



Community Asset Development Re-defining Education

## More Education. Less Suspension.

A Call to Action to Stop the *Pushout* Crisis in South Los Angeles

### Human Rights Documentation

In the Los Angeles Unified School District, Local District 7

June 14, 2006

## Background

*CADRE is a grassroots campaign to solidify and advance parent leadership to ensure that all children are rightfully educated regardless of where they live.*

Thank you to volunteers who spent countless hours obtaining information about the experiences of parents and youth:

Parents from CADRE's Dignity and Respect Taskforce

Parents from CADRE's Action Committee

Clinton Cameron, CADRE Volunteer

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The Los Angeles Unified School District (LAUSD) has one of the highest dropout rates in the country. Nearly half of the students who start high school do not graduate.<sup>1</sup> As the *Los Angeles Times* in its *Vanishing Class Series* put it, “the act of dropping out [is] generally the last twist in a downwards spiral.”<sup>2</sup> In South Los Angeles (South LA), partially served by the Local District 7 of LAUSD, that descent begins with schools that are overcrowded, underperforming, lacking in a committed teaching and administrative staff, and functioning under misallocated resources. Schools have come to resemble prisons, and have extremely high suspension and so called “opportunity” transfer rates. Added to these obstacles to academic achievement is the pressure of growing up in a community that is maintained in poverty by high unemployment, lack of good affordable housing, poor public transportation, under funded social services, and an abundance of lip service paid to these problems.

In this “Call to Action” CADRE parents reveal preliminary evidence that the dropout crisis in South LA may very well be a *pushout* crisis. Hidden from public view is the role

that school suspensions and other exclusionary policies play in *pushout*, a practice so blatant that it amounts to violations to basic international human rights principles embodied in the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and other similar documents.

*Pushout* is a result of LAUSD’s failure to have a proactive approach to school discipline. The absence of a well thought out, child-centered plan has produced a culture of temporary solutions that intensifies the problem in the long run and feeds into a cycle of hostility and blame towards students and families. *Pushout* begins with a series of classroom and school removals, that when repeated over time, have a cumulative effect of dismantling educational access for too many students. Removals range from an undisclosed number of referrals out of the classroom to the suspension of thousands of students from school per year as the first “intervention” of choice. The next level is through the enthusiastic use of “opportunity transfers,” despite the fact that they are banned in other large school districts and were recently removed from state law.<sup>3</sup> The United Teachers of Los Angeles is calling for an extension of this philosophy of exclusion by proposing to segregate “troubled” students within the school and increase the number of alternative campuses for these students, notwithstanding its recommendation for additional supports to assist student with individual needs.<sup>4</sup> Yet, these reactive responses fail to recognize that the more a student is disengaged from their educational environment, the more likely the behavior and academic problems increase and the higher the chances of dropping out of school altogether.<sup>5</sup>

In January 2006, CADRE began a parent-led effort to monitor Human Rights violations in LAUSD with an emphasis on schools located in Local District 7, using human rights documentation, a survey, and a public records act request. Over a period of six months, parents, staff, and volunteers documented the experiences of 50 parents and students who underwent school suspensions.<sup>6</sup> During the same time, CADRE conducted a preliminary survey of 120 young adults who left regular high school without graduating, as a first step to determine the factors leading them to drop out of regular high school.<sup>7</sup> For the first time, students were posed the question: “Were you *asked* to leave your high school?” and we were astounded by the response, especially from those students who had not reached the maximum age of compulsory education. We contacted students and parents through door-to-door canvassing, phone interviews, outreach to students attending alternative schools, and youth who were detained in juvenile halls. The documentation and surveys are a preliminary inquiry into the issues, and should not be considered scientific research.<sup>8</sup> However, the information that we uncovered is groundbreaking and leads to this “Call to Action.”

## A Human Rights Framework

International Human Rights standards provide parents and children with rights in education that are sorely missing from state and federal laws, and that CADRE parents find to be basic and essential. The U.S. Supreme Court’s rejection of a fundamental right to education<sup>9</sup> has reinforced inequality of educational access across economic and

“In the United States, forty nine state constitutions include the right to education. Yet millions of young people are not protected from violations of their human right to a *quality education*.” (emphasis added)  
National Economic and Social Rights Initiative,  
[www.nesri.org](http://www.nesri.org).

consequently racial lines. While there is a fundamental right to an education in California law,<sup>10</sup> that protection fails to address the inequitable distribution of resources, opportunities and outcomes across schools.<sup>11</sup> Furthermore, it has not prevented the creation of an underclass of educational institutions called “alternative schools” which have very low success rates<sup>12</sup> The only “right” that is recognized by the school system that parents and students can rely on to prevent the deprivation of education is the right to due process in school suspensions and expulsions. Even this right to a fair process, particularly in school suspensions, is rarely monitored and enforced.

