



July 13, 2012



Dr. Michael W. Kirst, President
State Board of Education
1430 N Street, Suite #5111
Sacramento, CA 95814



Re: Agenda Item No. 5 – A Conversation about the Future of Accountability in California: The School Accountability Report Card, Including Approval of the 2011-12 Template.

CHILDREN NOW

Dear President Kirst and State Board of Education Members:



We write to you as a coalition of community-based groups, advocates for children and youth, anti-crime organizations, education activists, public interest law firms, and civil rights organizations concerned about the overuse and disproportionate impact of exclusionary disciplinary policies and practices in California schools. Pursuant to Agenda Item No. 5, we understand that the State Board will review the data currently made available to parents and other concerned community stakeholders on the School Accountability Report Card (SARC) as part of its ongoing discussion concerning the “future of accountability in California.” We believe that additional information should be included on the SARC concerning school discipline and other related issues.



The primary purpose of the SARC is to provide parents with data so that they can make “meaningful comparisons between public schools that will enable him or her to make informed decisions on the school in which to enroll his or her children.” EC §33126(a). Currently, the only information provided on the SARC with respect to school discipline is the suspension and expulsion rates (the total number of suspensions and expulsions, including multiple suspensions of individual students, divided by the total enrollment) for the most recent three year period. This information is very limiting and wholly inadequate to determine a school’s true climate and status with respect to discipline.

Lifting Up What Works



The State Board and the Superintendent have ample authority to incorporate additional information into the SARC. Pursuant to EC §33126.2, the Superintendent has the authority to review “any empirical research data that becomes available concerning barriers to equal opportunities to succeed educationally for all California pupils, regardless of socioeconomic background” and the State Board “Upon obtaining this information . . . shall evaluate whether there is any need to revise the school accountability report card.” We strongly believe that this type of empirical research data exists with respect to discipline issues in California and that its availability presents an appropriate opportunity, pursuant to EC §33126.2, for both the Superintendent and the Board to undergo a review of this data and its inclusion in the SARC. Moreover, Proposition 98 broadly authorizes information related to “Classroom discipline and climate for learning,” and EC §33126(b) provides that the SARC “shall include, *but is not limited to,*” suspension and expulsion rates and other information identified by statute.



A. Discipline Data is Currently Inadequate to Help Parents Make Informed Decisions.

Parents and other community stakeholders have a right to be concerned about how exclusionary discipline policies are meted out in our schools. Data made available by the California Department of Education (CDE) reveals that far too many students are suspended and expelled in California schools, with over 700,000 suspensions and over 18,000 expulsions reported in each of the past two school years.¹ Additional data made available by the Office for Civil Rights (OCR) reveals that youth of color, in particular black students, bear the brunt of these harsh disciplinary measures. According to OCR, if you are a black student enrolled in California's school system you are *3 times more likely* to be suspended out of school than white students (18% vs. 6%). A recent report issued by UCLA's Civil Rights Project analyzed OCR's data and found that, "There are large numbers of students suspended from every racial group, but the disparities between groups are often profound. Across California . . . nearly 1 out of every 5 African American students (18%), 1 in 9 American Indian students (11%), and 1 in 14 Latino students (7%) in the state sample were suspended at least once in 2009-10, compared to 1 in 17 white students (6%). . ."² From a Civil Rights perspective, this data is profoundly disturbing. For the SARC to be meaningful for parents of students of color, they should be given adequate information to determine if their children are more likely to be impacted by a school's disciplinary practices on the basis of their race or ethnicity.

The data is also disturbing on purely an educational perspective as exclusionary discipline policies and practices have a devastating impact on a student's educational status. Studies confirm that youth who are suspended or expelled are more likely to drop out of school and eventually end up in the juvenile justice system,

“. . .for students with similar demographic, achievement, and socioeconomic profiles, those with one or more suspensions or expulsions were 5 times more likely to drop out—and 6 times more likely to repeat a grade level—than those students with no disciplinary actions. Furthermore, even students with minimal disciplinary troubles—those with just one disciplinary action for a relatively minor—discretionary offense—were nearly 3 times more likely to have contact with the juvenile justice system within a year.”³

¹ DataQuest: State level report "Expulsion, Suspension, and Truancy" at <http://data1.cde.ca.gov/dataquest/>

² "Suspended Education in California" (April, 2012) Daniel J. Losen, Tia Martinez & Jon Gillespie. <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-in-california/SuspendedEd-final3.pdf> According to this report, in the Los Angeles USD "African American male suspension rates were 18 percentage points higher than White male suspension rates (23% vs. 5%)." The report also confirms that "In an analysis of the 5 largest districts . . . the group with the consistently highest risk of suspension is African American male students with disabilities, with suspension rates reaching highs of 59% in San Bernardino City Unified and 36% in Los Angeles Unified."

