

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES
Governing Board of the Los Angeles Unified School District

REGULAR MEETING STAMPED ORDER OF BUSINESS

333 South Beaudry Avenue, Board Room
12 p.m., Tuesday, May 14, 2013

Roll Call

Pledge of Allegiance

Superintendent's Reports

Budget Update

Academic Decathlon Recognitions

Aspen Challenge Winners Recognition

Consent Items

Items for action below assigned by the Board at the meeting to be adopted by a single vote. Any item may be pulled off of consent for further discussion by any Board Member at any time before action is taken.

Item Postponed from Regular Board Meeting of April 16, 2013, 12 p.m.

New Business for Action

Board Member Resolutions For Action (Continues at Tab 66)

59. Ms. García – 2013 School Discipline Policy and School Climate Bill of Rights
(Noticed April 16, 2013, 12 p.m.)

ADOPTED AS AMENDED

Whereas, The Los Angeles Unified School District 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, The District 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 the 2010-2011 school year; and is in compliance with AB 922, which 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, provide 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 five times more likely to dropout, six times more likely to repeat a grade, and three 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; and

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; now, therefore, be it

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 further, 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 any 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 the Los Angeles Unified School District.

Resolved further, 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.

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 Fall 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, English Language Learner status, disability and gender, by socioeconomic 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. 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. 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 the 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 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-5655.0, pg. 13) 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.

Resolved further, 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 meeting 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 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, ~~and, be it finally~~

Resolved further, That moving forward, charter schools shall comply with the District's Discipline Foundation Policy (BUL-3638) and the terms of the School Discipline Policy and School Climate Bill of Rights resolution; and, be it finally

Resolved, That the Superintendent shall:

1. Present a report to the Governing Board of Los Angeles Unified School District 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.



TOP TEN ALTERNATIVES TO SUSPENSION

Coordinated Behavior Plan for Any Student Whose Behavior has Impeded Learning	Training will be available to assist appropriate staff in the creation of a structured, coordinated behavior plan specific to the student, and based on the analysis of data and the assessment of the purpose of the target behavior to be reduced. This must focus on increasing desirable behavior and replacing inappropriate behavior.
Alternative Programming	Changes in the student’s schedule, classes or course content; assignment to an alternative school or program; independent study or work experience program should be tailored to the student’s needs.
Behavior Monitoring	Strategies to monitor behavior and academic progress might include progress report cards checked after each class regarding behavior, self charting of behaviors, strategies to provide feedback to the student, etc.
Appropriate In-School Alternatives	In-school alternatives in which academic tutoring and instruction related to the student’s behavior, such as work in social-emotional skills, and a clearly defined procedure to return to class as soon as the student is ready is provided.
Community Service	Required amount of time in community service in school system or in the community.
Counseling	Students are referred for participation in group or individual counseling.
Parent Supervision in School	Following existing school-site visitation policy parent comes to school and provides additional support and supervision for a period or throughout the day.
Mini-Courses	Short courses or modules on topics related to social-emotional behavior, used as a disciplinary consequence, after-school or Saturday.
Restitution	Financial or “in kind.” Permits the student to restore or improve the school environment.
Problem-Solving/Contracting	Use negotiation/problem-solving approaches to assist student to identify alternatives. Develop a contract which includes reinforcers for success, and consequences for continuing problems.

Source: Reece Peterson, University of Nebraska – Lincoln & Russell Skiba, Indiana University, modified by Nancy Franklin



