



CASE STUDY

School Discipline Reform in California

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The
California
Endowment

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INTRODUCTION

On most mornings, Nabil Romero’s mother would drive him and his brother to school at the Roybal Learning Center in Los Angeles. One morning when their mother wasn’t able to drive them, the two boys had to take two Los Angeles city buses to get to school. The buses were delayed that morning and the two boys arrived at school thirty minutes late. As they approached the school building an officer stopped them and asked why they weren’t in school. Nabil tried to explain, but the officer didn’t listen; instead he placed the boys in handcuffs and issued them both tickets for truancy. Nabil was then sent to detention for the day, given no schoolwork, and had to miss all of his classes. Nabil pointed out the irony at the Labor Community Strategy Center Public Hearings in 2011: “For being 40 minutes late, I missed a vital day in class.”

South Los Angeles high school senior Brett Williams told a similar story at the Office of Civil Rights hearings in 2012. Brett had just finished a game of basketball and had hastily put on his sweater and run to class. The dean noticed that he was not wearing his uniform shirt under the sweater and told him to go to the dean’s office. When Brett resisted and said he wanted to stay in class, the dean told him he was being defiant and sent him home. When he returned to school the next day, Brett had another run-in with the dean and was told he was disrespectful, rude, and defiant, and he was sent home again. “It escalated into two days of missing school over a uniform shirt.”

For years in California’s schools, minor infractions like those of Nabil and Brett have been subject to overly punitive disciplinary measures under “zero tolerance” policies. The good intent of zero tolerance—to protect students—has morphed into a costly over-reaction to the types of misbehavior that in the past would have simply meant a trip to the principal’s office. From the early 1970’s through 2010, national rates of suspension for all students nearly doubled, increasing from 3.7% to 7.4% with even steeper increases for black and Latino young people. Studies tell us that this sharp increase has resulted not from violent or dangerous acts but from minor incidents of misbehavior clustered under the vague category of “willful defiance.” A student suspended from school misses learning time, is left unsupervised, and has an increased risk of dropping out and becoming involved in the juvenile justice system.

Recognizing the high cost to our young people of zero tolerance policies, some forward-thinking parents, students, and organizers have been fighting to turn the tide against the growing use of suspension, expulsion and policing practices in California. They have made important headway, focusing on a school or a district at a time. But this progress happened locally, with the issue of school discipline remaining largely invisible to most policymakers in Sacramento. Then all that changed: from spring 2011 to fall 2012, community voices merged powerfully with those of statewide actors to bring the issue onto the legislative agenda. With the hard work of a coalition of community and youth organizers, public interest lawyers, and statewide advocates, ten school discipline bills were introduced into the California legislature, seven passed, and five were signed into law.

This case study tells that story.

Concerned Communities: The School Discipline Issue Matures Locally (1999-2010)

Some of the nation’s earliest organizing efforts to change discipline practices in schools began in California. In 2001, a group of parents in South Los Angeles belonging to an organization called Community Asset Development Re-defining Education (CADRE) went door to door, asking their neighbors about the most pressing issues facing their families. Families spoke most often about the ways that children were pushed out of schools through suspensions, expulsions, and forced transfers. Looking across these stories, the parent organizers involved in CADRE realized that what most called a “drop-out crisis” was really a “push-out crisis.” And they were determined to stop it.



Over the next six years, CADRE spoke to over 4,000 parents about the problem, and held a “people’s hearing” on harsh school discipline practices and push-out. CADRE joined forces with Public Counsel, a public interest law firm, launching a concerted effort to change Los Angeles Unified School District (LAUSD) policy. In 2007, CADRE and Public Counsel secured LAUSD’s adoption of the most progressive and comprehensive district-wide school discipline policy in the nation, based on a proven model: School-Wide Positive Behavioral Support. Over the next two years, student suspensions dropped by 15% and expulsions by 57% at high schools in South LA.

