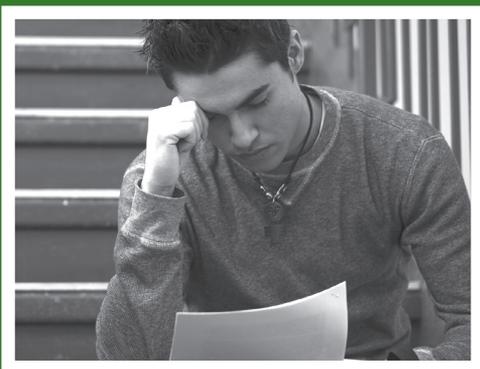


TOOLS FOR ACHIEVING FAIR DISCIPLINE

A Guide for Parents, Youth, Community Members,
and Advocates who want Equality and Fairness
in School Discipline



A guide from the ACLU of Northern California

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Table of Contents

9 Requests to Make of Your School/District.....	2
Getting the Community Together.....	4
Sample Organizing One-Page Handout.....	6
Getting What You Want From Your School/District.....	8
10 Questions to Ask Your School Administrators.....	11
Organizational Chart of School Administrators.....	12
Contact Us.....	13

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INTRODUCTION

Too often schools treat students in ways that dismiss their promise, marginalize their presence, and discourage learning. This toolkit is meant to prepare parents, youth, community members, and advocates to make necessary changes in discipline and school climate so that our schools are welcoming, respectful, and responsive to the unique students they educate.

About this Toolkit

The policy recommendations in this toolkit are based on the more comprehensive recommendations discussed in the ACLU of Northern California's *Discipline in California Schools: Legal Requirements and Positive School Environments*.¹ The ACLU-NC hopes that advocates will use this toolkit along with *Discipline in California Schools* to develop more just and positive discipline strategies in our public schools, so that California youth have a better chance of graduating from elementary and secondary schools with the education they deserve.

¹ *Discipline in California Schools: Legal Requirements and Positive School Environments* can be found at http://www.aclunc.org/docs/racial_justice/discipline_in_california.pdf.

9 REQUESTS TO MAKE OF YOUR SCHOOL AND/OR DISTRICT

Advocate for these changes in your school to ensure fairness for students while maintaining a safe, harassment-free environment.

- 1 Adopt a non-discrimination, anti-harassment, and anti-bullying policy and include complaint procedures for students who feel unsafe at school. Students may experience harassment from other students as well as teachers, administrators, and other school staff. Your school should have specific policies, guidelines, and rules aimed at stopping prejudice and harassment of students by school staff and vice versa. NOTE: Be sure this policy is not a “zero-tolerance” policy as described in #3 below.
- 2 Use forms of discipline and interventions that correct misbehavior without removing students from the classroom. For non-emergency student misbehavior, administrators should use alternatives to traditional school discipline that emphasize disciplining students in positive ways. For example, conflict resolution and other strategies build community rather than alienating students. Additionally, several forms of peer mediation and restorative justice interventions have been evaluated and found effective in decreasing conflict and misbehavior.
- 3 Remove “zero-tolerance” policies. Your school should **not** use “zero tolerance” policies that prevent a thoughtful response to student misconduct. Instead, schools should set clear rules and expectations and use discipline as a means to teach appropriate behavior.
- 4 Limit the use of suspension and expulsion to the most serious instances of misbehavior. Removing students from the classroom is not always necessary and the use of suspension and expulsion should be limited to what is required by law. Teachers and administrators should use positive intervention, classroom management, and alternative ways of correcting misbehavior that respect students, support and recognize good behavior, and are practiced daily.
- 5 Adopt policies to limit the use of law enforcement to emergency situations only. School Resource Officers (SROs) and other law enforcement are too often involved in minor student misbehavior. Schools should rely on their own resources to correct misbehavior rather than turning to SROs or police officers. Schools should have in place specific guidelines for when police are called to campus and the role of police once there.

- 6 Develop discipline policies, practices, and shared values with the community. Administrators should include the whole “school community”—students, parents, teachers, and school staff—in developing discipline policies, practices, and values. They should use these as a measuring stick when new approaches are considered.
- 7 Set clear roles and expectations for acceptable behavior. Schools should set clear rules and expectations for administrators, teachers, and students with respect to what is acceptable behavior at school and what is considered harassment. Everyone in the school community should agree upon what kind of behavior is acceptable and what needs correcting.
- 8 Ensure school staff members are accountable for implementing discipline fairly. School discipline should create the same expectations of fairness and understanding for each student. When discipline is exercised differently, the authority of school staff is called into question. In addition, bias and harassment against students of color and other vulnerable populations may show up in the form of harsh discipline from teachers and administrators. Schools must provide mandatory trainings for staff and find ways to track whether discipline policies are used fairly.
- 9 Keep track of who is being disciplined, how often, and for what offense. Schools should collect data to understand the impact of their discipline practices and to track whether any student population is being disciplined more than any other. For example, studies show that students of color tend to be disciplined more than others and often more harshly for the same offenses. When schools collect and analyze this data, they have a better idea of where improvements in policy and practice need to be made. Ensure school staff are accountable for implementing discipline fairly.

