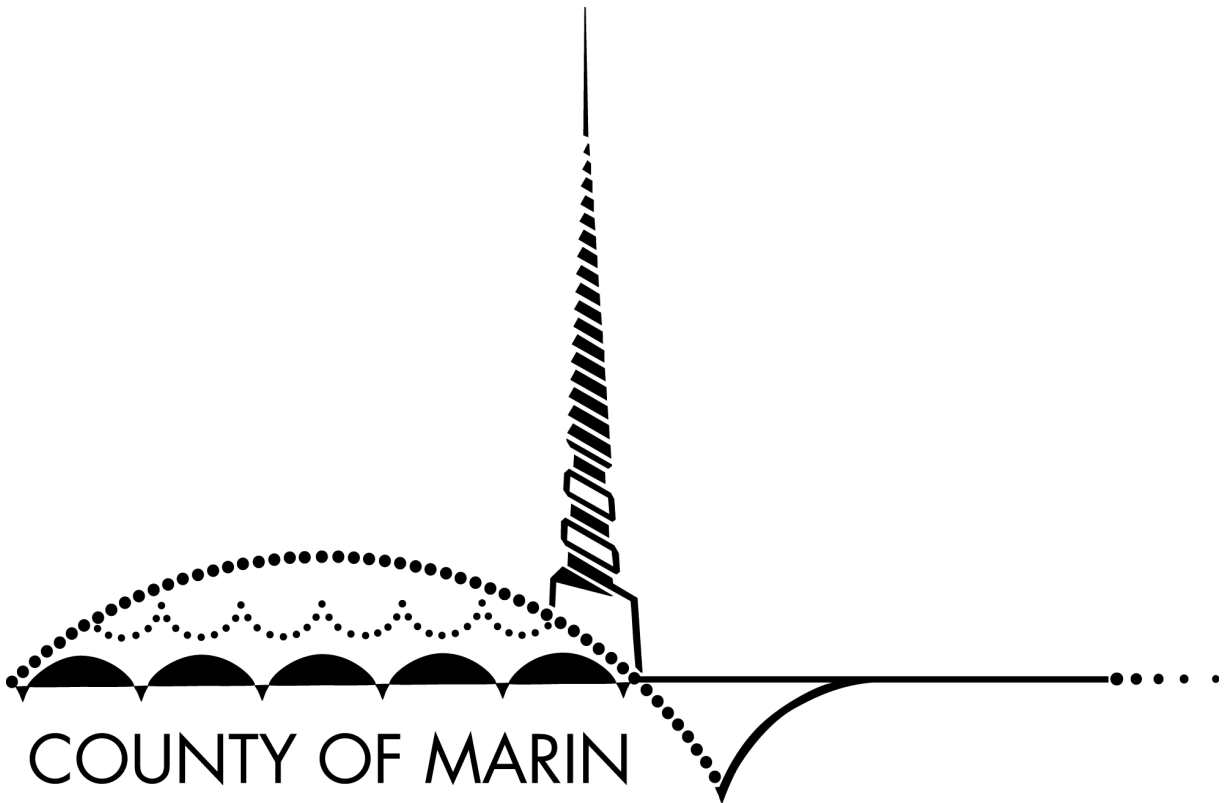
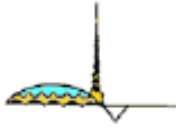


2013/2014 MARIN COUNTY CIVIL GRAND JURY

# School Suspension: Less is More

Report Date –March 18, 2014  
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## SCHOOL SUSPENSION: LESS IS MORE

### SUMMARY

Most school suspensions inflict more harm than good.

School suspensions typically remove a student from school for one to five days. Research shows there are, however, tangible costs associated with excessive use of suspensions as a disciplinary tool. Most obviously, removal from school denies the opportunity for learning while negatively impacting social growth and feelings of self-worth. Those most affected frequently have a history of poverty, abuse, and neglect in addition to academic struggles. No surprise, therefore, suspended and expelled pupils have a significantly higher interaction with the juvenile justice system along with inferior life outcomes.<sup>1</sup> In 2013, the state of California began releasing detailed suspension data starting with the 2011-2012 school year.<sup>2</sup> This report revealed that Marin's seven largest high schools (Tamalpais, Drake, Redwood, San Rafael, Terra Linda, Novato, and San Marin) issued a total of 683 suspensions.<sup>3</sup> 2012-2013 data indicate that the number dropped to 500 suspensions, an encouraging decline but still leaving a significant number of students denied educational access.

The California Education Code allows for significant disciplinary discretion where outcomes can range from no action to suspension. While an abundance of educators share a desire for developing suspension alternatives, their efforts lack hands-on involvement of the district boards of trustees. Effective January 2013, the state amended Education Code 48900.5, requiring that for nonviolent offenses schools suspend only when other means of correction fail. The Marin County Civil Grand Jury found, however, this mandate received little formal countywide notice and no specific board emphasis. As a result, these schools were left to create their own programs, often relying on an in-house champion to generate momentum. There was also no evidence that administrators or trustees conducted thorough analyses of suspension statistics as a first step in identifying the pluses and minuses of disciplinary programs.

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<sup>1</sup> American Civil Liberties Union, "School-to-Prison Pipeline, undated, <https://www.aclu.org/school-prison-pipeline>

<sup>2</sup> California Department of Education Data Reporting Office, "Suspension, Expulsion, and Truancy Report for 2011-12," March 6, 2014, <http://dq.cde.ca.gov/dataquest/SuspExp/suspexplrate.aspx?cYear=2011-12&cType=ALL&cChoice=cSusExpRt&cCDS=21000000000000&cName=Marin>

<sup>3</sup> Tomales High with only 202 students was not included in this study.

As a result of this investigation, the Grand Jury recommends educational administrators at all levels scrutinize data and policies on a school-by-school basis in an effort to improve disciplinary consistency, especially as it relates to suspension policies. And, working with their school district boards, develop a flexible toolkit of alternatives to suspension whenever practical, such as those outlined in Appendix A.

The American Academy of Pediatrics, in a policy statement, concluded, “[The] consequences of out-of-school suspensions . . . are of such severity that their application and appropriateness . . . require periodic review.”<sup>4</sup> In the Grand Jury’s estimation, Marin County would benefit from its own periodic review. Beginning now.

## BACKGROUND

### A Brief History of Disciplinary Practices

In the middle of the nineteenth century, U.S. schools introduced the disciplinary innovations of leather straps and hickory sticks. For the next hundred and fifty years, paddling became commonplace. A million bruises later, California finally got around to banning the practice in 1986.<sup>5</sup>

In place of physical punishment, zero tolerance policies with non-negotiable and often harsh penalties for misbehavior grew in popularity.<sup>6</sup> Over the past ten years, however, the preponderance of research found that zero tolerance disproportionately affected minorities and did not improve behavior.<sup>7</sup> As a result, in most California schools only the most severe behaviors (involving a risk to self or others) result in mandatory penalties.

Currently, the primary source of disciplinary direction comes from Section 48900 of California Education Code, a series of directives outlining the application of suspension and expulsion.<sup>8</sup>

Within this section are approximately twenty behaviors qualifying as potential grounds for suspension. Categories range from causing physical injury to being willfully defiant. Nowhere, however, does the code mandate a student *must* be suspended for any of these. This lack of specificity grants discretion on outcomes to the superintendent or the principal of the school in which the pupil is enrolled.

<sup>4</sup> Council on School Health, American Academy of Pediatrics, “Policy Statement, Out-of-School Suspension and Expulsion,” *Pediatrics*, Vol. 131, No. 3, March 1, 2013, <http://pediatrics.aappublications.org/content/131/3/e1000.full.pdf>

<sup>5</sup> Nineteen states still permit corporal punishment: “Corporal Punishment Persists in U. S. Schools,” *Education Week*, March 6, 2014, [http://www.edweek.org/ew/articles/2013/10/09spanking\\_ep.h33.html](http://www.edweek.org/ew/articles/2013/10/09spanking_ep.h33.html)

<sup>6</sup> National Association of School Psychologists, “Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policy Makers,” *NASP Resources*, 2001, [http://www.nasponline.org/resources/factsheets/zt\\_fs.aspx](http://www.nasponline.org/resources/factsheets/zt_fs.aspx)

<sup>7</sup> “Study: ‘Zero Tolerance’ has Created a Generation of Expelled Students,” *iHeartRadio*, Mega 94.9 Miami, undated, <http://m.mega949.com/articles/national-news-104668/study-zero-tolerance-has-created-a-8848538/>

<sup>8</sup> Expulsion is not a topic covered in this report, as it is infrequent and strictly regulated

The popular explanation behind discretionary power has to do with the uniqueness of every locale. Who better to understand what is appropriate than those on site? Others argue, however, that such profound power is a recipe for inconsistency, with every school having its own mix of solutions and consequences. Despite the debate, there was little formal impetus for dramatic reevaluation. That is, until recently.

In June 2011, the Marin County Civil Grand Jury issued a report, *Restorative Justice: Its Time Has Come in Marin County*,<sup>9</sup> suggesting Marin government agencies implement practices that repair harm through conflict resolution and restitution. In reply, a number of schools and districts indicated they were studying programs designed to encourage restitution over retribution. While interest in these alternatives was clearly mounting, most respondents admitted the process was in the beginning stages. At least for some, however, the idea was taking hold.

### Reevaluating Discipline

Responding to mounting evidence that many suspensions were ineffective, California recently initiated a significant change in the Education Code. Taking effect January 2013, the state added new language to subsection 48900.5. This revision now required administrators to forgo suspensions for certain infractions except in instances where the behavior is deemed a danger to self or others:

48900.5: Suspension...shall be imposed only when other means of correction fail to bring about proper conduct.

