



CRLA



August 19, 2016

Dr. Eliseo Davalos, Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202

Via email and facsimile

Dear Superintendent Davalos,

The Stockton Education Equity Coalition (SEEC) represents civil rights, community and advocacy organizations committed to advocating on behalf of Stockton’s highest-needs students. We write to highlight concerns about your 2016-2017 Local Control Accountability Plan and Annual Update (“LCAP”).

We appreciate that the Stockton Unified School District (“District”) has made efforts to improve its implementation of the Local Control Funding Formula (“LCFF”) over the last year. However, we continue to be deeply concerned that the District’s actions and expenditures to address the “School Climate” priority area fail to create a positive and safe climate for Stockton students, especially our highest-need students: low-income, foster youth, and English language learners. The District’s LCAP also fails to adequately explain the districtwide use of supplemental and concentration (“S&C”) dollars generated by the highest-need students, as required by law.

I. SUSD’s LCAP Must Address its Continued Problems with Disproportionate and Overly Harsh Discipline

First, we note that the District continues to struggle with racially disproportionate rates of exclusionary discipline and overly harsh discipline policies, including the overuse of school police officers to address disciplinary violations (such as fighting among elementary school students). The District’s discipline and police practices have a disparate negative impact on its most vulnerable students, such as students of color, LGBTQ, and low-income youth. For example, according to the California Department of Education’s Dataquest database, in 2014-2015, Black students in the District represented 11% of the student population, yet in 2014 they

represented 30% of suspensions and 36% of expulsions.¹ Furthermore, we are aware that the State Bureau of Children’s Justice is currently investigating potential violations of the civil and constitutional rights of District students arising from high rates of student arrests by the District’s Police Department. We are also aware from the District’s response to the ACLU’s Public Records Act requests in 2012 and 2016 that there were approximately 12,000 police incident reports recorded by the District Police Department over the last four years, and that school officers often cite students for minor misbehavior like truancy and “disturbing the peace.”

To address these disturbing issues around student discipline, the District must incorporate goals, actions and services within its education program, and therefore its LCAP, to improve school climate. We are pleased to see that the District’s LCAP includes a goal of reduction of overall suspension rates and disparities in suspension rates for students of color as a primary measurable outcome.² We also appreciate the District’s inclusion of the California Healthy Kids Survey as a tool to measure connectedness to school.³

II. SUSD’s Use of S&C Dollars on Police-Related Expenditures Undermines a Positive School Climate and Therefore Goals for High-Need Students

However, we are deeply disturbed that the majority of the actions and expenditures listed under Goal 6 of the District LCAP actually undermine the goal of creating a more positive school environment. Specifically, we are troubled that the majority of the expenditures in Goal 6 serve the District Police Department, rather than serving students through positive discipline programs which are proven to decrease racial disparities and create a safe school climate for the very students who generate the S&C funds. For example, during the 2015-2016 school year, over 65% of the District’s spending on “school climate” funded the District Police Department, primarily on staffing and equipment.⁴ The majority of funds used for these expenditures were S&C dollars—dollars generated by low income, foster youth, and English language learner students. Yet neither the District LCAP nor outside research supports the idea that spending over \$2 million on increased policing of students will have positive or improved school climate effects for these students.

A. SUSD’s LCAP Fails to Identify and Justify Its Use of S&C Dollars on Districtwide, Police-Related Expenditures

Our review of your LCAP shows that the vast majority of SUSD’s S&C funds will be spent on districtwide and schoolwide services that target *all* students rather than services specific to high-

¹ “Suspension and Expulsion Report for 2014-2015: Stockton Unified,” California Department of Education, Data Reporting Office, <http://dq.cde.ca.gov/dataquest/SuspExp/defbyscheth.aspx?cYear=2014-15&cType=ALL&cCDS=3968676000000&cName=Stockton%20Unified&cLevel=District&cChoice=dDefByEth&ReportCode=dDefByEth>.

² 2016-2017 Local Control Accountability Plan and Annual Update, Stockton Unified School District (“District LCAP”), pg. 104.

³ The California Healthy Kids Survey is a statewide survey and tool that has been proven to help districts identify areas of student and school strengths, weaknesses, and needs. It focuses on school climate, student engagement, and the presence and quality of critical youth programming.

