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WITHDRAWAL SHEET
Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
letter case (168863CS)			N77 11/24/83
1. minutes	for CCHR 1/3/84 meeting	n.d.	B5
2. memo	from Craig Fuller to the File, re liver transplantation and related issues	1/3/84	B5
3. memo	from Margaet Heckler to CCHR, re liver transplantation and related issues (original) (10 pp including appendices)	12/16/83	B5
4. memo	copy of item #3 (10 pp)	12/16/83	B5
COLLECTION:			
WHORM: Subject File			kb
FILE LOCATION:			
FG 010-02 Cabinet Councils (168863) [1 of 4]			6/2/93

RESTRICTION CODES

A. National security classified information.

B. Presidential Records Act

- B1. Release would violate a Federal statute.
- B2. Release would disclose trade secrets or confidential commercial or financial information.
- B3. Release would constitute a clearly unwarranted invasion of personal privacy.
- B4. Relating to appointment to Federal office.
- B5. Release would disclose confidential advice between the President and his advisors, or between such advisors.

B6. Release could disclose internal personnel rules and practices of an agency.

B7. Release would disclose information compiled for law enforcement purposes.

B8. Release would disclose information concerning the regulation of financial institutions.

B9. Release would disclose geological or geophysical information concerning wells.

C. Closed in accordance with restrictions contained in donor's deed of gift.

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THE WHITE HOUSE

WASHINGTON

CABINET COUNCIL ON HUMAN RESOURCES

January 3, 1984

2:00 P.M.

Cabinet Room

AGENDA

1. Liver Transplantation and Related Issues (CM#429)
2. Report of the Working Group on School Violence/
Discipline (CM#431)

RP

C.F.

Document No.

WS

168863C5

FG010-02

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/19/84 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: MINUTES OF CABINET COUNCIL MEETINGS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>SS</i>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAROODY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	SMALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JENKINS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Attached are minutes of the Cabinet Council on Economic Affairs on January 5, 1984; Cabinet Council on Human Resources on January 3, 1984; and Cabinet Council on Management and Administration on December 19, 1983

RESPONSE:

file closed

Richard G. Darman
Assistant to the President
Ext. 2702

BFB

THE WHITE HOUSE
WASHINGTON

C. F.
16886305

CABINET AFFAIRS STAFFING MEMORANDUM FG010-02

Date: 1/5/84 Number: ----- Due By: -----

Subject: Cabinet Council on Human Resources Minutes - January 3, 1984

	Action	FYI		Action	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>	Mc Farlane	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>	Svahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GSA	<input type="checkbox"/>	<input type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EPA	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OPM	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Simmons	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SBA	<input type="checkbox"/>	<input type="checkbox"/>	CCMA/Bledsoe	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			CCNRE/	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

Attached for your information are the minutes of the January 3, 1984 CCHR meeting.

RETURN TO:

Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

Katherine Anderson
 Tom Gibson

Don Clarey
 Larry Herbolzheimer
Associate Director
Office of Cabinet Affairs
456-2800

MINUTES
CABINET COUNCIL ON HUMAN RESOURCES
January 3, 1984, 2:00 p.m.
Cabinet Room

Attendees: The President, Secretaries Heckler, Dole, Clark, Baldrige, and Smith, Feldstein, Svahn, Lyng, Abrams, Collins and Jones, Wright, Alvarez, Fuller, Jenkins, Speakes, Simmons, Clarey, Brandt, Cogan, Horowitz, Bauer, Regnery, Rubin, Carleson, Baroody, Courtemanche, Cribb, Dunlop, Risque, Roper, Rhodes, Komarek, Taft.

1. Liver Transplantation and Related Issues (CM #429)

Secretary Heckler and Robert Rubin presented for discussion four issues:

- Should the federal government ban the sale of human organs?
- Should the federal government establish a governmental agency to act as a clearinghouse for the procurement of organs for transplant, or should this be left as it now is, a voluntary system?
- Should liver transplantation be covered under the Medicare program, or should further clinical trials be conducted before making this decision?
- Should there be a federal commission to study the many issues related to transplantation?

The discussion primarily focused on the Medicare coverage question. There was consensus that liver transplantation should be recognized as no longer experimental for biliary atresia. Since infants with biliary atresia are not Medicare beneficiaries, HHS, OMB and OPD were asked to study possible means of giving formal federal recognition to liver transplantation in biliary atresia cases.

2. Report of the Working Group on School Violence/Discipline (CM #431)

Under Secretary Jones and the Attorney General made introductory remarks on the problem. Gary Bauer gave the report of the Working Group, which called on the President to give leadership on the need to restore order and discipline to the nation's schools and on the Departments of Education and Justice to focus on the issue. Further consideration of the issue will be scheduled.

THE WHITE HOUSE
WASHINGTON

C. F.

168863 CS

FG010-02

CABINET COUNCIL ON HUMAN RESOURCES

January 3, 1984

2:00 P.M.

Cabinet Room

AGENDA

1. Liver Transplantation and Related Issues (CM#429)
2. Report of the Working Group on School Violence/
Discipline (CM#431)

CABINET COUNCIL ON HUMAN RESOURCES

January 3, 1984

PARTICIPANTS

✓ The President

✓ Secretary Heckler, Chairman Pro Tempore

~~Secretary Regan~~

✓ The Attorney General

✓ Secretary Clark

✓ Secretary Baldrige

✓ Chairman Feldstein

~~James Baker~~, Chief of Staff and Assistant to the President

✓ Jack Svahn

✓ Deputy Secretary Lyng

(Representing Secretary Block)

✓ Under Secretary Abrams

(Representing Secretary Pierce)

~~Deputy Secretary Burnley~~

(Representing Secretary Dole)

✓ Under Secretary Collins

(Representing Secretary Hodel)

✓ Under Secretary Jones

(Representing Secretary Bell)

✓ Deputy Director Wright

(Representing Director Stockman)

✓ Deputy Administrator Alvarez

(Representing Administrator Walters)

Richard Darman, Assistant to the President and Deputy to the
Chief of Staff

✓ Craig Fuller, Assistant to the President for Cabinet Affairs

✓ James Jenkins, Deputy Counsellor to the President

✓ Larry Speakes, Assistant to the President and Principal Deputy
Press Secretary

Lee Verstandig, Assistant to the President for Intergovernmental
Affairs

✓ Paul Simmons, Executive Secretary

✓ Don Clarey, Associate Director, Office of Cabinet Affairs

For Presentation:

✓ Edward Brandt, Assistant Secretary for Health, HHS

✓ John Cogan, Associate Director, Human Resources, Veterans, and
Labor, OMB

✓ Michael Horowitz, Counsel to the Director and General Counsel
OMB

✓ Gary Bauer, Deputy Under Secretary for Policy, Budget and
Evaluation, Department of Education

✓ Alfred Regnery, Administrator, Juvenile Justice and Delinquency
Prevention, Department of Justice

✓ Robert Rubin

Additional Attendees:

- ✓ Michael Baroody, Deputy Assistant to the President and Director of Public Affairs
- ✓ Jack Courtemanche, Deputy Assistant to the President for Public Liaison
- ✓ Kenneth Cribb, Assistant Counsellor to the President
- ✓ Becky Norton Dunlop, Deputy Assistant to the President for Presidential Personnel
- ✓ Nancy Risque, Special Assistant to the President for Legislative Affairs
- ✓ William Roper, Special Assistant to the President for Health Policy, OPD
- ✓ Steve Rhodes, Assistant to the Vice President for Domestic Policy
- ✓ Tom Komarek, Assistant Secretary of Labor for Administration and Management

✓ Wm Taft IV DOD Gen. Counsel
✓ Jim Ciconi
✓ Robert Carlson

C. F.

168863CS

FOOIL-00

CABINET COUNCIL ON HUMAN RESOURCES

January 3, 1984

2:00 P.M.

Cabinet Room

AGENDA

1. Liver Transplantation and Related Issues (CM#429)
2. Report of the Working Group on School Violence/
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CABINET COUNCIL ON HUMAN RESOURCES

January 3, 1984

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Chairman Feldstein

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Deputy Secretary Lyng

(Representing Secretary Block)

Under Secretary Abrams

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Deputy Secretary Burnley

(Representing Secretary Dole)

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William Roper, Special Assistant to the President for Health
Policy, OPD

Steve Rhodes, Assistant to the Vice President for Domestic Policy

Tom Komarek, Assistant Secretary of Labor for Administration and
Management

Received SS

1984 JAN -4 AM 10:55

THE WHITE HOUSE
WASHINGTON

January 3, 1984 *WWS*

C.F.

168863 CS

REC-10-12

MEMORANDUM FOR MICHAEL K. DEEVER
RICHARD G. DARMAN
MICHAEL McMANUS

FROM: CRAIG L. FULLER *CL*
SUBJECT: "Disorder in our Public Schools"

Attached is the paper presented to the President at today's Cabinet Council meeting. The President indicated that he would like to stress the importance of more discipline in schools in upcoming speeches.

The factual material described here is quite shocking. The full report developed by Education is planned for release soon. They will forward to me a plan for following-up on the report.

We might consider mentioning the subject in the State of the Union and focusing on the specific problem in the President's speech to school principals during February.

cc: Ben Elliott



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION

MEMORANDUM TO THE PRESIDENT

FROM: CABINET COUNCIL ON HUMAN RESOURCES WORKING GROUP ON
SCHOOL VIOLENCE/DISCIPLINE

SUBJECT: EXCERPTED SUMMARY: "DISORDER IN OUR PUBLIC SCHOOLS"

INTRODUCTION

The Commission on Educational Excellence has focused long overdue concern on the quality of American education. [But, a]s James Coleman concludes in his recent book, High School Achievement:

"When study of the effects of school characteristics on achievement began on a broad scale in the 1960's, those characteristics that were most studied were the traditional ones[:] per pupil expenditures as an overall measure of resources, laboratory facilities, libraries, recency of textbooks, and breadth of course offerings. These characteristics showed little or no consistent relation to achievement... characteristics of schools that are currently found to be related to achievement, in this study and others ... can be broadly divided into two areas: academic demands and discipline.