Trumpeting additional concern, in April 2013, California released its first-ever detailed report on student suspensions.<sup>10</sup> As a result of this increased visibility, focus on disciplinary policies surged in academia, the media, and the educational system. The 366,629 suspensions statewide (5.7 percent of all students) along with the disproportionate rate among minorities made headlines.<sup>11</sup>

On a broader front, in 2013 Assemblyman Roger Dickinson (D-Sacramento) introduced legislation, AB 420,<sup>12</sup> which would dramatically reduce suspensions for willful defiance, a catchall category in which a student may be suspended if found willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school

<sup>9</sup> [https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2011-12/~media/Files/Departments/GJ/Reports%20Responses/2011/restorative\\_justice.pdf](https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2011-12/~media/Files/Departments/GJ/Reports%20Responses/2011/restorative_justice.pdf)

<sup>10</sup> California Department of Education Data Reporting Office, Suspension, Expulsion and Truancy Report for 2011-12, <http://dq.cde.ca.gov/dataquest/SuspExp/suspexplrate.aspx?cYear=2011-12&cType=ALL&cChoice=cSusExpRt&cCDS=21000000000000&cName=Marin>

<sup>11</sup> “State schools suspend students at higher rates than average, study finds,” *Los Angeles Times*, August 7, 2012, <http://latimesblogs.latimes.com/lanow/2012/08/state-schools-suspend-students-at-higher-rates-than-average-study-finds.html>

<sup>12</sup> <http://legiscan.com/CA/bill/AB420/2013>

personnel engaged in the performance of their duties.<sup>13</sup> The bill passed overwhelmingly in the State Assembly and could be brought to a vote in the State Senate sometime this year. While the Grand Jury takes no stance on AB 420, this appears to be part of a trend to encourage *all* schools and districts to intensify their focus on alternatives.

In response to mounting concerns over the consequences of suspension, several school district boards, including Los Angeles Unified,<sup>14</sup> Oakland Unified,<sup>15</sup> and Santa Rosa City Schools,<sup>16</sup> recently adopted dramatic changes that go well beyond state requirements. And, while some individual Marin schools are renowned for their successful intervention programs, similar district-wide focus on progressive change is lagging.

## APPROACH

The Grand Jury limited the scope of this investigation to Marin's seven largest high schools and their three districts. The districts, with schools in parentheses, are Tamalpais (Redwood, Sir Francis Drake, Tamalpais), San Rafael (San Rafael, Terra Linda), and Novato (Novato, San Marin). This restriction had to do with manageability of large amounts of data and the fact that a majority of Marin County students will eventually attend these schools.

In the course of its investigation, the Grand Jury became familiar with the California Education Code guidelines on discipline with an emphasis on those areas of the code dealing with suspension. From the considerable database on discipline provided by the California Department of Education, the Grand Jury built statistical tables for the schools studied (Appendix B). From districts and schools, the Grand Jury accessed publicly available information such as parent-student handbooks and school board agendas.

Secondary research included materials generated by other California school districts with extensive suspension intervention plans such as Santa Rosa City, Oakland and Los Angeles Unified Schools. The Grand Jury interviewed officials in charge of program implementation in Oakland and Los Angeles.

Members of the Grand Jury also reviewed published information on data-driven intervention strategies, visited restorative training sessions, and interviewed education experts both within and outside the Marin school system.

<sup>13</sup> Christina Hoag, "California Advocates Seek to Reduce Student Suspensions by Axing 'Willful Defiance' Charge," *Huffington Post*, April 7, 2012, [http://www.huffingtonpost.com/2012/04/07/defiance-seen-as-cause-of\\_n\\_1409982.html](http://www.huffingtonpost.com/2012/04/07/defiance-seen-as-cause-of_n_1409982.html)

<sup>14</sup> Susan Ferriss, "Los Angeles school board cracks down on suspensions for minor infractions," The Center for Public Integrity, May 16, 2013, <http://www.publicintegrity.org/2013/05/16/12692/los-angeles-school-board-cracks-down-suspensions-minor-infractions>

<sup>15</sup> Stacy Teicher Kadaroo, "Restorative Justice: one high school's path to reducing suspensions by half," *The Christian Science Monitor*, March 31, 2013, <http://www.csmonitor.com/USA/Education/2013/0331/Restorative-justice-One-high-school-s-path-to-reducing-suspensions-by-half>

<sup>16</sup> Kerry Benefield, "Some Santa Rosa schools explore alternatives to student suspensions," *The Press Democrat*, May 11, 2013, <http://www.pressdemocrat.com/article/20130511/articles/130519901>

The meat of this report, however, came from the thirty interviews conducted over a five-month period (of which twenty-one were with individuals directly connected with these schools). The confidential interviews averaged ninety minutes. Participants' collective wisdom and words—anonously quoted throughout the report—were illuminating and fascinating. They helped transform disciplinary statistics into living, breathing students.

## **DISCUSSION**

### **Schools Are Unique: Disciplinary Methods Vary**

Despite being a prosperous county, Marin's high schools serve not only the affluent but also a broad cross-section of students, some from poorer neighborhoods, some homeless. The student demographics of each school are different, as are suspension statistics. Even within a district, there is significant diversity. Across the three Tamalpais Unified high schools, for example, Redwood and Drake draw a student population racially and socioeconomically less diverse than Tamalpais High (Tam). Interviews and statistical review identified ethnic and socioeconomic differences in the San Rafael High School District (between San Rafael and Terra Linda) and Novato Unified (between Novato and San Marin High).

Frequent personnel change also affects suspension numbers and policy, sometimes dramatically. Schools such as San Rafael and Tam have new principals, each introducing fresh ideas that require time to take hold. These and other schools must also contend with the turnover in assistant principals who administer day-to-day discipline. At the district level, superintendents and elected school boards have divergent tenures that influence continuity and expertise.

### **Statistical Insight**

#### **State Generated Suspension Data**

While in prior years California required public schools to report some suspension statistics, it was not until the 2011-2012 school year that the state disseminated data disaggregated by race/ethnicity, socioeconomic status, and type of violation.

In that initial base year, California schools reported a suspension rate of 5.7 percent of total enrollment. The Marin high schools studied by the Grand Jury had a combined suspension rate of 6.2 percent, with the non-violent ill-defined *willful defiance* category accounting for more than a third of these. In other words, despite a higher standard of living and resource advantages, Marin's overall high school suspension rate did not differ substantially from statewide levels, while disruptive but non-threatening behavior represented the largest suspension category.

## Reaction to Suspension Data

For many academics, journalists, politicians, and educators, these statistics were eye opening.

In a stark appraisal of the aggregated findings, State Schools Superintendent Tom Torlakson added political weight to the discussion when he said:

Common sense tells us that we cannot teach students who are not in school.... I hope that parents, teachers, administrators, and students see this information as a starting point for discussions about how to find alternatives to suspensions ....<sup>17</sup>

The National School Boards Association wrote, “[Suspensions] should be used as a last resort to preserve the safety of students and staff.”<sup>18</sup> The Association also found suspensions disproportionately impacted students of color and students with special needs.

The UCLA Civil Rights Project, one of many academic investigations initiated in the wake of the data dissemination, suggested, “Done well, efforts to reduce suspensions should...improve graduation rates, achievement scores, and life outcomes, while also decreasing the rate of incarceration for juveniles and adults.”<sup>19</sup> Similarly, findings from an American Psychiatric Association Task Force indicated a negative relationship between the use of suspension and school-wide academic achievement.<sup>20</sup>

In the lead editorial for January 6, 2014, the *New York Times* wrote: “Children who are removed from school are at heightened risk for low achievement, being held back, dropping out or becoming permanently entangled in the juvenile justice system.”<sup>21</sup>

Summing up a variety of studies, the American Academy of Pediatrics maintains, “out-of-school suspension...[is] counterproductive to the intended goals, rarely if ever [is]

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<sup>17</sup> “State Schools Chief Tom Torlakson Releases First Detailed Data on Student Suspension and Expulsion Rates,” News Release, California Department of Education, April 19, 2013, <http://www.cde.ca.gov/nr/ne/yr13/yr13rel48.asp>

<sup>18</sup> National School Boards Association, *Addressing the Out-of-School Suspension Crisis, A Policy Guide for School Board Members*, April 2013, <http://www.nsba.org/Board-Leadership/Surveys/Out-of-School-Suspension-Policy-Guide/Out-of-School-Suspension-Report.pdf>

<sup>19</sup> The Civil Rights Project, UCLA, *Out of School & Off Track: The Overuse of Suspensions in American Middle and High Schools*, April 8, 2013, [http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutOfSchool-OffTrack\\_UCLA\\_4-8.pdf](http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutOfSchool-OffTrack_UCLA_4-8.pdf)

<sup>20</sup> American Psychological Association Zero Tolerance Task Force, “Are Zero Tolerance Policies Effective in the Schools?” *American Psychologist*, December 2008, Vol. 63, No. 9, 852-62, <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>

<sup>21</sup> “Zero Tolerance, Reconsidered,” *The New York Times*, January 5, 2014, [http://www.nytimes.com/2014/01/06/opinion/zero-tolerance-reconsidered.html?hpw&rrref=opinion&\\_r=1](http://www.nytimes.com/2014/01/06/opinion/zero-tolerance-reconsidered.html?hpw&rrref=opinion&_r=1)

necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances....”<sup>22</sup>

### **Suspension Rates and Volatility**

As the Grand Jury analyzed reported historical suspension data, it became clear that rates within schools were volatile, rising by as much as 100 per cent in a year’s time. The Grand Jury wondered why. After all, the analysis of data seemed fertile ground for garnering insight that might lead to policy directives, administrative competence, and effective intervention strategies.

