



Community Rights Campaign

End the Tickets

Alternatives for Youth Campaign



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Community Rights Campaign

Problems of the Los Angeles Daytime Curfew Law: Why LAUSD Must Decriminalize Truancy and Tardiness

August 2009

Los Angeles Municipal Code (LAMC) 45.04 imposes a daytime curfew on youth under the age of 18. According to the code, if students are found outside of school from bell to bell without a valid excuse¹, they can be given a citation of up to \$250, plus added court fees. In effect, LAMC 45.04 criminalizes both truancy and tardiness.

The Los Angeles Unified School District (LAUSD) faces the challenge of a decreasing student population, declining resources and a historically high drop-out rate. The current policy of issuing tickets to students for unexcused latenesses and absences does nothing to reverse these problems and only exacerbates the structural inequalities that LAUSD's 730,000 students face. It is imperative that we move resources away from punitive and stigmatizing policies to alternatives that address the core needs of LAUSD's students and families. We believe that a critical first step towards this is to halt enforcement of LAMC 45.04.

The majority of LAUSD students are low-income with approximately 80% living at or below the federal poverty line.² Moreover, in that 91% of LAUSD students are students of color—10% Black, 74% Latino³—we believe there are significant racial and civil rights harms caused by this law. Furthermore, given the pervasiveness of racial profiling in this country by law enforcement, and through what we have seen through our interviews and research with students, we fear that Black and Latino students are also disproportionately targeted to be stopped and cited by Los Angeles Police Department (LAPD) and Los Angeles School Police Department (LASPD) officers.

There are dozens of reasons why students are late or truant, ranging from emotional and mental health problems, school environment, academic challenges, special education needs, socioeconomic pressures, substance abuse, physical or emotional abuse in the home, lack of adequate transportation, and more.

After surveying approximately 1,400 students and parents, holding focus groups, conducting research on the citation process and speaking with organizations around the country, we have concluded that the practice of citing students for daytime curfew violations not only counters previous LAUSD Board motions on Equal Protection, Civil Rights and Positive Behavior Support but is also regressive, ineffective, racially discriminatory, and morally wrong.

Reasons to Oppose Los Angeles Municipal Code 45.04

- Fear of receiving a "truancy ticket" **deters students from going to school** when they are running late. This runs counter to sound educational policy that should encourage students to come to school.
- After receiving a citation, students are **required to miss another day of school** by going to court. Numerous studies have shown the harm of exclusionary disciplinary policies—ones that remove students from the classroom or school. Since the goal should be to keep students *in* school, then the consequences for being tardy or truant should be administered by the school and in the school.
- Students may only go to court if they are accompanied by their parent/guardian, thus **forcing the parent/guardian to miss a day of work**. For some, this will mean loss of a day's pay, fear of being fired, or could even lead to losing a job altogether. While parents should be involved in a child's discipline and behavior, methods implemented should not add further stress or cause harm to the family.
- Given that LAUSD students are overwhelmingly Black and Latino whose chances of being imprisoned during their life are far higher than white students,⁴ we should be seeking **alternative accountability mechanisms to the police/court system** for lateness and truancy.

Reasons to end Los Angeles Municipal Code 45.04 (cont'd)

- The majority of students impacted by LAMC 45.04 are **Black and Latino students**. We believe this contradicts the LaMotte/Garcia/Aguilar Equal Protection and Civil Rights for all Students in the Los Angeles Unified School District resolution.
- Given that the families impacted by LAMC 45.04 are **overwhelmingly very low-income**, these citations become a form of a regressive tax on the poor, and add to families' financial hardship.
- The stress of receiving a ticket, the humiliation and stigmatization students describe when handcuffed in front of their peers, the shame parents can feel when told about the ticket, indicates that the process of being cited has **significant mental health impacts** on students and their families.
- The Positive Behavior Support Policy of LAUSD mandates a need to move away from highly punitive and exclusionary discipline policies. We believe the practice of ticketing students who violate daytime curfew either because they are late or truant contradicts this mandate, and with **no demonstrated record of long-term success**.
- One key reason why students are truant is because they feel alienated from school or have had **negative experiences in school making it feel like a hostile environment**. This can result from bad experiences with teachers or peers, academic issues that go unnoticed, overcrowded classrooms and lack of adequate resources. Such a punitive policy of issuing citations in essence makes schools more hostile, and thus makes the problem worse.⁵ In a district with a 50% dropout rate, we cannot afford any policy that creates a more hostile school environment.
- Criminalizing truancy and tardiness is part of a **broader policy of cracking down on so-called "quality of life crimes,"** such as panhandling, sleeping on the streets, fare evasion, and truancy. This "broken windows" or "zero tolerance" policing does not address the root cause of poverty and homelessness, but criminalizes associated acts and behavior. Furthermore, studies have shown that such policing methods target low-income communities of color.⁶

We urge LAUSD to direct its officers not to enforce LAMC 45.04

To move towards addressing the real needs of students, we urge the following approach:

- **Truancy and tardiness as non-criminal acts**—Students who are routinely late and/or truant should be held accountable by the school, not the legal system, with an emphasis on providing the student with academic and emotional support and/or community based services in order to address the root causes of the students' lateness or truancy.⁷
- **Truancy as a sign of crisis**—Therefore, we believe that students who are found being truant by police should be brought back to school where law enforcement's involvement ends and the issue is handed over to the school where appropriate services and accountability mechanisms are in place for the student and the family. Students should not have to get a ticket and go to court to receive services; our schools and communities should provide the services our students need.
- **Resolving issues without the courts**—According to a recent report by the Vera Institute of Justice,⁸ a new paradigm for 'juvenile status offenders'⁹ is emerging: referring at-risk young people and their families to social service programs in their communities and use the juvenile justice system as a last resort. The new paradigm is guided by the belief that *families have the potential to resolve issues without the courts*; they simply need guidance and support to do so. Successful models exist in Florida, New York and Connecticut, and are based on the idea that families in crisis respond best when they get help quickly and do not rely on the family court for support. We believe a similar paradigm can and should apply in Los Angeles to the issue of truancy and tardiness.
- **Improving transportation**—Because lack of adequate public transportation contributes to student tardiness we urge LAUSD to conduct a comprehensive study on bus service and work with MTA to implement immediate bus service improvements as identified by the study.¹⁰

Keeping students away from the juvenile justice system

We understand that there must be a level of autonomy at each school to develop and implement programs that meet the needs of their unique student population. Nonetheless, we believe while accountability mechanisms for students are important, being late to school or missing school should not be put into law enforcement hands but rather parents and communities should be brought into the school's process as much as possible. In 1974, the California legislature enacted *Education Code (EC) Section 48320*, to enhance the enforcement of compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted.

We believe that the same spirit of EC 48320 should apply to Los Angeles; that is, to do everything possible to divert students from the juvenile justice system. The current enforcement of LAMC 45.04 counters this as it sends students directly to the court. Furthermore, we believe that by investing in alternatives to the current policy of daytime curfew tickets, student attendance will improve, thereby reducing the number of students who end up being referred to Student Attendance Review Boards (SARBs) and in the long term, reducing the number of students who drop out.

For the reasons stated above, we believe it is imperative that LAUSD and the City of Los Angeles decriminalize truancy and tardiness by no longer enforcing LAMC 45.04. After this critical first step, the district should look at existing truancy reduction programs as well as new and innovative ideas that can serve as alternatives to these daytime curfew citations. Below are some suggestions on principles that could service a guide to such alternatives.

Guiding principles in implementing alternatives to daytime curfew citations:

- a) **Decriminalize**—Truancy and tardiness will not be treated as crimes; therefore, no tickets will be given and while accountability must be a part of the program, it does not need to involve the police, courts or the legal system.
- b) **Keeping Students in School**—Consistent with the district's Positive Behavior Support policy and with numerous studies that show the harmful effects of exclusionary discipline policies, truancy and tardiness policies must commit to keeping students *in* school. This is not only better for students but also means higher attendance rates for schools.
- c) **Services**—A service oriented approach that recognizes truancy and tardiness as a sign of something else going on in the student's life: students and/or families are offered a continuum of services and receive them immediately if determined that it is needed. Services might include mental health counseling, academic support, transportation assistance, substance abuse, time management workshops, etc.
- d) **Student Involvement**—The student must be brought into the process, beginning with a discussion as to the causes of tardiness or truancy, with the goal of trying to resolve or help deal with the root causes identified. Attendance mediation workshops are one model of involving the student, as are written commitments or contracts that the student signs. The premise must be that youth who are *told* to do something are much more likely to *rebel against it*, whereas youth who are included in the decision-making process are more likely to follow through with their commitments.
- e) **Family Involvement**—Truancy and tardiness are often a symptom of problems in the home. Therefore, parents/guardians must also be offered appropriate services and be a part of the discussions around accountability and problem solving.
- f) **School Environment**—School environment must be seen as a critical component, including how teachers and staff treat students, culturally relevant curriculum, sufficient counselors available, extracurricular activities offered, etc. School procedures on tardiness and truancy should be clear and consistent, treating all students equally in the process without intimidation.

