

García - 2013 School Discipline Policy and School Climate Bill of Rights

Whereas, The Los Angeles Unified School District (LAUSD) understands that student achievement begins with keeping students in a safe classroom and healthy environment conducive to learning and free from disruption; and is committed to closing the achievement gap by providing access to all students a vigorous education that ensures all students will graduate college prepared and career ready;

Whereas, LAUSD is a proven model and continues improving discipline policies with the adoption of the Discipline Foundation Policy (BUL-3638.0) that establishes a consistent framework for implementing and developing a culture of discipline grounded in positive behavior interventions and away from punitive approaches that infringe on instruction time;

Whereas, Restorative Justice approaches build on and work in conjunction with the positive behavior interventions in the Discipline Foundation Policy because they are an appropriate prevention and intervention approach within the tiered intervention process and because they seek accountability through understanding the impact of school discipline incidents and repairing the harm caused through a shared decision-making process which addresses root causes to prevent future harm and supports the healing of all parties.

Whereas, The District's Student Discipline and Expulsion Support Unit has been a model for other school districts in the state and the nation due to the District's expulsion rate of 0.02% (136 of 595,314 enrolled students) for 2010-2011 school year; and is in compliance with AB 922 that provides educational and support services as well as facilitates the reinstatement process for all expelled students;

Whereas, The District requires full implementation of Discipline Foundation Policy: School-Wide Positive Behavior Support (SWPBS), where every school completes the Safe School Plan, Volume 1, including assessment of the implementation of the Discipline Foundation Policy, and identification of a goal addressing the implementation of the policy;

Whereas, Discipline and policy procedures such as The Guidelines for Student Suspensions (BUL- 5655.1) clearly stipulate that suspension, including supervised suspension, should be utilized for adjustment purposes only when other means of correction have failed to bring about proper conduct and/or safety is at risk, as well as, provides alternatives to suspension that are age appropriate and designed to address and correct the student's specific misconduct;

Whereas, Discipline and policy procedures such as Expulsion of Students (BUL-4655.2) clearly stipulate that expulsion should be regarded as a *last resort* of intervention and should be considered only for those offenses that the principals are mandated to recommend expulsion, other means of correction have failed to bring about proper conduct, or when the misbehavior poses a serious safety risk to others;

Whereas, Studies by EdSource indicate that a large number of suspensions are commonly attributed to *Willful Defiance* (E.C. 48900) which account for nearly 42% of suspensions in California and 36% in the District;

Whereas, attachment G, *Top Ten Alternatives to Suspension*, and attachment I, *Consequences/School Reference Guide*, in the Discipline Foundation Policy (BUL-3638.0) as well as the *Matrix for Student Suspensions and Expulsion Recommendations* provide guidance on when suspension and expulsion are considered an appropriate response to misconduct;

Whereas, District data from the 2011-2012 Performance Meter indicates that the number of instruction days lost to suspension has impressively decreased since the inception of the Discipline Foundation Policy from 74,765 in 2006-07 to 26,286 in 2011-12;

Whereas, Studies indicate that suspension does not often result in positive behavior conditioning and furthermore can instead intensify misbehavior by increasing shame, alienation, and rejection amongst students, and a study from Texas found that students are 5 times more likely to dropout, 6 times more likely to repeat a grade, and 3 times more likely to have contact with the juvenile justice system if suspended;

Whereas, A disproportionate number of African American students and students with disabilities are suspended relative to their counterparts;

Whereas, The California Education Code and the California Penal Code clearly define the role of law enforcement agencies related to student safety and school based policing roles, so that the use of law enforcement is minimized when possible;

Resolved that the Superintendent shall amend the Discipline Foundation Policy and any related discipline or other policies to be in accordance with state law, as of

January 1, 2013, as reflected in, AB 2616, AB 2537, AB 1729, SB 1088 and AB 1909;

Resolved that the Superintendent shall in keeping with the goals of AB 1729 develop an objective Discipline Matrix with the input of the SWPBIS Task Force as discussed further below that shall establish which interventions (a.k.a. “other means of correction”), at a minimum shall be utilized for all students and in a consistent and age appropriate manner prior to all suspensions, except those limited offenses where suspension is required under California Education Code §48915(c). The superintendent shall take steps to reinforce the legal process for issuing suspensions in LAUSD.