GETTING THE COMMUNITY TOGETHER

Community organizing is when people from the same community come together to affect change in their community. Working together, they educate other members of their community and advocate for mutually-agreed upon changes in policy and practice. A strong group of community members is needed to ensure that our schools respect, care for, and are accountable to our young people.

STEP 1: START WITH YOU WHO KNOW.

- ➔ **REACH OUT** to neighbors, family, friends, teachers, childcare workers, school employees, counselors, youth advocates, staff of local organizations (YMCA, Boys & Girls Club, etc), faith leaders, etc.
- ➔ **TALK TO** people you think would be the most interested in improving local schools.
- ➔ **FIND OUT** if they have experienced unfair discipline or if their relatives or friends at school have.
- ➔ **ASK** if they want to help you change things.

STEP 2: MEET, MAKE CONNECTIONS & START PLANNING.

- ➔ **MEET AS A GROUP** of at least 5-10 people to discuss the issue and decide what you all should do next.
- ➔ **SHARE STORIES** on why improving school discipline is important to you. Discuss the problem at your schools so you can decide and agree upon what issues this group should address. There are probably many issues you would like to address in your school and community. Be sure to stay focused and work step-by-step. Each small step will build toward greater successes.
- ➔ **LIST THE MAIN ISSUES** you are there to discuss and plan to fix. Then, narrow the list down.
- ➔ **FIND OUT WHO KNOWS WHO** the players and decision makers are. Does anyone in your group know the superintendent, school board members, teachers, principals, counselors, city council members, mayor, etc.?
- ➔ **WHAT CAN EACH PERSON COMMIT TO DOING?**

STEP 3: KEEP ORGANIZING!

You can never have too many people excited about and involved in your issue.

- Create a one-page handout (example on next page) to pass out at community events to get people interested.
- Assign roles and tasks to several people in the group, so that others take on leadership in their respective areas.

Keep the pressure on and the visibility high!



SCHOOLS FOR ALL!!

Because our young people deserve to go to welcoming & fair schools.

THE PROBLEM.

To build a better and brighter future, we must invest in the youth of today. Yet in California and throughout the nation, some schools are failing to protect students from bias and harassment from both peers and adults. The most common forms of bias and harassment often target the most vulnerable students, singling them out for defining characteristics such as sexual orientation and race.

WHY IT MATTERS.

Life becomes very difficult for many of these students and they feel alienated and marginalized at school. This leads to students being pushed out of school either voluntarily (drop out) or involuntarily (suspension and/or expulsion.) Students who are pushed out of schools have fewer life opportunities, including lower earning abilities, higher rates of unemployment, and overrepresentation in the criminal justice system. All students deserve to be treated with dignity and respect.

GET THE FACTS.

- In 2002, 75% of harassment reported by California middle and high school students surveyed was bias-related harassment.
- 46% of students said their school was not safe for lesbian, gay, bisexual and transgender students.
- African-American students are suspended at a rate two to three times that of other students. African-American students receive harsher and more frequent punishment even when controlling for socioeconomic status.
- English Language Learners are overrepresented in special education and have the lowest graduation rates of all students.
- Dropout rates are higher for students with disabilities and sexual minority youth, and among low income ethnic and linguistic minorities in overcrowded schools.

"African American and Latino kids are not acting out more; in fact, they seem to be punished for less serious or less objectionable behavior."

- Russell Skiba
Indiana University School of Psychology

WHAT YOU CAN DO.

JOIN US! We are calling on our schools and districts to adopt policies that will foster inclusive and respectful school climates, eliminate unfair discipline, and reduce pushout.

To learn how to get involved, call _____ or email _____

LEARN MORE about this campaign at www.aclunc.org/s4a. Get the facts and make school officials realize that education is not a privilege, but a right.

WRITE A LETTER or call the principal, superintendent, or school board and tell them you support fair discipline that keeps young people in schools. Tell them you want discipline to be used fairly for everyone.

GETTING WHAT YOU WANT FROM YOUR SCHOOL OR DISTRICT

In order to make our schools safer and more welcoming to young people, we must advocate with our schools, the district, and school board for policy changes and better practices for keeping our kids in better schools. Once you have members of the community with you, here's what to do next...