There is general agreement with Coleman's view of the importance of an orderly environment to learning:

- o The Excellence Commission found that improved discipline is a prerequisite for improving our nation's schools.
- o A bi-partisan merit pay task force in the U.S. House of Representatives cited improved discipline as essential to upgrading the quality of teachers and teaching.
- o A forum of leaders of diverse educational organizations united in defining safe schools and discipline codes as "prerequisites" for maintaining teacher effectiveness.
- o A number of other major critiques of American education have followed the Excellence Commission report in emphasizing that orderly and safe schools are requirements for effective education.

For each of the last 10 years, the Gallup Education Poll has indicated that the public's major concern over public schools has been the lack of discipline. Our citizens want order restored to the classroom and the quality of education improved. Schools must be encouraged to respond to our citizens' concern. Mobilizing such individual concern into community action is a task clearly within the President's responsibility not only to head the government but to lead the nation.

DISORDER IN THE SCHOOLS: HOW BIG IS THE PROBLEM?

Students

The most comprehensive study of crime and violence in the America's public schools was completed in 1978 by the National Institute for Education in response to a Congressional mandate. The NIE reported that:

- o Each month 282,000 students were physically attacked in America's secondary schools.
- o Each month 112,000 students were robbed through force, weapons, or threat in America's secondary schools.
- o Each month 2,400,000 students had their personal property stolen in America's secondary schools.

According to the NIE three million secondary school children were victims of in-school crime each month, and almost 8 percent of urban junior and senior high school students missed at least one day of school a month because they were afraid to go to school.

A major 1983 study of school violence by [the] Director of Rutgers University's Institute for Criminological Research concluded that the NIE data had probably understated the actual incidence of school violence at the time the survey was conducted.

And, a November 29, 1983 report [on Boston public schools] prepared by a blue ribbon panel chaired by a retired Massachusetts Supreme Court justice, Making Our Schools Safe for Learning, also indicates that the problems described in NIE report have likely worsened over time. According to the study, four out of every ten high school students surveyed by the panel reported they had been the victims of robbery, assault, or larceny during the course of the past year alone. Moreover, an

astonishing 37% of male students and 17% of female students surveyed in Boston high schools reported they had carried a weapon in school at some time during the school year -- a problem about which the panel had "no doubt" is "on the rise." In discussing the report, the Boston superintendent characterized his city's schools as safer than those in other cities.

Teachers

The National Institute for Education 1978 report to Congress stated that in 1978:

- o Each month, 6,000 teachers were robbed in America's secondary schools.
- o Each month, 1,000 teachers were assaulted seriously enough to require medical attention in America's secondary schools.
- o Each month, 125,000 teachers were threatened with physical harm in America's secondary schools.
- o Each month, 125,000 teachers encountered at least one situation where they were afraid to confront misbehaving students in America's secondary schools.

[A]ll indications are that the problem has increased in the last five years. The percentage of teachers polled by the NEA who reported being physically attacked during the preceding year, for example, increased by 53 percent between 1977 and 1983, and the percentage reporting malicious damage to their personal property increased by 63 percent over the same period. And, according to the November 29, 1983 report on violence in the Boston school system, 50 percent of a large sample of Boston teachers who had responded to the panel's mail survey reported that they had been victims of robbery, assault, or larceny during the course of the past school year.

[T]he crime statistics describe merely the "tip of the iceberg".

- o The American Federation of Teachers found, in a survey of a cross-section of California schools in both urban and rural areas, that "teachers spend between 30 percent and 80 percent of their time on discipline."
- o In a 1983 National Education Association poll about one in two teachers reported that student misbehavior interfered with teaching to a "moderate or great extent."

- o The International Labor Organization concluded in 1981, after studying schools in the United States and two other countries, that "up to 25% of teachers suffered from severe stress that is 'significantly' affecting their health. This stress is mainly due to pupil violence." (Wall Street Journal, July 9, 1981)
- o One psychiatrist who has treated many victims of teacher burnout describes it as producing symptoms identical to those found in World War I shell shock victims. This psychiatrist calls teacher burnout "a combat neurosis."
- o Out of 7,000 teachers responding to a recent survey, over 85 percent answered yes to the question: "Were there chronic health problems stemming from teaching?" Twenty-seven percent of those in the sample indicated that they were victims of stress-related illness, and 40 percent said that they took prescription drugs to treat health problems resulting from teaching."
- o A study of teacher burnout among Chicago teachers "painted a picture of teachers who were 'physically alive but professionally dead' ... Some teachers, who had all but depleted their stockpile of teaching vitality, were simply going through the motions of teaching, marking time until either retirement or a better job offer came along."

It thus should come as no surprise that studies repeatedly show that poor student discipline is a factor even more important than income in causing teachers to leave their profession:

- o The Oklahoma City Federation of Teachers discovered that 66 percent of the city's middle-school teachers and 52 percent of all teachers have considered quitting because of the verbal and physical abuse they receive from students.
- o A 1980 NEA nationwide poll indicates that teachers who experience significant problems resulting from student misbehavior are more than twice as likely to say that, had they the choice to make again, they would not become teachers.

Taxpayers

The NIE study statistics are again striking. It reported on a monthly basis in American schools:

- o 2,400 acts of arson;
- o 13,000 thefts of school property;
- o 24,000 incidents of vandalism; and
- o 42,000 cases of damage to school property.

The National PTA has observed that the annual cost of vandalism -- probably in excess of \$600 million a year -- exceeds this nation's total spending for textbooks. And this figure does not include the escalating costs of school security. Vandalism and policing/security practices, however, are only one component of the bill for school violence and discipline problems -- a bill that also includes the cost of lost teacher time and the demoralization of schools and school systems.

MINORITIES HAVE A PARTICULAR STAKE IN RESOLVING THE PROBLEM

Minorities are even more worried than whites about the lack of discipline in the public schools. This concern reflects the fact that minority students are doubly affected by violent and disruptive schools. First, they are more likely to be the victims of attack. Second, they are more likely to have their learning disrupted.

Minority students are especially likely to be attacked while at school. [S]erious attacks on black, Hispanic, Asian, and American Indian students occur at a rate at least twice that experienced by white students.

Moreover, minority students are more likely to attend a school in which discipline has broken down and learning is disrupted.

- o [s]tudents in predominantly minority secondary schools are twice as likely to be the victims of serious crimes as students in predominantly white schools;
- o [t]eachers in these schools are five times more likely to be victims of attacks requiring medical treatment and three times more likely to be robbed; and

- o [w]hite teachers who teach in predominantly minority secondary schools are seven times more likely to be attacked and need medical attention.

Polls show that over 80 percent of minorities believe disorder in the public schools to be a serious problem -- and about half consider it a very serious problem. This is a higher proportion than the white population (although about 60 percent of the white population also consider discipline a serious problem).

The prior Commission on Civil Rights' position on the problem vindicates the Administration's concerns about the "civil rights" it advocated. Against all evidence that minorities want more discipline for their children, not separate and unequal standards, the Commission opined that:

"Minority students are more often suspended for 'institutionally inappropriate behavior'... Thus, basic differences in culture, lifestyle, and experiences in a white-dominated society and the reluctance of the system to accomodate these differences account, in part, for the high rate of suspension for minority students."

Therefore:

"the cultural standards on which [disciplinary codes] are based, and whether they are fair standards for all children must be examined."

The former Commission, as well as others who have argued that school discipline is a synonym for anti-minority school policies, had the matter precisely backward: The hard-won right of minority children to an equal educational opportunity is being eroded by unsafe and disorderly schools. Permitting the current deterioration of order in the public schools to continue would be "anti-minority" in the most fundamental sense.

WHAT SOME SCHOOLS HAVE DONE

[S]chools where severe discipline problems have been "turned around" [have taken] such simple steps as staff agreement on the rules students are to follow and the consequences for disobeying them, and involvement and support of principals and teachers in the disciplinary process.

The El Camino High School experience described by the President in his National Forum speech is, of course, not the only instance

in which a school has adopted a rigorous student disciplinary code and has witnessed a parallel, dramatic improvement in academic achievement. The American Teacher describes the change at Southwestern High School in inner city Detroit:

"Once one of the city's most violent, racially polarized high schools with the highest truancy rate, Southwestern is now a place where teachers can teach without fear of verbal or physical abuse, where students no longer roam the halls during classes, and where attendance has soared from around 53 percent to close to 87 percent."

And Walter Williams describes the transformation of Eastside High School in Paterson, N.J.:

"At Eastside, where the enrollment is two-thirds black, one-third Hispanic, in the space of one year 82 percent of ninth graders passed a basic math test, compared with 55 percent the previous year. Fifty-six percent passed an English skills test, compared to 39 percent the previous year."

George Washington High School in the Watts area of Los Angeles is a similar success story. Four years ago, it was a school rampant with gangs and drugs, with a 25 percent absentee rate and one of the lowest academic ratings in all of Los Angeles County. Then a new principal was hired who demanded strict discipline, including a strict "discipline compact". Now, absenteeism has been cut to 6 percent and George Washington boasts the Los Angeles School District's biggest increase in the number of students taking SAT's. Five years ago, only 43 percent of Washington High's seniors even wanted to go to college. Last year, 80 percent actually went.

[Many similar examples exist and can serve as national models.]

WHY MANY SCHOOLS HAVE DONE LESS AND OFTEN LITTLE

School officials may be motivated to down-play the problem for several reasons: One reason is the fear of appearing incompetent. Public school officials in many communities may be rewarded more for functioning smoothly without public attention than for exceptional performance. Calling attention to acts of violence or disruption or dealing with angered parents or the courts are actions which at times and in many communities do not benefit school officials.