CADRE parents look to the Universal Declaration of Human Rights and accompanying documents as the standard by which they measure school district policies and practices. These documents provide the substantive right to an education, the right to dignity in education and discipline, and the right to participation for parents in decisions affecting the child’s education. The principles and rights embodied in this body of law speak to the experiences South Los Angeles parents face on a daily basis. They provide legitimacy for parents’ concerns, the language to expose violations, and a framework with which they can present their demands.

## The Right to Dignity

*School discipline must be administered in a manner consistent with the child’s human dignity.* Article 28, Convention on the Rights of the Child

“*The suspensions affected how he felt about himself greatly.*” – Parent of student from Local District 7 elementary school.

A child’s human dignity must be respected in all aspects of their education, including school discipline. Human Rights standards place full responsibility on national and state governments, school districts and schools to foster a humane atmosphere, implement policies that are just and fair, use discipline to promote the learning process, and restrain from public humiliation and harsh punishment.<sup>13</sup> Even the U.S. courts have recognized that elements of child dignity, such as a child’s reputation, must be protected in school discipline. In *Goss v. Lopez*, the U.S. Supreme Court stated that the interest of the child in protecting their reputation from unfair discipline is a constitutional concern, requiring due process procedures in school suspensions.<sup>14</sup>

Punishment that is disproportionate to the offense and perceived as unfair by the child results in a mistrust of authority, alienation from the school community, and exacerbates misbehavior.<sup>15</sup> On the other hand, schools with philosophies geared towards supporting students, working with parents, and looking at student behavior in its broader context, have lower rates of suspensions.<sup>16</sup>

CADRE parents have found that the disciplinary practices in South Los Angeles are in direct conflict with the dignity of the child. Our documentation further exposes the absence of due process required by California law to ensure that suspensions are used as a last resort, and that students are given a fair chance to defend themselves.<sup>17</sup> Treatment and school climate played a role in the *pushout* of the youth that we surveyed.

## Documentation Findings

### ■ Students were mistreated during the suspension process.

*“[The administrator] was looking down at my daughter and screaming.”*  
– Parent of student from a Local District 7 middle school.

*“It was not fair because I’m my own person and how could a total stranger force me to pull up my pants. I was not treated in a respectful manner, my handcuffs were too tight and they were dragging me to the office and I was falling.”*  
Student from Local District 7 high school.

*“When I’m trying to explain what happened, they don’t believe it or listen, so I express it in a wrong kind of way.”* Student from Local District 7 middle school.

An overwhelming number of parents and students who were interviewed expressed concern with the manner in which students were spoken to and treated during the course of their discipline. Students were subjected to name-calling, teasing, and hostility by their teachers and administrators. In some situations, this treatment occurred in front of the parents. A large number of students underwent severe and embarrassing treatment by school deans, including being singled out, physically handled and forced to sit at the dean’s office for hours at a time. Because of the public nature of the discipline, students felt that they were then labeled or earned a bad reputation, and subsequent punishments were meted out based more on their reputation than their underlying behavior. Finally, some students admitted that they stayed away from the classroom where they suffered mistreatment, or stayed away from school altogether.

Excessive physical force was employed in situations that did not pose a risk of harm to others. This force included slapping a student on the head, grabbing and pulling students, pushing the student to the ground, and using handcuffs. Administrators called the police to investigate school related misconduct or allowed police entry into school to investigate non-school related actions, often leading to an escalation of physical force and intimidation where it was not necessary.

### ■ Students’ rights to due process were violated.

Students and parents reported that school administrators did not listen to the child’s version of events, and almost never investigated student witnesses. Suspensions were automatic, first resort punishments without inquiry into the underlying causes of the behavior. Students and parents felt in some situations that they were not guilty of the offense and unfairly punished. This was especially true with regard to suspensions resulting from fights. Everyone who was caught by school staff was suspended without investigation into the cause of the conflict. School officials did not attempt to fairly distribute responsibility and in one situation a student was suspended because she “didn’t tell.” The automatic response to student conflict was removal rather than resolution, which in the long run resulted in the escalation of the conflict. One student was suspended even though he was a victim in an unprovoked attack. He continued to be harassed by the instigator. These students were never provided with conflict resolution mechanisms. Parents looking for an explanation for this type of response pointed to racism or prejudice by school officials.