³ "Suspended Education in California" (April, 2012) Losen, Martinez & Gillespie, citing to "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile

Another study found with respect to detained youth that more than “80 percent . . . had been suspended from school . . . and more than 50 percent had been expelled from school prior to their incarceration.”⁴ This research is confirmed by the enrollment data for California’s juvenile court school system where African American and Latino youth comprised 81% of the total student enrollment in 2010-11.⁵

Given the impact of exclusionary discipline policies on academic achievement, drop-outs, eventual contact with the juvenile justice system and the disproportionate impact on students of color, it is clear that parents should be given access to additional information concerning discipline in our schools. Given the above, we recommend that the following additional discipline-related data and information be included in the SARC:

- 1) Disaggregated data by race, ethnicity, gender, English Learner status, and students with disabilities of suspension and expulsion rates (based on total number of suspensions and expulsions, including multiple suspensions of individual students, divided by total enrollment) for the most recent three year period.
- 2) The total number of students suspended and expelled, overall and disaggregated by race, ethnicity, gender, English Learner status, and students with disabilities.
- 3) The total number of suspensions and expulsions, with a summary count of the most severe grounds that formed the basis for suspensions and expulsions, overall and disaggregated by race, ethnicity, gender, English Learner status, and students with disabilities.⁶
- 4) The total number of referrals to law enforcement and school-related arrests for school-based incidents, disaggregated by race, ethnicity, gender, English Learner status, and students with disabilities.⁷

Justice Involvement” (2011) Council of State Governments Justice Center.
<http://justicecenter.csg.org/resources/juveniles>

⁴ “*Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems*” (2010) Peter Leone, Lois Weinberg. <http://cjjr.georgetown.edu/pdfs/ed/edpaper.pdf>

⁵ DataQuest: “Other Choices” and “Enrollment by Ethnicity” report for juvenile court schools
<http://data1.cde.ca.gov/dataquest/DQ/enrotherstart.aspx>

⁶ By providing data concerning the most severe grounds for suspensions and expulsions, parents will be able to determine if their child may be susceptible to: drug or alcohol use (e.g. EC §§48900(c),(d) or (j)) violent behavior (e.g. EC §§48900 (a),(b) or (n)) and/or bullying (EC §48900(r)) at a particular school site. Data concerning EC §48900 (k) (willful defiance) as the most severe grounds for suspension or expulsion may indicate to a parent that a school is relying too heavily on arbitrary and subjective grounds for excluding students.

⁷ Data concerning law enforcement referrals obviously relate to school safety issues. But the data, if disaggregated, may reveal to parents of students of color to what extent their child may be referred over others for committing the same acts because of their race or ethnicity. Additionally, there are numerous

- 5) The “Suspension and Expulsions” section of the SARC template should also include a narrative provided by the Local Educational Agency (LEA) in which it will provide information about “other means of correction” it utilizes pursuant to EC § 48900.5 or any other discipline reform measure that the LEA has implemented.

It is our understanding that currently the suspension and expulsions rates found on the SARC are provided by the CDE. It is also our understanding that the CDE will be able to provide the information requested in Item Nos. 1 - 3 above through CALPADs in the very near future.

B. Discipline Data Should Be Included in the SARC Executive Summary.

In the “Summary of Issues” provided for Agenda Item No. 5, there is a discussion concerning the content of the SARC’s Executive Summary. We recommend that some, if not all, of the discipline data be included in the Executive Summary and that it be placed next to “Graduation Rate.” DataQuest reveals that at the state level California suspends and expels more students on a yearly basis than it graduates. Parents should be given this same information and encouraged to make this same comparison at the site and district level when deciding whether they want to enroll their child at a particular school or school district.

C. Promulgation of Regulations to Improve Accessibility of SARCs.

We strongly encourage any effort, including the promulgation of regulatory provisions, to improve the accessibility of the SARC. In our research for these comments, we visited several school district websites in which none provided a link to their SARCs on the home page of their website. For some districts, we had to conduct an extensive search to finally find their SARCs.

D. The Inclusion of Discipline in Broader Accountability Discussions.

We understand that this process is part of a more long term discussion concerning California’s accountability system. We strongly recommend that the impact of discipline be included in any and all future discussions, including those concerning the addition of new indicators in the Academic Performance Index. Research confirms that the over-reliance on harsh disciplinary measures not only impacts the individual students involved, but also negatively impacts the academic levels of the schools themselves:

“Schools with higher suspension rates tend to have lower ratings in terms of academic quality and school climate. Researchers who controlled for

reports documenting the relationship between the practice of school policing and zero tolerance policies in our schools with poor educational outcomes, particularly for students of color. See i.e., “*Education Under Arrest: The Case Against Police in Schools*” (Oct. 2011) Justice Policy Institute <http://www.justicepolicy.org/research/3177>; “*Zero Tolerance in Philadelphia: Denying Educational opportunities and Creating a Pathway to Prison*” (Jan. 2011) The Advancement Project <http://www.advancementproject.org/digital-library/publications/zero-tolerance-in-philadelphia-denying-educational-opportunities-and-cr>

race and poverty found that high-suspending districts tend to have worse outcomes overall on standardized tests. At a time when data-driven accountability and teacher effectiveness are the watchwords of education reform, we should be tracking suspension risks and replacing discipline policies that may harm students with ones that research suggests are more effective.”⁸

We thank you for this opportunity to submit comments and we look forward to working with you on this very important issue in the future.

Sincerely,



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⁸ “Suspended Education in California” (April, 2012) Losen, Martinez & Gillespie (citations omitted).

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*For identification purposes only.

cc: The Honorable Tom Torlakson, Superintendent of Public Instruction
The Honorable Darrell Steinberg, Senate President pro Tempore
The Honorable John Pérez, Assembly Speaker
The Honorable Ricardo Lara, Chair, California Latino Legislative Caucus
The Honorable Curren Price, Chair, California Legislative Black Caucus
The Honorable Warren Furutani, Chair, California Asian Pacific Islander
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