Endnotes

1. See Los Angeles Municipal Code 45.04 for a list of valid excuses.
2. http://www.huffingtonpost.com/emily-henry/education-crisis-in-los-a_b_200878.html
3. http://www.lausd.k12.ca.us/lausd/offices/bulletins/5_yr_review.html
4. One in 100: Behind Bars in America 2008 by the Pew Center on the States, indicates that the rates of incarceration for Black and latino populations are significantly higher; for example, 1 in every 15 Black males over the age of 18 and 1 in every 36 Latino males.
5. Jim Freeman, Director of the Advancement Project's *Ending the Schoolhouse to Jailhouse Project*.
6. One such study is: *Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid Row* by Professor Gary Blasi, UCLA School of Law and UCLA School of Law Fact Investigation Clinic, September 24, 2007. [http://www.law.ucla.edu/docs/Skid Row Safer Cities One Year Report.pdf](http://www.law.ucla.edu/docs/Skid%20Row%20Safer%20Cities%20One%20Year%20Report.pdf)
7. LAUSD's unanimous *Resolution to Invest in Students, Not Prisons (Opposition to Initiative 07-0094)*, passed in September of 2008, speaks to this need for more services rather than increased suppression: "WHEREAS, many low income communities, including communities of color, need additional resources and opportunities for employment, recreation, and education that are known to steer youth and young adults away from criminal activity toward positive and healthy futures rather than increased attacks on their civil liberties or more intensive law-enforcement activities aimed at 'suppression.'"
8. *Making Court the Last Resort: A New Focus for Supporting Families in Crisis*. Vera Institute of Justice, December 2008.
9. A 'juvenile status offender' is a minor who has committed an act that would not be considered a crime if it were committed by an adult, such as truancy.
10. Bus line 115 (Manchester) demonstrates the critical need to increase service in order to meet student needs. This line is the only bus which drops Westchester High School students in front of school. Yet, in the morning, when students are going to school, 13 out of 16 buses between 6:30am and 8:00am (when the bell rings) stop short at Sepulveda. This forces students to either walk from Sepulveda (1.74

**Hey LAUSD!
I'm Pre-Med, Pre-Job
NOT Pre-Prison!**



Community Rights Campaign

3780 Wilshire Blvd, Suite 1200, Los Angeles, CA 90010

T 213.387.2800 F 213.387.3500

www.thestrategycenter.org

The LABOR/COMMUNITY
Strategy Center

**CREATING ALTERNATIVES TO DAYTIME CURFEW
“TRUANCY” TICKETS**

Community Rights Campaign—Labor/Community Strategy Center
3780 Wilshire Blvd. Ste. 1200, Los Angeles, CA 90010
(213)387-2800
www.thestrategycenter.com

Education is a fundamental human and civil right. Having fought for equal access to quality education for decades, Black, Latino, Asian and other people of color are now facing a whole new barrier. The mostly Black and Latino students of the LA Unified School District are being criminalized and ticketed for absences or lateness (“truancy”), contributing significantly to their 50% dropout/pushout rate.

Numerous studies have shown that so-called “zero tolerance” policies such as truancy ticketing unfairly target students of color. Research has also shown that the increasing reliance on school police—instead of educational professionals—to handle student discipline issues creates an adversarial environment that pushes students out of school, particularly students already at risk.

At its core, the policy of ticketing students for daytime curfew violations is a law enforcement tactic that purports to address “crime;” it is not an educational tactic to address the root causes behind dropouts/pushouts and improve opportunities for educational success.

We feel that the harms to civil rights, equal protection and exclusionary discipline are so grave that we urge the LAUSD to

- * **Place a moratorium on daytime curfew citations** given out by LASPD officers and proactively work with City Council and community organizations to place a moratorium on LAMC 45.04 tickets given out by LAPD;

- * **Proactively move a multi-agency strategy to study and invest in alternatives to tickets** for truancy, tardiness and other discipline issues.

In this report, we present the case for decriminalizing truancy and tardiness and lay out guiding principles and recommendations for an alternative policy.

What is “truancy” ticketing?

Under Los Angeles Municipal Code (LAMC) 45.04, LAUSD students are routinely given daytime curfew tickets, popularly known as “truancy tickets,” for being truant or late to school. 31,000 citations were given out last year by local law enforcement, usually LAPD or LASPD officers. After receiving a ticket, the students must appear in court with their parent/guardian. In effect, LAMC 45.04 criminalizes both truancy and tardiness.

In *Problems of the Los Angeles Daytime Curfew Law: Why LAUSD Must Decriminalize Truancy and Tardiness*, we describe many of the negative consequences of truancy tickets. These consequences include but are not limited to:

- discouraging students from going to school for fear of being ticketed
- causing significant financial and emotional stress on students and families
- creating a more hostile school environment for students

Why the Board already supports decriminalizing truancy and tardiness

The School-Wide Positive Behavior Support Policy (SWPBS) of LAUSD mandates a need to move away from these highly punitive and exclusionary discipline policies and move towards improving school climate in a safe and inclusive way. Important steps have been taken to begin to implement SWPBS that we hope will only strengthen. However, the district will not be able to truly improve school culture and create inclusive learning communities when so many of our students are inappropriately criminalized in our schools. Fining students for daytime curfew, and often handcuffing them in the process, contradicts this mandate by creating a more hostile school environment and sending students to court.

The LaMotte/Garcia/Aguilar Equal Protection and Civil Rights for all Students in the Los Angeles Unified School District resolution clearly recognizes the need for the district to identify and remedy policies that unfairly target Black and Latino students. Given that the majority of students impacted by LAMC 45.04 are Black and Latino students, we believe there are civil rights harms caused by the municipal code and how it is enforced in and around LAUSD schools. *We encourage the full implementation of this resolution in particular the analysis and studies about Black and Latino student receive equal protection, thorough review of LAPSD practices, procedures and accountability mechanisms and a creation of an Office of Equal Protection to serve as a clearinghouse for data and resolution of complaints.*

Framing the solution: what really drives the high dropout/pushout rates

We know that there is a serious problem with dropout/pushout rates in the Los Angeles Unified School District. Statistics tell us that 50% of the students entering 9th grade will graduate. (This figure includes the approximately 25,000 students that the district loses each year, which gives a more accurate account of the District’s present condition.)

A key part of the pushout phenomenon lies in the overall school environment and how students are treated: the quality of their interactions with authority, and the support that they receive: academic support, psychological support and social support. *In fact we believe that the use of ticketing, policing and courts as the main weapon to encourage school attendance actually does the opposite of encouraging students to attend school and, instead, pushes students away from school.*

Truancy and tardiness do not exist in isolation

From our work with high school students, parents and teachers throughout LAUSD (including our own survey of over 1500 LAUSD high school students on 7 campuses), we have found there are many reasons why LAUSD's majority Black and Latino and 80% Title I students are late or truant.

They range from:

- emotional and mental health problems
- school environment issues
- academic challenges
- special education needs
- socioeconomic pressures
- substance addiction
- physical or emotional abuse
- lack of affordable and accessible public transportation
- family responsibilities for younger siblings/elders
- the fall-out from the enforcement of harsh and unnecessary laws that in the end we feel are racially targeted and cause civil rights harms and more.

We must address these root causes if we are to see significant improvements in student attendance. Relying on the enforcement of LAMC 45.04 fails to address these root causes, and in fact works only to deepen the problem by criminalizing students. In fact, studies such as *National Longitudinal Survey of Youth* have shown that arrests and graduation rates are related. *A first-time arrest during high school nearly doubles the chances a student will drop out of school; a court appearance nearly quadruples the chances of a student dropping out.*

Guiding principles in implementing alternatives to daytime curfew citations

- Decriminalize**—Truancy and tardiness will not be treated as crimes. No tickets will be given. While student accountability must be a part of the program, accountability must be the responsibility of the school and not the police, courts or the legal system.
- Keeping Students in School**—Consistent with the District's School-wide Positive Behavior Support Policy and with numerous studies that show the harmful effects of exclusionary discipline policies, truancy and tardiness policies must commit to keeping students *in school*, not in court. This is not only better for students but also means higher attendance rates for schools.
- Services**—A service oriented approach recognizes truancy and tardiness as signs that something else is going on in the student's life. Students and/or families are offered a continuum of services and receive them immediately if it is determined they are needed. Services might include mental health counseling, academic support, transportation assistance, addiction/recovery services, time management workshops, etc.
- Student Involvement**—The student must be brought into the process, beginning with a discussion as to the causes of tardiness or truancy, with the goal of trying to resolve or help deal with the root causes identified. Attendance mediation workshops are one model of involving the student, as are written commitments or contracts that the student signs. The premise must be that youth who are

told to do something are much more likely to *rebel against it*, whereas youth who are included in the decision-making process are more likely to follow through with their commitments.