### ■ Suspensions were used for minor misbehavior, as a discipline of first resort, and led to opportunity transfers.

Suspensions were used as a first resort for minor misbehavior. Students and parents stated that this caused them to lose trust in the ability of school officials to discipline.

In very few situations were other forms of correction attempted. The use of suspensions for minor misbehavior escalated the severity of the punishment for subsequent misbehavior, leading to recurrent suspensions and opportunity transfers. Students that were removed from their peer group and class setting on a regular basis felt a sense of isolation and had difficulty “fitting in.”

## Preliminary Survey Findings

■ Violations of the right to dignity can lead to *pushout*.

Among the respondents who stated that they dropped out of regular high school on their own (which was half of all respondents), 23% listed *the way they were treated* as one the reasons they left.

CADRE parents ask: *How many students have been pushed out of LAUSD’s Local District 7 as a result of its neglect to maintain a caring and welcoming environment for children?*

## Conclusion

Human Rights standards emphasize that education must be aimed at the development of the child’s personality, a sense of dignity, and respect for human rights and fundamental freedoms.<sup>18</sup> Discipline loses its educational value when it ignores the child’s perspective and rights, teaches children that they are unwanted, and provides no opportunities to resolve the conflicts they have gone through. CADRE finds that disciplinary practices in LAUSD’s Local District 7 violate their students’ right to dignity.

## The Right to Education

*Everyone has the right to an education. Article 26, Universal Declaration of Human Rights*

Human Rights standards require that all children have equal and continuous access to educational services. School discipline practices must not result in students being deprived of their right to education. Instead, discipline should be aimed at meeting the individual social, emotional and learning needs of students.<sup>19</sup>

Short-term removals from the classroom or school might relieve the teacher or the dean temporarily from having to deal with a problematic student. However, the failure of the LAUSD to institute a long term, proactive approach to school discipline has resulted in a reactive and inefficient system of shuffling students around, who in the process lose valuable instructional time and become likely candidates to join the large drop out statistic.

CADRE has uncovered a complex cycle of removals, working at all levels of the school institution, from undisclosed classroom removals, to school officials

“Schools need to take a thoughtful approach to discipline to ensure that young men and women are not robbed of the opportunity to learn.”  
Education on Lockdown: The Schoolhouse to Jailhouse Track (2005)

encouraging a failing student to leave regular high school and join a growing underclass of education institutions called alternative schools. **The following incidences do not show up in official statistics:** the number of informal removals from classrooms, illegal in-school and out-of school suspensions, the time that a child is out of school as a result of opportunity transfers, denial of enrollment in school based on disciplinary history, and removal from school altogether by counseling a student to join a GED or alternative program.<sup>20</sup>

The failure to record and report on the occurrence and impact of these forms of removal is a violation of the human rights obligation of the government to monitor the right to education. Human Rights standards require that governments monitor all policies, practices and outcomes that impact the right to education. Monitoring must be carried out in a transparent and participatory way that makes information accessible to parents, students and communities.<sup>21</sup>

## Documentation Findings

- Students reported frequent, unrecorded out of class removals.

*“She also failed English because the teacher keeps kicking her out of class.”*  
– Parent of student from a Local District 7 school.

The first level of removal occurred when a teacher sent the student out of their classroom without placing them in an alternative location, or sent them to another classroom that is not the child’s regular classroom for part of or the entire class period. Some children were sent out of class on a regular basis, without any notification to the parent or school administrators. This was not reflected in the child’s academic records. Students reported that they were isolated within the new classroom and given individual work without instructional support or no work at all. In one situation, a student with a learning disability, but performing grade level work, was sent two to three times a week to another classroom for students with mental disabilities who were being taught several years below grade level.

*“I was sent out of class and I missed two classes. I was sent to the Dean’s office where I didn’t do anything. I just sat there.”* – Student from Local District 7 middle school.

Students were also sent to the counselor’s office or the dean’s office on a repeated basis where they were forced to wait for long periods of time. Students reported that the waiting areas were crowded, with little or no supervision, and they were not provided with academic work. At one middle school for example, the dean’s office is inside a room that accommodates more than 30 students, and is at least half full most of the time. If the child is suspended after seeing the dean, the time spent waiting in the dean’s office is not counted toward their suspension time.