Another reason is that [existing disciplinary] procedures prevent effective [action]. Until very recently, students who entered the Boston public schools received a twenty-five page document, called "The Book", which, according to [a recent study by Gerald Grant in the Fall 1982 issue of Public Interest Magazine]:

"contains thousands of words on student rights but only eleven lines of type referring to their responsibilities. From this pamphlet, a student learns that there are five different types of suspensions and that the least serious is the short-term suspension for three days or less. Before even the latter can be meted out, a student has the right to request an informal hearing with the principal and his parents, and, if he is dissatisfied, to appeal to the community superintendent ...".

The pressures on districts to adopt such "books" come from several sources. [T]he American Civil Liberties Union, in a widely circulated and influential document, has called for "a recognition that deviation from the opinions and standards deemed desirable by the faculty is not ipso facto a danger to the educational process." The National Education Association struck a similar note in early testimony before a Senate Committee hearing on school violence. School violence, the then NEA president opined, was attributable to student alienation resulting from Vietnam, Watergate, and America's alleged "reliance on military force." As regards robberies of students: "Any system that perpetuates children carrying money and places those in an awkward position who do not have it to carry, requires a hard close look."

And these "students' rights" advocates have enjoyed considerable success -- often without effective opposition -- in the courts. Thus, the courts have construed existing statutes so as to permit legal actions against teachers, school administrators and school board members for personal liability in instances where disciplinary actions are taken -- as Justice Powell emphasized in the case of Wood v. Strickland (420 U. S. 308 (1975)), school officials must "now at the peril of some judge or jury subsequently finding that a good-faith belief as to applicable law was mistaken and hence actionable." The Working Group believes that review of existing statutes may be in order toward the end of further limiting potential liability of school officials exercising disciplinary authority in non-malicious fashion.

ACTION IS UNLIKELY, HOWEVER, UNLESS THE AMERICAN PEOPLE ARE MOBILIZED TO DEMAND IT

[T]he evidence that the problem is being ignored is overwhelming:

- o Only 1 of every 6 robberies or attacks recognized by school principals is reported to the police (NIE, Safe Schools Study, 1978).
- o Over 60% of teachers who were victims of attacks felt that school principals failed to take appropriate action (NEA Teacher Poll, 1981).
- o 43% of the students who attacked teachers received only the proverbial "slap on the wrist" -- or no punishment at all (NEA Teacher Poll, 1983).
- o Over 75% of all principals reported that crime was little or no problem in their schools -- during the same period in which 3 million students and teachers every month were victimized by crime in America's secondary schools. According to the principals, only 157,000 illegal acts occurred each month -- two thirds of which were never reported to the police (NIE, Safe Schools Study, 1978).

According to the NIE study over 3,000,000 crimes occurred each month in America's secondary schools -- and school officials reported only 51,000 of them to police: a ratio of 58 unreported crimes for each one reported. And, again, the current situation may at best be unchanged. According to the 1983 Boston survey, the lack of confidence that wrongdoers will be punished is so pervasive that only 65% of students, and an astonishing 28% of teachers victimized by school violence, reported the incidents to officials.

THE NEED FOR LEADERSHIP

"I'm going to do everything in my power to call attention to the successes achieved by our educational system, but I won't hesitate to raise issues like parental choice, discipline, course requirements, and merit pay that go to the heart of our current crisis."
-- President Reagan, Letter to the National School Board Association

School environments can be dramatically improved -- if the American people act. National concern over disorder in the

schools can be translated into action. The issue of school disorder represents an opportunity for the exercise of leadership on a national problem ignored by prior administrations.

The Departments of Education and Justice

The Working Group fully supports the actions that the Departments of Education and Justice are prepared to undertake and believes that they will be effective, yet involve no Federal intrusion into the management and policy discretion of local schools or state systems. Rather, they are designed to support and defend the efforts of principals, teachers, parents and students to restore an orderly learning environment and thereby to establish a basic condition necessary for the achievement of educational excellence.

The Department of Education is prepared to exercise efforts, at its highest levels, to focus research and public attention on problems of school disorder. One of the National Institute for Education centers would conduct extensive research into the prevention of school discipline/violence problems. Other components of the Department are prepared to evaluate anti-crime activities currently underway in local education agencies and will collect and disseminate examples of effective school discipline. In addition, the Department will give greater visibility to its joint project with the National Institute of Justice to identify how local jurisdictions might better use their own resources to reduce school crime. In addition, the Department will make the records of schools in the area of discipline and crime a major factor in selecting winners in the Secretary's Exemplary Elementary and Secondary School Competition. Finally, the Department is prepared to sponsor regional hearings on school discipline to seek possible solutions and to highlight successful local efforts; this process would be along the lines of the Department's earlier, successful hearings on the findings of the National Commission on School Excellence.

The Department of Justice is prepared to file "friend of the court" briefs in appropriate cases on the side of increasing the authority of teachers, principals and school administrators to deal with school discipline problems. In addition, the Department's Office of Juvenile Justice and Delinquency Prevention will be establishing a National School Safety Center, which will collect and disseminate data on school safety problems and their solution. Key elements of this program will include a computerized national clearinghouse for school safety resources; and publication of handbooks and other publications apprising principals, teachers, and parents of their legal rights in dealing with disruptive students and information on successful approaches to specific discipline problems.

The President

The Working Group believes that it is ultimately the President alone who can play the critical role in restoring to our nation's schools the ability to reverse what past misguided attention, and tragic inattention, have wrought in the area of school discipline and violence.

[I]nitial reaction to the President's remarks in Indianapolis demonstrates that Presidential leadership can play the vital role in fostering long overdue action to insist on order and discipline in our nation's schools. Towards that end, we suggest that the President:

- o Deliver a major address on the problem of school disorder, pointing to examples of how various jurisdictions have overcome it. Such an address could emphasize the particular importance of educational excellence to minorities and the disadvantaged, and identify the lack of discipline as a critical enemy of excellence in our public schools today.
- o Convene a meeting in Washington with individuals identified with reform in the area, whom the President could directly encourage and from whom he could further learn. Governor Deukmejian [who has done much in the area] could play a central role at such a meeting to which school administrators, principals, union officials and students could be invited.
- o Visit one or more schools in which discipline has been successfully restored. We believe that few things would be as dramatic as a series of visits by the President to schools such as those described in this memorandum.
- o Attend one or more of the regional hearings on school disorder to be held by the Department of Education.
- o Address the problem of school violence in his State of the Union message.

[The] Working Group believes that Presidential leadership in restoring the authority -- and, thereby, the professional status -- of teachers, principals and school officials is a necessary condition for the achievement of educational excellence.

A recent issue of Contemporary Education Magazine put the issue well:

"The issue in the 1980's no longer centers on whether or not violence in American schools is serious; the issue no longer centers on whether violence is increasing or decreasing; the issue no longer centers on technical anomalies concerning under-or-over reporting of incidents. In the decade of the 1980's, the primary issue before large proportions of our urban schools (and sizeable numbers of our suburban and even rural schools) revolves around the continued viability of American education as it existed a generation ago."

Based on our efforts, the Working Group urges the Administration and, more particularly, the President to speak out and to exercise national leadership on the need to restore order and discipline to the nation's schools. We believe that there are few actions likely to offer greater promise and payoff for America's children.

1/9/84 C.F. me
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FACT SHEET

Comments

Report of the CCHR Working Group
on
School Violence/Discipline
Disorder in Our Public Schools

I. Learning Depends on Good Discipline

- o A consistent portrait of an effective school has emerged from educational research. Order and discipline have been established as determining factors of a productive learning culture.

II. The Problem: Unruly Classrooms and Violence

- o The American Federation of Teachers (AFT) found that California teachers spend between 30-80% of their time on discipline.
- o A 1983 National Education Association (NEA) poll showed one half of all teachers felt that students' misbehavior interfere with teaching to a "moderate or greater extent."
- o An Oklahoma study indicates unruly classrooms led over one half of all teachers to consider quitting.
- o According to a National Institute of Education (NIE) study, three million secondary school students were victims of in-school crimes each month.
- o Eight percent of urban junior and senior high school students missed at least one day of school a month because they were afraid.
- o Although there have been improvements in some schools, the problems are still severe. A November 1983 report on the Boston School System showed 4 out of every 10 high school students had been the victims of robbery, assault and larceny during the course of the past year alone.

- o A NIE study showed 1,000 teachers were assaulted seriously enough each month to require medical attention and 125,000 were threatened with physical harm.
- o The number of teachers polled by the NEA who reported they were physically attacked during the preceding year increased 53% from 1977 to 1983.

III. The Impact on Minorities

- o Minority students are more likely to have their learning disrupted by unruly classrooms and to be victims of in-school crimes.
- o Minority students are more likely to attend a school in which discipline has broken down and learning has been disrupted.
- o Serious attacks on black, Hispanic, Asian and American-Indian students occur at a rate at least twice that experienced by white students.
- o Polls show that 80% of minorities believe disorder in the public schools to be a serious problem.

IV. The Reagan Administration Responses

- o President will focus the Nation's attention on the need for school discipline.
- o The Department of Education will conduct extensive research into the school discipline problem and disseminate examples of effective school solutions.
- o The Department of Justice will file "Friend of the Court" briefs in appropriate cases on the side of increasing the authority of teachers, principals and school administrators to deal with school discipline problems.
- o A national school safety center will be set up in the Department of Justice to work closely with the Department of Education on school safety problems.

WYS

C. F.

168863 CS

FG010-02

THE WHITE HOUSE
WASHINGTON

December 30, 1983

MEMORANDUM FOR JACK COURTEMANCHE

FROM: MARSHALL BREGER *mb/ms*

Mike Horowitz suggested to me that you might want to attend the CCHR meeting with the President Tuesday, January 3, 1984 at 2:00 p.m. on this issue which has obvious public consequences.

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fyi
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THE WHITE HOUSE

WASHINGTON

January 3, 1984

MEMORANDUM FOR THE FILE

FROM: CRAIG L. FULLER 

SUBJECT: Liver Transplantation and Related Issues

The attached paper on liver transplantation and related issues was presented to the President by Secretary Heckler during the Cabinet Council on Human Resources meeting today.