In 2005, another community organizing group in Los Angeles, the Labor Community Strategy Center (LCSC) launched an effort to stop the issuing of truancy tickets like the one Nabil received for being late for school. These tickets carried a \$240 fine and required the student to miss additional days of school to attend hearings. With these truancy tickets, simple tardiness was transformed into a criminal offense. LCSC believed that criminalization of students’ day-to-day behavior sets young people on a track to jail and prison. “The daily school experience,” explained LCSC organizer, Manuel Criollo, “has become a minefield of potential crimes: pushing and shoving becomes battery; swiping a classmate’s headphones becomes theft; talking back to teachers becomes disorderly conduct; fights become disorderly conduct or battery or assault.”

Over the next five years, LCSC organized thousands of students—including Nabil Romero—to change school district and Los Angeles Police Department (LAPD) policies regarding expensive tickets issued for tardiness and other minor infractions. With data from school police and LAPD, they plotted 34,000 tickets onto maps to show patterns of discrimination. They worked with pro bono lawyers from the ACLU, who defended young people as they tried to resolve their tickets through the court system.

They collected signatures from students and teachers, led actions in front of schools, and held public hearings. By 2010, school police began working with LCSC and issued a directive to stop the “morning sweeps” that police would use to issue tickets to schoolchildren. At Roosevelt High School, where the sweeps had been especially prevalent, attendance has increased by a whopping 50% in their absence.

In Oakland, student activists and community-based organizations teamed up with the school district to pilot an alternative approach to harsh school discipline, emphasizing restorative justice. In 2007, with the support of a community organization called Restorative Justice for Oakland Youth (RJOY), the district piloted their alternative approach at Cole middle school, and reduced suspension rates by 75%. In 2009, student leaders from Youth Together organized to introduce a resolution to the Oakland Unified School Board, proposing to adopt restorative justice as the district-wide approach to discipline. That same year, they presented to a Judge in the Juvenile Justice Department. As a result of these young people’s work, the OUSD Board of Directors passed the resolution, and Oakland’s Juvenile Justice Department released a strategic plan that put restorative justice at the center of the department’s work.



By 2010, with growing evidence that harsh school discipline was not working, local organizing and research began coming together to support a national movement. In particular, two national organizing efforts had formed, the Dignity in Schools Campaign and The Alliance for Educational Justice. California groups were active in both efforts. CADRE helped found the Dignity in Schools Campaign (DSC) and modeled the national effort on their work in Los Angeles. These groups provided a platform to connect the disparate local work happening across the country, holding state and federal lobby days that provided a means for local groups to plug into broader advocacy efforts. And the movement began showing results, as local efforts in places like Denver inspired state-level reform efforts in Colorado and Connecticut. In California, though, the work remained essentially local and had not yet coalesced into anything resembling a statewide movement.

Planting the Seeds of a Statewide Coalition: The California Endowment and Building Healthy Communities



“ While strategies related to obesity prevention and access to health care were anticipated, the issue of school discipline policies surprised us. We are willing to be responsive and supportive, but this issue is new to us. We need your help to get smarter on this issue. It is fundamentally clear to us that it is a compelling moral and strategic obligation that we go down this path. It speaks to the future of young people, and the intersection of health and public safety and civic engagement. It’s a very powerful and compelling issue. We need to get our heads wrapped around this issue as an entire organization. The data is powerful and tragic—but the problem is fixable. ”

Dr. Robert Ross, TCE President

Opening remarks at TCE’s May 2011
Convening on Alternatives to Harsh

In 2010, the California Endowment (TCE) launched Building Healthy Communities (BHC), a ten-year, multi-million dollar community change effort focused in 14 underserved communities throughout California. In each BHC community, the foundation supported a planning process that convened youth, parents, community leaders, and nonprofits, as well as representatives from schools and from the health care, law enforcement, and private sectors. Together, community members asked: what do we need so that children are healthy, safe and ready to learn?

One of their answers came as a surprise to TCE. BHC communities across California requested funds to address the problem of the overuse of school suspensions. TCE did not at first see school suspensions as a health issue—wasn’t it one of education or civil rights? But BHC communities shifted the views of foundation staff: the treatment of youth in school profoundly affects students’ social and emotional health.