Informal suspensions from the classroom are not sanctioned by the law and are not normally documented in the child’s educational records. Through this process schools avoid the loss in Average Daily Attendance (ADA) from the state because the child is not officially absent from class.<sup>22</sup>

*I had a B, but because I was suspended it dropped to an F. The teacher encouraged me to enroll in continuation school.* – Student from Local District 7 high school.

*“They acted like they did not want him there anymore.”* – Parent from Local District 7 elementary school.

“In Los Angeles, such changes in placement are termed ‘opportunity transfers,’ which might mean that the students are being given an opportunity but might also mean that ‘the school has an opportunity to get rid of the students’”.

[www.educationreportcard.com](http://www.educationreportcard.com), Charles E. Cummins, Ed.D

- Suspensions were given without regard to the impact on the child’s education.

Out-of-school suspensions were meted out without regard to the impact on the child’s education. Students missed important tests, fell behind in class work, and lost credits as a result of suspensions and other forms of classroom removal. Students were not given make-up instruction making it difficult to understand their class work.

- Suspensions are used as a *pushout* mechanism.

In 2004-2005, LAUSD Local District 7 recorded 9,251 suspensions, at 34% of the student enrollment. African American’s experienced 44% of the suspensions in Local District 7 even though they account for 24% of the student population.<sup>23</sup> CADRE’s documentation suggests that the aim of school suspension was exclusion of the child from school. Furthermore, suspensions were the only form of discipline attempted, and there was little or no effort by school officials to resolve the underlying causes of misbehavior. In one situation, the school accused a six year old child who took apart a toy car of violating their zero tolerance policy against “making bombs,” and used the suspension as a reason to force a removal from the school altogether. More troubling were the cases where the frequent use of suspensions automatically led to “opportunity transfers” (see below).

While exclusion may be a way around time and resource-intensive alternatives, the long-term impact can be devastating to the child and the community. Various sources show that there is a relationship between suspensions and school dropouts.<sup>24</sup> In Los Angeles County, a child that attends a school with a high suspension rate is less likely to graduate with her class than a child that attends a school with a low suspension rate.<sup>25</sup>

## Public Records Act Request Findings

- Opportunity transfers in South Los Angeles are a *pushout* mechanism.

Opportunity transfers (OT’s) provide a “fast track” route for LAUSD schools to rid themselves of a problem child.<sup>26</sup> OT’s are transfers from one district school to another. LAUSD’s opportunity transfer policy is touted as a progressive, carefully planned discipline policy that uses OT’s as a last resort, takes into account the child’s educational continuity, and respects parents’ rights.<sup>27</sup> However the careful planning ends with the writing of the policy, as abuses of the OT policy were uncovered by LAUSD’s response to a March 2, 2006 public records act request by Public Counsel, L.A. Voice and CADRE. Furthermore, despite the stated plan to use OT’s as a last resort, Local District 7 recorded 927 opportunity transfers, representing 3% of the total student population of that local district in 2004-2005. The same year, LAUSD as a whole, recorded 5,868 OT’s representing 1% of the student population. African Americans accounted for an astounding 48% of OT’s in Local District 7 even though they account for 24% of the student population.<sup>28</sup>

The protection for the rights of students and parents under the LAUSD OT policy lacks teeth. The response to the public records act reveals that LAUSD fails to track the impact OT's have on academic achievement, dropouts, lack of access to education, attendance, and on students with special needs. Furthermore, LAUSD does not monitor whether schools follow restrictions and conditions required by the OT policy including, protection of parents rights, consideration of transportation issues prior to issuing OT's, and conducting periodic evaluations of children who are transferred.

The LAUSD Opportunity Transfer policy is being ignored at the school level, as disclosed by the Chief Operating Office for LAUSD in an April 28, 2004 inter-office correspondence. Our documentation reinforces this conclusion and demonstrates that schools routinely violate the requirements of the OT policy including: failing to inform parents of their rights, using OT's as a first resort and for unacceptable reasons under the policy, and failing to evaluate students progress in the receiving school. Our documentation shows that OT's were utilized as the next step in an escalating series of removals for minor infractions that could have been resolved through other interventions, or were used inappropriately as a first resort.

*“[She] was suspended twice and then OT'd to a school out of the area. [She] dropped out of regular high school because the school was too far away.”* – Student from Local District 7 high school.

Youth who underwent OT's fell behind in school. One parent reported that her eighth grade child was shuffled between four different middle schools resulting in less than one month of attendance in school during the academic year. The reason for her most recent OT was for using a cell phone to call her mother. In another situation, a victim of a physical attack who was also an honors student was forced to opportunity transfer and it took her three weeks to reenroll into honors classes.