STEP 1: START WITH PEOPLE WHO CARE.

- **FIND SOMEONE** in the school or district who listens and cares—this could be a teacher, principal, or counselor.
- **TALK WITH THEM** and find out who else would be supportive of the changes you seek in the school.
- **ASK THE PRINCIPAL** for the school's discipline policy and records of how they discipline students.

STEP 2: RESEARCH THE POLICIES.

- **REVIEW** your school's discipline policy and compare it to the "9 Requests" on page 2. How does your school measure up?
- **RECORD STORIES** from the community about the discipline at your school to see if the policy is working.
- **DISCUSS CHANGES** with the community. A list of suggested changes is on page 2 (feel free to copy & take it with you).

In a nutshell:

- ◆ Change school discipline policy.
- ◆ Require the district to track their suspensions and expulsions based on race, gender, and offense.
- ◆ Remove police officers from school grounds and rely instead on school-centered discipline alternatives.
- ◆ Develop a peer-mediation or restorative justice program for conflict resolution.
- ◆ Implement teacher-trainings on alternative discipline methods and cultural understanding.
- ◆ Make curriculum reflect the culture and history of the students.
- ◆ *For more ideas, see page 2 and go to: www.aclunc.org/s4a.*

STEP 3: MEET WITH THE PRINCIPAL. Ask questions, and make your requests in-person and in-writing. Some useful questions are listed on Page 11. Note the commitments the principal agreed to and set a timeline for follow through.

STEP 4: FOLLOW THROUGH & KEEP IT MOVING.

- ➔ **FOLLOW THROUGH** on your tasks and the timeline you set, and remind the principal to follow through too.
- ➔ **DECIDE** if the principal is responsive. If so, keep working with her; if not, start focusing on the superintendent or school board.
- ➔ **BE PERSISTENT** and continue to push for your requests to be met. Hold the principal to her promises.
- ➔ **BE PATIENT** or **MOVE ON**. Change can take time, but if you are not making progress, consider advocating at the district level (steps 5, 6, and 7 below).

STEP 5: FIND OUT WHO IS IN THE DISTRICT AND CONTACT THEM. Start with whoever would be likely to agree with you.

STEP 6: MEET WITH THE SUPERINTENDENT, SCHOOL BOARD MEMBERS, OR OTHER DISTRICT STAFF WHO MAY BE SUPPORTIVE.

Note: school board members generally respond best to your requests when you have reached out to the superintendent (the administration) about your concerns. So, try to meet with the superintendent first.

- ➔ **ORGANIZE** a small group to go to a meeting with the superintendent, possibly including a parent, student, and youth advocate.
- ➔ **SHARE YOUR CONCERNS & MAKE YOUR REQUESTS.** Make sure to leave a copy of your requests in writing.
- ➔ **WORK WITH THEM ON HOW TO PROCEED.** If the superintendent is supportive, follow their lead about who to talk to next. If they're not sure, keep talking to supportive district officials or school board members.
- ➔ **KEEP TRACK** of the commitments the superintendent makes and follow-up promptly.

7. BE PERSISTENT. If you are not making progress with your requests, go to the top: the school board.

STEP 8: THE SCHOOL BOARD MEETING & ONGOING ADVOCACY WITH THE SCHOOL BOARD.