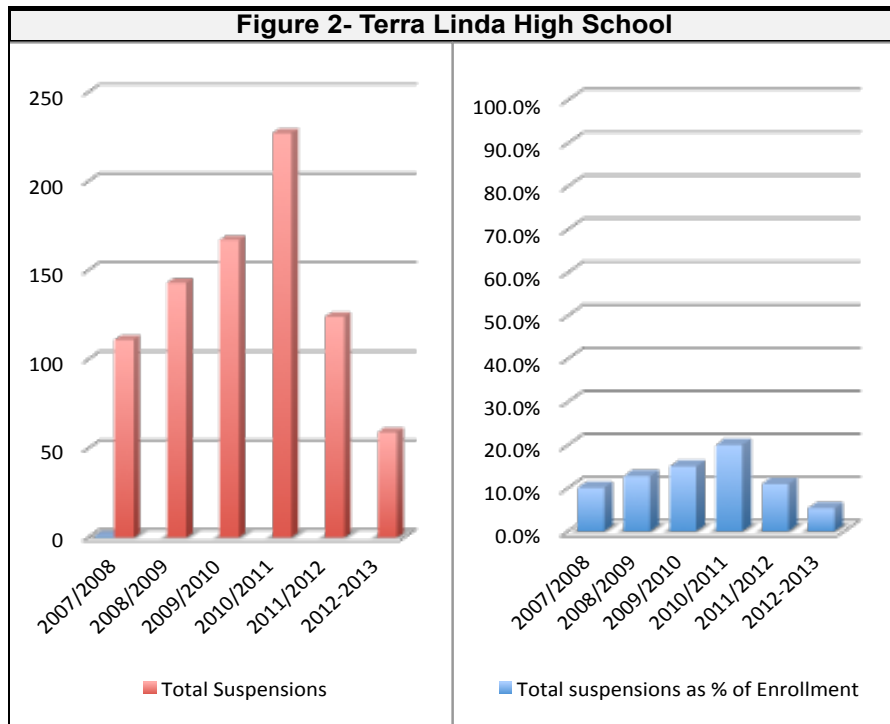
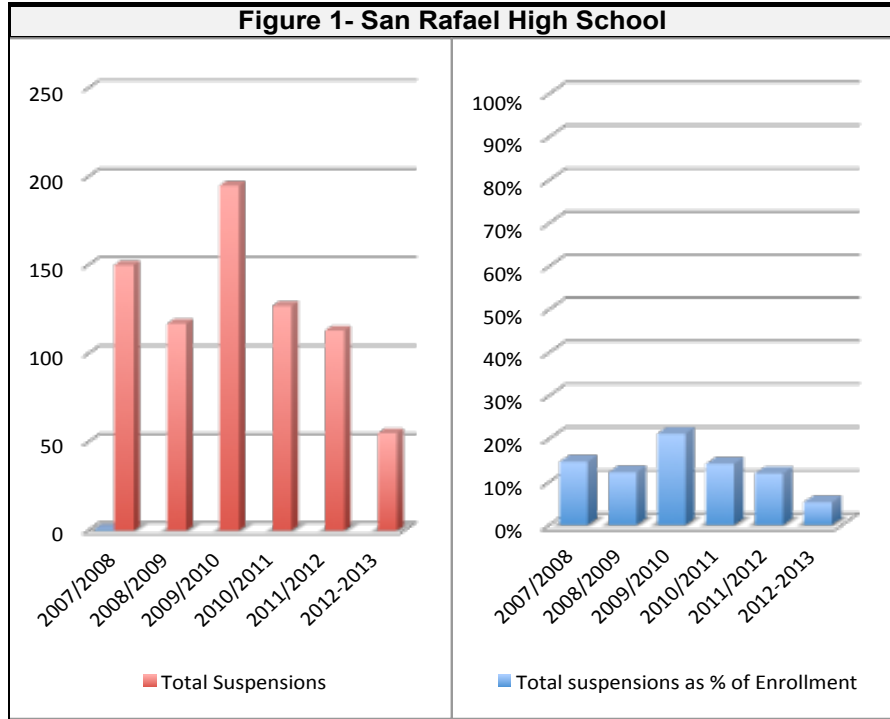
Los Angeles administrators reinforced this belief when they told the Grand Jury: “The Board President was concerned and initiated a thorough review of the district’s suspension data. We drilled down into the data,” and this led to a realization “we needed to send a clear message about our ultimate aim: if a child is not in school, we cannot teach them.” Their analysis included suspension impact on minority students, the role of teachers in suspension referrals, a review of intervention policies on reducing rates, and overall equity issues. In summing up the sentiments of their board, they said, “The purpose of those in charge of the district is to see what is best for the kids, no matter what is in the Ed Code.” They also concluded that overuse of suspensions “continued because it was part of the culture.” These findings led to the total elimination of willful defiance as a suspension category, mandatory training for secondary school assistant principals, and “nurturing of teachers” in a concerted effort to reform cultural barriers to change. In other words, data mining led to specific insight and policy.

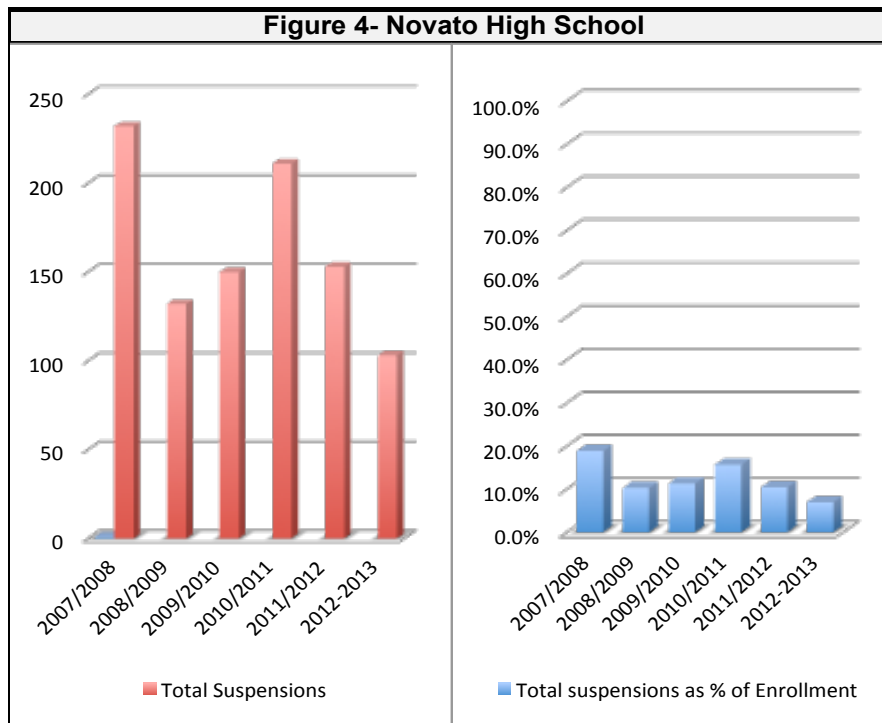
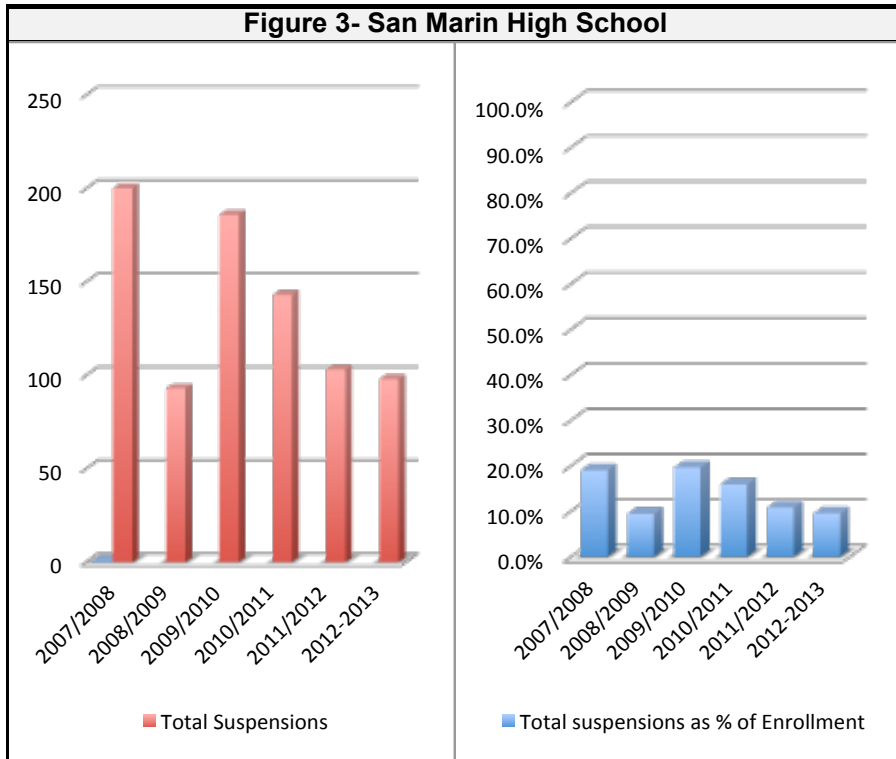
The following graphs illustrate the five-year suspension trends for Marin County high schools. Note: total suspensions may include multiple suspensions of the same student.