At the conclusion of the discussion, it was determined that the matter should be reviewed further by OPD and OMB and, if necessary, scheduled for another brief session with the President.

There was no objection to the HHS recommendations to:

- Ban the buying and selling of solid organs whether from a living donor or from a cadaver. [I. (1)]
- Use the Private Sector Clearinghouse with federal participation as the system for encouraging organ donation. [II. (2)]

There were reservations expressed about indicating medicare coverage was available for liver transplants, although there was no objection to recognizing liver transplantation as an acceptable operation. It is this area specifically that requires further study.

This summary should not suggest that other issues will not arise following review of the paper by White House offices and other agencies.

cc: Ed Meese
Richard Darman
Jack Svahn



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

DEC 16 1983

MEMORANDUM FOR THE CABINET COUNCIL ON HUMAN RESOURCES

FROM: MARGARET M. HECKLER 

SUBJECT: Liver Transplantation and Related Issues (CM429)

ISSUE

What should be the Administration policy on liver transplants and related subjects?

BACKGROUND

In 1980, the PHS assessed liver transplantation as "experimental" which precluded HCFA from including the procedure as a reimbursable technique (cite). In April 1982, the Health Care Financing Administration asked the Public Health Service to reassess the safety and efficacy of liver transplantation in light of new technology, drug therapy, clinical trials, etc.

Because of the complex scientific issues, the National Institutes of Health convened a Consensus Development Conference in June 1983, in which the skills, resources and institutional support needed for liver transplantation were discussed. The consensus of the participants was that "liver transplantation offers an alternative therapeutic approach which may prolong life in some patients suffering from severe liver disease that has progressed beyond the reach of currently available treatment and consequently carries a prognosis of death". However, it was also the consensus that in many forms of liver disease, the precise indications and timing of liver transplantation remain uncertain or controversial. With materials from these and other sources, the Office of Health Technology Assessment developed its report as to the safety and efficacy of liver transplantation. The report indicates that significant advances have been made in human liver transplantation so that it can be performed safely and effectively: a) in carefully selected patients with certain forms of end-stage liver disease, b) by transplant surgeons specifically trained to perform the procedures, and c) in hospitals having special arrangements to support the process.

There are four related issues to be resolved on this question. First, the legality of buying and selling solid organs. Second, whether the government or voluntary agencies will be responsible for donor identification, recipient coordination and transportation of organs. Third, whether Medicare will cover liver transplantation. Fourth, the composition and structure of an advisory committee to address the bio-ethical, legal, economic and social questions concerning organ transplantation.

Not discussed in this paper are the fiscal implications of coverage decisions according to varying populations. It is the presumption of this Department that the medical-scientific questions should be the driving force behind the decisions leading to a federal policy on organ transplantation.

STATEMENT OF THE ISSUES AND OPTIONS

ISSUE I: The Buying and Selling of Organs

1. Ban the buying and selling of solid organs whether from a living donor or from a cadaver.
2. Oppose federal action on the buying and selling of organs.

ISSUE II: Organ Procurement Clearinghouse

1. Federal organ procurement agency.
2. Private sector clearinghouse with Federal participation.

ISSUE III: Medicare Coverage for Liver Transplantation

1. Accept the findings of the NIH consensus conference as a basis for coverage guidelines and limit procedures to institutions with special capacities.
2. Cover persons with Biliary Atresia and conduct clinical trials for others.
3. Establish broad clinical trials involving 224 cases (adults and children).

ISSUE IV: Transplantation Advisory Committee

1. This committee should be appointed by the President.
2. This committee should be appointed by the Secretary.

ISSUE I: The Buying and Selling of Organs

During this session of Congress, Senator Orrin G. Hatch (R-Utah) and Congressman Albert T. Gore, Jr., (D-Tennessee) introduced separate pieces of legislation to impose a federal ban on the buying and selling of solid human organs, such as livers, kidneys, corneas, hearts, lungs, pancreas and bone.

On December 6, 1983 the American Medical Association (AMA) joined the American Society of Transplant Surgeons, the National Kidney Foundation, the National Association of Patients on Hemodialysis and Transplantation in "opposing the sale of non-renewable, transplantable organs for the purpose of profit..." In addition the AMA Judicial Council stated "The voluntary donation of organs in appropriate circumstances is commendable and is to be encouraged. However, it is not ethical to participate in a procedure to enable a donor to receive payment, other than for the reimbursement of expenses necessarily incurred in connection with removal, for any of the donors non-renewable organs."

OPTIONS

1. Ban the buying and selling of solid organs whether from a living donor or from a cadaver. (Such a ban would not preclude payment for the cost of locating, harvesting, transporting, storing, matching or transplanting.)

ARGUMENTS FOR:

- The buying and selling of organs regardless of the source appears morally and ethically repugnant to most of society; sanctioning the profitable trafficking in body parts would be unseemly for this Administration. Moreover, in the case of living donors selling organs,

medical ethics would appear to be violated: physicians performing the subsequent transplants would be de facto sanctioning potentially dangerous medical procedures for the healthy donors who have no familial ties to the recipient.

- This would protect individuals unable to make informed decisions (retarded, etc.) from being exploited for profit.
- Commercialization might give donors an incentive to conceal medical history leading to inappropriate organs being transplanted.
- Public insurance, Medicare and Medicaid would pay for such transactions, requiring the need for a federal regulatory effort.

ARGUMENTS AGAINST:

- Potential donors would be unable to sell organs with the intent of giving them to survivors or to charitable causes (non-sale transfer would of course remain an option).
- The number of organs available might diminish, assuming the cash incentive would increase the number of donors.
- A ban at the federal level could be regarded as intervention in the regulation of medical practice, traditionally performed by the states.
- A ban has the potential for creation of a black market for transplantable organs.

2. Oppose Federal Action on the Buying and Selling of Organs

ARGUMENTS FOR:

- Avoids the need for Federal enforcement efforts.
- Permits the maximum personal liberty in choosing organ disposal whether for profitable, charitable or medical purposes.
- Allows States to regulate this activity (to date, no States have laws applicable to this).

ARGUMENTS AGAINST:

- Places young, poor, bereaved and mentally incompetent persons at risk of exploitation.
- Not consistent with efforts to achieve orderly and safe utilization of organs using clinical criteria.
- Due to the inter-state use of organs, Federal action is necessary to avoid conflicting State standards.

ISSUE II: Organ Procurement Clearinghouse

To provide the most efficient use of scarce human organs, it is necessary to have a mechanism for matching donors and potential recipients. Since solid human organs have a short period of viability, it is essential that such a clearinghouse be operated continuously, as is currently available for kidneys.

To assist the establishment of such a system for the other organs and to develop a mechanism for encouraging organ donation, the Surgeon General convened two workshops involving organ procurement agencies, transplant surgeons and other private sector organizations concerned with organ transplantation. From these conferences, the American Council on Transplantation was formed.

1. Federal Organ Procurement Agency.

ARGUMENTS FOR:

- Reflects clear Federal commitment to a leadership role.
- Provides somewhat better potential for uniform data collection.
- More likely to approach uniform, universal coverage and access.

ARGUMENTS AGAINST:

- Creates the potential for political intrusion into the process of organ procurement.
- Creates Federal intrusion into an area where voluntary groups have already demonstrated effective, coordinated action.
- Reduces incentive for local or regional participation in the process.

2. Private Sector Clearinghouse With Federal Participation.

ARGUMENTS FOR:

- American Council on Transplantation provides an effective mechanism reflecting broad-based participation by all major parties of interest.
- Established regional organizations are already providing an effective harvesting and referral service and can be readily integrated for added effectiveness for multiple organ harvests from appropriate available donors.
- Avoid another layer of decision-makers in this process.

ARGUMENTS AGAINST:

- Will be perceived by some as an unwillingness for the Federal government to assume responsibility.
- May stimulate jurisdictional disputes between existing organ harvest and referral organizations.

ISSUE III: Medicare Coverage for Liver Transplantation

There are a significant number of medical conditions leading to end-stage liver disease for which liver transplantation offers the only alternative to death. Even then, the palliative potential of transplantation is likely to be effective only for certain causes of end-stage liver disease in selected patients, when performed by experienced surgical teams with appropriate supportive ancillary services.

Even under optimal circumstances, serious questions remain to be addressed to assure that diffusion of this technology occurs in an orderly fashion which avoids subjecting patients to unnecessary risks and puts scarce institutional resources to use for those individuals who have the optimal chance to be helped.

1. Accept the Findings of the NIH Consensus Conference as a Basis for Coverage Guidelines and Limit Procedures to Institutions With Special Capacities

According to the conference, patients with the following diseases are most likely to benefit. Other causes do exist and would be assessed on a case-by-case basis:

- o Biliary Atresia
- o Chronic Active Hepatitis
- o Primary Biliary Cirrhosis
- o Type 1 Antitrypsin Globulin Deficiency (Pi ZZ)
- o Wilsons Disease
- o Crigler-Najjar Syndrome
- o Miscellaneous Metabolic Liver Diseases
- o Primary Sclerosing Cholangitis

Patients whose medical conditions would be least likely to be improved by transplantation include:

- o malignancy metastatic to liver or where the malignancy extends beyond the liver
- o viral induced liver disease if persisting virus is present
- o alcoholics not in remission
- o active substance abusers
- o diseases likely to recur in the transplanted organ

Note that this population is limited to those conditions outlined above; for instance, those with liver malignancies or for "reformed" alcoholics transplantation is likely to be beneficial.

ARGUMENTS FOR:

- Guidelines were decided by panel of experts.
- Broad level of acceptance in significant parts of the medical community.
- Identifies broad outlines of groups likely to benefit (i.e., children with biliary atresia).
- Excludes on clinical grounds specific groups unlikely to benefit.
- Has potential for restricting the number of centers likely to perform the procedure to those with special preparation and facilities.

ARGUMENTS AGAINST:

- Medical knowledge continues to expand; it is not known which individuals may best benefit from this procedure.
- The long term survivability of transplant recipients is unclear.
- Scientific questions may remain unanswered since no guarantee exists that data collection would occur.
- Legal issues may arise by excluding alcoholics and substance abusers (Section 504) despite basis for exclusion being medical.

