals are obligated only to explain the reason for the suspension to the student and to let the student tell his or her side of the story. The bill clarifies that federal law does not require schools to allow the student to appeal the principal’s decision, involve lawyers, or hold legal proceedings of any kind in these cases.

The “Restoring Authority to Schools Act of 2004” (S. 2405) would limit federal court oversight of schools to curing only violations of federal law in the least intrusive manner and limit the length of oversight to two years in most cases. The Act would not apply to desegregation cases.

The experts endorsing these bills include the following. They have each endorsed both bills, even though their comments may focus on one or the other.

Richard Arum, PhD, Professor of Sociology at New York University and author of *Judging School Discipline: The Crisis of Moral Authority*. He commented:

“Senator Miller's Fairness in School Discipline Act is an important first step that will work to remedy the negative effects of legal challenges to ordinary day-to-day school discipline. Research demonstrates that court challenges in this area have undermined the capacity of school personnel to educate and socialize students effectively.”

Ross Sandler, JD, and David Schoenbrod, PhD, Professors at New York Law School and co-authors of *Democracy by Decree: What Happens When Courts Run Government*. They commented:

"We applaud Senator Miller for introducing the Restoring Authority to Schools Act of 2004. The Act advances one of the key solutions proposed in our book on the problems caused when courts run schools and other government institutions by decree. The Act would return courts to their proper role of enforcing rights and get them out of the business of micro-managing day-to-day operations."

Diane Ravitch, Research Professor of Education at New York University, former U.S. Assistant Secretary of Education and author of *The Language Police: How Pressure Groups Restrict What Students Learn*. She commented:

"Senator Miller's bills take an important step toward restoring order in the classroom and enabling teachers to exercise adult authority and to teach willing students."

"Senator Zell Miller deserves great credit for taking two essential education reforms and introducing them as bills in Congress," said Philip K. Howard, Chair of Common Good. "With the enthusiastic support of the notable education experts cited here, these bills now deserve the most serious consideration on Capitol Hill."

For further information or to speak with any of the experts cited here, please contact Danielle Rhoades at 212-576-2700.

*Common Good is a bi-partisan legal reform coalition dedicated to restoring common sense to American law. Its board is composed of leaders in a wide range of fields: former government officials, including Griffin Bell, Newt Gingrich, Eric Holder, George McGovern, Diane Ravitch, Alan Simpson, and Richard Thornburgh; current and former university presidents, including Tom Kean, George Rupp, and John Silber, and numerous other leaders in education, healthcare, law, business and public policy. The Chair of Common Good is Philip K. Howard, a lawyer and author of *The Death of Common Sense* and *The Collapse of the Common Good*.*

Further information on Common Good is available at www.cgood.org.

###