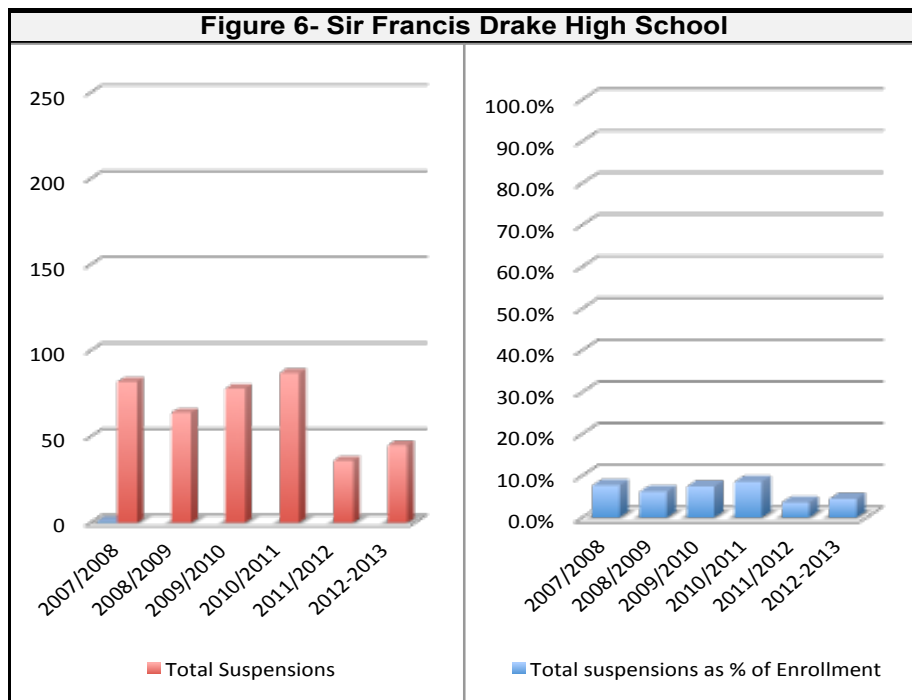
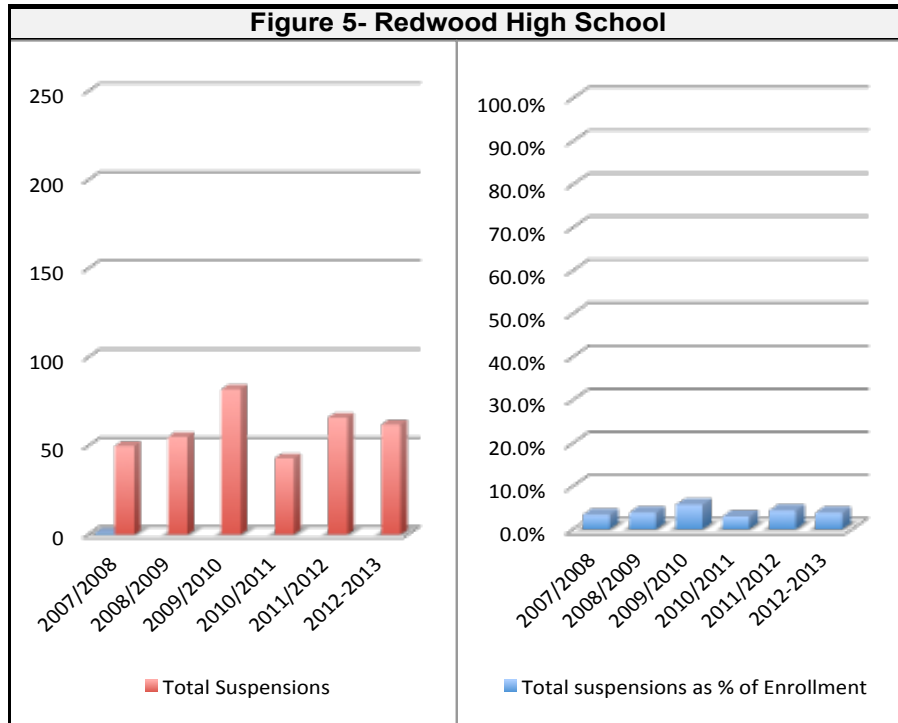
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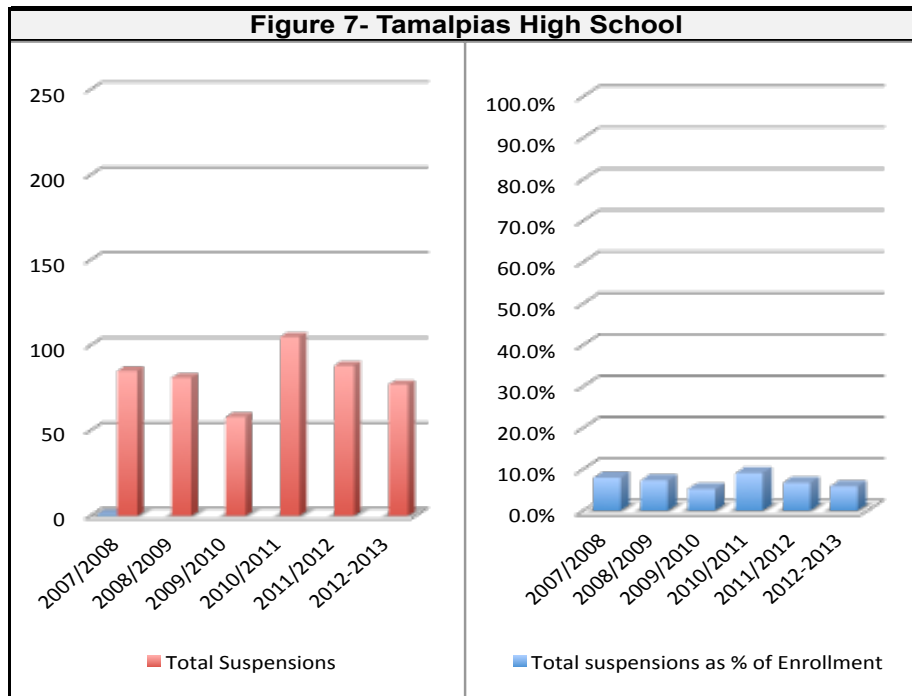
<sup>22</sup> “Out-of-School Suspension and Expulsion,” p. 7.











As the graphs indicate, every one of the Marin high schools studied had significant yearly swings in suspensions. Analysis seemed a first step in identifying cause and effect. What did a particular school do right in a low-suspension year? What factors went into a jump the following year?

When asked about suspension volatility, no district or school indicated that it had undertaken serious statistical review. Screening on-line school board agendas revealed isolated discussion of restorative polices—suspension interventions in which there is an interactive effort to repair relationships and change behavior— but little more than a cursory review of suspension numbers. In several instances, administrators expressed surprise at the magnitude of both the absolute suspension numbers and their fluctuation, another sign that scrutiny was lacking. Several educators admitted as much:

- “The only time the data is evaluated is when a school’s accreditation review is scheduled.”
- “I haven’t looked at fluctuations in the numbers and the district has not provided feedback in that regard.”
- “We have a lot of data but no formal work to decipher or analyze the statistics.”
- “The superintendent and board do not mine data; they only supply it to the school where the assistant principal decides what to do...”
- “There has been no discussion why the suspension numbers are so varied.”

Notwithstanding that lack of attention, most respondents provided anecdotal explanation for why the variability existed.

- “Every year students are different. Some classes are more rebellious.”
- “Variance may be affected by false starts in attempts to engage intervention policies.”
- “The economic downturn of 2008. The economy was tough all over so there was less tolerance.”
- “Different schools react differently; some write up everything, every tardy for example goes into the student’s discipline files. Others less so.”

By far the most common reason cited for variability was personnel change:

- “There has been significant turnover of assistant principals. This might explain some of the volatility.”
- “New administrations” come in with “differences in experience and tolerance of behavior.”
- “The data is driven by personalities and changes in superintendents, principals, and assistant principals.”

There was even discussion that a new assistant principal or principal might feel the need to spike up suspensions in order to establish disciplinary *bona fides*. This could, we were told, result in extreme variance: “The first year suspensions doubled. The second year suspensions were cut in half.” Another educator echoed this tendency: “It is likely that a new principal or administrator says at the outset, ‘This is my policy.’ This may result in a tough initial stance to set the ground rules early on.”

It is an unavoidable fact of life that educational employees frequently transfer to other schools or retire. For example, assistant principals—whose job it is to administer day-to-day discipline—have relatively high turnover. One individual reported, “The large turnover of [assistant principals] is due to the difficulty of the job, burnout, and large time commitment.” Progress, therefore, may be vulnerable to the vagaries of administration instability and programs subject to frequent change or elimination.

Doesn’t every student deserve to enjoy the benefit of stable intervention programs that endure beyond the tenure of a primary sponsor? The Grand Jury believes the answer is: *yes, wherever possible.*

## **Suspension Philosophy and Legislative Mandate**

### **Suspension – Less is More**

In light of recent statistical data and research, what do Marin educators believe is the appropriate level of suspension?

- “I don’t know the number, but it’s as few as possible.”
- “Suspensions should be only a last resort.”
- “When we deny them school, we deny them access to education.”
- We “should suspend only in extreme situations....”
- “Suspension puts the students further behind academically. They are at home with nothing to do and no supervision.”
- “We have to ask: is this the best use of time? It’s a big concern.”

Insightfully, the Grand Jury was told, “Suspension pulls the thorn out but does not fix the kid.” Overall there was a consensus that, when it comes to suspending students, less is more.

### **Evolving Education Code**

As for the practicality of the debate, the state of California recently weighed in on the side of growing restraint in the use of suspensions. As previously mentioned, the Education Code now mandates that for most offenses, including willful defiance, schools must first employ alternatives to suspension.