2. Cover Persons with Biliary Atresia and Conduct Clinical Trials for Others.

ARGUMENTS FOR:

- Largest single category of diseases with both natural history data and transplant data, thus, adequate information is available to proceed.
- Coverage for Biliary Atresia supportable by consensus conference.
- Any further information needed on Biliary Atresia can be derived from nearly 100 cases with this diagnosis already transplanted.
- No group of adults large enough to reach meaningfully scientific conclusion exists, except malignancy which has negative experience. More data necessary for other diseases.
- This procedure currently covered under Medicaid at State option.

ARGUMENTS AGAINST:

- Would not answer many questions about Biliary Atresia, such as:
 - o who might benefit from Kasai procedure (an alternative to transplantation) and
 - o when Kasai procedure is followed, successful or not, should transplant be done.
- No greater overall experience with children than adults:
 - o 55% cases, children
 - o 45% cases, adults.

3. Establish Broad Clinical Trials Involving 224 Cases (Adults and Children).

Certain critical questions remain which, when answered, would enable the Secretary to make a decision based on better information than is currently available while continuing to allow transplantation for those patients who we now believe would benefit. The critical questions presented below represent a framework for a collaborative study of liver transplant criterion in both the long and the short term.

A. Patient selection:

On the basis of information now available, we do not have definitive answers to these important questions:

- 1.) Which patients are likely to benefit from transplant?
 - o which patients may benefit from alternative medical and surgical procedures which can substitute permanently or for some period of time for a liver transplant, (i.e., Kasai procedure).
- 2.) In which individuals may liver transplants be the only treatment?

B. Long term risks and benefits:

Recent advances in surgical technique and in immunosuppressive drugs and the treatment of rejection phenomenon are suggested to have improved short-term survival. The following, however, are not understood:

- 1.) The cause of both the mortality and morbidity that is seen in transplant patients.
- 2.) The impact transplantation will have on the physical and mental development of children.

ARGUMENTS FOR:

- Could answer the above questions.
- Provides scientific basis for a decision.
- Has had precedent in heart transplant trials.
- Study could be interrupted at any point should adequate data exist to answer questions.

ARGUMENTS AGAINST:

- Some desirable candidates may not receive transplant during trial period.
- May be perceived as needless further study to save federal dollars.
- Findings may not advance knowledge beyond that developed at consensus conference.
- Private sector insurance coverage determination would be deferred, limiting availability for some patients.

ISSUE IV: Transplantation Advisory Committee

There remains a number of bio-ethical, legal, economic and social questions concerning organ transplantation. An advisory committee on transplantation should be established to address these issues.

This committee would be composed of physicians, patients or their guardians, lawyers, clergymen, economists and others who would bring a diverse set of skills and concerns to bear on these difficult issues. The committee would monitor the existing transplant experience as well as new information (i.e., clinical trials) to provide advice as how best to deal with the complex issues involving organ transplantation.

1. This committee should be appointed by the President.

ARGUMENTS FOR PRESIDENTIAL COMMITTEE:

- This would underscore the commitment of the Administration toward this therapy.
- Reports by this committee would receive a wider degree of public awareness.
- Some may perceive Secretarial committee as lower level decision-making body.

2. This committee should be appointed by the Secretary.

ARGUMENTS FOR SECRETARIAL COMMITTEE:

- It is more appropriate for this committee to answer to the Secretary.
- The highly technical information addressed by this committee would be more appropriate for analysis by the Department of Health and Human Services.
- It would report to the Secretary, allowing the President the option of reviewing the decisions.

APPENDIX 1

COSTS FOR BROAD CLINICAL TRIALS (Option 3)

	Year 1 ⁴	Year 2 ⁴	Year 3 ⁴	Year 4 ⁴	Year 5 ⁴	TOTAL
PROCEDURE	1,200,000					1,200,000
DATA ¹	1,120,000	790,000	680,000	620,000	620,000	3,830,000
ANALYSIS ²	150,000	150,000	300,000	400,000	500,000	1,500,000
CASES ³	(224)	(158)	(136)	(124)	(124)	(224)
TOTAL	2,470,000	940,000	980,000	1,020,000	1,120,000	6,530,000

If Option 2 is chosen costs would be half of those shown.

- 1 Subject costs estimated based on \$5,000 per patient per year. Data collection includes appropriate clinical and charge information to be developed in linkable, machine readable form.
- 2 Analytic staff cost include required analytic staff, support staff, and computer costs.
- 3 Based on one time intake of 224 cases in the first year with subsequent attrition due to mortality. To reach 224 cases, actual intake. May exceed one year.
- 4 Five year followup may be required to access long term effects. However, design could allow for 1, 3, or 5 year followup end points.

APPENDIX 2

TRANSPLANT CANDIDATES FOR BROAD CLINICAL TRIALS (Option 3)

	PRIVATE	MEDICARE	MEDICAID	TOTAL
Adults Under 65	0	0	112	112
Children Under 18	92	0	20	112
Total Patients	92	0	132	224
Total Costs (Average cost per patient \$200,000)	18,400,000	0	26,400,000	44,800,000
Federal Costs	0	0	13,200,000	13,200,000

If Option 2 is chosen no children would be necessary

BB

CCHP w/ PRES
re liver transplant
School Discipline

C. F.

Document No. 168863CS

16010-02

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/28/83 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: MEETING OF THE CABINET COUNCIL ON HUMAN RESOURCES WITH THE PRESIDENT
JANUARY 3, 1984 -- 2:00 P.M. -- CABINET ROOM

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAROODY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	SMALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:
ACTION ASSIGNEES ARE INVITED. PLEASE INFORM PATSY FAORO (x2800) IN THE OFFICE OF CABINET AFFAIRS IF YOU WILL ATTEND.

AGENDA:
Liver Transplantation and Related Issues
Report of the Working Group on School Violence/Discipline

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/28⁹/83 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

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VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
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DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BARODY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	SMALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Liver Transplantation and Related Issues
 Report of the Working Group on School Violence/Discipline

RESPONSE:

Richard G. Darman
 Assistant to the President
 Ext. 2702

C.F.

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CABINET AFFAIRS STAFFING MEMORANDUM

Date: 12/29/83 Number: 168863CA Due By: _____

Subject: Cabinet Council on Human Resources w/President - January 3, 1984

2:00 P.M. - Cabinet Room

TOPICS: Liver Transplantation
School Discipline

ALL CABINET MEMBERS	Action	FYI		Action	FYI
Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Baker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Darman (For WH Staffing)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HHS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HUD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McFarlane	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Svahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCFA/	<input type="checkbox"/>	<input type="checkbox"/>
GSA	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Simmons	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EPA	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input type="checkbox"/>	<input type="checkbox"/>
OPM	<input type="checkbox"/>	<input type="checkbox"/>	CCMA/Bledsoe	<input type="checkbox"/>	<input type="checkbox"/>
VA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CCNRE/	<input type="checkbox"/>	<input type="checkbox"/>
SBA	<input type="checkbox"/>	<input type="checkbox"/>			

REMARKS: The Cabinet Council on Human Resources with the President will meet on January 3, 1984 at 2:00 P.M. in the Cabinet Room.

The agenda and background papers are attached.

RETURN TO:

Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

Katherine Anderson
 Tom Gibson
 Don Clarey
 Larry Herbolsheimer
Associate Director
Office of Cabinet Affairs
456-2800

THE WHITE HOUSE
WASHINGTON

BIFT
C.F.

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THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

DEC 16 1983

MEMORANDUM FOR THE CABINET COUNCIL ON HUMAN RESOURCES

FROM: MARGARET M. HECKLER

SUBJECT: Liver Transplantation and Related Issues (CM429)

ISSUE

What should be the Administration policy on liver transplants and related subjects?

BACKGROUND

In 1980, the PHS assessed liver transplantation as "experimental" which precluded HCFA from including the procedure as a reimbursable technique (cite). In April 1982, the Health Care Financing Administration asked the Public Health Service to reassess the safety and efficacy of liver transplantation in light of new technology, drug therapy, clinical trials, etc.

Because of the complex scientific issues, the National Institutes of Health convened a Consensus Development Conference in June 1983, in which the skills, resources and institutional support needed for liver transplantation were discussed. The consensus of the participants was that "liver transplantation offers an alternative therapeutic approach which may prolong life in some patients suffering from severe liver disease that has progressed beyond the reach of currently available treatment and consequently carries a prognosis of death". However, it was also the consensus that in many forms of liver disease, the precise indications and timing of liver transplantation remain uncertain or controversial. With materials from these and other sources, the Office of Health Technology Assessment developed its report as to the safety and efficacy of liver transplantation. The report indicates that significant advances have been made in human liver transplantation so that it can be performed safely and effectively: a) in carefully selected patients with certain forms of end-stage liver disease, b) by transplant surgeons specifically trained to perform the procedures, and c) in hospitals having special arrangements to support the process.

There are four related issues to be resolved on this question. First, the legality of buying and selling solid organs. Second, whether the government or voluntary agencies will be responsible for donor identification, recipient coordination and transportation of organs. Third, whether Medicare will cover liver transplantation. Fourth, the composition and structure of an advisory committee to address the bio-ethical, legal, economic and social questions concerning organ transplantation.

Not discussed in this paper are the fiscal implications of coverage decisions according to varying populations. It is the presumption of this Department that the medical-scientific questions should be the driving force behind the decisions leading to a federal policy on organ transplantation.

STATEMENT OF THE ISSUES AND OPTIONS

ISSUE I: The Buying and Selling of Organs

1. Ban the buying and selling of solid organs whether from a living donor or from a cadaver.
2. Oppose federal action on the buying and selling of organs.