- e) **Family Involvement**—Truancy and tardiness are often a symptom of problems in the home. Therefore, parents/guardians must also be offered appropriate services and be a part of the discussions around accountability and problem solving.
- f) **School Environment**—The school environment must be seen as a critical component. School procedures on tardiness and truancy should be clear and consistent, treating all students equally in the process without intimidation. Beyond the truancy and tardiness policies themselves, there are other important considerations that include: how teachers and staff treat students; the provision of culturally relevant curriculum; the availability of counselors; the provision of extracurricular activities, etc.

Components of a Comprehensive Program of Alternatives

Based on our guiding principles as well as the District's School-Wide Positive Behavior Support Policy we have compiled a list of categories of services that could be used to address tardiness and truancy.

A school would not need to have all of the resources listed below but we do think it is important that each of the categories of services should exist in schools throughout the district in a substantial form. They should be well advertised and thoughtful efforts should be made by the school to recruit parents and students to take part in them. The below list is by no means exhaustive.

Mental Health Services. Mental health issues are prevalent in our communities. Addressing issues around family separation, depression, PTSD, self-esteem and food addictions are key to academic success and dropout/pushout prevention. Recent laws have also allowed Title I monies to be used for mental health services.

- Psychologist/general counseling
- Addiction and Recovery—with a focus on substance abuse, self injury and eating disorders
- Trauma and Post Traumatic Stress—grieving the loss of a loved one, community violence, sexual abuse
- Alternative Therapies—such as meditation, self-awareness training, art, dance and music therapy

Academic Support. Students who are academically behind or have special academic needs are more likely to skip school without extra support. All efforts should be made to culturally aware, linguistically relevant support.

- Tutoring
- Academic advising
- College counseling

Job Training/Youth Employment opportunities. Employment and/or job-training for a young person can help their families meet their ends. Work experience outside of their day to day lives can serve to inspire and show them what opportunities can be made available to them.

- Career counseling and employment opportunities
- Job shadowing days
- Summer internships

Peer Programs. Such programs provide opportunities for students to get school credit but are also excellent ways to redirect energy in which students can help themselves by helping other students. Participation can be counted as community service requirement for seniors.

- Conflict mediation (as an alternative to the dean’s office)
- Counseling
- Mentorship (12th graders mentoring incoming freshman)
- Peer Education (students lead workshops on self esteem, relationship violence addiction)

Targeted Cultural Programs: Given the racial composition of LAUSD, providing targeted programming to address the particular needs of Black, Latino and other students of color is critical to their academic success. One of the most impressive programs is the Village Nation founded at Cleveland High school which is still unfunded. The program has raised API scores by more than 81 points this last year, 217 points in the five years it has been in existence.

- Village Nation at Cleveland High School www.thevillagenation.com/site/index.php

Arts Programs: Non-academic creative programs are an integral piece of an arsenal to capture the attention of our youth. Examples include:

- Will Power to Youth www.shakespearefestivalla.org/education/will_power_to_youth.php
- Youth Speaks www.youthspeaks.org/word/
- Theater of the Oppressed <http://www.theatreoftheoppressed.org/en/index.php?useFlash=1>

Other Resources: There are countless other resources throughout the city that the district could approach, such as:

- Legal support for students. Free pro-bono legal advice for students and their families.
- Yoga/Martial Arts classes. Approach local institutions to volunteer to teach afterschool classes, such as near Crenshaw High School www.crenshawyogaanddance.org

How can we resource these alternatives?

These alternatives will be bolstered and enhanced by a multi-agency approach, spearheaded by LAUSD. Funding can come not only from the District (Title I and others) but from Los Angeles City (Dept of Human Services, Cultural Affairs, Parks and Recreation, Library Services), the County level (Departments of Health and Mental Health Issues, Children’s and Families Wellbeing, Community and Municipal Services) and the Los Angeles Metropolitan Transit Authority (to expand bus service to schools—using funds from Prop A, C and Measure R, American Recovery and Reinvestment Act) as well.

Many of the programs can be run by colleges and universities, community based organizations, and by parents and other community members. For example:

- **Universities and Colleges** can offer college tours, mentorship, free community classes, college jobs, tutoring. They can sponsor sister clubs in school such as MEChAs and Black Student Unions.
- **Community Organizations** can staff and support mural programs and campus beautification projects, mediation training, parenting and time management classes, health screenings for students and their families and advocacy trips to local and state elected officials.
- **Parents** can become first responders to incidents on campus, pick up students that are out of school to return them to school, can resource a tardy triage in which students that come late can be referred to services and support to help them get to school on time.

Existing LAUSD Programs

Most of the following positions listed below are available for purchase by school principals. We understand the effect that budget cuts have made on education and believe that any real long term progress must be made on the foundation of adequate support staff. The successes that we have learned about tend to have successful multi-disciplinary teams (such as Resource Coordinating Team (RCT)/Coordination of Services Team (COST), which meet often and have extensive networks of CBOs and Colleges to help support their efforts.

Some of these support positions include:

- **Dropout Prevention Advisors** work specifically with the identified students most at risk of push out/dropout.
- **Pupil Services and Attendance Counselors** work to improve school attendance. The programs implemented at a school site depend on how much time a school purchases. These programs can include: incentive programs and assemblies to improve a school's overall attendance, case management for students with attendance problems (phone calls, letters, conferences, home visits, community referrals and counseling) and referring students to School Attendance Review Board (SARB).
- **Psychiatric Social Workers** provide individual and group counseling to help students work through issues that are interfering with their ability to succeed in school. These issues can include trauma, loss, fear, anxiety and depression among others.
- **Extended Learning Academy Administrators and Counselors** organize and manage supplemental academic opportunities for students, such as Intercession Programs Saturday School and CAHSEE preparation classes. Counselors also provide individual support to students in need.
- **Elementary and Secondary Counselors** provide services such as educational planning, student scheduling, programming and counseling to improve student achievement and adjustment.
- **Others include: School Nurses, Healthy Start, HEART Program, District Health Centers**

Please see [Sample Drop-Out Prevention and Truancy Reduction Programs](#) insert which references local and national programs in more detail.

What are the next steps?

We see this as a start of a much needed conversation.

We very much look forward to working with you to address these issues from an educational perspective and not from the law enforcement perspective. The LAUSD already has some great policies that tackle the dropout/pushout problem and that seek to reverse harsh zero tolerance policies and protect the civil and human rights of LAUSD students, parents and families.

Our proposal for a more holistic process to reduce dropouts/pushouts and improve attendance begins with the following steps:

- 1) Place a **moratorium on daytime curfew citations** given out by LASPD officers and proactively work with City Council and community organizations to place a moratorium on LAMC 45.04 tickets given out by LAPD;

2) Conduct a **data driven survey** on how LAMC 45.04 has affected cumulative drop-out rates, attendance rates with particular emphasis on race, socio-economic level, school and geographic area of where tickets are given out;

3) Conduct a **detailed study on best practices** to reduce truancy and tardiness that is in line with the District's School-Wide Positive Behavior Support Policy;

4) Proactively move a **multi-agency strategy to invest in alternatives to tickets** for truancy, tardies and other discipline issues that follows the guidelines and recommendations of this report.

We see the effort to decriminalize truancy and to support SWPBS as a way to substantially move a more holistic agenda to ensure that our children attend school, graduate and excel in lives. We are excited to work together toward this goal.

Sample Drop-Out Prevention and Truancy Reduction Programs

What follows are a variety of examples of drop-out prevention and truancy reduction programs that can serve as examples of alternatives to ticketing and police/court involvement.

- **The Village Nation**, a program that operates at Cleveland High School in the San Fernando Valley for its Black students, teaches self-esteem and academic excellence. The program has been noted for significantly increasing test scores and graduation rates among Cleveland's Black students. One of the core principles of Village Nation is to create a learning environment that transforms a frequent hostile school environment to one that is culturally relevant and respectful of the skills and knowledge students already bring to school.
- **Communities In Schools, Inc.**, founded in 1977, has developed a model for reducing school dropout and increasing high school graduation based on the assumption that youth at risk of dropping out have both academic and nonacademic issues that must be addressed to improve their chances of school completion. Communities In Schools operates in school settings and coordinates with multiple community agencies to deliver needed services to youth and their families. This approach requires a partnership between schools, community health agencies, social service providers, government agencies, and local businesses. Communities In Schools has been widely replicated in many communities nationwide, including the San Fernando Valley.
- **Denver's Attendance Mediation Workshops:** In fall of 2009, the Mayor's Office for Education and Children (MOEC) partnered with Denver Public Schools (DPS) to develop, implement and evaluate an Attendance Mediation Workshop as an alternative to truancy court. The program was implemented at two schools and focused on students who had missed 15 or fewer days of school and were not already involved in the juvenile court system. The preliminary results of this pilot program show promising results--69% of students who participated improved their attendance in the weeks that followed the workshop. Moreover, student outcomes for the Attendance Mediation Workshop are better than outcomes for students who attend Denver's truancy court. 83% of students attended the first school day after the workshop compared to 34% for truancy court and 93% of students were still enrolled in school (as of March 31, 2009) compared to 34% for truancy court (as of the end of the school year). Finally, the Attendance Mediation Workshops cost approximately \$1228.15 each, including child care, food and staff time. This is an average of \$175 per student compared to \$1578.96 per student for truancy court.
- The **Truancy Prevention Through Mediation** Program in Ohio emphasizes elementary and middle schools but its principals apply to high school as well. The premise of the project is that mediation can be an effective means to improve school attendance and to avert juvenile delinquency. Mediation is a process that provides a neutral third party to help parties discuss and resolve issues. The mediation process provides a non-threatening opportunity for school personnel and families to discuss the issues around a child's unexcused absences and to develop mutually acceptable

solutions. A key principle of the program is that children who are *told* to do something are much more likely to *rebel against it*, whereas children who are included in the decision-making process are more likely to follow through with their commitments. Participating students and families are connected to needed social services as well. The program operates in approximately 131 districts in Ohio and has been replicated in school districts in Michigan, Texas and New York.