Recently *The New York Times* reported in a lead editorial, “[The] new [California] state law allows suspension for serious offenses, like those involving violence or weapons, but requires schools to try alternative strategies...before suspending students for nonviolent infractions.”<sup>23</sup>

In January of this year, the push went national as Secretary of Education in the Obama Administration, Arne Duncan, urged the rethinking of school discipline, remarking: “Schools should remove students from the classroom as a last resort, and only for appropriately serious infractions, like endangering the safety of other students, teachers, or themselves.”<sup>24</sup>

With respect to the additional emphasis by the state, several California school districts initiated ambitious intervention programs in 2013. Santa Rosa City School Board issued a district-wide directive that stated:

As a result of the new legislation [48900.5], SRCS [Santa Rosa City Schools] needs to look closely at its suspensions...district wide, to ensure that students are given “other means of correction” prior to receiving an out of school suspension.... In addition the creation of suspension and diversion programs is a positive approach to student discipline within the District.<sup>25</sup>

<sup>23</sup> “Zero Tolerance, Reconsidered,” <http://www.nytimes.com/2014/01/06/opinion/zero-tolerance-reconsidered.html?hpw&rref=opinion&r=1>

<sup>24</sup> “Rethinking School Discipline,” Press Release, Remarks of U.S. Secretary of Education Arne Duncan, January 8, 2014, <http://www.education.gov/news/speeches/rethinking-school-discipline>

<sup>25</sup> “Memorandum of Understanding (MOU) Between Restorative Resources and Santa Rosa City Schools To Provide Restorative Justice Services as an Alternative Student Behavior Intervention,” Santa Rosa City

Broad changes instituted in the Los Angeles Unified School District, including the previously mentioned elimination of willful defiance suspensions, resulted in a reduction in rates from 8.1 percent in 2007 to 1.5 percent in 2013.<sup>26</sup> Napa Valley Unified (with about 18,000 students) introduced several programs, including a disciplinary approach that provides a specific tiered framework to address and correct root causes of disruptive behavior. As a result, suspensions at Napa High dropped from 380 in 2009-2010 to 46 in 2012-2013.<sup>27</sup>

### **Lack of Legislative Awareness at Marin High Schools**

At Marin high schools, there was little or no awareness of the *other means* directive in Education Code Section 48900.5 prior to the Grand Jury's interviews. One senior district official incorrectly believed this mandated change was optional, merely *suggested* by the state. Across all interviews, in no instance did school officials recall specific guidance of any regulatory change by their school board or superintendent; there was no recollection of written record or notice (memo or email). While all three school board webpages supply a link to identical third-party updates and policies provided by the California School Boards Association (CSBA),<sup>28</sup> this material did not formally trickle down to school administrators. Furthermore, the Grand Jury does not believe a link to another organization's website constitutes effective dissemination of important legislative directives.

Several with responsibility for discipline admitted that our interview represented "the first time I've heard of it." We found no evidence of district monitoring of adherence to these new directives. In the Grand Jury's estimation, this is a significant lapse in administrative oversight. This seemed to be a case where a mandate slipped between governance cracks.

The students and parents who rely on the educational system to inform them were similarly left in the dark. Despite extensive discussion of disciplinary rules and consequences, none of the student-parent handbooks or school webpages mentioned the recent Education Code *requirement* to provide alternative measures. While some handbooks mentioned discretionary intervention practices, the information was, with one exception, incomplete.<sup>29</sup>

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School Board, Consent Agenda, August 14, 2013,

<http://www.srca.k12.ca.us/board/agendas/attachments/081413-BR-E2.pdf>

<sup>26</sup> Hillel Aron, "LA Unified Suspension Rate Accelerating Down, to 1.5 Percent," *LA School Report*,

October 14, 2013, <http://laschoolreport.com/la-unified-suspension-rate-accelerating-down-to-1-5-percent/>

<sup>27</sup> <http://www.srca.k12.ca.us/board/agendas/attachments/081413-BR-E2.pdf> (pages 9-10) (as of 2/13/13)

<sup>28</sup> "Gamut Online," California School Boards Association,

<http://www.csba.org/ProductsAndServices/AllServices/Gamut.aspx>

<sup>29</sup> In 2013, Terra Linda revised its Student-Parent Handbook to include a full page of specific suspension diversion programs. While some schools make brief mention of Restorative Justice, the Grand Jury does not believe two or three sentences in a lengthy handbook represents adequate emphasis on suspension alternatives. Also, the updates did not mention the 48900.5 *other means* requirement.

Despite the omission, many school representatives suggested the Education Code changes were “already our policy anyway” so “it would have no effect on how we operate.” There were, however, admissions that “we’re not quite there, yet.” Several others, when asked what it would take to suspend a student for a first-time willful defiance offense, provided examples, a seeming exception to the amendment’s *other-means-first* requirement.

## **Informal Suspension Policies**

The alternatives to suspension for all Marin schools, according to one informed observer, “are all over the map.”

One reason for this is the decentralized organization of the school system. Unlike larger school districts, such as Los Angeles (approximately 1,000,000 students), Marin County’s roughly 32,000 students are enrolled across twenty separate non-college districts. This requires every district to focus individually on disciplinary issues, analyze data, study alternatives, mandate change, and monitor results.

One educator said this meant, “There are radical differences in discipline attitudes between schools.” Beyond the fragmented structure of the Marin school system, there are also social and cultural impediments to reform. The following are a sampling of frustrations from those lobbying for disciplinary change:

- “I heard from some within the school, ‘this is how we’ve always done things. Why change now?’ Others said, ‘You’re new, you’ll learn soon enough.’”
- “There is a laissez-faire attitude. It is a difficult transition and the school has a reputation for strict discipline.”
- “There is old inertia with staff....”
- “The philosophical talk on all levels is very punitive.... There needs to be a philosophical shift.”
- “Adults get in the way of restorative justice on occasion.”
- “Some parents and faculty don’t want fluffy diversion stuff.”
- “Schools are a closed, structured system. These changes come as a shock.”

Within each school, and in the absence of district codification, the success of a program typically depends on the presence of dedicated and persuasive opinion leaders. One individual stated bluntly, “A champion in each school is critical” to move suspension reform forward. Overreliance on school champions, however, means that reform is proceeding at a pace dependent on the persuasiveness of these reformers, the existing culture of a school, and in-school and district support systems.



Consider some examples:

- Referral #1: Charlie wouldn't sit quietly and, when I told him to "stop disturbing the class," he said, "If this wasn't such a crappy class (he used the "sh" word), I wouldn't need to talk to keep from falling asleep."
- Referral #2: Sheila shoved Carol while grabbing her blouse and ripping the collar.
- Referral #3: Sally was slurring her words and then nearly fell asleep at her desk. She admitted to having consumed a half pint of vodka mixed with orange juice during lunch.

Typically, for every Marin school these hypothetical referrals would initiate a visit to the assistant principal for disciplinary action. What punishment would Charlie, Sheila, and Sally receive?

The answer is: *It depends.*

Under former zero tolerance policies, a school administrator had no choice but to prescribe an outcome to a specific behavior. Sheila shoves Carol; Sheila is sent home for three days. Willfully defiant and obscene Charlie? Two days, no negotiation.

Without exception, those interviewed emphasized the importance of understanding the context to misbehavior and, within their discretion, application of non-suspension strategies. If a restorative justice program were in place, for example, Sheila and Carol might be referred to a Restorative Circle, where students discuss and resolve issues face-to-face before reaching an agreement on how to repair damage (perhaps a new blouse for Carol).<sup>30</sup>

The attitude behind revising zero-tolerance policy is that most disruptive "behavior has a root cause." Even tipsy Sally in Referral #3 may be, as one person suggested, "mimicking parent behavior." In the words of another educator, "we need to realize we're dealing with bad behaviors, not bad kids."

Furthermore, some kids "know how to play the game of being a student." They understand that, "by expressing regret, they're less likely to face suspension." Others "may not have a mother who knows to phone the school" with an excuse for a "psychological day-off, turning an unexcused suspendible absence into an excused absence."

Several administrators suggested that their role is to assume advocacy when necessary. "We become their parent, in some instances."

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<sup>30</sup> Center for Restorative Process, "Teaching Restorative Practices with Classroom Circles," <http://www.centerforrestorativeprocess.com/teaching-restorative-practices-with-classroom-circles.html>

## Discipline High Flyers

Another issue related to discipline equity is the role of teacher referrals in the suspension process. While those interviewed were careful to emphasize the bulk of their faculty have strong classroom management skills, there are, as one person suggested, “small groups of teachers everywhere who punish the most. These are what we call ‘discipline high flyers.’”

Some of the more punitive faculty may be inexperienced teachers, teachers dealing with admittedly more difficult remedial courses, or tenured teachers more comfortable with zero tolerance. In all cases, Marin high school administrators understood that working with these teachers on classroom management could lead to fewer out-of-class situations (and even a referral not resulting in suspension removes a student from class for part of that day). In discussing the ramifications of this disparity, one interviewee said, “A student may have a bullying infraction in one class and bully identically in another class, but the teacher in each class reacts differently, with different consequences.” Summing up several comments, one educator said of this handful of faculty, “[some] teachers don’t have the tools and need more coaching and support.” Interviewees further indicated that it’s not just teachers. There are educators at every level who cling, in varying degrees, to more retributive policies. “They think these are little adults, not kids.”

At times, these issues also create interpersonal friction. An informed outside observer said of the process, “The assistant principal walks a fine line between the teaching staff and the students.” Assistant principals feel the pressure to represent teachers’ interests—even in the cases of strict disciplinarians—while balancing the desire to move towards more restorative practices. Another educator admitted, “Some of these teachers have an old school mentality.... It leads to God-awful situations.” In more extreme instances, a third said, “Curmudgeon teachers hate these changes and will try and get you fired.”

As with suspension policy in general, Marin high schools are primarily left to deal with these conflicts on their own. “There is no manual.”

In this regard, officials responsible for implementing changes in the Los Angeles Unified School District emphasized that district level professional support was crucial. They initiated “mandatory training” for staff in suspension guidelines, and for over-referring teachers there are “nurturing programs.” When a principal or teacher objects to suspension intervention strategies, “They are told, ‘this is the policy.’”

## Codification and the Need for Top-Down Support

Contributing further to disciplinary disparity among schools, suspension policy and intervention programs are initiated *primarily* in a bottoms-up process where schools are left to develop programs independently. One or two people with otherwise fulltime jobs, dealing with the necessity of challenging school culture, face a daunting task. Said one

interviewee, “The process has to be institutionalized” because change “won’t happen until it is required.”