ISSUE II: Organ Procurement Clearinghouse

1. Federal organ procurement agency.
2. Private sector clearinghouse with Federal participation.

ISSUE III: Medicare Coverage for Liver Transplantation

1. Accept the findings of the NIH consensus conference as a basis for coverage guidelines and limit procedures to institutions with special capacities.
2. Cover persons with Biliary Atresia and conduct clinical trials for others.
3. Establish broad clinical trials involving 224 cases (adults and children).

ISSUE IV: Transplantation Advisory Committee

1. This committee should be appointed by the President.
2. This committee should be appointed by the Secretary.

ISSUE I: The Buying and Selling of Organs

During this session of Congress, Senator Orrin G. Hatch (R-Utah) and Congressman Albert T. Gore, Jr., (D-Tennessee) introduced separate pieces of legislation to impose a federal ban on the buying and selling of solid human organs, such as livers, kidneys, corneas, hearts, lungs, pancreas and bone.

On December 6, 1983 the American Medical Association (AMA) joined the American Society of Transplant Surgeons, the National Kidney Foundation, the National Association of Patients on Hemodialysis and Transplantation in "opposing the sale of non-renewable, transplantable organs for the purpose of profit..." In addition the AMA Judicial Council stated "The voluntary donation of organs in appropriate circumstances is commendable and is to be encouraged. However, it is not ethical to participate in a procedure to enable a donor to receive payment, other than for the reimbursement of expenses necessarily incurred in connection with removal, for any of the donors non-renewable organs."

OPTIONS

1. Ban the buying and selling of solid organs whether from a living donor or from a cadaver. (Such a ban would not preclude payment for the cost of locating, harvesting, transporting, storing, matching or transplanting.)

ARGUMENTS FOR:

- The buying and selling of organs regardless of the source appears morally and ethically repugnant to most of society; sanctioning the profitable trafficking in body parts would be unseemly for this Administration. Moreover, in the case of living donors selling organs,

medical ethics would appear to be violated: physicians performing the subsequent transplants would be de facto sanctioning potentially dangerous medical procedures for the healthy donors who have no familial ties to the recipient.

- This would protect individuals unable to make informed decisions (retarded, etc.) from being exploited for profit.
- Commercialization might give donors an incentive to conceal medical history leading to inappropriate organs being transplanted.
- Public insurance, Medicare and Medicaid would pay for such transactions, requiring the need for a federal regulatory effort.

ARGUMENTS AGAINST:

- Potential donors would be unable to sell organs with the intent of giving them to survivors or to charitable causes (non-sale transfer would of course remain an option).
- The number of organs available might diminish, assuming the cash incentive would increase the number of donors.
- A ban at the federal level could be regarded as intervention in the regulation of medical practice, traditionally performed by the states.
- A ban has the potential for creation of a black market for transplantable organs.

2. Oppose Federal Action on the Buying and Selling of Organs

ARGUMENTS FOR:

- Avoids the need for Federal enforcement efforts.
- Permits the maximum personal liberty in choosing organ disposal whether for profitable, charitable or medical purposes.
- Allows States to regulate this activity (to date, no States have laws applicable to this).

ARGUMENTS AGAINST:

- Places young, poor, bereaved and mentally incompetent persons at risk of exploitation.
- Not consistent with efforts to achieve orderly and safe utilization of organs using clinical criteria.
- Due to the inter-state use of organs, Federal action is necessary to avoid conflicting State standards.

ISSUE II: Organ Procurement Clearinghouse

To provide the most efficient use of scarce human organs, it is necessary to have a mechanism for matching donors and potential recipients. Since solid human organs have a short period of viability, it is essential that such a clearinghouse be operated continuously, as is currently available for kidneys.

To assist the establishment of such a system for the other organs and to develop a mechanism for encouraging organ donation, the Surgeon General convened two workshops involving organ procurement agencies, transplant surgeons and other private sector organizations concerned with organ transplantation. From these conferences, the American Council on Transplantation was formed.

1. Federal Organ Procurement Agency.

ARGUMENTS FOR:

- Reflects clear Federal commitment to a leadership role.
- Provides somewhat better potential for uniform data collection.
- More likely to approach uniform, universal coverage and access.

ARGUMENTS AGAINST:

- Creates the potential for political intrusion into the process of organ procurement.
- Creates Federal intrusion into an area where voluntary groups have already demonstrated effective, coordinated action.
- Reduces incentive for local or regional participation in the process.

2. Private Sector Clearinghouse With Federal Participation.

ARGUMENTS FOR:

- American Council on Transplantation provides an effective mechanism reflecting broad-based participation by all major parties of interest.
- Established regional organizations are already providing an effective harvesting and referral service and can be readily integrated for added effectiveness for multiple organ harvests from appropriate available donors.
- Avoid another layer of decision-makers in this process.

ARGUMENTS AGAINST:

- Will be perceived by some as an unwillingness for the Federal government to assume responsibility.
- May stimulate jurisdictional disputes between existing organ harvest and referral organizations.

ISSUE III: Medicare Coverage for Liver Transplantation

There are a significant number of medical conditions leading to end-stage liver disease for which liver transplantation offers the only alternative to death. Even then, the palliative potential of transplantation is likely to be effective only for certain causes of end-stage liver disease in selected patients, when performed by experienced surgical teams with appropriate supportive ancillary services.

Even under optimal circumstances, serious questions remain to be addressed to assure that diffusion of this technology occurs in an orderly fashion which avoids subjecting patients to unnecessary risks and puts scarce institutional resources to use for those individuals who have the optimal chance to be helped.

1. Accept the Findings of the NIH Consensus Conference as a Basis for Coverage Guidelines and Limit Procedures to Institutions With Special Capacities

According to the conference, patients with the following diseases are most likely to benefit. Other causes do exist and would be assessed on a case-by-case basis:

- o Biliary Atresia
- o Chronic Active Hepatitis
- o Primary Biliary Cirrhosis
- o Type 1 Antitrypsin Globulin Deficiency (Pi ZZ)
- o Wilsons Disease
- o Crigler-Najjar Syndrome
- o Miscellaneous Metabolic Liver Diseases
- o Primary Sclerosing Cholangitis

Patients whose medical conditions would be least likely to be improved by transplantation include:

- o malignancy metastatic to liver or where the malignancy extends beyond the liver
- o viral induced liver disease if persisting virus is present
- o alcoholics not in remission
- o active substance abusers
- o diseases likely to recur in the transplanted organ

Note that this population is limited to those conditions outlined above; for instance, those with liver malignancies or for "reformed" alcoholics transplantation is likely to be beneficial.

ARGUMENTS FOR:

- Guidelines were decided by panel of experts.
- Broad level of acceptance in significant parts of the medical community.
- Identifies broad outlines of groups likely to benefit (i.e., children with biliary atresia).
- Excludes on clinical grounds specific groups unlikely to benefit.
- Has potential for restricting the number of centers likely to perform the procedure to those with special preparation and facilities.

ARGUMENTS AGAINST:

- Medical knowledge continues to expand; it is not known which individuals may best benefit from this procedure.
- The long term survivability of transplant recipients is unclear.
- Scientific questions may remain unanswered since no guarantee exists that data collection would occur.
- Legal issues may arise by excluding alcoholics and substance abusers (Section 504) despite basis for exclusion being medical.

2. Cover Persons with Biliary Atresia and Conduct Clinical Trials for Others.

ARGUMENTS FOR:

- Largest single category of diseases with both natural history data and transplant data, thus, adequate information is available to proceed.
- Coverage for Biliary Atresia supportable by consensus conference.
- Any further information needed on Biliary Atresia can be derived from nearly 100 cases with this diagnosis already transplanted.
- No group of adults large enough to reach meaningfully scientific conclusion exists, except malignancy which has negative experience. More data necessary for other diseases.
- This procedure currently covered under Medicaid at State option.

ARGUMENTS AGAINST:

- Would not answer many questions about Biliary Atresia, such as:
 - o who might benefit from Kasai procedure (an alternative to transplantation) and
 - o when Kasai procedure is followed, successful or not, should transplant be done.
- No greater overall experience with children than adults:
 - o 55% cases, children
 - o 45% cases, adults.

3. Establish Broad Clinical Trials Involving 224 Cases (Adults and Children).

Certain critical questions remain which, when answered, would enable the Secretary to make a decision based on better information than is currently available while continuing to allow transplantation for those patients who we now believe would benefit. The critical questions presented below represent a framework for a collaborative study of liver transplant criterion in both the long and the short term.

A. Patient selection:

On the basis of information now available, we do not have definitive answers to these important questions:

- 1.) Which patients are likely to benefit from transplant?
 - o which patients may benefit from alternative medical and surgical procedures which can substitute permanently or for some period of time for a liver transplant, (i.e., Kasai procedure).
- 2.) In which individuals may liver transplants be the only treatment?

B. Long term risks and benefits:

Recent advances in surgical technique and in immunosuppressive drugs and the treatment of rejection phenomenon are suggested to have improved short-term survival. The following, however, are not understood:

- 1.) The cause of both the mortality and morbidity that is seen in transplant patients.
- 2.) The impact transplantation will have on the physical and mental development of children.

ARGUMENTS FOR:

- Could answer the above questions.
- Provides scientific basis for a decision.
- Has had precedent in heart transplant trials.
- Study could be interrupted at any point should adequate data exist to answer questions.

ARGUMENTS AGAINST:

- Some desirable candidates may not receive transplant during trial period.
- May be perceived as needless further study to save federal dollars.
- Findings may not advance knowledge beyond that developed at consensus conference.
- Private sector insurance coverage determination would be deferred, limiting availability for some patients.

ISSUE IV: Transplantation Advisory Committee

There remains a number of bio-ethical, legal, economic and social questions concerning organ transplantation. An advisory committee on transplantation should be established to address these issues.

This committee would be composed of physicians, patients or their guardians, lawyers, clergymen, economists and others who would bring a diverse set of skills and concerns to bear on these difficult issues. The committee would monitor the existing transplant experience as well as new information (i.e., clinical trials) to provide advice as how best to deal with the complex issues involving organ transplantation.