Students who change schools are more likely to dropout of school.<sup>29</sup> According to our preliminary survey results, 15% of the youth that left regular high school had an OT in their educational history.

## Preliminary Survey Findings

■ *Pushout* is a violation of the right to education.

“They are pushouts not dropouts . . . for most of them, it is the end of the academic road.” *The New York Times*, August 2003

**An astounding 49% of students and parents that were surveyed by CADRE stated that they were *asked to leave their regular high school*.** The information gathered raises the following questions from CADRE parents:

*Did they have to leave?* 62% were 17 or younger when they left regular high school and were entitled to at least one more year of public education.

*What role did school discipline play in the student being asked to leave?* Among the reasons students were asked to leave, 36% listed behavior problems, 17% listed suspensions, and 10% listed opportunity transfers.

*Did they or their parents want them to leave?* Of students who were asked to leave, 33% stated that they were told they *had to leave*, and 46% disagreed with having to leave.

*How much educational time was lost as a result of the school asking them to leave?* 51% of youth who left school were out of school from months to years before receiving alternative education.

*Has anyone else documented pushout in their communities?* Similar *pushout* practices for “difficult to educate” and at-risk students have been well documented in New York.<sup>30</sup>

## Conclusion

A culture of exclusion exists throughout the many levels of school discipline that undermines the values embodied in the Universal Declaration of Human Rights, and further disenfranchises a community in poverty. This suggests a systemic *pushout* crisis in Local District 7 that violates the Human Rights of children to a quality education.

## The Right to Participation

*“At all levels of decision-making, governments must put into place regular mechanisms for dialogue enabling citizens and civil society organizations to contribute to the planning, implementations, monitoring, and evaluation of basic education. This is essential in order to foster the development of accountable, comprehensive and flexible educational management frameworks.” Dakar Framework for Action on Education for All.*

“Parent involvement is positively associated with student academic success, higher attendance rates, and lower suspension rates.”  
[www.indiana.edu/~safesch1/ParentInvolvement.pdf](http://www.indiana.edu/~safesch1/ParentInvolvement.pdf)

Parents have the human right to participate in decisions and policies that impact their children’s education. Parents must have access to information and to remedies when their rights or the rights of their children have been violated.<sup>31</sup>

Stories about parents being barred from important decisions related to their child’s education are not new to CADRE. Parents told us about the barriers they faced in participating in decisions related to school discipline. These barriers made their roles in other decision-making processes seem insurmountable. By documenting the unsuccessful attempts by parents to assist the school in making the right decisions for their child, CADRE parents are both challenging the conventional perception that families in South Los Angeles do not support their children, and also creating their own mechanisms to hold schools accountable.

CADRE parents find that LAUSD’s lack of systemic supports for prevention and intervention of disciplinary related issues has resulted in a policy of exclusion. Consequently, parents are not informed about exclusionary practices, some of which disregard the law, and when they ask for an explanation or attempt to question the discipline, they are met with resistance.

## Documentation Findings

- Parents were not informed about classroom removals.

Parents were not notified of the child's removal from the classroom. Parents were almost never informed when the child was sent out of class and about the length of time the student was made to wait at a counselor's or dean's office. Parents came to know about the child's discipline problems from the child, when they made an effort to inquire about them, or when they observed them directly. In one situation, a parent found out that her child was being excluded from field trips only after she happened to come to the school on a field trip day. Parents complained about the difficulty in setting up parent-teacher conferences to discuss these issues, particularly when the parent expressed displeasure with what was happening.

- Parents' due process rights to notice and a remedy were violated.

Parents complained that they were not notified of suspensions from the school. At times, they received a phone call but did not receive written notification. In some cases of recurrent suspensions, parents stated that they were not informed of all the suspensions and did not realize that there was a problem until it was very late. Parents were not notified of their right to appeal the suspension.

- Parents were not allowed to become involved in schools' discipline of their child.

Most parents felt that their opinions about their child's behavior or discipline were not welcome and not taken into account in the decisions made by the school. Spanish speaking parents complained about lack of translation to facilitate meetings or conversations with teachers. In one case, the translation was denied, and in another, even when provided, it was inaccurate with a bias towards the school's position. Some parents felt that their attempts to advocate for their child were met with hostility and retaliation. Others felt that there was no point to questioning the suspension because the school administrator made clear that their authority was final. The unilateral nature of discipline created a sense of frustration with parents who felt that, had they been included, the need for severe discipline could have been prevented.