Resolved that the Superintendent shall establish a School Discipline Bill of Rights as follows:

Alternative to School Suspension: Unless suspension is required under category 1 (also known as Ed. Code §48915(c)), no student shall be suspended until a school demonstrates that it has exhausted all alternatives to suspension, as outlined in the Discipline Matrix. All students shall have the right to in and out of school alternatives to suspensions.

Disruption/Willful Defiance: Beginning Fall 2013, no student shall be suspended or expelled for a “willful defiance” (48900(k) offense.

Restorative Justice: By 2020, as an alternative to traditional school discipline, all schools shall develop and implement restorative justice defined as:

Practices that resolve school disciplinary incidents by having (personnel trained in restorative approaches) and all parties involved come together, identify the harm that was caused, and determine who was responsible. The group, generally through a circle conferencing process, then develops a shared process for repairing harm and addressing root causes to prevent future harm. Restorative Justice will be used as an intervention consistent with the SWPBIS policy for all school disciplinary incidents unless a recommendation for expulsion is required as under California Education Code Section 48915.

Beginning 2015 and every year thereafter, the district shall provide training to school sites identified by the Superintendent based on suspension data in restorative justice as defined above within 60 days of:

- finding that any school has more than 15% of a particular subgroup or 10% of overall students, suspended, or 10% of a particular subgroup or 10% of overall students, arrested or given citations, from the prior school year. Such finding shall be made each October based on data collected from the prior year.
- Such training shall ensure that any student who requests this as an alternative to be utilized in the school shall have the right to have restorative justice utilized to address the harm to the school community and reintegrate the student.

Data: Every student and parent shall have a right to obtain the following aggregate data on discipline in the District on a monthly basis using website publishing by service area centers:

- In and Out-of-school suspension, involuntary transfer, opportunity transfer, expulsion, citation, police complaints, arrests and school-based arrest data for the school-site or the District for three months to a year preceding the request and the number of instructional days and amount of Average Daily Attendance funding lost to suspension, transfer, expulsion and arrest.
- Such data shall be disaggregated by all subgroups, including race, ethnicity, ELL status, disability and gender (include legal definition of gender), by socio-economic status and by offense, but shall be provided in a way to maintain the privacy of individual students.

School Wide Positive Behavior Intervention and Support:

- All students shall have the right to School-Wide Positive Behavior Interventions and Supports (SWPBIS) that reduce suspensions, increase attendance, improve test scores and has buy in and support from all school personnel.
- All students and parents have the right to file formal complaints if SWPBIS is not implemented in 60 days of student's request on campus. A finding of the failure to fully implement shall be redressed through an

on-site process involving parents and students to develop a school-site implementation plan and the training and other tools necessary to resolve the failure to fully implement within 130 days. The failure to fully implement can be identified by the failure to among other things:

- a. Include parents in the implementation efforts and provide training to parents on SWPBIS
- b. To set publicly measurable outcomes and benchmarks for decreasing the number of students for each race and ethnic subgroup that are referred to the office, suspended, involuntarily transferred, or expelled from school;
- c. To have a school-based team, which includes a parent, to guide the implementation efforts;
- d. Have a clear set of positive behavior rewards and a positive behavior system that is evident and used by all staff and known to all students;
- e. Have objective and simple behavior expectations that are defined and taught;
- f. Have a three tiered intervention system with clear interventions available at each level and a system for identifying student in need and objectively and consistently providing such interventions;
- g. Regularly collect and analyze discipline data and share it with the school community to inform their disciplinary practices and procedures.