With this shift in perspective, TCE made grants to long-term campaigns focused on school discipline in Oakland, Los Angeles, Fresno and Long Beach. In East Oakland, TCE made a significant grant to help RJOY and Oakland Unified School District implement a three-year restorative justice demonstration project at Castlemont High School. This project was designed to tackle disproportionate suspension and expulsion rates of African American and Latino boys. In Los Angeles, the foundation continued to support the work of CADRE and LCSC. In Fresno and Long Beach, young people pushed the agenda. During the planning process the youth committee brought compelling data showing that zero tolerance policies were responsible for 33% of students being “pushed out” of one high school in Fresno. Impressed by the committee’s argument, TCE funded a group of youth to do action research on the extent of the push-out problem and potential solutions.

The convergence of community concerns around school discipline made a powerful impression on TCE, and staff began to see the potential for statewide reform. TCE’s internal structure facilitated connections between local and statewide reform, as TCE program managers from local Building Healthy Community sites meet regularly with the TCE statewide policy team to discern common issues emerging from across the sites. The statewide team uses data and policy expertise to assess which of these issues might be amenable to statewide policy changes. In the case of school discipline, BHC program officers brought the issue to the attention of statewide staff who then marshaled data to demonstrate just how widespread the problem was by showing elevated rates of suspension in almost every county in the state. In addition, statewide staff identified the laws regulating what schools can and cannot do—the “education code”—as a potential way that state government could influence what was going on at the district and school level. Both the statewide and local BHC staff agreed that school discipline was beginning to have all the characteristics of an issue that framed correctly could have legs in Sacramento.



Seeing the potential for a statewide movement, TCE partnered with the California division of Fight Crime: Invest in Kids (a statewide advocacy organization) as well as the two local community organizing groups CADRE and LCSC to convene a group of stakeholders working on the school discipline issue in California.

On the morning of May 19th, 2011, representatives of eight BHC sites and local organizers gathered in Los Angeles with Fight Crime and TCE staff to share the work they were doing on school discipline. This convening proved to be a critical turning point. Looking back, stakeholders saw that as BHC sites, organizers, and a statewide advocacy group came together and learned from one another, they planted the seeds of a school discipline reform movement, reinforcing the notion that this was an issue with the potential for a statewide agenda. Throughout the day, excitement in the room was palpable as possibilities emerged for doing more work together and pursuing statewide solutions. Everyone left the convening committed to sharing knowledge and to looking for ways to make greater impact.

Connecting the Grassroots to the Treetops: June–November 2011

Local groups and activists had walked away from the May convening buoyant with the knowledge of others across California fighting for the same types of reform. The meeting had crystallized the knowledge that there were many types of groups converging on the same issue from different directions, and that they could work together as part of a statewide movement. What they needed, now, was a structure and a process for *how* to come together.

Building on the momentum coming out of the May convening, TCE staff initiated the creation of a coalition and asked Fight Crime to play the role of facilitator. TCE staff members and Fight Crime worked with CADRE and LCSC to take on the task of bringing together diverse groups to work on school discipline reform. This core group assembled a list of individuals and organizations needed to advance statewide policy: the School Discipline Action Team. As the Action Team grew, it became the dream team of coalitions. Three types of networks came together, each bringing assets they could leverage to play complementary advocacy roles:



- **Community and Youth Organizers (Grassroots):** Community organizing groups (like CADRE and LCSC) had over a decade of experience working with the youth and families who directly suffer the consequences of harsh school discipline. They know the issue intimately and can mobilize the power of the people. In mobilizing youth, parents, and neighbors, community organizers make possible the crowds at public hearings and the thousands of signatures on petitions. Most of the community organizers who joined the coalition worked primarily with youth—and the voice of young people became a powerful force in raising consciousness among lawmakers and the public in the months ahead.
- **Legal Advocates (Bridging Grassroots and Treetops):** Public interest law groups (like Public Counsel, the ACLU, and Youth Law Center) have long been allies of community organizers, supporting organizing efforts in local schools by seeking changes in district discipline policies. Like community organizers, legal advocates have direct relationships with the people harmed by harsh school discipline—they provide legal services to young people in the foster and juvenile justice systems. They see the issue up close, and their technical skills mean that they speak the more rarified language of legislative reform.
- **Statewide Advocates (Treetops):** The statewide advocacy organizations coming to the table are just two groups: Fight Crime: Invest in Kids, and Children Now. These groups were new to the discipline issue—but not new to Sacramento. They were sophisticated, repeat players on the statewide scene. Their presence also broadened the coalition’s appeal to lawmakers who have a more conservative bent. The organizers and lawyers working on school discipline represent foster youth, urban schoolchildren, and those involved in the juvenile justice system (populations that some identify with the interests of the political left), while Children Now advocates for “children and youth” writ large. And Fight Crime’s membership includes policemen, sheriffs, and judges (many of whom are Republicans).