- Parents have identified alternatives that will work for their child.

During the course of the documentation process, parents proposed many alternatives to school suspension that they believed would have prevented the need for school removals. These alternatives include: more fairness in investigating the offense, utilizing parent conferences more often, providing appropriate supports for students with special education needs, taking into account the parent's perspective on whether a suspension is the right response to correct the behavior, using preventive supports such as adequate supervision in the classroom and appropriate classroom management, providing intervention to students that are more at risk for recurrent misbehavior, and doing everything possible to keep the child in school.

*"They blamed his behavior problems on me . . . they make it seem that as a parent, you don't have a say in whether or not your child gets suspended."*  
– Parent from Local District 7 high school.

*"Be fair, listen to both sides of the story, and act out of concern for the child."*  
– Parent of student from Local District 7 middle school.

## Preliminary Survey Findings

- Violations of the right to participation can lead to *pushout*.

Regarding the respondents who stated that they were *asked to leave* regular high school (which was half of all respondents), CADRE parents ask:

*Were parents and students denied a meaningful opportunity to make careful decisions regarding the student's future education?* 65% stated that they were not provided with written notice and were told in person or by phone.

*What roles do deans and counselors play in pushout?* 46% said that they were told to leave by a dean or counselor.

*Would meaningful involvement of parents and students in the decision to leave high school have prevented a dropout?* 46% stated that they disagreed with having to leave, and 76% were not told that they could challenge the decision.

## Conclusion

Parent oversight and participation provides free and effective safeguards against neglect of the rights of children. Increased parent involvement results in lower suspension rates.<sup>32</sup> Parents who express an interest in working with educators to deal with behavior or academic concerns should be encouraged and supported, rather than shunned. CADRE parents find that their Human Rights to participation are violated through practices that exclude parent involvement.

## CADRE Findings Are Supported

Other organizations have made findings similar to CADRE parents in connection with practices by LAUSD and school districts around the state.

*Los Angeles Unified School District:* The National Economic and Social Rights Initiative has made preliminary findings of human rights violations in New York City and Los Angeles public schools including the excessive use of exclusionary responses to discipline, the criminalization of discipline, discipline based on discrimination and stereotypes, and mistreatment in the classroom.<sup>33</sup>

*Modesto City School District:* This year, parents investigated racial bias in school discipline at Modesto City Schools. Their advocacy resulted in the district hiring a community affairs director charged with making sure that all students are treated fairly in school discipline, and implementing programs to lower suspension and dropout rates for African American and Latino students.<sup>34</sup>

“Policies that include removal from the learning environment as a primary option should be replaced with policies, procedures, and practices that address the root causes of dysfunctional classrooms and enhance the learning environment for all students.”

Profiled and Punished: How San Diego Schools Undermine Latino and African American Achievement (2002)

Fair and equitable discipline involves attention to prevention, access to learning, constructively preventing future problems, and taking a deliberate stand against inequity. The Coalition of Fair and Caring Schools (2004)

*West Contra Costa County School District:* In May 2006, West Contra Costa County School District overhauled its disciplinary policy after a lawsuit that challenged school transfer practices that led to a denial of education.<sup>35</sup>

*San Francisco Unified School District:* The San Francisco Unified School District passed a resolution to address its suspension practices, including requiring that suspensions be used as a last resort and that students provided with meaningful education during a suspension as a result of a report issued by the Coalition for Fair and Caring Schools.<sup>36</sup>

*Oakland and San Diego School Districts:* Reports issued by the Kids First Coalition in Oakland, and the ERASE Initiative regarding practices in San Diego, further document and support findings by CADRE parents about the excessive and inappropriate use of school suspensions.<sup>37</sup>

## Human Rights Demands

Parents are equal stakeholders with teachers and administrators in ensuring that schools are safe places for learning and children are supported to succeed through high school and beyond. CADRE parents believe that it is time for the Los Angeles Unified School District to work with parents in ensuring that disciplinary practices are effective and humane. CADRE parents make the following Human Rights demands:

### ■ **Ensure the Right to Dignity**

School discipline must respect the child's human dignity.

Every school must have a positive behavior support plan that addresses student needs to prevent having to use discipline that punishes.

Guiding principles for behavior which promote respect, non-discrimination, safety and responsibility must apply to both students and adults.

### ■ **Ensure the Right to Education**

Schools must reduce out-of-school and out-of-class suspensions that result in removal from the learning environment.