- **Children and Families First** (Delaware) truancy program focus on both the prevention and intervention of truancy for middle and high school students. The goal of the program is to improve school attendance and reduce the risks that contribute to truancy. The truancy program takes place in the school during the school day or after school, builds decision making and goal setting skills, counseling, case management, and academic support.
- In 2004, a student activist group, **United Students**, worked with Garfield High School administrators to implement a tardy policy with student, parent and administrator input. It included clear procedures for each tardy, and involved the student him/herself, community representatives, parents, counselors and administrators. One hour of detention was assigned for each tardy. At the fifth tardy, students worked with counselors to develop an agreement around timeliness and academic achievement. Time management workshops were required after 100 hours of detention. Of particular note is that this tardy policy was created by all stakeholders, including the students themselves, and involved services (counselors, time management workshops) as well as consequences, but without involving the police and courts.



Voices From the Students

Testimonies from students receiving daytime curfew “truancy tickets”

Community Rights Campaign

October 2009

Los Angeles Municipal Code (LAMC) 45.04 imposes a daytime curfew on youth under the age of 18. According to the code, if students are found outside of school from bell to bell without a “valid excuse,” they can be given a citation of up to \$250, plus added court fees. The Community Rights Campaign is working to decriminalize truancy and to end the practice of giving “truancy tickets” to students who are truant or late to school. We believe these types of zero tolerance policies unfairly target students of color and are helping to create “pre-prison” conditions in our schools. Below are testimonies from young people who have received these tickets from high schools around Los Angeles, including Westchester, Dorsey, Washington Prep, Crenshaw, Roosevelt, Cleveland, Manual Arts, Central, North Hollywood, Polytech, Fairfax, University, Belmont, Fremont, West Adams, Venice, San Fernando High, and Jordan High Schools.

“Ticketed and Searched”

My sister and I were late for school so we decided to stop at McDonalds for breakfast. When we were leaving two male police officers said that we were late for school and told us to meet them outside. Once we were outside, one police officer searched our purses and the other searched us. I was really shocked that I was being searched and I know that I could have said that I do not consent to the search but **I was too afraid to tell the officers that.** I still can't believe that two male officers searched us! They escorted both my sister and I to school in the police car and took us to the Dean's Office. The police officer asked for our names and then gave us tickets. I have not told my parents about these tickets because I want to have a life before I go to court, which is about a month from now... My parents cannot afford these tickets!

- Latina, 11th grade

“Truancy Ticket Aftermath”

I received a truancy ticket when I was in 10th grade in high school. I never went to court to deal with it because I knew my mother could not afford it. Little did I know, ignoring the ticket was a bad idea because the courts suspended my license until I turn 21. I am only 19 and my job requires that I arrive everyday at a set time so that I can be chosen to work on a construction project. If I do not arrive on time, I do not get the job. **I am helping my mom out financially** which is why I need to work. In theory, public transportation should get me to work on time, but it does not and that is why I decided to drive without a license. But then I was pulled over by the police and had to pay a major fine. So now I am back on the bus, but using the bus to commute to work is not working out for me. There are many times that the bus is late and **I miss out on an opportunity to work** all because of this truancy ticket.

-Recent high school graduate, Latino



More Voices:

“I got a ticket during lunch right outside the school. I had left campus to get food and was coming back in. The police yelled at me to put my hands on my head. He then handcuffed me and put me into the cop car. Other students were laughing and I felt really embarrassed.

-Black male, 12th grade

“I take the bus to school.

So if the bus is running late, I sometimes turn around and go home because I do not want to risk getting a truancy ticket.”

-Black female, 12th grade

“The cops pulled us over for being one minute late to school. He said it was truancy and put us in handcuffs. When we asked him to loosen the cuffs he said ‘No, I’m running the show here, not you.’”

-Latino male, 9th grade



“I got a ticket at 8:15am as I was getting off the bus a few blocks from school. I then had to miss a day of school and go to court with my mother, who had to miss a day at work.”
-Black female, 11th grade

“I had to take my little sisters to school because my mom went to the hospital. I was late to school because of this and I got a ticket. I tried to explain to the police but he didn't listen.”
-Black female, 11th grade

“I have gotten two tickets for being late. Both times I was right near the entrance of school. The reason I was late is because I couldn't afford the 605 bus and I had to walk.”
-Latino male, 11th grade



“My first ‘crime’”

On March 10, 2009, I committed my first “crime.” I got to school late. I was walking down Mathew and 4th to school (right next to the pool, by the main entrance), when I was stopped by a cop. I couldn't believe the fact that **it was only 8:30, and I was going to school!** At that moment, everything hit me. I cried like a kid. I couldn't face it all by myself. My mom was in Mexico, due to my grandfather almost dying. **I was handling so many responsibilities**, which include taking care of my 5-year-old sister. **I felt humiliated**; people that were passing by inside their car, as well as walking were looking at me like if I was a criminal. . . .The officer took me back into school and walked me to the Deans office and said, “Don't worry it's not that big of a stitch.” **He made it seem like it's nothing big to give out tickets to students that are late to school!** I kill to have good grades and make my parents proud every day. Due to this incident, I'm going to have to miss one entire day of school, and my dad is going to have to miss one entire day at his job, because he has to accompany me to court.

-Latina, 12th grade

“Fined for oversleeping”

I got a ticket when I was late to school waiting for the bus. I'll be honest—I was pretty late—it was already like 9:30am, but I was going to school. I was late because I had gotten home at 11:30pm from work—since I take the bus home it takes me like an hour to get home. Then, I had to stay up finishing a school project 'til 2:00am. The police asked me if I was on my way to the beach—I told them I was late going to school **but they didn't believe me and put me in the cop car.** It was embarrassing being seen in the cop car by other people at school. **I didn't want to tell my parents about the ticket** because we were having serious problems at home. My sister went with me to court but they turned me away because she is not my legal guardian. I know I need to tell them now so they can come with me but I am also scared because they are undocumented.

-Latino, 11th grade

“They were screaming and cussing at us”

I got a truancy ticket when I was in 7th grade. I ditched school that day. It was my first time and a group of us did it together. We were in an abandoned building when the police burst in and started screaming at us. We were handcuffed, and the police kept cussing at us. I was so scared. Then we were all put in the police car and brought to school where we got our tickets. I know we were wrong for ditching, but why did they cuss so much at us? I dropped my keys during the whole thing and I never went back for them 'cause I was so scared of the police seeing me there, even if it was after school. We went to court and I was told I could pay \$50 and take a Saturday class, but I lost the paper for the class so I never went. I know it's on my record now, but I just don't want to ask my mom to miss another day of work to take me to court.

-Latino, 9th grade

“I’m trying to get there”

I have gotten two truancy tickets. The first was when I was in middle school—I ditched one of my classes and then was seen the next period by the teacher. The police was called over and he gave me a ticket. I got my second ticket last semester in 10th grade. My school starts really early—at like 7:26am. I depend on my brother to take me to school and sometimes he is running late, so I get there late. It was around 8:30am—I know I was late—but **I was going to school! Isn’t that what they want?** The police stops me and tells me to face the wall. He takes my ID and writes down all my information. Then, he sees I still had my I-pod on and says “If you don’t turn that off I am going to write you another citation!” My mom and I missed the court date for this ticket because **we just don’t have the money.** She was recently laid off and we rely entirely on my brother—but he owes money for a traffic violation. I want to try and stop relying on my brother to get to school but then the problem is my mom doesn’t have enough for bus fare and the school told me I didn’t qualify for a free bus pass. Plus, school starts so early that if I take the bus I have to walk 2 long blocks in the dark. I am fine with being punished for being late—but we already lose grade points. Why do they need to add so much stress by giving us a ticket we can’t afford?

—Latina, 11th grade,



“I was walking to school with my girlfriend and we were 7 minutes late when the police stopped us. They put me against the wall, told me to stay quiet, and put us in handcuffs to take us to the office. We were in the office for all of 1st period and then each of us got tickets.