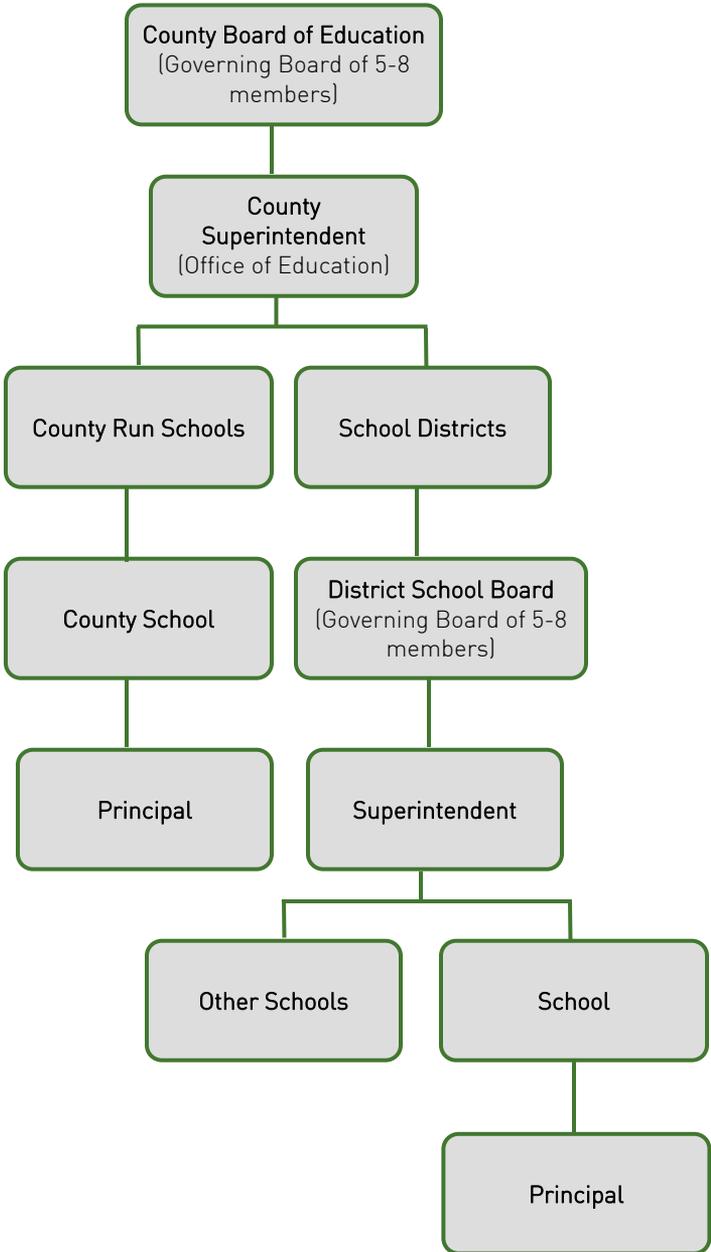
- ➔ **ASK IN ADVANCE** to make fair discipline an item on an upcoming agenda.
- ➔ **SPEAK UP AT A SCHOOL BOARD MEETING** with your group: explain the problem, share personal stories, give them more information, and make your requests in-person and in writing. Not on the agenda? Speak during public comment.
- ➔ **FOLLOW UP** with the school board members about your concerns.
- ➔ **SEND MORE INFORMATION** on the issue. You can find more information and materials on pushout and discipline on our website: www.aclunc.org/s4a.
- ➔ **BE PERSISTENT** with school board members about getting your items on an upcoming agenda.
- ➔ **PAY ATTENTION** and keep going back to school board meetings. Continue to visit the school board website and read the board meeting agendas and minutes. Don't disappear. Keep at it until they address your concerns. When they do, make sure the board follows through properly.
- ➔ **KEEP ORGANIZING!** If the district is not addressing your concerns, keep talking to more parents, youth, the media, and community members. You have the power to change your district, so don't stop!
- ➔ **NOTIFY THE LOCAL MEDIA** to bring greater attention to the issues.
- ➔ **THANK** all administrators or board members who are especially helpful or attentive to your concerns. They will be more likely to help you in the future if they know you appreciate their efforts.

10 QUESTIONS TO ASK YOUR SCHOOL ADMINISTRATORS

These questions may be useful as a starting point when advocating for best practices for school discipline in schools in your community.

1. What is your philosophy about disciplining students? Can I have a copy of the discipline policy?
2. When do you use suspension and expulsion?
3. How do you deal with students who are accused of non-violent offenses like being tardy or defiant/disruptive behavior?
4. Do you collect and analyze data on how many students are suspended/expelled—separated by race, gender, and offense—to determine disparities between how different groups of students are disciplined?
5. What is the role of law enforcement on the campus? Are there School Resource Officers (SROs) or regularly assigned law enforcement officials on campus? Under which circumstances is law enforcement called to campus?
6. What is the school or district doing to make sure discipline is used fairly, especially with vulnerable populations, such as students of color?
7. Does the school provide programs like restorative justice or peer mediation that help teach students appropriate, positive behavior instead of using automatic punishment?
8. What kind of training do teachers receive to create positive, welcoming learning environments while setting clear rules around discipline?
9. Are you open to working with parents, students, and community members in creating better discipline policies and making sure they are used fairly?
10. Do you have a complaint process for students and parents when they feel harassed or mistreated by other students and/or staff?

ORGANIZATIONAL CHART OF SCHOOL ADMINISTRATORS



SCHOOLS FOR ALL CAMPAIGN: Preventing Bias and Pushout

In California and throughout the nation, youth are being subjected to bias, harassment, and discrimination in schools. The failure to address these experiences is leading to a dangerous trend: students stop engaging, misbehave, and become so alienated that they choose to leave school or are forced out.

The ACLU of northern California's Schools for All Campaign works to ensure that all youth attend schools that are inclusive, respectful, and welcoming—schools that do not give up on students but rather strive to foster the potential of every child.

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www.aclunc.org/schoolsforall