Teachers must provide a written educational plan for a child who is suspended to make sure they keep learning.

Schools must limit and keep track of out-of-class referrals to the Dean's office or the counseling offices.

■ **Ensure the Right to Participation**

Parents should be involved in creating and putting into place a positive behavior support plan for the school.

Parents must be included in the decision to suspend the child.

Schools must give parents information that they collect on whether they are following their policies so that parents can hold schools accountable.

## A Call to Action to Stop *Pushout*

CADRE parents call on teachers, administrators, Board members, and the community at large to stop the *pushout crisis* that is impacting South Los Angeles youth. All stakeholders should work together to:

- Pass a resolution by the LAUSD Board of Education that recognizes the right to education as a basic human right.
- Stop unnecessary disciplinary removals through various forms of suspension, by implementing, enforcing and monitoring a proactive discipline policy that emphasizes positive behavior supports, prevention, and intervention instead of exclusion.
- Enforce and monitor the correct use of opportunity transfers under the current LAUSD policy.
- Investigate the impact of current disciplinary practices on the dropout rate through a comprehensive, long term scientific study.
- Make students who face behavior and academic challenges a top priority for resources and supports.

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<sup>1</sup> Losen, Dan and Wald, Johanna. *Confronting the Graduation Rate Crisis in California*, The Harvard Civil Rights Project, March 2005.

<sup>2</sup> Landsberg, Mitchell. "The Vanishing Class: Back to Basics: Why Does High School Fail So Many?," *The Los Angeles Times*, January 26, 2006

<sup>3</sup> Cal. Educ. Code 48642; "District Revamps Discipline Policies," *Contra Costa Times*, May 1, 2006

<sup>4</sup> United Teachers Los Angeles Initial Contract Proposals for School Year 2006-2007, <http://www.utla.net/home/negupdate.php>. Members of the union leadership expressed to CADRE that an important concern for teachers is LAUSD's failure to enforce discipline policies, and the lack of infrastructure to

make progressive discipline possible. UTLA is also calling for developing restrictions and guidelines for opportunity transfers, a reduction of class sizes in regular and alternative classes, an increase in the number of school psychologists, counselors, and other support personnel, and an increase in school security.

<sup>5</sup> Wald, Johanna and Losen, Dan. *Defining and Redirecting a School to Prison Pipeline*, The Harvard Civil Rights Project, 2003

<sup>6</sup> Demographics of people we documented and list of schools

Respondents	70% Parents 30% Students
Race or Ethnicity	34% African American 52% Latino
Schools Attended	46% attended Gompers Middle School Other schools include: 116 <sup>th</sup> ES, 118 <sup>th</sup> ES, Drew MS, John Muir MS, Markham MS, Fremont HS, Jordan HS, Lincoln Heights HS, Locke HS, Los Angeles HS, Manchester ES, Manual Arts HS, South Gate HS.

<sup>7</sup> Demographics of people we surveyed

Respondents	26% Parents 74% Students
Race or Ethnicity	33% African American 60% Latino
Age of Student at Time of Survey	36% were 17yrs old or younger
Names of Last Regular School Attended	50% attended Locke High School or Fremont High School Other schools include: Burbank MS., Cabrillo HS, Carson HS, Centennial HS, City of Angels HS, Compton HS, Dominguez Hills HS, Dorsey HS, Drew HS, Erickson HS, Fullerton HS, Gardena HS, Gompers MS, Huntington Park HS, Inglewood HS, Jefferson HS, Jordan HS, Kennedy HS, King Drew HS, Little Rock HS, Los Angeles HS, Manual Arts HS, Marshall HS, Maxine Waters, Millikan HS, Narbonne HS, Reseda HS, San Fernando HS, San Pedro HS, Sanger HS, SEA HS, Taft HS, University HS, Venice HS, Washington Prep HS, Westchester HS, Wilson HS.

<sup>8</sup> CADRE is not research organization. The data presented herein should be taken as a description of the information gathered rather than a general inference. The information presented provides important questions that should be researched further. All data from the survey includes the people who did not respond in the total, and so the numbers may be understated.