—Latino male, 12th grade

“3 in 3 years”

I have gotten three truancy tickets since I started high school 3 years ago. The first was when I was in 9th grade. I was a few minutes late and on the same block as school, and the police pulled us over and ticketed us. Then I got another one my sophomore year—I had a track and field race off campus that day and a **school pass that allowed me to be out of classes early,** but I still got a ticket. After two tickets, I felt very distrustful at police. And then, a few months later, I got a third ticket. **I had to take my niece to daycare** that day because all my family members had to be at work early. I was 20 minutes late.

—Latino, 11th grade, Cleveland

“I got a ticket when I was late one day to school. Then the police searched me, but didn’t find anything. My father was so mad about the ticket. He kept telling me **this is why he knew I was going to fail.**

—Latino, 12th grade



Guiding principles in implementing alternatives to daytime curfew citations:

- a) **Decriminalize**—Truancy and tardiness will not be treated as crimes; therefore, no tickets will be given and while accountability must be a part of the program, it does not need to involve the police, courts or the legal system.
- b) **Keeping Students in School**—Consistent with the district’s Positive Behavior Support policy and with numerous studies that show the harmful effects of exclusionary discipline policies, truancy and tardiness policies must commit to keeping students *in* school. This is not only better for students but also means higher attendance rates for schools.
- c) **Services**—A service oriented approach that recognizes truancy and tardiness as a sign of something else going on in the student’s life: students and/or families are offered a continuum of services and receive them immediately if determined that it is needed. Services might include mental health counseling, academic support, transportation assistance, substance abuse, time management workshops, etc.
- d) **Student Involvement**—The student must be brought into the process, beginning with a discussion as to the causes of tardiness or truancy, with the goal of trying to resolve or help deal with the root causes identified. Attendance mediation workshops are one model of involving the student, as are written commitments or contracts that the student signs. The premise must be that youth who are *told* to do something are much more likely to *rebel against it*, whereas youth who are included in the decision-making process are more likely to follow through with their commitments.
- e) **Family Involvement**—Truancy and tardiness are often a symptom of problems in the home. Therefore, parents/guardians must also be offered appropriate services and be a part of the discussions around accountability and problem solving.
- f) **School Environment**—School environment must be seen as a critical component, including how teachers and staff treat students, culturally relevant curriculum, sufficient counselors available, extracurricular activities offered, etc. School procedures on tardiness and truancy should be clear and consistent, treating all students equally in the process without intimidation.

**Hey LAUSD!
I'm Pre-Med, Pre-Job
NOT Pre-Prison!**



Community Rights Campaign

3780 Wilshire Blvd, Suite 1200, Los Angeles, CA 90010

T 213.387.2800 F 213.387.3500

www.thestrategycenter.org

The LABOR/COMMUNITY
Strategy Center

TRUANCY TICKETING IS AN EXCLUSIONARY INTERVENTION.

Truancy ticketing directly contradicts the *positive interventions* of School-Wide Positive Behavior Support outlined in the LAUSD Discipline Foundation Policy (BUL-3638)

School-wide Positive Behavior Supports (SWPBS) is a research-based, school-wide systems approach to improve school climate and create safer and more effective schools.¹ SWPBS is a process, not a program or a curriculum.

The process focuses on improving a school's ability to teach expectations and support positive behavior for all students. It provides systems for schools to design, implement, and evaluate effective school-wide, classroom, non-classroom, and student-specific discipline plans. A key feature of school-wide implementation is the monitoring and correcting of behavioral errors in which consequences are *instructionally* based.²

Giving financially-burdensome truancy tickets to students that force them to miss additional days of school to contest tickets and comply with court requirements is a punitive and exclusionary measure that stands in direct opposition to LAUSD's efforts to implement SWPBS, LAUSD, with Coordination of Service Teams (COST) and Student Study Teams (SST) has effective positive interventions for students who face challenges in realizing their full potential. These *positive* interventions offer a chance for school, student, and family to work together identifying a student's strengths and challenges. Students who feel alienated and have already given up on a chance of academic success because of harmful³ truancy tickets cannot take advantage of these positive interventions.

To fully implement the LAUSD Discipline Foundation Policy, LAUSD must evaluate all punitive and exclusionary interventions in light of School-Wide Positive Behavior Supports. In order to create a positive and inclusive school climate that fosters respect, students must know that *they are welcomed and wanted* in the school community. The criminalization of student absences through truancy citations communicates to students that they are NOT part of the school community. Further, rather than bringing family and school together to solve student challenges (as COST and SST meetings do), tickets sever family ties to school with financial penalties and court appearances.⁴

¹ Please see the LAUSD Discipline Foundation Policy site: <http://Disciplinepolicy.lausd.net>

² LAUSD Implementation PowerPoint available at <http://Disciplinepolicy.lausd.net>

³ Harm is appropriate here because of the financially regressive ticketing scheme (1st time tickets are \$250, 3rd time tickets as much as \$985, a suspended drivers license and unnecessary court involvement. Truancy tickets disproportionality impact low-income families of color.

⁴ This information was prepared by CADRE (323-752-9997), Public Counsel (213-385-2977), and Mental Health Advocacy Services (213-389-2077), who are currently collaborating on an implementation monitoring effort of the LAUSD Discipline Foundation Policy.



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Discipline Foundation Policy:
School-Wide Positive Behavior Support

NUMBER: BUL-3638.0

ISSUER: Donnalyn Jaque-Antón, Executive Officer
Educational Services

DATE: March 27, 2007

ROUTING

- Chief Operating Officer
- School Site Administrators
- School Instructional Staff
- School Support Personnel
- Deans
- Local District Administration
- Central Office Administrators
- Facilities
- Transportation
- All Employees

POLICY: Every student, pre-school through adult, has the right to be educated in a safe, respectful and welcoming environment. Every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. This will be achieved through the adoption and implementation of a consistent school-wide positive behavior support and discipline plan for every school in LAUSD. All school level discipline plans will be consistent with the *Culture of Discipline: Guiding Principles for the School Community* (Attachment A) and *Culture of Discipline: Student Expectations* (Attachment B). This will include: teaching school rules and social-emotional skills; reinforcing appropriate student behavior; using effective classroom management and positive behavior support strategies by providing early intervention for misconduct and appropriate use of consequences.

The District’s adoption of this foundation policy establishes a framework for developing, refining and implementing a culture of discipline conducive to learning. School-wide positive behavior support is based on research that indicates that the most effective discipline systems use proactive strategies designed to prevent discipline problems.¹ Before consequences are given, students must first be supported in learning the skills necessary to enhance a positive school climate and avoid negative behavior. In the event of misconduct, there is to be the appropriate use of consequences. Ongoing monitoring shall be used to ensure that equitable school-based practices are implemented in a fair, non-discriminatory and culturally responsive manner.

School-site procedures and practices formed under the auspices of the School Leadership Council must be consistent not only with the tenets of this policy, but also with state and federal laws that require school administrators to utilize positive interventions and means of correction *other than* suspension, transfer or expulsion to resolve disciplinary issues. (See *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations* [Attachments A and B]; and *How To Establish And/Or Refine An Effective School-wide Positive Behavior Support System* [Attachment C].)

¹ Boynton, M. & Boynton, C. (2005). *The Educator’s Guide to Preventing and Solving Discipline Problems*, Alexandria, VA: ASCD.



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MAJOR CHANGES:

The development of this Foundation Discipline Policy is the result of a Board Resolution directive. This policy mandates the development of a school-wide positive behavior support and discipline plan consistent with *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations* including positively stated rules which are taught, enforced, advocated and modeled at every campus. It further mandates staff and parent training in the teaching and the reinforcing of the skills necessary for implementation of this policy.

The policy serves as the framework under which *all* District practices relating to discipline and school safety are to be applied. It is not intended to replace existing bulletins that provide guidance for specific disciplinary practices including a teacher's right to suspend a student from class with cause. See RELATED RESOURCES for an index of related bulletins, reference guides, board resolutions and other relevant District materials.

GUIDELINES: I. A CULTURE OF DISCIPLINE

This policy establishes *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*.

- A. The District's *Culture of Discipline: Guiding Principles for the School Community* (Attachment A) establishes a standard for all LAUSD schools. All District schools are required to align their school's discipline plans and rules to this District standard. The goal is to maximize consistency in school-site practice, while allowing schools to personalize rules, provided they are consistent with the tenets and content of this bulletin. All students, parents, teachers, school administrators, school support personnel, school staff, visitors and community members are expected to understand and model the *Culture of Discipline: Guiding Principles for the School Community* and implement them at every institutional level.
- B. *Culture of Discipline: Student Expectations* (Attachment B) provides additional guidance to students regarding appropriate behavior. It is only with the understanding, collaboration and cooperation of everyone who has a stake in the education of our youth that we can succeed in creating learning environments that are conducive to optimum academic achievement for all students.