Unfortunately, while school boards and district supervisors voiced support for suspension intervention efforts, the Grand Jury found no specific directives. Or, if they exist, they have not filtered down to those dealing with suspensions on a daily basis. When the Grand Jury asked interviewees across all three high school districts if their school boards and superintendents had any direct input in suspension policies, the responses included these:

- “They have provided no action plan or specifics, other than the removal of some harsh language in the Student-Parent Handbook.”
- “Never. No written directives, no feedback.”
- “Nothing in writing, but there is support from the superintendent....”
- The Board has provided “no road map.”
- “...there has not been much focus at the board level in the past.”
- “There is no policy per se; it is essentially the state policy.”
- The issues “have not been highlighted at the district level but should.”
- “Suspensions haven’t been on the board agenda, but restorative justice has....”
- “The board cares deeply,” but “there is nothing more specific or different in stated policy than” what’s in the “state code.”
- “We have no written directives from the superintendent or the board on discipline that I can recall.”

School board influence, as the comments indicate, tended to be at best indirect. Outside of a recently revised edition at Terra Linda High, no detailed discussion of disciplinary intervention programs could be found in student-parent handbooks. More guidance and formal direction would ease the burden of what one educator termed “reinventing the wheel” at each school.

Respondents had a number of explanations for why their school boards had not initiated more dramatic change.

- “Their focus is on what is most asked about, such as ‘what are our API scores?’”
- “Board members run on a specific platform and have their pet projects...discipline hasn’t tended to be one of these.”
- “Maybe this is a case of benign neglect.... With diffuse tasks you get diffuse focus.”
- “We have more important priorities. I hear over and over about unions, budget crises, more lights on a softball field....”

- “The board is from certain zip codes, and leadership zip codes are not representative of the problems. This might account for a lack of focus: they are not tuned into the problem because of their own background and experiences.”
- They “don’t want more problems.”
- One even said, “It’s not the board’s job.”

At least three others suggested, “They have a lot on their plate.” And, while there is no disputing everyone’s impressive workload, the aim of this report is to reprioritize the issue. After all, these are children, not statistics, being suspended. We agree with the assessment of another who said, “Ignoring the issue is easier but not excusable.”

Reviewing disciplinary practices in Los Angeles, Santa Rosa, and Oakland, where district-wide changes are taking place, there was an obvious common denominator. It takes policy codification from elected school boards to make the process efficient.

Officials from LA Unified said, “These policies are a mandate from the board, and there is continual monitoring of compliance.”

In preparation for compliance with Education Code changes, Santa Rosa City School District at their board level studied data of student suspensions and reviewed information from other school districts where restorative justice was implemented.<sup>31</sup> In these and other instances, school board involvement in discipline *was* a priority, and it *was* their job to adhere to the Education Code changes and alter the disciplinary status quo.

Reinforcing this understanding, the National School Boards Association clearly states that discipline policy *is* a critical board issue, and suspension reduction *is* a priority. Local policymakers have a critical role to play in reshaping classroom, district and community discipline practices and policies to create safe and supportive learning environments that (1) reduce out-of-school time, (2) provide better supports to teachers and administrators to address disciplinary challenges, and (3) engage parents, students, and community-based organizations in the development and implementation of more educationally sound and equitable policies and practices.<sup>32</sup>

Without this top-down policy codification, there will be instability and inefficient trial and error.

When that happens, students suffer.

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<sup>31</sup> “Memorandum of Understanding,” <http://www.srca.k12.ca.us/board/agendas/attachments/081413-BR-E2.pdf>

<sup>32</sup> “Addressing the Out-of-School Suspension Crisis, A Policy Guide for School Board Members,” April 2013, The National School Boards Association et al., <http://www.nsba.org/Board-Leadership/Surveys/Out-of-School-Suspension-Policy-Guide/Out-of-School-Suspension-Report.pdf>

## Suspension Reduction and Suspension Intervention—California Releases 2012-2013 School Year Data

In the final stages of preparing this Grand Jury report, the state of California released suspension numbers for the 2012-2013 school year:

**Table 1**  
Comparison between Recently Released State of California Suspension Data for 2012-2013 and 2011-2012 Base Year

High School	Total Suspensions	Individuals Suspended	Suspension Rate*		Total Suspensions	Individuals Suspended	Suspension Rate*	Year-Over-Year Change in Total Suspensions
	2011-2012	2011-2012	2011-2012		2012-2013	2012-2013	2012-2013	
San Rafael	113	81	8.60%		56	43	4.10%	-50.40%
Terra Linda	124	84	7.40%		59	47	4.20%	-52.40%
Redwood	66	57	3.70%		62	58	3.50%	-6.10%
Tamalpais	88	65	4.90%		77	65	4.90%	-12.50%
Drake	36	32	3.20%		45	41	4.00%	25%
San Marin	103	72	7.50%		98	59	5.70%	-4.90%
Novato	153	101	6.90%		103	75	5.10%	-32.70%
<u>Total for Above High Schools</u>	<u>683</u>	<u>492</u>	<u>5.90%</u>		<u>500</u>	<u>388</u>	<u>4.50%</u>	<u>-26.80%</u>
All Marin County Public Schools	2267	1323	4.10%		1830	1134	3.40%	-19.30%
All California Public Schools	709,596	366,629	5.70%		609,471	329,142	5.13%	-14.10%

\*In calculating the Suspension Rate, students suspended multiple times are counted only once.

Despite the bottoms-up emphasis on program development across the three districts, as Table 1 indicates, Marin high schools posted laudable progress in reducing suspensions during the most recent school year. Not surprisingly, schools with lower 2011-2012 base levels posted less dramatic declines in suspensions.

The county's high schools enjoyed an aggregated 26.8 percent reduction, a rate higher than Marin County overall and substantially higher than improvement statewide. In six of seven high schools studied, the suspension rate (number of *individuals* suspended as a percent of enrollment) also declined. Six of the high schools also reported a rate below the state average of 5.13 percent.

The three schools with the highest overall numbers in 2011-2012—San Rafael, Terra Linda, and Novato—registered the largest percentage declines last year, an indication that educators took seriously the challenges of offering suspension alternatives.

**What intervention programs did the schools use to reduce suspensions?**

To answer this question, the Grand Jury surveyed respondents from each of the high schools. The Grand Jury combined data from the survey with information gathered from the interviews with school personnel to produce Table 2. Checkmarks indicate where a school implemented an intervention program. Where no checkmark exists, that school did not report to the Grand Jury utilization of that option.

In addition to these strategies, all schools reported using one-on-one counseling between students and administrators (discussion and warnings), student-teacher conferences, out-of-class suspension and parental contact. Appendix A provides a disciplinary toolkit with brief descriptions of programs.

**Table 2**  
**Self-Reported Suspension Intervention Programs:**  
**Year-to-Date Referrals (YTD) are through 12-1-13**

	San Rafael	Terra Linda	Redwood	Tamalpais	Drake	San Marin	Novato
Outside Youth Court (primarily through the YMCA)	✓	✓				✓	✓
In-School Peer Court/Restorative Circles	✓	✓				✓	✓
Weekend Detention	✓						
After School/Lunch Detention	✓			✓		✓	✓*
Student Study/Support Teams				✓	✓		
Community/School Service	✓	✓	✓	✓		✓	✓
Teacher Leaders			✓	✓	✓		
Willful Defiance Suspension Reduction/Elimination			✓	✓	✓		
Dynamic Solutions for Youth			✓	✓	✓		
National Equity Project			✓	✓	✓		
Huckleberry House		✓					
Tobacco Use Prevention (TUPE)				✓	✓		
Bay Area Community Resources	✓	✓		✓	✓		
Individualized Discipline Program			✓				
SQUIRES (San Quentin Utilization of Inmate Resources)							✓
PBIS	✓	✓					✓

\* Part of Tutoring program

## Implementation of Suspension Alternatives

While the responses from school administrators confirm there is no consensus on strategy across the county, the breadth of programs suggests a growing commitment to amending punitive policies. Currently, the most widely cited diversion involves the informal use of administrative—mostly assistant principal—one-on-one student counseling.

Restorative practice referrals are, with a few exceptions, still relatively small in number. Of all the programs, participants reported that YMCA Youth Court was the most formal process. Youth Court allows mostly drug and alcohol offenders to appear before a formal court proceeding managed by their peers, plead guilty, agree to restitution, and thereby lessen suspension and avoid criminal citation.<sup>33</sup>

Implementation of in-school restorative programs—such as Peer Court (student led in-school courts where offenders are offered alternatives to repair the harm), and Restorative Circles (an in-school discussion circle where students are guided through a grievance resolution process)—varies widely, at times between schools in a single district. In 2013, for example, one school found Restorative Circles useful. At a school within the same district, administrators reported moving away from the Circles almost entirely, suggesting that students preferred the more formal Peer Court setting. Another school implemented large-scale weekend detention (primarily for attendance issues), while a second school in the same district did not report any detentions. While schools are unique, these sorts of differences seem fertile ground for district-wide inquiry. Are the disparities an issue of training, implementation, and perseverance? What can be done to standardize effective programs?

Despite the infancy of most restorative practices, schools expressed satisfaction with their effectiveness, and initial suspension data bear that out. The Novato District introduced Peer Court three years ago, most notably at Novato High, where they are currently on pace to hold thirty such referrals this year. In that time, Novato's suspension rates—once among the most volatile in the county—dropped from 153 in 2011-2012 to 103 in 2013. Also at the behest of the Novato superintendent, a team of district administrators recently presented a discipline matrix outlining specific infractions and consequences. In response to this, Novato High is developing an increasingly methodological approach to assigning suspension interventions, engaging a checklist ranging from tutoring, campus cleanup, San Quentin SQUIRES program, parent conference, and Youth Court, using suspension only as a last resort.