1. This committee should be appointed by the President.

ARGUMENTS FOR PRESIDENTIAL COMMITTEE:

- This would underscore the commitment of the Administration toward this therapy.
- Reports by this committee would receive a wider degree of public awareness.
- Some may perceive Secretarial committee as lower level decision-making body.

2. This committee should be appointed by the Secretary.

ARGUMENTS FOR SECRETARIAL COMMITTEE:

- It is more appropriate for this committee to answer to the Secretary.
- The highly technical information addressed by this committee would be more appropriate for analysis by the Department of Health and Human Services.
- It would report to the Secretary, allowing the President the option of reviewing the decisions.

APPENDIX 1

COSTS FOR BROAD CLINICAL TRIALS (Option 3)

	Year 1 ⁴	Year 2 ⁴	Year 3 ⁴	Year 4 ⁴	Year 5 ⁴	TOTAL
PROCEDURE	1,200,000					1,200,000
DATA ¹	1,120,000	790,000	680,000	620,000	620,000	3,830,000
ANALYSIS ²	150,000	150,000	300,000	400,000	500,000	1,500,000
CASES ³	(224)	(158)	(136)	(124)	(124)	(224)
TOTAL	2,470,000	940,000	980,000	1,020,000	1,120,000	6,530,000

If Option 2 is chosen costs would be half of those shown.

- 1 Subject costs estimated based on \$5,000 per patient per year. Data collection includes appropriate clinical and charge information to be developed in linkable, machine readable form.
- 2 Analytic staff cost include required analytic staff, support staff, and computer costs.
- 3 Based on one time intake of 224 cases in the first year with subsequent attrition due to mortality. To reach 224 cases, actual intake. May exceed one year.
- 4 Five year followup may be required to access long term effects. However, design could allow for 1, 3, or 5 year followup end points.

APPENDIX 2

TRANSPLANT CANDIDATES FOR BROAD CLINICAL TRIALS (Option 3)

	PRIVATE	MEDICARE	MEDICAID	TOTAL
Adults Under 65	0	0	112	112
Children Under 18	92	0	20	112
Total Patients	92	0	132	224
Total Costs (Average cost per patient \$200,000)	18,400,000	0	26,400,000	44,800,000
Federal Costs	0	0	13,200,000	13,200,000

If Option 2 is chosen no children would be necessary



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION

MEMORANDUM TO THE PRESIDENT

FROM: CABINET COUNCIL ON HUMAN RESOURCES WORKING GROUP ON
SCHOOL VIOLENCE/DISCIPLINE

SUBJECT: EXCERPTED SUMMARY: "DISORDER IN OUR PUBLIC SCHOOLS"

INTRODUCTION

The Commission on Educational Excellence has focused long overdue concern on the quality of American education. [But, a]s James Coleman concludes in his recent book, High School Achievement:

"When study of the effects of school characteristics on achievement began on a broad scale in the 1960's, those characteristics that were most studied were the traditional ones[:] per pupil expenditures as an overall measure of resources, laboratory facilities, libraries, recency of textbooks, and breadth of course offerings. These characteristics showed little or no consistent relation to achievement... characteristics of schools that are currently found to be related to achievement, in this study and others ... can be broadly divided into two areas: academic demands and discipline.

There is general agreement with Coleman's view of the importance of an orderly environment to learning:

- o The Excellence Commission found that improved discipline is a prerequisite for improving our nation's schools.
- o A bi-partisan merit pay task force in the U.S. House of Representatives cited improved discipline as essential to upgrading the quality of teachers and teaching.
- o A forum of leaders of diverse educational organizations united in defining safe schools and discipline codes as "prerequisites" for maintaining teacher effectiveness.
- o A number of other major critiques of American education have followed the Excellence Commission report in emphasizing that orderly and safe schools are requirements for effective education.

For each of the last 10 years, the Gallup Education Poll has indicated that the public's major concern over public schools has been the lack of discipline. Our citizens want order restored to the classroom and the quality of education improved. Schools must be encouraged to respond to our citizens' concern. Mobilizing such individual concern into community action is a task clearly within the President's responsibility not only to head the government but to lead the nation.

DISORDER IN THE SCHOOLS: HOW BIG IS THE PROBLEM?

Students

The most comprehensive study of crime and violence in the America's public schools was completed in 1978 by the National Institute for Education in response to a Congressional mandate. The NIE reported that:

- o Each month 282,000 students were physically attacked in America's secondary schools.
- o Each month 112,000 students were robbed through force, weapons, or threat in America's secondary schools.
- o Each month 2,400,000 students had their personal property stolen in America's secondary schools.

According to the NIE three million secondary school children were victims of in-school crime each month, and almost 8 percent of urban junior and senior high school students missed at least one day of school a month because they were afraid to go to school.

A major 1983 study of school violence by [the] Director of Rutgers University's Institute for Criminological Research concluded that the NIE data had probably understated the actual incidence of school violence at the time the survey was conducted.

And, a November 29, 1983 report [on Boston public schools] prepared by a blue ribbon panel chaired by a retired Massachusetts Supreme Court justice, Making Our Schools Safe for Learning, also indicates that the problems described in NIE report have likely worsened over time. According to the study, four out of every ten high school students surveyed by the panel reported they had been the victims of robbery, assault, or larceny during the course of the past year alone. Moreover, an

astonishing 37% of male students and 17% of female students surveyed in Boston high schools reported they had carried a weapon in school at some time during the school year -- a problem about which the panel had "no doubt" is "on the rise." In discussing the report, the Boston superintendent characterized his city's schools as safer than those in other cities.

Teachers

The National Institute for Education 1978 report to Congress stated that in 1978:

- o Each month, 6,000 teachers were robbed in America's secondary schools.
- o Each month, 1,000 teachers were assaulted seriously enough to require medical attention in America's secondary schools.
- o Each month, 125,000 teachers were threatened with physical harm in America's secondary schools.
- o Each month, 125,000 teachers encountered at least one situation where they were afraid to confront misbehaving students in America's secondary schools.

[A]ll indications are that the problem has increased in the last five years. The percentage of teachers polled by the NEA who reported being physically attacked during the preceding year, for example, increased by 53 percent between 1977 and 1983, and the percentage reporting malicious damage to their personal property increased by 63 percent over the same period. And, according to the November 29, 1983 report on violence in the Boston school system, 50 percent of a large sample of Boston teachers who had responded to the panel's mail survey reported that they had been victims of robbery, assault, or larceny during the course of the past school year.

[T]he crime statistics describe merely the "tip of the iceberg".

- o The American Federation of Teachers found, in a survey of a cross-section of California schools in both urban and rural areas, that "teachers spend between 30 percent and 80 percent of their time on discipline."
- o In a 1983 National Education Association poll about one in two teachers reported that student misbehavior interfered with teaching to a "moderate or great extent."

- o The International Labor Organization concluded in 1981, after studying schools in the United States and two other countries, that "up to 25% of teachers suffered from severe stress that is 'significantly' affecting their health. This stress is mainly due to pupil violence." (Wall Street Journal, July 9, 1981)
- o One psychiatrist who has treated many victims of teacher burnout describes it as producing symptoms identical to those found in World War I shell shock victims. This psychiatrist calls teacher burnout "a combat neurosis."
- o Out of 7,000 teachers responding to a recent survey, over 85 percent answered yes to the question: "Were there chronic health problems stemming from teaching?" Twenty-seven percent of those in the sample indicated that they were victims of stress-related illness, and 40 percent said that they took prescription drugs to treat health problems resulting from teaching."
- o A study of teacher burnout among Chicago teachers "painted a picture of teachers who were 'physically alive but professionally dead' ... Some teachers, who had all but depleted their stockpile of teaching vitality, were simply going through the motions of teaching, marking time until either retirement or a better job offer came along."

It thus should come as no surprise that studies repeatedly show that poor student discipline is a factor even more important than income in causing teachers to leave their profession:

- o The Oklahoma City Federation of Teachers discovered that 66 percent of the city's middle-school teachers and 52 percent of all teachers have considered quitting because of the verbal and physical abuse they receive from students.
- o A 1980 NEA nationwide poll indicates that teachers who experience significant problems resulting from student misbehavior are more than twice as likely to say that, had they the choice to make again, they would not become teachers.

Taxpayers

The NIE study statistics are again striking. It reported on a monthly basis in American schools:

- o 2,400 acts of arson;
- o 13,000 thefts of school property;
- o 24,000 incidents of vandalism; and
- o 42,000 cases of damage to school property.

The National PTA has observed that the annual cost of vandalism -- probably in excess of \$600 million a year -- exceeds this nation's total spending for textbooks. And this figure does not include the escalating costs of school security. Vandalism and policing/security practices, however, are only one component of the bill for school violence and discipline problems -- a bill that also includes the cost of lost teacher time and the demoralization of schools and school systems.

MINORITIES HAVE A PARTICULAR STAKE IN RESOLVING THE PROBLEM

Minorities are even more worried than whites about the lack of discipline in the public schools. This concern reflects the fact that minority students are doubly affected by violent and disruptive schools. First, they are more likely to be the victims of attack. Second, they are more likely to have their learning disrupted.

Minority students are especially likely to be attacked while at school. [S]erious attacks on black, Hispanic, Asian, and American Indian students occur at a rate at least twice that experienced by white students.

Moreover, minority students are more likely to attend a school in which discipline has broken down and learning is disrupted.

- o [s]tudents in predominantly minority secondary schools are twice as likely to be the victims of serious crimes as students in predominantly white schools;
- o [t]eachers in these schools are five times more likely to be victims of attacks requiring medical treatment and three times more likely to be robbed; and

- o [w]hite teachers who teach in predominantly minority secondary schools are seven times more likely to be attacked and need medical attention.

Polls show that over 80 percent of minorities believe disorder in the public schools to be a serious problem -- and about half consider it a very serious problem. This is a higher proportion than the white population (although about 60 percent of the white population also consider discipline a serious problem).