II. RESPONSIBILITIES

The successful implementation of this policy is everyone's responsibility. Every student, parent/caregiver, teacher, administrator, school support personnel, school staff, Local District staff, Central Office staff, visitor and



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community member engaged in educational activities has a role. This includes:

1. Supporting a school-wide positive behavior support and discipline plan consistent with the tenets of this policy.
2. Knowing, communicating and consistently monitoring this policy, the *Culture of Discipline: Guiding Principles for the School Community*, and the school-wide positive behavior support and discipline plan.
3. Maintaining open lines of communication between staff, students and parents/caregivers.
4. Using positive response strategies and appropriate corrective feedback for disruptive students (see Attachment I).
5. Collaborating and partnering with after-school programs and outside agencies, when appropriate.

A. Student Responsibilities:

Students are expected to learn and model *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*. Students are expected to learn and follow all school and classroom rules and to demonstrate appropriate social skills when interacting with both adults and peers. When behavioral expectations are not met, the student is expected to work to improve behavior. Students are encouraged to take leadership roles in modeling appropriate behaviors and attitudes for peers (see *Student Tips*, Attachment D).

B. Parent/Caregiver Responsibilities:

Parents/Caregivers will take an active role in supporting the school's efforts to maintain a welcoming school climate. This includes supporting the implementation of the school-wide positive behavior support and discipline plan. They are to be familiar with and model *Culture of Discipline: Guiding Expectations for the School Community* and *Culture of Discipline: Student Expectations*. They will review the *Culture of Discipline: Student Expectations* and school rules with their children, reinforce positive behavior, and acknowledge their children for demonstrating appropriate conduct (see *Parent/Caregiver Responsibilities*, Attachment E). If misconduct escalates, the parent/caregiver will work with the school as a collaborative partner to address the student's needs. It is mandated that training be available for parents/caregivers on this policy.

C. Teacher Responsibilities:

Each teacher has a fundamental role in supporting a positive classroom and school. This includes utilizing effective classroom management strategies to create an environment conducive to learning and prevent misconduct.

The teacher is responsible for:

1. Defining, teaching, reviewing and modeling *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations* and school rules.



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2. Acknowledging and reinforcing appropriate student behavior.
3. Providing corrective feedback and re-teaching the behavioral skill when misconduct occurs.
4. Working with families in partnership to reinforce appropriate behavior (meeting, mailing correspondence, utilizing parent center as appropriate, etc.).
5. Teaching the district or state-approved violence prevention curriculum that teaches social-emotional skills (as required by federal and state guidelines) in elementary and middle schools. May be augmented by other approved programs selected by the School Leadership Council.
6. Following the behavior support plan for students with disabilities, available to all staff working with that student.
7. Utilizing data in collaboration with administration and support personnel to monitor misconduct.
8. Reporting the behavior to the school administrator or person responsible for discipline at the school-site for a student who engages in ongoing misconduct, despite appropriate interventions (see Resource Manual available in July 2007).

D. School Administrator Responsibilities:

Each school administrator is a role model and a leader. School administrators, in collaboration with instructional staff and with community support, are responsible for establishing a caring school climate and safe environment. School administrators must ensure that the *Culture of Discipline: Guiding Principles for the School Community* will be taught, enforced, advocated, communicated and modeled to the entire school community, and that school practices are consistent with the tenets of this policy. The school administrator is responsible for issuing a written invitation to all stakeholders (including parents, teachers, classified administrators, and students) to participate in a school-wide discipline leadership team, under the auspices of the School Leadership Council. The team will assist the School Leadership Council in monitoring the implementation of the school-wide positive behavior support plan. Every school administrator is to ensure:

1. The development and implementation of a school-wide positive behavior support and discipline plan consistent with the *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*. (See *How To Establish And/Or Refine An Effective School-Wide Positive Behavior Support System* [Attachment C] and *School Resource Survey*, [Attachment F].)
2. The inclusion of *Culture of Discipline: Guiding Principles for the School Community*, *Culture of Discipline: Student Expectations* and the school-wide positive behavior support and discipline plan in school communications for students, parents/caregivers, staff and community.



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3. A method for recording, collecting and analyzing behavior/discipline information in order to monitor and evaluate data for ongoing decision-making from the individual student through the school-wide student population.
 4. Providing training and support for staff and parents/caregivers in maintaining an environment conducive to learning.
 5. The implementation of the district or state-approved violence prevention curriculum in elementary and middle schools.
 6. The consistent application of reasonable alternatives to suspension (see *Top Ten Alternatives to Suspensions*, Attachment G), expulsion and opportunity transfers that includes the use of equitable consequences that are consistent with law and District policy.
 7. The use of multi-disciplinary teams, including Student Success Team (SST) and Coordination of Support Team (COST), to evaluate and recommend solutions to behavior problems.
 8. Collaboration and partnerships with after-school programs and outside agencies, when appropriate.
 9. Assembling a collaborative team with appropriate staff and the parent/caregiver(s) to address the escalated behaviors for a student who engages in ongoing misconduct, despite appropriate interventions (see Resource Manual), and design and implement an effective individualized behavior support plan that may include, but is not limited to:
 - a. Intensive behavioral supports and strategies
 - b. Adapted curriculum and instruction
 - c. Communication strategies.
- E. School Support Personnel Responsibilities:
School support personnel are responsible for teaching, enforcing, advocating and modeling *Culture of Discipline: Guiding Principles for the School Community*, and for supporting the implementation of a school-wide positive behavior support and discipline plan to maintain a safe and nurturing school climate. School support personnel is responsible for monitoring, reinforcing and acknowledging appropriate behaviors consistent with *Culture of Discipline: Student Expectations* and the school rules. In addition, school support personnel will assist students in accessing appropriate resources, directly matching student needs to available resources. When student behavior disrupts the learning or working environment, the appropriate school support personnel will work collaboratively with teachers and other school and District personnel to develop and implement plans for more intensive instruction and support, which includes working with District and community resources.



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F. School Staff Responsibilities:

Members of the school staff have a particularly important role in fostering a positive school climate. School staff is responsible for teaching, enforcing, advocating and modeling the *Culture of Discipline: Guiding Principles for the School Community*, and for supporting the implementation of a school-wide positive behavior support and discipline plan to maintain a safe and nurturing school climate. Each individual shall monitor, reinforce and acknowledge appropriate behaviors consistent with *Culture of Discipline: Student Expectations* and the school rules, and provide positive corrective feedback for any misconduct. School staff engaged in supervisory responsibilities should be particularly aware of the important role that they have in maintaining and supporting appropriate student behavior. This includes knowledge of behavior support plans for students with disabilities.

G. Local District Staff Responsibilities:

Each Local District Superintendent shall be responsible for teaching, enforcing, advocating and modeling this policy to Local District staff and school administrators. The Local District Superintendent shall also designate a team of Local District administrators, which may include the Administrator of Instruction, Directors of School Services and Operations Coordinators, who shall ensure the successful implementation of and ongoing compliance with this policy through support and guidance.

Local District staff, in collaboration with school-site staffs, shall also be responsible for taking an active role in providing appropriate support and technical assistance to schools and School Leadership Councils to:

1. Identify, develop and maintain prevention and intervention activities consistent with *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*.
2. Analyze data, monitor and evaluate school practices in order to address situations where practices need to be strengthened.
3. Develop on-site procedural steps to assist with choices and options when addressing individual student misconduct.
4. Broaden the adoption and implementation of alternatives to suspension, and the reduction in the use of opportunity transfers by ensuring that all deans participate in mandatory central district training.
5. Oversee schools' efforts to maintain relationships with outside community partners.
6. Utilize data in the allocation and provision of base professional development in school-wide positive behavior support for any new staff.
7. Ensure that the local district parent ombudsperson works collaboratively with the operations administrator and other local



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district staff on implementing this policy and fielding and resolving concerns and complaints from all stakeholders.

In order to align instruction and behavior, this assistance is to be embedded into the ongoing support given to schools in the area of instruction.

H. Central Office Staff Responsibilities:

The Superintendent communicates to all District staff, using a variety of means, that creating a positive school culture, improving behavior and developing appropriate student discipline practices are top District priorities. All Central office staff shall teach, enforce, advocate, communicate and model this policy and *Culture of Discipline: Guiding Principles for the School Community* by playing an active, supportive role in assisting schools, School Leadership Councils and Local Districts with the implementation of this policy including, but not limited to:

1. Developing and coordinating training for parents, behavior seminars for students and professional development for all employees.
2. Ensuring appropriate data collection, monitoring and evaluation systems.
3. Using effective communication strategies (see Resource Manual) including EC 49079 notification to all teachers as specified in BUL-38, "Mandated Reporting of Certain Student Behavior."
4. Developing and providing a Resource Guide to assist schools in utilizing and coordinating programs and resources with uniform forms to be used district-wide.
5. Coordinating and providing technical assistance, including the proactive alignment of instructional supports with behavioral supports.
6. Using systematic data analysis to determine needs for more supports and improved community day school options.
7. Ensuring alignment with all District offices, programs, policies and initiatives.
8. Identifying and maintaining an independent auditor to investigate complaints and to assist in resolving issues presented by all stakeholders regarding violations of this policy.