Terra Linda High had the most year-to-date referrals to out-of-school programs, including YMCA Youth Court (16 referrals), Youth Service Bureau (4 referrals), and Huckleberry Youth Services (4 referrals). Despite the relatively modest number of in-house restorative referrals, the Terra Linda Student & Parent Handbook lists a number of suspension alternatives, perhaps a positive step towards building a disciplinary toolkit (as in

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<sup>33</sup> San Rafael and Novato district superintendents recently established formal agreements with YMCA Youth Court.

Appendix A).<sup>34</sup> The increased focus paid off as year-over-year suspension numbers at Terra Linda High registered a decline from 124 to 59. In the same district, San Rafael High uniquely implemented large-scale weekend detention (99 referrals), mostly aimed at attendance infractions, and is developing restorative in-school and out-of-school practices. Like Novato and Terra Linda, San Rafael had a similarly impressive decline in suspensions: 113 in 2011-2012 to only 56 in 2012-2013.

The Tamalpais School District's three high schools (Tam, Drake, and Redwood) currently lag in the implementation of restorative programs. Partly in recognition of this, the district recently created the full-time position of Director of Student Services. With 15-20 percent of this individual's time devoted to disciplinary issues, restorative programs are in the planning stages.

Consistency of program implementation remains a potential issue. Does every student have equal opportunity to participate? A small number of administrators admitted they are currently constrained by lack of resources such as available and trained personnel. Others stated they choose to exclude students they deem "a waste of time" from alternative interventions. A restorative justice professional observed that, across Marin County schools, "Not every kid gets the opportunity for peer review. It's still a judgment call." This person went on to say, "I believe *all* kids in similar situations should be given access to restorative programs."

Most interviewees suggested that, given more time and resources and less cultural resistance, they would enhance programs, citing specifically restorative practices.

In other words, there is a will in search of a more expansive way.

## Conclusions

After an exhaustive study of these trends and issues, the Grand Jury concluded that Marin's largest high schools have equity issues that mirror much of the state. For similar offenses one child might benefit from suspension-intervention programs while another child may be sent home where no adult is available to provide supervision. The disparity between intervention opportunities exists not only among the three Marin high school districts, Tamalpais, San Rafael, and Novato, but at times between schools in the same district. Some of these differences in disciplinary outcome relate to the serendipity of school boundaries, tougher disciplinarians, or simply wrong place wrong time.

The Grand Jury believes that hands-on district-wide approaches would encourage appropriate resource allocation, cooperation between competing interests, and equitable implementation of suspension diversion programs. As a result of this investigation, the

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<sup>34</sup> "Terra Linda Student Conduct Code, Disciplinary Violations and Consequences," *Terra Linda Student & Parent Handbook*, 2013-2014, pp. 22-23, <http://tlhs.srca.schoolloop.com/file/1217027460424/1281197196381/1135646307358714573.pdf>. The Grand Jury regards this type of intervention specificity as worthy of county-wide consideration.



Grand Jury recommends educational administrators at all levels scrutinize data and policies on a school-by-school basis in an effort to improve disciplinary consistency, especially as it relates to suspension policies. Also recommended is a review of successful programs across the state. To these ends, each district and school should develop a flexible toolkit of alternatives to suspension (as in Appendix A) whenever practical. Implementation of alternatives should be a focus of elected board members, supervisors, principals, assistant principals, teachers, and parents.

In recognition of these findings, all Marin school boards, not just the three high school districts in this study, would do well to study formally the pros and cons of available programs. Educators nationally view San Rafael's Davidson Middle School as a restorative model. Within Davidson, widespread teacher training in Restorative Circles is woven with regular Peer Court sessions and No Bully Solution Teams (*see* Appendix A). When asked if Davidson-like programs could be duplicated at Marin high schools, one district official answered unequivocally, "Yes." Another, when asked why programs were not being studied and implemented in a similarly systematic manner, answered, "That's a good question." Where programs like this already exist, investigation of their effectiveness would reap dividends.

On a more macro-level, inter-district cooperation would contribute additional benefit. With empowerment and funding issues, it is unlikely Marin County will ever consolidate its twenty school districts. But that should not preclude inter-district cooperation in program evaluation and personnel training. Perhaps this is an area where the Office of the Marin County Superintendent of Schools might aid in facilitating or at least encouraging systematic approaches that speed adoption of better practices.

With an investment in time, curiosity, focus, and additional hands-on directives, schools will move closer to establishing the same quality outcomes for all students while preserving impressive recent gains in suspension reduction.

Another administrator said of the Grand Jury suspension review: "Sometimes we need a kick to our backsides."

If so, consider this report a firm pat on the back accompanied by a gentle boot.

## **FINDINGS**

F1. Marin high school boards failed to communicate effectively to administration and staff changes to the Education Code (Section 48900.5) requiring schools to try *other means* before suspending for nonviolent offenses.

F2. There is a lack of written, specific, and emphatic direction (codification) coming from the three high school boards regarding suspension intervention goals and policies.

F3. Students are being subjected to inconsistent consequences for similar behavior.

F4. Maintaining the recent reductions in overall suspensions at Marin's high schools will depend upon the support and direction from the district school boards.

F5. Parent-student handbooks are not current and do not provide users adequate insight into suspension alternatives (Terra Linda excepted) or the updated Education Code *other means* requirement.

F6. Marin high schools and school boards do not thoroughly analyze suspension statistics seeking verifiable cause-and-effect explanations for yearly variance.

F7. Communication among Marin's school districts, regarding ongoing suspension intervention programs, would help to reduce unnecessary duplication of experience and training.

F8. The response to willful defiance, an ill-defined, nonviolent suspendible offense, is inconsistent across Marin's high schools and districts.

## **RECOMMENDATIONS**

R1. Every Marin County school board review amended Education Code 48900.5 and develop a formal written directive, to communicate the *other means* provision while stating explicitly that suspension is to be used only as a last resort.

R2. Each school district create an advisory task force that includes participants from the school board, the superintendent's office, and each school within the district to study successful suspension intervention programs.

R3. Once the task force completes its review (R2), each school board adopt appropriate, comprehensive suspension interventions, such as the restorative practices and alternatives presented in Appendix A.

R4. Each high school update Parent-Student Handbooks to include both the Education Code *other means* requirement and a detailed discussion of suspension alternatives.

R5. Administrators of each school review suspension data on a regular basis and provide results of that review, in writing, to the district superintendent and school board as a means to ensure compliance with policy.

R6. The County Superintendent of Schools schedule regular sessions with inter-district administrators and school personnel to broaden countywide insight into and implementation of suspension intervention programs.

R7. Each Marin County high school district adopt policies to substantially decrease or eliminate entirely suspensions for willful defiance (Section 48900(k) of the Education Code).

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Novato Unified School District Board
- Tamalpais Union High School District Board
- San Rafael City School Board

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

From the following individual:

- Marin County Office of Education, Superintendent

The Grand Jury invites responses from the following:

- The Superintendent of Novato Unified School District
- The Superintendent of the Tamalpais Union District
- The Superintendent of the San Rafael City District

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

## APPENDIX A

### Alternatives to Suspension: A Disciplinary Toolkit

A growing number of schools and districts across California, including Marin County, are utilizing intervention strategies to construct a toolkit of alternatives to suspension. In recognition that there is no *one-size-fits-all* for addressing disciplinary issues, the goals for school districts should be to research and tailor these and other strategies into a checklist of options that fit their individual needs.

## Restorative Practices:

According to Fix School Discipline, “a successful restorative system . . .

- “Builds systems that address misbehavior and harm in a way that strengthens relationships.
- “Focuses on the harm done rather than only on rule breaking.
- “Gives voice to the person harmed.
- “Engages in collaborative problem solving.
- “Enhances responsibility.”<sup>35</sup>

At their core, these programs facilitate rehabilitation and correct behavior. A sampling of programs and strategies available to Marin County schools includes these:

### 1) Marin County Youth Court:

The Marin County YMCA administers Youth Court. The goal of the court is to provide a voluntary intervention for students involved primarily but not exclusively in drug and alcohol offences. While an actual judge or volunteer presides over the hearing, all other participants—including a bailiff, prosecuting and defense attorneys, and members of the jury—are students. With guilt stipulated ahead of time, the offender’s peers decide the terms of restitution that might include counseling and/or community service. Successful completion of this program expunges any criminal citation from the student’s record.

### 2) Peer Court:

Peer Court is similar to Youth Court in design, but is held in-school and deals with a broader range of behavioral issues including bullying, theft, and defiance. A panel of peers trained in court procedures tries the offending student (guilt is already stipulated by all parties). Normally in attendance are a member of the student’s family and an assistant principal. Peers ask questions to determine the nature of the offense before settling on restorative sentencing. A *suspension diversion contract* is then drawn up and a date for completion of the sentence is assigned. The contract may include tutoring, community service, and/or a face-to-face apology.

### 3) Restorative Circles (Mediation Circles):

Restorative Circles are another in-school program held between students and, occasionally, between students and teachers. Rather than a court setting, however, a typical circle is conducted within a classroom. Chairs are placed in a circle and while there is an adult mediator, the mediator’s function is to explain and enforce the basic rules, including a requirement that participants speak sequentially and with civility. The goal is to achieve, through discussion, an understanding of the

<sup>35</sup> “Restorative Justice or Restorative Practices?” *Fix School Discipline*, a project of Public Counsel, <http://www.fixschooldiscipline.org/toolkit/educators/restorative/>

differences leading to conflict. Collectively, the parties decide on an appropriate solution and mutually agree the matter resolved. After a number of days, the participants reconvene for a post-circle follow-up.

