

Human Rights Watch

Children's Rights

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Letter to the Jackson, MS Public School District Board of Trustees from Human Rights Watch and the National Economic and Social Rights Initiative

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As national and international human rights organizations, we urge the Jackson Public School District to adopt a new policy that utilizes Positive Behavior Intervention and Support (PBIS) and restorative practices in school discipline. These methods are effective for reducing disciplinary incidents and improving learning in schools, and are consistent with international human rights standards.

July 14, 2008

Delmer C. Stamps, President
Jackson Public School District Board of Trustees
PO Box 2338
Jackson, MS 39255

Dear President Stamps:

As national and international human rights organizations, we urge the Jackson Public School District to adopt a new policy that utilizes Positive Behavior Intervention and Support (PBIS) and restorative practices in school discipline. These methods are effective for reducing disciplinary incidents and improving learning in schools, and are consistent with international human rights standards.

International human rights law recognizes that children should be taught in a safe and nurturing school environment that supports their social and emotional, as well as academic, development. School discipline is an important part of this vision and should present an educational opportunity to teach children. The United States was a principal author and sponsor of the founding document of much of modern international human rights law, the Universal Declaration of Human Rights (UDHR), which has its 60th Anniversary this year. Article 26 of the UDHR states that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."

Elaborating in particular on the educational rights of children, Article 29 of the Convention on the Rights of the Child (CRC), a widely ratified international human rights treaty, states that the education of the child shall be directed to [t]he development of the child's personality, talents and mental and physical abilities to their fullest potential. To achieve this, the United Nations Committee on the Rights of the Child, which oversees governmental implementation of the CRC and interprets its terms, has said that schools should teach important life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility.

Restorative practices and Positive Behavior Intervention and Support (PBIS) are consistent with these human rights standards. PBIS aims to prevent conflict and behavior problems by teaching and reinforcing appropriate social behavior, creating a positive school climate, providing early support to at risk students, and providing individualized intervention to high risk students. Restorative practices involve students and the entire school community in a process to repair the harm resulting from conflicts through peer juries, community circles and other processes.

Furthermore, the use of corporal punishment and punitive, zero-tolerance approaches to discipline violates the rights of children to an education directed toward their full potential and to be free from corporal punishment. Since 1992, the United States has been party to the International Covenant on Civil and Political Rights (ICCPR), which is binding on the state of Mississippi as well as the federal government. The ICCPR states that all children have the right to such measures of protection as are required by his status as a minor. Article 7 of the ICCPR states that [n]o one shall be subjected to cruel, inhuman or degrading treatment or punishment. The Human Rights Committee (HRC), which oversees governmental implementation of the treaty and interprets its terms, issued a General Comment on the scope of obligations under Article 7, concluding that this prohibition must extend to corporal punishment, including excessive chastisement ordered as an educative or disciplinary measure. In concluding observations issued after examining a particular

governments record under the treaty, the HRC has repeatedly mandated that states abolish corporal punishment in schools. Corporal punishment and punitive, zero-tolerance approaches to discipline violate these human rights standards. Instead, positive and preventive approaches to discipline such as PBIS and restorative practices should be used.

A growing number of schools and districts around the country are implementing these methods. In 2006 the Chicago Public Schools adopted a new discipline policy incorporating restorative practices, such as peer juries which are currently used in over 30 Chicago schools. Researchers at Skidmore College studied schools using restorative practices in Minnesota, Pennsylvania and the City of Denver and found that schools using these practices saw a 25-30 percent decrease in suspensions and expulsions after two years.

In 2008, the Recovery School District in New Orleans adopted a district-wide PBIS policy. In Illinois, over 500 schools have adopted PBIS, including Carpentersville Middle School which experienced a 64 percent decrease in disciplinary referrals between 2005 and 2007 after implementing PBIS. During the same period, the percent of eighth graders at Carpentersville that met or exceeded grade level in Reading increased by 12.3 percent and in Math by 44 percent. Teachers in schools that implement PBIS also perceive a safer school environment and are more motivated to teach. In South Carolina, for example, a school using PBIS found that teacher transfer requests declined by 100 percent and teacher absence days decreased by 36 percent. Federal legislators are also taking notice. In 2007, Representative Phil Hare and Senators Barack Obama and Richard Durbin, all of Illinois, introduced the Positive Behavior for Effective Schools Act, which would allow school districts to use federal funds for PBIS and other preventive approaches to discipline.

International human rights standards recognize and research demonstrates that school discipline is most effective when it is used to teach positive behavioral skills and create positive environments that support learning. By adopting a policy which incorporates PBIS and restorative practices, the Jackson Public Schools can create safer learning environments and better ensure the human right to education for its school children.

Sincerely,

Alice Farmer, Esq.
Aryeh Neier Fellow
US Program, Human Rights Watch

Elizabeth Sullivan
Director, Right to Education Program
National Economic and Social Rights Initiative

Cc: All members, Jackson Public School Board
Earl Watkins, Ph.D, Superintendent, Jackson Public Schools
Hank Bounds, Superintendent of Education, Mississippi Department of Education
Hon. Rep. Cecil Bound, Chair, Mississippi House Education Committee
Hon. Sen. Videt Carmichael, Chair, Mississippi Senate Education Committee
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