A very small percentage of students do not respond to the most intensive intervention and are not receiving an appropriate education on a comprehensive school campus. Appropriate personnel at the school site shall identify these students, inform the District and recommend alternative placement options. The District must address student needs in selecting appropriate placement options. The District must use systematic data analysis as one indicator of the need for a more supportive and individualized environment and enhanced Community Day School Options.



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- I. Visitor Responsibilities:
It is expected that all visitors will act in accordance with *Culture of Discipline: Guiding Principles for the School Community* while on District property and at District or school-sponsored activities or events (see *LAUSD Parent-Student Handbook*).
- J. Community Member Responsibilities:
The community benefits from safe schools and members are expected to follow *Culture of Discipline: Guiding Principles for the School Community* when on school property. Community partnerships are encouraged and welcomed in the development of reinforcements for appropriate student behavior and recognition of safe school environments.

III. PREVENTION/INTERVENTION

A school-wide positive behavior support and discipline plan provides the foundation for clear expectations for all. This plan, consistent with *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*, outlines what must be in place for all students, including those in need of some intervention and those who require the most intensive level of intervention (see *Three-Tiered Approach*, [Attachment H] and Resource Manual).

Each school, under the auspices of the School Leadership Council, will evaluate and monitor the effectiveness of the school-wide positive behavior support and discipline plan at all three levels using school data. This will allow schools to use data to identify areas of need, target areas of concern, access professional development supports and services, and revise school-wide procedures as needed.

- A. Establish Rules Consistent with *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*.
School staff is responsible for developing, teaching, monitoring and reinforcing rules. Appropriate behavior must be reinforced school-wide. There must also be firm, fair and corrective discipline so that all staff and students have a consistent, unifying message on what is safe, respectful and responsible. This forms the most powerful, proactive foundation in the prevention of misconduct.
- B. Provide for Effective Intervention
Some students require a more intensive level of intervention. Effective intervention includes: 1) identifying at-risk students; 2) developing strategies for coordination and implementation of programs and resources (e.g., conflict-resolution, opportunities to develop social and emotional skills, mentoring); 3) matching student needs to the appropriate resources;



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and 4) using appropriate consequences. School-site staff must have information and resources available in order to effectively build these necessary skills.

C. Use a Team Approach for Intensive Intervention

A few students require the most intensive level of intervention. Within the scope of their job-related roles, responsibilities and on-site obligations, appropriate school staff, support personnel, and parents will collaborate to address individual student needs. This intensive intervention includes individualized behavior support planning, implementation, and monitoring. Support and training will be provided when necessary. There may also be a need for multi-agency partnerships and intensive skills training.

IV. CONSEQUENCES FOR STUDENT MISCONDUCT

Anything that follows a behavior is a consequence; positive or negative. Consequences should be consistent, reasonable, fair, age appropriate, and should match the severity of the student's misbehavior. Consequences that are paired with meaningful instruction and guidance (corrective feedback and re-teaching) offer students an opportunity to connect their misconduct with new learning, participate in contributing back to the school community, and are more likely to result in getting the student re-engaged in learning. Any use of consequences should be carefully planned with well-defined outcomes in order to provide the greatest benefit. Positive consequences including systematic recognition for appropriate behavior frequently lead to an increase in the desired behavior. Negative consequences are designed to provide feedback to the student that his or her behavior is unacceptable and should not occur again. (see *Consequences/School Response Reference Guide*, Attachment I).

V. PROFESSIONAL DEVELOPMENT AND TRAINING

Professional development in the area of school-wide positive behavior support must be mandated, broad-based and inclusive of all staff involved in supporting schools and students. While professional development begins with *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations*, it must ensure that school staff can clearly identify and support behavioral expectations in classrooms and common areas of the school. Specifically, professional development must include ongoing classroom management workshops and training to capacitate classroom staff in meeting the challenge of fully educating students including the teaching and modeling of appropriate behavior. Professional development, as selected by the School Leadership Council, must:

1. Support the differentiated roles and responsibilities of staff members, including the provision of mandatory training for all staff involved in discipline. That staff is to be named in the School Resource Survey.



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2. Address preventive plans including strategies for ensuring that social-emotional skills are taught consistently and with fidelity through the district or state adopted violence prevention curriculum; strategies for classroom management; behavioral expectations; and individual and group support.
3. Be ongoing and provide sufficient training and resources for school staff to understand the function of behavior and how best to support appropriate behavior.
4. Address how to develop and implement effective, individual, tailored behavior support plans for all students, those with or without disabilities.
5. Embed policy information and create alignment with all parent training, student behavior seminars, and professional development offered to all employees.
6. Include centrally organized and implemented training for deans so that they are trained upon election. Such training for deans and other staff involved in student discipline will include the use of data analysis to differentiate what is offered to schools.

VI. MONITORING & EVALUATION

The Central Office will put systems in place to aid schools, Local Districts and the Central Office in data collection, feedback and assessment to facilitate the goal of creating a positive school culture that is conducive to optimal student learning. Such data will be utilized to support decisions in allocating professional development and support. These data will allow schools to adjust school-wide, classroom and individual student intervention and prevention.

The Central Office will oversee ongoing and systematic review and evaluation which will include an analysis of:

1. Policy implementation.
2. Communication mechanisms.
3. Any adjustments or changes in school practices (determined through data collection) to ensure that school practices are strengthened and aligned with policy.

A District-level School-Wide Positive Behavior Support Task Force of representative stakeholders will be formed to collaborate with an independent auditor. The Task Force, with the independent auditor, will develop criteria to be used to monitor the implementation and sustainability of this policy throughout the District. The task force and auditor will:

1. Implement and review roles and responsibilities.
2. Review and provide input in the proposed Resource Manual as well as existing and proposed policies regarding student discipline for



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coherence, omissions, alignment, and consistency with this policy, and submit recommendations.

3. Review complaint procedures and responses.
4. Access and analyze data by school and Local District.
5. Review data including suspension, expulsion, opportunity transfer, office referrals, and outside monitoring information.
6. Augment district responses to campuses in crisis situations by, acting as representatives of their stakeholder groups, participating in meetings and providing input.
7. Provide recommendations to the Board of Education.

VII. COMMUNICATION

To successfully implement this policy and its underlying philosophy, it must be consistently communicated to the entire LAUSD community by District officials, school administrators and employees at every level.

Every District school and office shall post copies of *Culture of Discipline: Guiding Principles for the School Community* and *Culture of Discipline: Student Expectations* for public view. Additionally, school staffs, through the auspices of their School Leadership Council, are strongly encouraged to develop their own innovative strategies for communicating and teaching the tenets of this policy for broad dissemination of their school's behavior support and discipline plans. Parents/caregivers, students and school staff members should actively participate in this process.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

California Education Code, Section 48900-48927
Board Resolution, "Comprehensive Discipline Policy," passed May 24, 2005

RELATED RESOURCES: In addition to this policy, school administrators and employees must understand the relationship between sound behavior and discipline practices to other, related District policies, initiatives and practices. In order to have full knowledge of the District's policies regarding behavior, safety and school climate, school administrators should familiarize themselves and their staffs with the following:

Board Resolution, "Resolution on Excellence and Equity in the Reduction of High School Drop-outs/Push-outs Through Prevention, Intervention and Recovery," passed April 12, 2005

Board Resolution, "Resolution to Promote Safe Schools and Safe Neighborhoods by Implementing Violence Prevention Programs," passed April 26, 2005



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Board Resolution, “Reactivation of District’s Human Relations Education Commission,” passed May 10, 2005

Modified Consent Decree, <http://dse-web.lausd.k12.ca.us/sepg2s/mcd/mcd.htm>, of particular relevance to this Bulletin are:

- Outcome 5: Reduction of Long-Term Suspensions
- Outcome 17: IEP Team Consideration of Special Factors – Behavioral Interventions, Strategies, and Supports
- Outcome 18: Disproportionality

Policy Bulletin No. BUL-Z-14, “Guidelines for Student Suspension,” issued March 15, 1999, by the Office of Student Health and Human Services

Policy Bulletin No. BUL-38, “Mandated Reporting of Certain Student Behavior,” issued January 3, 1994, by the Office of the Deputy Superintendent, Operations

Policy Bulletin No. BUL-H-50, “Behavior Intervention Regulations,” issued September 8, 2004, by the Office of Special Education

Policy Bulletin No. BUL-Z-58, “Opportunity Transfers,” issued April 20, 1999, by the Office of Student Health and Human Services

Policy Bulletin No. BUL-61, “Guidelines for Student Expulsion,” issued April 11, 1994, by the Office of the Deputy Superintendent

Policy Bulletin No. BUL-Z-73, “Preventive Measures and Mandatory Procedures for Students Who Violate Laws Regarding Drugs, Alcohol and Tobacco,” issued November 12, 2002, by the Office of Student Health and Human Services