### **Outside Community Resources:**

There are a number of programs in the community that provide disciplinary support services for schools:

1) Bay Area Community Resources (BACR):

Bay Area Community Resources (BACR) is a regional 501(c)(3) nonprofit agency. It provides a range of services including after school, alcohol and drug, healthy communities, mental health, national service, tobacco, youth leadership and fiscal intermediary services. The agency operates in seven counties around the San Francisco Bay Area and delivers its services at more than 100 school and community based sites.<sup>36</sup>

While not entirely a suspension alternative, the program includes after school tutoring and is designed to ameliorate frustrations that lead to suspendible behavior.

2) Dynamic Solutions for Youth (DSY):

DSY is a community service program providing services to suspended and expelled students. Not entirely a suspension intervention, DSY offers constructive alternatives to already suspended students.<sup>37</sup>

3) Huckleberry House:

“Huckleberry House utilizes a number of strategies to reach youth: direct street outreach at locations where young people ‘hang out’; health education workshops offered in schools and community; counseling, support groups, and case management services; peer health educator trainings and delivery of on-site services in a teen friendly environment.”<sup>38</sup>

4) National Equity Project:

“Our services are designed and customized to improve the quality and effectiveness of school district equity efforts. We focus on building leadership at every level of the district to create and implement innovative, people- and results-oriented strategies. We work with district, school, and other identified leaders to improve learning and equitable student achievement....”<sup>39</sup>

5) San Quentin Utilization of Inmate Resources and Studies (SQUIRES):

According to *City Youth Now*:

<sup>36</sup> Bay Area Community Resources, <http://bacr.org/>

<sup>37</sup> Dynamic Solutions for Youth, <http://www.dynamicsolutionsnow.com/>

<sup>38</sup> Huckleberry Youth Programs, <http://www.huckleberryyouth.org/teenhealth.html>

<sup>39</sup> “School District Change,” National Equity Project, <http://nationalequityproject.org/services/district>

Each month adults escort a group of young men from the juvenile court system to San Quentin where they have a chance to learn about prison life from those who live it. The hope is that they will see what prison life is really like before they make a decision that might result in their own state prison commitment.<sup>40</sup>

6) Youth Services:

“The mission of the [San Rafael Police Youth Services Bureau (YSB)] is to keep at-risk-students out of the juvenile justice system and set them on a positive path.... Our goal is to help young people succeed at home, at school, at work, and with peers, and we utilize a variety of programs towards that end. The strengthening of the family unit, however small or diverse, is a key to youth success and our YSB staff and intern counselors are highly trained to help make a difference.”<sup>41</sup>

7) Tobacco-Use Prevention Education Program (TUPE):

TUPE is run under the auspices of the California Department of Education. The program provides funding for programs for students referred for tobacco related offenses: “The purpose of the TUPE program is to reduce youth tobacco use by helping young people make healthful tobacco-related decisions through tobacco-specific, research-validated educational instruction and activities.... The school, parents, and the larger community must be involved in the program so that students will be aware of a cohesive effort and concern for their health and, consequently, their ability to succeed in school.”<sup>42</sup>

8) Positive Behavioral Intervention and Supports (PBIS):

PBIS is not so much an intervention tool as an analytical framework designed to teach students discipline. From its website: “[School-wide PBIS] is a decision making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students.”<sup>43</sup>

9) No Bully Solution Teams:

“The No Bully System is a step-by-step process and set of interventions to prevent and stop bullying in your school. It guides school leaders and staff through a series of interventions for responding to bullying and harassment, depending on the severity of the incident. When severe or persistent bullying occurs, teachers facilitate Solution Teams®, where the target’s peer group and the bully come together to stop the bullying. Teachers follow up with Solution

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<sup>40</sup> “S.Q.U.I.R.E.S.,” City Youth Now, <http://www.cityyouthnow.org/programs/squires>

<sup>41</sup> Youth Services Bureau, San Rafael Police Department, <http://www.srpd.org/beinformed/ysb/>

<sup>42</sup> “Tobacco-Use Prevention Education Program Overview,” California Department of Education, <http://www.cde.ca.gov/ls/he/at/tupeoverview.asp>

<sup>43</sup> “What is School-Wide Behavioral Interventions & Supports?” OSEP Technical Assistance Center on Positive Behavioral Interventions & Supports, [http://www.pbis.org/school/what\\_is\\_swpbs.aspx](http://www.pbis.org/school/what_is_swpbs.aspx)

Coaching® to help students entrenched in the role of bully or target relate more skillfully with their peers.”<sup>44</sup>

### **Miscellaneous In-School Intervention Measures:**

All high schools reported using one-on-one counseling between students and administrators (discussion and warnings), student-teacher conferences, out-of-class suspension, and parental contact as common disciplinary processes. Other toolkit options include these:

1) Community Service:

In certain situations, administrators may offer an alternative to suspension that provides a benefit to the school or community (tutoring others, trash pickup, assisting teachers, etc.). If the school has a community service requirement for graduation, this does not qualify towards that goal.

2) In-School Detention:

This is detention held on Saturdays, after school, or during lunch. The purpose is to provide offenders an in-school punishment alternative and an opportunity to reflect on their actions and, when appropriate, an opportunity for tutoring and counseling.

3) Mentoring:

Mentoring involves establishing a relationship between students and peers or adults. The goal is to provide emotional support and individual counseling through a close-knit pairing of disciplinary at-risk students and positive role models.

4) Student Study/Support Teams:

Study teams provide students a support group consisting of teachers, parents, and other school personnel in addition to psychologists, speech therapists, and counselors as necessary. The goal is to assess the interaction between academic needs and disruptive behavior while developing and implementing a plan to improve academic and behavioral outcomes.

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<sup>44</sup> “The No Bully System Stops Bullying,” No Bully, About Us, <http://www.nobully.com/system>

**APPENDIX B**

<b>San Rafael High School District:</b>							
School Year	Enrollment	Total Suspensions	Total Suspensions as % of Enrollment	Total of Willful Defiance Suspensions	Willful Defiance as % of Total Suspensions	Individual Students Suspended*	Rate of Student Suspension*
<b>San Rafael High School</b>							
2012-2013	1049	55	5%	18	32.7%	43	4.1%
2011/2012	947	113	12%	36	31.9%	81	8.6%
2010/2011	896	127	14%	31	24.4%	n/a	n/a
2009/2010	921	195	21%	98	50.3%	n/a	n/a
2008/2009	958	117	12%	5	4.3%	n/a	n/a
2007/2008	1023	150	15%	47	31.3%	n/a	n/a
<b>Terra Linda High School</b>							
2012-2013	1107	59	5.3%	19	32.2%	47	4.2%
2011/2012	1130	124	11.0%	42	33.9%	84	7.4%
2010/2011	1135	227	20.0%	73	32.2%	n/a	n/a
2009/2010	1112	167	15.0%	59	35.3%	n/a	n/a
2008/2009	1119	143	12.8%	15	10.5%	n/a	n/a
2007/2008	1100	111	10.1%	22	19.8%	n/a	n/a

<b>Novato Unified School District:</b>							
School Year	Enrollment	Total Suspensions	Total Suspensions as % of Enrollment	Total of Willful Defiance Suspensions	Willful Defiance as % of Total Suspensions	Individual Students Suspended*	Rate of Student Suspension*
<b>San Marin High School</b>							
2012-2013	1031	98	9.5%	44	44.9%	59	5.7%
2011/2012	955	103	10.8%	36	35.0%	72	7.5%
2010/2011	899	143	15.9%	51	35.7%	n/a	n/a
2009/2010	950	186	19.6%	85	45.7%	n/a	n/a
2008/2009	983	93	9.5%	57	61.3%	n/a	n/a
2007/2008	1051	200	19.0%	78	39.0%	n/a	n/a
<b>Novato High School</b>							
2012-2013	1477	103	7.0%	32	31.1%	75	5.1%
2011/2012	1469	153	10.4%	59	38.6%	101	6.9%
2010/2011	1347	211	15.7%	110	52.1%	n/a	n/a
2009/2010	1322	150	11.3%	56	37.3%	n/a	n/a
2008/2009	1287	132	10.3%	96	72.7%	n/a	n/a
2007/2008	1231	232	18.8%	113	48.7%	n/a	n/a



<b>Tamalpais Union School District</b>							
School Year	Enrollment	Total Suspensions	Total Suspensions as % of Enrollment	Total of Willful Defiance Suspensions	Willful Defiance as % of Total Suspensions	Individual Students Suspended*	Rate of Student Suspension*
<b>Redwood High School</b>							
2012-2013	1641	62	3.8%	9	14.5%	58	3.5%
2011/2012	1538	66	4.3%	15	22.7%	57	4.0%
2010/2011	1458	43	2.9%	5	11.6%	n/a	n/a
2009/2010	1442	82	5.7%	21	25.6%	n/a	n/a
2008/2009	1427	55	3.9%	9	16.4%	n/a	n/a
2007/2008	1493	50	3.3%	11	22.0%	n/a	n/a
<b>Sir Francis Drake High School</b>							
2012-2013	1015	45	4.4%	4	8.9%	41	4.0%
2011/2012	1009	36	3.6%	7	19.4%	32	3.2%
2010/2011	1023	87	8.5%	15	17.2%	n/a	n/a
2009/2010	1049	78	7.4%	28	35.9%	n/a	n/a
2008/2009	1039	64	6.2%	27	42.2%	n/a	n/a
2007/2008	1071	82	7.7%	28	34.1%	n/a	n/a
<b>Tamalpais High School</b>							
2012-2013	1319	77	5.8%	11	14.3%	65	4.9%
2011/2012	1314	88	6.7%	39	44.3%	65	4.9%
2010/2011	1162	105	9.0%	13	12.4%	n/a	n/a
2009/2010	1110	58	5.2%	14	24.1%	n/a	n/a
2008/2009	1116	81	7.3%	24	29.6%	n/a	n/a
2007/2008	1075	85	7.9%	12	14.1%	n/a	n/a

\*The California Department of Education did not have the ability to generate an unduplicated count of students involved in one or more incidents until 2011/2012. All future reports will include this information.