The prior Commission on Civil Rights' position on the problem vindicates the Administration's concerns about the "civil rights" it advocated. Against all evidence that minorities want more discipline for their children, not separate and unequal standards, the Commission opined that:

"Minority students are more often suspended for 'institutionally inappropriate behavior'... Thus, basic differences in culture, lifestyle, and experiences in a white-dominated society and the reluctance of the system to accomodate these differences account, in part, for the high rate of suspension for minority students."

Therefore:

"the cultural standards on which [disciplinary codes] are based, and whether they are fair standards for all children must be examined."

The former Commission, as well as others who have argued that school discipline is a synonym for anti-minority school policies, had the matter precisely backward: The hard-won right of minority children to an equal educational opportunity is being eroded by unsafe and disorderly schools. Permitting the current deterioration of order in the public schools to continue would be "anti-minority" in the most fundamental sense.

WHAT SOME SCHOOLS HAVE DONE

[S]chools where severe discipline problems have been "turned around" [have taken] such simple steps as staff agreement on the rules students are to follow and the consequences for disobeying them, and involvement and support of principals and teachers in the disciplinary process.

The El Camino High School experience described by the President in his National Forum speech is, of course, not the only instance

in which a school has adopted a rigorous student disciplinary code and has witnessed a parallel, dramatic improvement in academic achievement. The American Teacher describes the change at Southwestern High School in inner city Detroit:

"Once one of the city's most violent, racially polarized high schools with the highest truancy rate, Southwestern is now a place where teachers can teach without fear of verbal or physical abuse, where students no longer roam the halls during classes, and where attendance has soared from around 53 percent to close to 87 percent."

And Walter Williams describes the transformation of Eastside High School in Paterson, N.J.:

"At Eastside, where the enrollment is two-thirds black, one-third Hispanic, in the space of one year 82 percent of ninth graders passed a basic math test, compared with 55 percent the previous year. Fifty-six percent passed an English skills test, compared to 39 percent the previous year."

George Washington High School in the Watts area of Los Angeles is a similar success story. Four years ago, it was a school rampant with gangs and drugs, with a 25 percent absentee rate and one of the lowest academic ratings in all of Los Angeles County. Then a new principal was hired who demanded strict discipline, including a strict "discipline compact". Now, absenteeism has been cut to 6 percent and George Washington boasts the Los Angeles School District's biggest increase in the number of students taking SAT's. Five years ago, only 43 percent of Washington High's seniors even wanted to go to college. Last year, 80 percent actually went.

[Many similar examples exist and can serve as national models.]

WHY MANY SCHOOLS HAVE DONE LESS AND OFTEN LITTLE

School officials may be motivated to down-play the problem for several reasons: One reason is the fear of appearing incompetent. Public school officials in many communities may be rewarded more for functioning smoothly without public attention than for exceptional performance. Calling attention to acts of violence or disruption or dealing with angered parents or the courts are actions which at times and in many communities do not benefit school officials.

Another reason is that [existing disciplinary] procedures prevent effective [action]. Until very recently, students who entered the Boston public schools received a twenty-five page document, called "The Book", which, according to [a recent study by Gerald Grant in the Fall 1982 issue of Public Interest Magazine]:

"contains thousands of words on student rights but only eleven lines of type referring to their responsibilities. From this pamphlet, a student learns that there are five different types of suspensions and that the least serious is the short-term suspension for three days or less. Before even the latter can be meted out, a student has the right to request an informal hearing with the principal and his parents, and, if he is dissatisfied, to appeal to the community superintendent ...".

The pressures on districts to adopt such "books" come from several sources. [T]he American Civil Liberties Union, in a widely circulated and influential document, has called for "a recognition that deviation from the opinions and standards deemed desirable by the faculty is not ipso facto a danger to the educational process." The National Education Association struck a similar note in early testimony before a Senate Committee hearing on school violence. School violence, the then NEA president opined, was attributable to student alienation resulting from Vietnam, Watergate, and America's alleged "reliance on military force." As regards robberies of students: "Any system that perpetuates children carrying money and places those in an awkward position who do not have it to carry, requires a hard close look."

And these "students' rights" advocates have enjoyed considerable success -- often without effective opposition -- in the courts. Thus, the courts have construed existing statutes so as to permit legal actions against teachers, school administrators and school board members for personal liability in instances where disciplinary actions are taken -- as Justice Powell emphasized in the case of Wood v. Strickland (420 U. S. 308 (1975)), school officials must "now at the peril of some judge or jury subsequently finding that a good-faith belief as to applicable law was mistaken and hence actionable." The Working Group believes that review of existing statutes may be in order toward the end of further limiting potential liability of school officials exercising disciplinary authority in non-malicious fashion.

ACTION IS UNLIKELY, HOWEVER, UNLESS THE AMERICAN PEOPLE ARE MOBILIZED TO DEMAND IT

[T]he evidence that the problem is being ignored is overwhelming:

- o Only 1 of every 6 robberies or attacks recognized by school principals is reported to the police (NIE, Safe Schools Study, 1978).
- o Over 60% of teachers who were victims of attacks felt that school principals failed to take appropriate action (NEA Teacher Poll, 1981).
- o 43% of the students who attacked teachers received only the proverbial "slap on the wrist" -- or no punishment at all (NEA Teacher Poll, 1983).
- o Over 75% of all principals reported that crime was little or no problem in their schools -- during the same period in which 3 million students and teachers every month were victimized by crime in America's secondary schools. According to the principals, only 157,000 illegal acts occurred each month -- two thirds of which were never reported to the police (NIE, Safe Schools Study, 1978).

According to the NIE study over 3,000,000 crimes occurred each month in America's secondary schools -- and school officials reported only 51,000 of them to police: a ratio of 58 unreported crimes for each one reported. And, again, the current situation may at best be unchanged. According to the 1983 Boston survey, the lack of confidence that wrongdoers will be punished is so pervasive that only 65% of students, and an astonishing 28% of teachers victimized by school violence, reported the incidents to officials.

THE NEED FOR LEADERSHIP

"I'm going to do everything in my power to call attention to the successes achieved by our educational system, but I won't hesitate to raise issues like parental choice, discipline, course requirements, and merit pay that go to the heart of our current crisis."
-- President Reagan, Letter to the National School Board Association

School environments can be dramatically improved -- if the American people act. National concern over disorder in the

schools can be translated into action. The issue of school disorder represents an opportunity for the exercise of leadership on a national problem ignored by prior administrations.

The Departments of Education and Justice

The Working Group fully supports the actions that the Departments of Education and Justice are prepared to undertake and believes that they will be effective, yet involve no Federal intrusion into the management and policy discretion of local schools or state systems. Rather, they are designed to support and defend the efforts of principals, teachers, parents and students to restore an orderly learning environment and thereby to establish a basic condition necessary for the achievement of educational excellence.

The Department of Education is prepared to exercise efforts, at its highest levels, to focus research and public attention on problems of school disorder. One of the National Institute for Education centers would conduct extensive research into the prevention of school discipline/violence problems. Other components of the Department are prepared to evaluate anti-crime activities currently underway in local education agencies and will collect and disseminate examples of effective school discipline. In addition, the Department will give greater visibility to its joint project with the National Institute of Justice to identify how local jurisdictions might better use their own resources to reduce school crime. In addition, the Department will make the records of schools in the area of discipline and crime a major factor in selecting winners in the Secretary's Exemplary Elementary and Secondary School Competition. Finally, the Department is prepared to sponsor regional hearings on school discipline to seek possible solutions and to highlight successful local efforts; this process would be along the lines of the Department's earlier, successful hearings on the findings of the National Commission on School Excellence.

The Department of Justice is prepared to file "friend of the court" briefs in appropriate cases on the side of increasing the authority of teachers, principals and school administrators to deal with school discipline problems. In addition, the Department's Office of Juvenile Justice and Delinquency Prevention will be establishing a National School Safety Center, which will collect and disseminate data on school safety problems and their solution. Key elements of this program will include a computerized national clearinghouse for school safety resources; and publication of handbooks and other publications apprising principals, teachers, and parents of their legal rights in dealing with disruptive students and information on successful approaches to specific discipline problems.

The President

The Working Group believes that it is ultimately the President alone who can play the critical role in restoring to our nation's schools the ability to reverse what past misguided attention, and tragic inattention, have wrought in the area of school discipline and violence.

[I]nitial reaction to the President's remarks in Indianapolis demonstrates that Presidential leadership can play the vital role in fostering long overdue action to insist on order and discipline in our nation's schools. Towards that end, we suggest that the President:

- o Deliver a major address on the problem of school disorder, pointing to examples of how various jurisdictions have overcome it. Such an address could emphasize the particular importance of educational excellence to minorities and the disadvantaged, and identify the lack of discipline as a critical enemy of excellence in our public schools today.
- o Convene a meeting in Washington with individuals identified with reform in the area, whom the President could directly encourage and from whom he could further learn. Governor Deukmejian [who has done much in the area] could play a central role at such a meeting to which school administrators, principals, union officials and students could be invited.
- o Visit one or more schools in which discipline has been successfully restored. We believe that few things would be as dramatic as a series of visits by the President to schools such as those described in this memorandum.
- o Attend one or more of the regional hearings on school disorder to be held by the Department of Education.
- o Address the problem of school violence in his State of the Union message.

[The] Working Group believes that Presidential leadership in restoring the authority -- and, thereby, the professional status -- of teachers, principals and school officials is a necessary condition for the achievement of educational excellence.

A recent issue of Contemporary Education Magazine put the issue well:

"The issue in the 1980's no longer centers on whether or not violence in American schools is serious; the issue no longer centers on whether violence is increasing or decreasing; the issue no longer centers on technical anomalies concerning under-or-over reporting of incidents. In the decade of the 1980's, the primary issue before large proportions of our urban schools (and sizeable numbers of our suburban and even rural schools) revolves around the continued viability of American education as it existed a generation ago."

Based on our efforts, the Working Group urges the Administration and, more particularly, the President to speak out and to exercise national leadership on the need to restore order and discipline to the nation's schools. We believe that there are few actions likely to offer greater promise and payoff for America's children.