Policy Bulletin No. BUL-847, “Referral to Community Day School,” issued March 22, 2004, by the Office of Instructional Services

Policy Bulletin No. BUL-1038, “Anti-bullying Policy,” issued June 1, 2004, by the Office of the Chief Operating Officer

Policy Bulletin No. BUL-1041, “Sexual Harassment Policy,” issued June 10, 2004, by the Office of the General Counsel

Policy Bulletin No. BUL-1347, “Child Abuse and Neglect Reporting Requirements,” issued November 15, 2004, by the Office of the General Counsel



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Policy Bulletin No. BUL-1119, "Threat Assessment," issued July 12, 2004, by the Office of the Chief Operating Officer

Reference Guide, REF-1242, "2004-2005 Update of Safe Schools Plans Volume 1 (Prevention Programs) and Volume 2 (Emergency Procedures)"

Policy Bulletin No. BUL-1287, "Student Attendance Policy," issued February 17, 2004, by the Office of Student Health and Human Services

Policy Bulletin No. BUL-1292, "Attendance Procedures for Elementary and Secondary Schools," issued July 28, 2005, by the Office of Student Health and Human Services

Policy Bulletin No. BUL-2047, "Responding to and Reporting Hate-Motivated Incidents and Crimes," issued November 11, 2005, by the Office of the General Counsel

Policy Bulletin No. BUL-2075, "Establishment and Documentation of Intervention for Students Suspected of Emotional Disturbances," issued October 31, 2005, by the Office of Special Education

Policy Bulletin No. BUL-2130, "Section 504 and Students With Disabilities," issued December 14, 2005, by the Office of the General Counsel

"Blueprint for Implementation of the Action Plan for a Culturally Relevant Education," issued June 2001, by the Office of Instructional Services

"Required Nondiscrimination Notices," memorandum issued annually by the Office of the General Counsel

"Parent-Student Handbook," issued annually by the Los Angeles Unified School District

"Visitors Handbook" issued by the Los Angeles Unified School District

REFERENCES: Algozzine, B., Kay, P. (2002). Preventing Problem Behaviors: A Handbook of Successful

Prevention Strategies. Thousand Oaks, CA: Corwin Press, Inc.

Colvin, G. (2004). Managing the Cycle of Acting-Out Behavior in the Classroom. Eugene, OR: Behavior Associates

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Sprague, J., Golly, A. (2005). *Best Behavior: Building Positive Behavior Supports in Schools*. Boston, MA: Sopris West

Sprague, J., Walker, H. (2005). *Safe and Healthy Schools: Practical Prevention Strategies*. New York: Guilford Press

Sprick, R. (1998). *CHAMPs: A Proactive Approach to Classroom Management*. Eugene, OR: Pacific Northwest Publishing.

Sprick, R. (2006). *Discipline in the Secondary Classroom*. Eugene, OR: Pacific Northwest Publishing

ASSISTANCE: For assistance or further information, please contact Hector Madrigal, Director, Pupil Services, at (213) 241-3844; Nancy Franklin, Coordinator, Behavior Support, at (213) 241-8051; Rochelle J. Montgomery, Associate General Counsel II, Office of the General Counsel, at (213) 241-7648; or your Local District Pupil Services and Attendance (PSA) Field Coordinator.

**MOTIONS/RESOLUTIONS PRESENTED TO
THE LOS ANGELES CITY BOARD OF EDUCATION FOR
CONSIDERATION**

SUBJECT: Support Equal Protection and Civil Rights for all Students in the Los Angeles Unified School District

DATE NOTICED: 10-23-07

PRESENTED FOR ACTION: 11-13-07

PRESENTED BY: Ms. LaMotte, Ms. Garcia,
Ms. Flores Aguilar

MOVED/SECONDED BY: Ms. LaMotte
Ms. Flores Aguilar

MOTION:

RESOLUTION: x

Whereas, Recent events such as those in Jena, Louisiana, and Palmdale, California, have brought to light the disturbing reality that racism and social injustice continue to exist in the educational community and the criminal justice system, as well as the community at large;

Whereas, The lack of appropriate school interventions, the imposition of racially discriminatory disciplinary action, and the failure to effectively address racially motivated hate incidents directed against African-Americans and other students underscore the need for aggressive and continued advocacy for civil rights and equal justice in the schools;

Whereas, For more than 3 decades, African American youth attending District schools have been disproportionately represented in the District's suspended and expelled student population. (In 2007, close to 80,000 African American students were enrolled in the District. Approximately 21% (16,464) of those students were suspended from school making them the highest ethnic group suspended compared to other ethnic groups in the District);

Whereas, African American youth are disproportionately overrepresented in referrals and assessments for Special Education eligibility (African American students comprise 11.2% of the District's total student population, yet currently represent 16.4% of the total number of District's special education population);

Whereas, African American students continue to remain in the lowest levels of academic achievement;

Whereas, The Equal Protection Clause of the United States Constitution, the Civil Rights Act of 1964, and State doctrines, such as the California Constitution, demand and guarantee equality of treatment, social justice, protection of civil rights, and freedom from racial discrimination; now, therefore, be it

Resolved, That the Board of Education of the City of Los Angeles publicly recognizes its responsibility as the governing board of one of this nation's leading educational institutions to serve as a committed advocate for equality of every student and to be a champion of social justice and civil rights;

Resolved further, That the Board challenges school districts throughout this nation to take the position that racial injustice and educational inequality in any school is unacceptable;

Resolved further, That the District shall work together with parent groups, community organizations, and institutions of higher education to explore methods of addressing and remedying the disparate treatment of youth in our schools and community;

Resolved further, That the Superintendent of Schools be directed to ensure that the District's Vision, Mission, Goals, and Objectives are aligned with principles consistent with those relating to equality in treatment, protection of civil rights, and social justice;

Resolved, That the Superintendent, administrative officials, and every employee of the District take immediate action to identify and remedy any and all District practices that may result, or have resulted, in the disparate treatment of students. Such action may include, but is not limited to:

1. The review and analysis of current student discipline and Special Education policies and practices that may result or may have resulted in the inequitable treatment of African Americans and other students;
2. The review and evaluation of current school police policies, practices and training relating to the equitable treatment of students;
3. The evaluation of the professional development training of District employees relating to the District's Educational Equity, Human Relations, School Operations, Special Education, College and Career Counseling and Pupil Services programs regarding the equitable treatment of students;
4. The incorporation of classroom instruction providing comprehensive and age-appropriate lessons for elementary and secondary students to learn about civil rights, social justice and appreciation of racial and cultural differences;
5. Mandate that, as an accountability for school site principals, every school shall include within their school safety plan measures to address discriminatory actions that maybe taken against students and staff for any reason (e.g., race, gender, sexual orientation, religion or disability) and that school site officials must develop a system for identifying and remedying suspected or known acts of discrimination in any form;
6. Collaboration with local colleges and universities to ensure the instruction of civil rights, racial equality, social justice and human relations in programs offering teaching and administrative credentials;
7. Mandate that, as part of the District's Transformational Team, school site officials participate in professional development (such as that provided in the Student Support Strategies Institute) that focuses on providing tools to examine the underlying causes that contribute to problematic student behavior and to help re-connect students to the learning process;
8. Develop a plan that identifies several methods of remediation for the overrepresentation of African American students in special education, student expulsions, suspensions, and/or Community Day Schools;
9. Provide sufficient resources and support to accelerate the full implementation of the District's "Closing the Achievement Gap" initiatives which include the Action Plan for a Culturally Relevant Education to Benefit African American Students and All Other Students; and
10. Provide to the Governing Board within 90 days from the date the Board takes action on this resolution, a status report identifying the actions taken to implement the mandates set forth in this resolution.

Resolved further, That the Board shall participate in a professional development/training program designed to help all Board Members better understand and recognize policies and practices which may be racially discriminatory in nature. Toward this end, the Board shall contract with an organization or firm that specializes in these matters. The Board will work to identify funds to be used for this purpose before December 31, 2007;

Resolved further, That the Board shall contract with an organization or firm to conduct an audit or examination of current District policies and practices to identify those that may be racially discriminatory. The organization or firm shall submit its findings to the Board, as well as recommendations regarding how to address, remedy, or reverse any practice or policy, which it has deemed to be racially discriminatory in nature. The Board will work to identify funds to be used for this purpose before December 31; and be it finally

Resolved, That the Superintendent will consider reorganizing current divisions and branches and establish a new Office of Student and Family Support, with a Deputy Superintendent as the head, and shall include divisions that are vital for the effective implementation of this resolution.

AYES NOES ABSTAIN ABSENT

Ms. Canter	x			
Ms. Korenstein	x			
Ms. LaMotte	x			
Dr. Vladovic	x			
Ms. Galatzan	x			
Ms. Flores Aguilar	x			
Ms. Garcia	x			
TOTAL	7			

ACTION: ADOPTED AS AMENDED