Defining role of police on campus and limiting involvement in non-threatening school discipline actions:

- The District recognizes the serious potential consequences for youth of law enforcement and juvenile court involvement and wishes to prevent unnecessary criminalization of student behaviors at school. Students have the right to safe school environments that minimize the involvement of law enforcement, probation and the juvenile and criminal justice system, to the greatest extent possible.
- The District shall review and evaluate all current school police policies, practices and training relating to the equitable treatment of students.
- The District shall furthermore review the data on the use of school-based citations and arrests and identify and remedy frequent use at individual school sites.
- The District is committed to a non-criminal enforcement model that supports strategic problem-solving models rather than citation and arrest-driven enforcement.

- The majority of student conduct shall be handled administratively utilizing school-based interventions that are intended to maximize student engagement in the classroom and school setting.
- To the greatest extent possible, and in lieu of the use of citations and arrests, schools shall implement school-wide positive behavior interventions and supports and restorative justice programs that improve school safety and academic performance.
- Clear guidelines regarding the roles and responsibilities of campus police officers on campus shall be established and shall contain criteria to properly distinguish administrative responses to student conduct pursuant to school district policies and state law, from criminal responses.
- District policy regarding school police shall be updated and each year school safety plans shall be reviewed consistent with district policy to include clear guidelines regarding the roles and responsibilities of campus police officers and contain criteria to properly distinguish administrative responses to student conduct pursuant to school district policies and state law, from criminal responses.

Appeals to Suspensions and Grievance Process:

- To ensure that students and parents understand and have notice of their existing right pursuant to suspension policy (BUL-3819, pg. 14) and state and federal law, to appeal their suspensions, when suspension notifications are issued to parents/guardians, this notification will include clear information on the steps and timeline to initiate a suspension appeal.

Healthy, Holistic School Environments: All students have the right to holistic, healthy school environments that support students in all aspects of their health and well-being. The Superintendent shall work with community, business, and philanthropic partners to ensure schools have access to full service community schools.

Be it further resolved that the role of the SWPBIS Task Force established under the SWPBIS Policy shall be augmented to provide a stronger oversight role to achieve “full implementation” as follows, the SWPBIS Task Force shall:

- a. Make meetings times accessible to students during non-school hours;

- b. Within 60 days of this resolution develop the objective criteria by which full implementation of the SWPBIS Policy shall be measured, which shall include measurements for determining whether key elements have been met and to establish outcomes and benchmarks for reductions in office discipline referrals, suspensions, involuntary transfers, and expulsions in the District and from individual schools;
- c. Meet monthly at a regularly set time and with the appropriate notice required by and following the open meeting provisions of the Brown Act and shall have the authority to request access to all necessary documents and materials to be able to assess full implementation of the SWPBIS Policy;
- d. At each meeting, hear from individuals who have concerns about implementation and provide a forum to bring information or complaints to the attention of the SWPBIS Task Force;
- e. Report on its finding related to full implementation at least once per year at a School Board meeting at which the item shall be agendaized;
- f. Have the authority to review and make recommendations regarding the Discipline Matrix developed by the Superintendent and shall recommend to approve such matrix prior to its implementation;
- g. The independent auditor required by the Policy (BUL-3638, pgs 7, 10-11), shall provide an annual report to the Board regarding findings of individual complaints and broader recommendations regarding implementation and monitoring;

Be it resolved that charter schools shall comply with the LAUSD Discipline Foundation Policy (BUL-3638) and the terms of the School Discipline Policy and School Climate Bill of Rights Resolution.

Finally, be it further resolved that the Superintendent shall:

1. Present a report to the Governing Board regarding how and when he will implement all of the above including implications for staffing and support for school sites and update the Discipline Policy to include these requirements within 120 days from passage of this resolution;
2. Make available the final resolution to the public, principals and necessary personnel 30 days after;

3. Develop and implement a training plan for school leadership and personnel, parents and students that shall be fully implemented in the 2013-2014 school year.
4. The Superintendent shall give quarterly updates on progress of the implementation of the Student Bill of Rights to the Board and SWPBIS Taskforce.
5. The Superintendent will do a yearly review and adjust for trends and outcomes as well as recommendations by community including but not limited to the SWPBIS Task Force.