⁴The District’s total school climate spending amounted to \$3,203,558 and of that total, \$2,097,014 was spent on school police related expenditures; see District LCAP, pgs. 105-106.

need students for whom those funds are intended. Nearly every police-related expenditure under Goal 6 of the LCAP (e.g., Actions 6.5.1-6.5.6) is a districtwide expenditure not specifically targeted towards high need students.⁵ Under LCFF, the District is required to explain how such use of those S&C dollars is “principally directed towards, and effective in, meeting the district’s goals for its unduplicated pupils.”⁶ Such action-specific explanations ensure that decisions are anchored in the unique needs of the high-need students who generated those S&C dollars in the first place. Yet, the District’s LCAP fails to provide any meaningful justification regarding the districtwide use of S&C dollars to fund its police officers. The only current explanation offered in the LCAP states:

“LE: 9- Community Oriented Policing Program- To develop and maintain systems of safety that foster healthy relationships in support of safe learning environments. These services are principally directed and are an effective use of funds, targeting our unduplicated students in meeting the district’s goals in the state priority areas, 1 and 6 through the hiring and training of staff as visible support of safe and secure campuses and increasing emergency preparedness and response solutions.”⁷

By lumping together all police-related expenditures and making no mention of the District’s specific goals for high-need students (e.g., decreasing disparities in suspension rates), it is impossible to know from this vague language how any police-related expenditure advances tangible goals for low-income, foster-youth, or English learner students. Simply restating the “principally directed” and “effective” regulatory language does little to show whether the District has given thought to how the presence of police advances or undermines goals for high need students. Furthermore, this explanation does not offer any evidence to support using S&C funds for police.

B. Research Shows That an Increased Presence of Law Enforcement on School Campuses Undermines School Climate and Safety

In fact, evidence and research shows that increased spending on police actually decreases positive outcomes for students, especially our highest need students. A greater presence of police on school campuses can and often does lead to a dramatic increase in student arrests for minor student misconduct, which has deleterious effects on student outcomes and overall school safety⁸. As more police are permanently assigned to schools, for example, school-based arrests and referrals to the juvenile justice system have skyrocketed—thereby perpetuating the school-

⁵ District LCAP, pgs. 105-106.

⁶ 5 C.C.R. §§ 15496(b)(1)-(2).

⁷ District LCAP, pg. 128.

⁸ See Bernadine Dohrn, “Look Out Kid/It’s Something You Did”: Zero Tolerance for Children, in *Zero Tolerance: Resisting the Drive for Punishment in Our Schools* 89, (William Ayers et al., eds., 2001); Gary Fields & John R. Emshwiller, *For More Teens, Arrests by Police Replace School Discipline*, Wash. Post, October 20, 2014, <http://www.wsj.com/articles/for-more-teens-arrests-by-police-replace-school-discipline-1413858602>; U.S. Dep’t of Educ., Office for Civil Rights, 2013-2014 Civil Rights Data, a First Look: Key Data Highlights on Equity and Opportunity Gaps in our Nation’s Public Schools 7 (June 7, 2016), <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2013-14.html>.

to-prison pipeline.⁹ Such student arrests and citations increase the chances of student dropout, subsequent court involvement, future imprisonment, and decrease future employability of students. These harmful effects extend beyond the individual student, and often negatively impact all students' feelings of connectedness to school, even among those students who are not arrested. Police presence on campus "criminalizes" non-criminal student behavior, causing many students to feel less safe at school and less bonded to school adults.¹⁰ Restrictive and punitive "safety" measures such as locked doors, metal detectors, and a police presence on campus actually increase disorder by making students more fearful and less trusting of school officials and police—alienating students from school.¹¹

Most concernedly, increased police-student contact at schools has a disproportionately negative impact on low-income students, students of color, and students with disabilities—the very students LCFF was intended to benefit. In California, for example, a Black student is 2.7 times as likely as a white peer to receive a school-based referral to police and therefore more likely to suffer the negative effects of student-police interactions.¹² These disproportionate effects happen here; as you know, just a few years ago, a District Police Officer zip-tied the hands and feet of a 5-year-old Black student with disabilities as punishment for behavioral problems at school. This incident reiterates the need at the very least for explicit District policies that prevent overreach by District police officers into school disciplinary matters. This fall, the ACLU of California will release model policies like this that the District should institute to clarify and limit police involvement in school disciplinary matters.

