

CENTER FOR PUBLIC INTEGRITY

California takes on harsh discipline and academic inequities for black, Latino students

New laws, lawsuits reflect national debate on inequities kids face

By Susan Ferriss

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As the national debate over childhood inequities sharpens, recent developments in California highlight struggles over practices critics say deprive some kids of quality class time and fuel a “school-to-prison pipeline.”

New state legislation on discipline and truancy—along with lawsuits—are at the heart of these controversies in the Golden State.

This month, for instance, a judge issued a temporary restraining order [3] requiring that state education officials intervene [4] immediately at a school where students have joined a class-action lawsuit originally filed in May; students at the school, Jefferson High in lower-income south Los Angeles, allege that they’ve been deprived of equal time for education in comparison to kids at other more affluent schools. More than 90 percent of students at Jefferson High are Latino, many the children of immigrants, and more than 8 percent of students are black.

The Oct. 8 order by Alameda County Superior Court Judge Hernandez, Jr., required state officials to immediately ensure Jefferson kids are not placed in classes this fall that they’ve already taken and passed or assigned periods dubbed “home” or “service” periods that are “devoid” of academic instruction. State officials say they’re complying with the order.

The class-action suit over “lost learning time” was filed in May on behalf of kids at nine California schools, including two in Alameda County, as the Center for Public Integrity [5] reported. Kids at Jefferson in L.A. joined the suit in early October.

Students at various schools in the suit complained they were denied classes they needed to either graduate or apply to college, and suffered from poor instruction due to frequent teacher turnover and chaos in scheduling. The litigation was filed by Los Angeles-based Public Counsel, which has also represented students in expulsions, along with the American Civil Liberties Union and other law groups.

Policy makers and businesses in Silicon Valley [6] and elsewhere in California also argue for more action to close an “achievement gap” and boost access to college prep classes for Latino and black students.

In a request this fall for immediate intervention, Jefferson student [7] Jason Magaña, who aspires to be an aeronautical engineer, said in a Sept. 14, 2014, declaration to court that he was scheduled this fall for a graphics design class he had already taken and passed twice. He was also placed in an overcrowded AP English class of 50 kids. In addition, he was moved to an economics class he needs to graduate but had to struggle to catch up because he entered four weeks late.

The student also said was given two “home” periods he didn’t request this semester and a schedule that had him done with school by 11:20 a.m. on Wednesdays and Fridays.

In an interesting twist, on Oct. 2, recently resigned L.A. Unified School District superintendent John Deasy [8] provided a scathing court declaration in support of the restraining order request. He called the assignment of kids to these “service” or home periods “indefensible” and a violation of students’ fundamental right to education.

“These ‘classes’ are not designed to deliver real instruction...but rather are no more than fillers designed to plug gaps where no genuine courses are readily available,” Deasy said. He said he thought the restraining order should be placed on every school in the L.A. district that assigns kids to these periods.

North of Los Angeles, in California’s farming and oil-drilling Central Valley, another lawsuit filed this month also raises issues of inequitable school treatment heavily affecting black and Latino students.

As the Center for Public Integrity recently reported, the lawsuit in Kern was filed on behalf of Latino and black students who were removed from regular campuses and placed in alternative schools with fewer and inferior academic classes [9] or extracurricular activities. The suit was filed by a number of California and national law groups.

The Center in 2013 investigated how Mexican-American farmworker kids [10] who were removed from regular schools were limited to alternative campuses so far from their homes they either dropped out [11] or were put on independent “home” study with only one half day a week of actual time with a teacher. The Kern High School District, which is named in the suit filed Oct. 9, has declined to comment.

Kern officials have told the Center in the past that they are taking steps to spread the use of alternative discipline rather than removal of kids.

The L.A. and Kern lawsuits are pending. But California schools are also facing changes approved by state legislators this year and taking effect in January.

One of those measures prohibits the jailing ^[12] of “contemptuous habitual truants” as a way to force kids into regular attendance. Truancy is not a crime. But kids in some California counties—most had abandoned the practice—were getting locked up once judges found them to be in contempt of court orders to attend classes regularly.

At least 14 states already prohibit jailing of truants or other kids who have committed “status offenses,” which are infractions only minors can commit, like truancy, running away or smoking. Truants in California can still face consequences—including fines and community service—and their parents can be jailed for allowing kids to be truant.

According to records provided by the Youth Law Center ^[13] in San Francisco, Kern County courts in 2013 imposed “two weekends” in juvenile hall on 39 mostly Latino truants. Some were also ordered to write essays, pay fines or had driver’s licenses suspended.

The same year, more populous Alameda County locked up 13 minors for truancy; Orange County locked up truants 41 times; and San Diego locked up 41, some for up to four days.

In April, a video a student in Kern shot at the North High School sparked a community discussion over tough tactics used to try to scare struggling students who miss too much school or have failing grades.

The video—provided to TV stations--revealed a school truancy officer shaming 34 students ^[14] at a public assembly by calling out their names, disclosing that they would probably not graduate and ordering them to stand up and walk out of the assembly.

The Kern High School District apologized to the students and spokesman John Teves told local News17 TV: “It’s not standard practice to abuse students verbally this way.” He said the truancy officer was not authorized to single out the students, calling out their names into a microphone in front of peers.