<sup>9</sup> *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)

<sup>10</sup> *Serrano v. Priest*, 557 P.2d 929, 950-951 (Cal. 1976)

<sup>11</sup> *California Educational Opportunity Report 2006*, UCLA/IDEA and UC ACCORD

<sup>12</sup> Rubin, Joel and Cleland, Nancy. "The Vanishing Class: Failing Students Spell Profit for Some Schools," *The Los Angeles Times*, February 4, 2006

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- <sup>13</sup> Article 29, Convention on the Rights of the Child, General Comment 1; Article 28, Convention on the Rights of the Child, General Comment 1; United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).
- <sup>14</sup> *Goss v Lopez*, 419 U.S. 565 (1975)
- <sup>15</sup> *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies*, The Advancement Project and The Civil Rights Project, 2000
- <sup>16</sup> Skiba, Russel J. and Gil G. Noam “Zero Tolerance: Can Suspension and Expulsion Keep Schools Safe,” *New Directions for Youth Development*, Volume 92, Winter 2001.
- <sup>17</sup> Cal. Educ. Code Sec. 48900 et seq.
- <sup>18</sup> Article 13, International Covenant on Economic, Social and Cultural Rights
- <sup>19</sup> Article 13, International Covenant on Economic, Social and Cultural Rights, General Comment 13.
- <sup>20</sup> California Department of Education, H<http://www.cde.ca.gov/ds>H
- <sup>21</sup> Article 13, International Covenant on Economic, Social and Cultural Rights, General Comment 13.
- <sup>22</sup> Cal Educ. Code §48911.1 and §48205(d)
- <sup>23</sup> DataQuest, California Department of Education, H[www.cde.ca.gov](http://www.cde.ca.gov)H; 2004-2005 School Profiles, Los Angeles Unified School District, H[www.notebook.lausd.net](http://www.notebook.lausd.net)H. Suspension rate was calculated by the number of suspensions divided by total enrollment.
- <sup>24</sup> Wald, Johanna and Losen, Dan. *Defining and Redirecting a School to Prison Pipeline*, The Harvard Civil Rights Project, 2003.
- <sup>25</sup> “College Preparatory and Suspension Rates,” UCLA IDEA 2006
- <sup>26</sup> “Thousands of Students Are Denied Their Right to an Education By School District’s Expulsion Policies” H[http://www.lavoicetico.org/News\\_Schools.html](http://www.lavoicetico.org/News_Schools.html)H., 2006. LA Voice describes OT’s as illegal forms of expulsion.
- <sup>27</sup> Bulletin No. Z-58 Opportunity Transfers, LAUSD
- <sup>28</sup> DataQuest, California Department of Education, H[www.cde.ca.gov](http://www.cde.ca.gov)H; 2004-2005 School Profiles, Los Angeles Unified School District, H[www.notebook.lausd.net](http://www.notebook.lausd.net)H; Response to Public Counsel’s Public Records Act Request, May 1, 2006.
- <sup>29</sup> “Dropout Rates Linked to School Transfers,” *The Los Angeles Times*, December 9, 1998.
- <sup>30</sup> Elisa Hyman, “School Pushout-Outs: An Urban Case Study”, *38 Clearinghouse Review Journal of Poverty Law and Policy*, 684 (2005)
- <sup>31</sup> Article 2 and 25, International Covenant on Civil and Political Rights; Article 13, International Covenant on Economic, Social and Cultural Rights, General Comment 13.
- <sup>32</sup> “Creating a Positive Climate: Parent Involvement,” Safe and Responsive Schools, H[www.indiana.edu/~safeschl/ParentInvolvement.pdf](http://www.indiana.edu/~safeschl/ParentInvolvement.pdf)H.
- <sup>33</sup> Sullivan, Elizabeth, *Preliminary Findings of NESRI’s Dignity in Schools Documentation Project*, H[www.nesri.org](http://www.nesri.org)H, 2006.
- <sup>34</sup> Choksey, Diana, “Parents Fight Racial Bias in Discipline at Modesto City Schools,” *Children’s Advocate*, May-June 2006
- <sup>35</sup> “District Revamps Discipline Policies,” *Contra Costa Times*, May 1, 2006
- <sup>36</sup> San Francisco Unified School District, “Resolution in Support of Equitable and Fair School Discipline Practices,” Resolution No. 55-24A5; *Report and Recommendations From the Coalition for Fair and Caring Schools (FairCare) to the Board of Education of the San Francisco Unified School District*, July 2004.
- <sup>37</sup> *Locked Out: Exposing the Suspension Epidemic in the Oakland Public Schools*, Kids First Coalition, June 1999; *Profiled and Punished: How San Diego Schools Undermine Latino & African American Student Achievement*, ERASE Initiative Applied Research Center, H[www.arc.org](http://www.arc.org)H, Spring 2002.
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