The District has not offered a meaningful explanation for spending S&C dollars on a district wide police department as required by law and cannot justify this use of LCFF money for high need students based on any existing research. Therefore, we strongly urge the District to revise its LCAP to spend these critical S&C dollars on school programs that are proven to improve school climate and that are effective in meeting the needs of high-need students.

III. The LCAP Fails to Consider Stakeholder Recommendations That SUSD Shift S&C Dollars Away from School Police and Towards Positive School Climate Programming Proven to Work

Members of SEEC and others engaged in the LCAP process have advocated for the allocation of S&C dollars on evidence-based alternatives such as: restorative justice programs, school-wide positive behavior interventions and supports (PBIS), social emotional learning, trauma sensitive

⁹ See Amanda Petteruti, Justice Policy Inst., *Education Under Arrest: The Case Against Police in Schools* 13 (2011), http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

¹⁰ Paul J. Hirschfield, *Preparing for Prison? The Criminalization of School Discipline in the USA*, 12 *Theoretical Criminology* 79, 80 (2008).

¹¹ See Matthew, J. Mayer & Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Educ. & Treatment of Child.* 333, 349 (1999); Irwin A. Hyman & Donna C. Perone, *The Other Side of School Violence: Educator Policies and Practices that may Contribute to Student Misbehavior*, 36 *J. Sch. Psychol.* 7, 16 (1998): 7; Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003).

¹² Based on ACLU-CA calculations of CRDC 2013-2014 data, on file with the authors. U.S. Dep't of Educ., Office for Civil Rights, Public-use data file 2013-2014, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2013-14.html> (last visited June 9, 2016).

schools, and training and methods to address implicit bias.¹³ These programs are proven to increase attendance, academic achievement, improve overall student connectedness, and usually result in greater teacher stability since teachers are better supported through the training many of these programs provide. These outcomes reflect precisely the goals and outcomes listed in Goal 6 of the District’s LCAP.

Many other school districts use LCFF school climate dollars on such programs because they have seen the positive effects. For example, at Richmond High School in West Contra Costa Unified School District, the Restorative School Discipline Program cut the school’s nearly 500 suspensions in half in one year. Similar districtwide Restorative Justice programs were recently expanded by Oakland Unified School District, which spent nearly \$2 million—a majority of which was LCFF S&C dollars—on restorative justice this past year.

The recommendations made during the LCAP process on such school climate programming are supported by SUSD staff. We recently met staff at several schools in SUSD itself who have indicated an interest in using restorative justice programs to decrease their suspension rates and move away from zero tolerance discipline policies. However, the LCAP fails to incorporate such programs, explain why they are not being included, and identify allocation of S&C funds that are likely to result in a comparable increase or improvement of services to unduplicated students in a manner that effectuates these goals.

IV. Conclusion

LCFF implementation, LCAP development, and planning an educational program in the context of limited resources is obviously a difficult undertaking. We are encouraged by the promising improvements in SUSD’s LCAP in the past three years. However, we reiterate our serious and ongoing concerns that the District is improperly spending S&C dollars on school police, without proper justification, rather than using those funds on evidence-based practices that actually improve school climate.

We look forward to meeting with you at your earliest convenience to discuss the district’s use of school climate LCFF funds. We have been encouraged by your outreach to stakeholders and appreciate the opportunity to work with the District in addressing school climate and safety. Fathers & Families of San Joaquin has already contacted your office to set up a meeting regarding the issues described in this letter—we look forward to meeting with you soon. In the meantime, if you have questions, please contact: Nayna Gupta, ACLU of California, ngupta@aclunc.org, (415) 621-2493, or Emily Borg, Fathers & Families of San Joaquin (209) 941-0701.

¹³ “LCFF for Administrators: Evidence-Base Alternatives to Suspension and Expulsion,” Fix School Discipline, <http://fixschooldiscipline.org/lcffadministrators/>.

Sincerely,

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