On Sept. 24, local TV cameras ^[15] also filmed Kern High School District school police and other law enforcement conducting a “sweep” to look for more than 80 truants. Officers went house to house and eight students were reportedly given court citations and taken into school, where officers were shown lecturing kids, who were shown from the back or side.

Kern High School District Police Chief Mike Collier told local reporters, “The best place for kids to be in terms of their safety, their welfare and their future is in school.”

Last April, before Democratic Gov. Jerry Brown signed the anti-jailing bill, local TV filmed a similar Kern sweep ^[16] that resulted in minors being handcuffed and led into juvenile hall.

Sue Burrell, a staff attorney at the Youth Law Center in San Francisco, which supported the anti-jailing bill, said she was troubled by the video of the September sweep even though kids were taken into school rather than jail.

“The COPS-like show of force still seems like the wrong way to approach what is often a complex set of underlying issues,” she said. Often, Burrell said, kids who are truant are struggling privately with learning disabilities or bullying, family problems, including substance abuse or neglect in the home, or responsibilities to work or care for other siblings.

Research has shown that even one time in lockup ^[17] increases a kid’s risk of involvement with the adult criminal justice system by 50 percent.

Another new policy that California legislators approved and that goes into effect in January prohibits suspensions ^[18] of the Golden State’s youngest students for a broad category of misbehavior called “willful defiance.”

Legislators gave the bill a three-year life to allow for evaluation after that time lapses. As another compromise, the new discipline policy applies only to children who are in kindergarten through third grade ^[19]. It is the nation’s first such statewide prohibition. Some school districts, such as Los Angeles Unified ^[20], have already barred “willful defiance” suspensions and expulsions for students of all grade levels.

Several years in the making, the suspensions bill stemmed from complaints that suspensions of one day to several days at a time were spiraling out of control in California; in a “zero-tolerance” climate in some districts, kids were being removed for an array of accusations, including talking back, dress code violations and failing to do homework or failing to have school supplies.

Data also showed at-home suspensions have been disproportionately imposed ^[21] on black and Latino kids, raising questions about whether certain kids are treated more harshly for perceived misbehavior. Moreover, critics—including law enforcement officials—pointed to research that suspensions put kids behind academically, further alienate them from school, and also increase their risk of getting into trouble and dropping out.

Source URL (modified on 10/29/2014 - 05:00):

<http://www.publicintegrity.org/2014/10/29/16099/california-takes-harsh-discipline-and-academic-inequities-black-latino-students>

Links

[1] <http://www.publicintegrity.org/2014/10/29/16099/california-takes-harsh-discipline-and-academic-inequities-black-latino-students>

[2] <http://www.publicintegrity.org/authors/susan-ferriss>

[3] <http://www.publiccounsel.org/tools/assets/files/0551.PDF>

[4] <http://www.publiccounsel.org/pages/?id=0085>

- [5] <http://www.publicintegrity.org/2014/05/30/14852/lawsuit-low-income-students-assigned-too-much-work-experience-or-free-time-instead>
- [6] http://www.siliconvalleycf.org/docs/closing_the_achievement_gap_web.pdf
- [7] <http://www.publiccounsel.org/tools/assets/files/0550.pdf>
- [8] <http://www.publiccounsel.org/tools/assets/files/0546.pdf>
- [9] <http://www.publicintegrity.org/2014/10/14/15938/suit-against-kern-county-schools-alleges-disproportionate-discipline-minorities>
- [10] <http://www.publicintegrity.org/2013/07/15/12951/throwaway-kids-disciplined-california-teens-struggle-school-themselves>
- [11] <http://www.publicintegrity.org/2013/09/25/13455/nations-richest-farmland-some-workers-kids-get-no-education-all>
- [12] <http://ebclo.org/blog/2014/07/25/gov-brown-signs-ebclo-co-sponsored-bill-to-end-the-incarceration-of-youth-for-truancy/>
- [13] <http://www.ylc.org/2014/06/governor-brown-signs-sb-260/>
- [14] <http://www.kerngoldenempire.com/news/local/story/d/story/high-school-seniors-say-they-were-shamed-at-assembly/41130/qLLAlkPZz0GPeOPCN5th6g>
- [15] <http://home.kernhigh.org/truancy-sweep-a-success/>
- [16] <http://www.turnto23.com/news/local-news/habitually-truant-students-taken-into-juvenile-hall-042514>
- [17] <http://www.publicintegrity.org/2014/05/09/14699/juvenile-injustice-truants-face-courts-jailing-without-legal-counsel-aid-them>
- [18] http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0401-0450/ab_420_cfa_20140819_211852_asm_floor.html
- [19] <http://sacramento.cbslocal.com/2014/09/30/californias-willful-defiance-law-limits-suspensions-expulsions-for-backtalking-students/>
- [20] <http://www.publicintegrity.org/2013/05/16/12692/los-angeles-school-board-cracks-down-suspensions-minor-infractions>
- [21] <http://www.publicintegrity.org/2014/01/31/14201/new-california-data-show-drop-overall-school-suspensions-expulsions>