CONSEQUENCES/SCHOOL RESPONSE REFERENCE GUIDE

<p>Level A: Preventive Plans Misconduct that Requires Classroom Supports</p>	<p>Level B: Preventive Plans Misconduct that Requires a Collaborative Team Response</p>	<p>Level C: Intervention Plans Serious Offenses with almost no Administrative Discretion</p>
<p><u>Preventive Plans</u></p> <ul style="list-style-type: none"> ▪ Reinforce guiding principles ▪ Identify, teach and reinforce behavioral expectations, rules and social skills ▪ Actively supervise, monitor and provide feedback on behavior in all areas of the school ▪ Use firm, fair, corrective, consistent disciplinary techniques ▪ Identify resources at school, local district, and in the community <p><u>Examples of School-Related Misconduct</u></p> <ul style="list-style-type: none"> • Classroom disruption, (e.g., speaking out, out of seat). • Occasional tardiness • Poor team work/incomplete work • Harassing other students • Inappropriate clothing for school • Non-compliance with rules <p><u>Examples of Consequences</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use time-out, demerit, loss of privileges or points consistently and non-emotionally assigned <input type="checkbox"/> With the student, develop a contract with explicit expectations for behavior and consequences <input type="checkbox"/> Assign student a written apology <input type="checkbox"/> Call parents and alert them about behavior, eliciting their partnership <input type="checkbox"/> Assign a contribution plan (i.e., contributing back to the classroom environment) <p><u>Examples of School Response</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Re-teach group expectations, routines, and strategies, modify grouping patterns <input type="checkbox"/> Use systematic positive reinforcement for students when they act appropriately <input type="checkbox"/> Use mentoring strategies; assign a mentor <input type="checkbox"/> Utilize a daily report card, involving parents and other staff in a partnership of support <input type="checkbox"/> Utilize peer tutoring/counseling <input type="checkbox"/> Determine the function of the student's behavior and teach replacement behavior 	<p><u>Preventive Plans</u></p> <ul style="list-style-type: none"> ▪ Work as a team, coordinating services ▪ Collaborate with parent/caregiver(s) ▪ Develop a school-based mentoring program ▪ Access school, local district, District, and community resources <p><u>Examples of School-Related Misconduct</u></p> <ul style="list-style-type: none"> • Fighting • Excessive tardiness/ongoing defiance • Engaging in habitual profanity or vulgarity • Being under the influence of alcohol or drugs • Vandalism/Graffiti/Theft • Bullying, harassment, sexual harassment • Truancy <p><u>Examples of Consequences</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Assign detention or in-school suspension <input type="checkbox"/> Involve student in the development of individual behavior support plan to change behavior <input type="checkbox"/> Enlist parent participation in a consistent response plan, e.g., daily signed behavior report <input type="checkbox"/> Clean up/make restitution <input type="checkbox"/> Loss of privileges <input type="checkbox"/> Assign an out-of-school suspension <input type="checkbox"/> Possible arrest <p><u>Examples of School Response</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Convene a Student Success Team (SST) or COST <input type="checkbox"/> Parent Conference <input type="checkbox"/> Use debriefing forms to address misconduct <input type="checkbox"/> Refer to community agencies <input type="checkbox"/> Assign campus responsibilities <input type="checkbox"/> Provide conflict resolution training, peer mediation, anger management <input type="checkbox"/> Encourage enrichment activities (after school clubs) <input type="checkbox"/> Assign Alternatives to Suspension, including in-school suspension or detention <input type="checkbox"/> Assign out-of-school suspension <input type="checkbox"/> Report to Law Enforcement 	<p><u>Intervention Plans</u></p> <ul style="list-style-type: none"> ▪ Identify crisis intervention plan and procedures ▪ Identify emergency resources ▪ Use resources in school, local district, District, and community ▪ Work as a team, coordinating services ▪ Collaborate with parent/caregiver(s) <p><u>Examples of School-Related Misconduct</u></p> <ul style="list-style-type: none"> • Possessing, selling, or furnishing a firearm • Possessing and/or brandishing a dangerous object • Possession of an explosive • Selling a controlled substance • Committing or attempting to commit a sexual assault or committing a sexual battery • Causing or attempting to cause a serious physical injury to another. • Robbery, extortion <p><u>Examples of Consequences</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Assign out-of-school suspension <input type="checkbox"/> Expulsion <input type="checkbox"/> Possible arrest <p><u>Examples of School Response</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Conduct investigation, interview all witnesses <input type="checkbox"/> Consult with Student Discipline Proceedings Office <input type="checkbox"/> Report to Law Enforcement <input type="checkbox"/> Conduct parent conference/pre-suspension conference <input type="checkbox"/> Review suspension and expulsion bulletins for specifics regarding mandatory actions <input type="checkbox"/> Review teacher-student-parent interaction history <input type="checkbox"/> Review social adjustment history <input type="checkbox"/> Review Special Education status <input type="checkbox"/> Consult with community agencies (e.g., probation, Mental Health Centers, Children's Services)