The constellation of groups formed a loose coalition bringing complementary strengths. Community organizers brought history, authenticity, urgency, and the voices of youth; lawyers brought direct experience representing young people impacted by exclusionary discipline and technical expertise at drafting, interpreting and implementing legislation; and the statewide advocates brought mainstream appeal, savvy about moving bills in Sacramento, and connections to key decision-makers.

While Fight Crime, CADRE, and LCSC were bringing together the three networks to form a coalition, the grassroots and treetops were linked in another important way that brought crucial voices directly to the table—those of the youth themselves. Over the summer, TCE communications staff discovered that the national umbrella group for local and state efforts to reform harsh school discipline, the Dignity in Schools Campaign (DSC), held an annual National Week of Action on School Push Out in early October. Staff hatched the idea that the foundation could link young activists throughout California together via web conference on the day of action and have them tell their stories to one another and to state policy makers. When TCE staff first proposed this so-called “virtual rally” to community organizers, they met some initial resistance. “Originally our members were not too excited about the idea of the virtual rally,” explained Manuel Criollo, “they’d rather be in the streets protesting.” However, organizers had seen the power of connecting local activists across cities and states through in-person convenings and decided to try this virtual version. The results exceeded everyone’s expectation. The Los Angeles Chapter of DSC teamed with TCE to coordinate the event and young people from Los Angeles, Sacramento, Fresno, and Oakland offered powerful testimony on the impact of harsh discipline on their lives and their communities. Youth deeply engaged in local efforts got a chance to see that others in cities hundreds of miles away were fighting for the same sorts of changes. Multiple media outlets picked up the story, resulting in the first burst of statewide coverage on the issue. The impact on young people was profound. “When our young members connected to what was happening across the state and saw others in Fresno telling the same stories” explained Criollo, “this was really a turning point for a lot of them.” “It was one of the moments when they were able to break away from this just being a local movement to being something larger.”

Figure 1: Bills introduced in to the State Legislature (10)

AB 2032—Requires charter school suspension and expulsion procedures to include a list of specified acts, which, if committed by a pupil, would require or allow to suspend or expel a pupil. Died in Assembly Appropriations Committee

AB 2300—Prohibits schools from disclosing suspensions for minor offenses to postsecondary educational institutions if a student completes a specified number of hours of community services. Died in Assembly Appropriations Committee.

AB 2145—Ensures that disaggregated discipline data is collected and made available to the public on CDE’s website. Died in Senate Appropriations Committee

AB 2242—Addresses use of expulsion and extended suspension (more than 5 days) for “willful defiance”. Vetoed by Governor in September, 2012

AB 1729—Provides a suggested list of what may be included as “other means correction.” Signed by Governor in September, 2012

AB 2537—Gives some additional limited discretion to school administrators not to expel and clarifies the law around expulsion and imitation firearm and medication use. Signed by Governor in September, 2012

SB 1088—Gives expelled students a second opportunity to complete their rehabilitation plans and facilitates the reenrollment of juvenile justice youth. Signed by Governor in September, 2012

SB 1235—Requires schools to with high-levels of off-campus suspensions to put in place evidence-based school-wide alternative means to address behavior. Vetoed by Governor in September, 2012

AB 1909—Ensures that social workers and attorneys who represent the foster youth know of pending expulsions and can offer services and supports. Signed by Governor in September, 2012

AB 2616—Gives school districts more discretion in determining whether a pupil is truant and whether a truant youth should be referred to the courts and reduces court fine for truancy. Signed by Governor in September, 2012

Launching Legislative Advocacy Campaigns: December 2011–January 2012

Between the May convening and the end of the year, the core group of Fight Crime, CADRE, and LCSC did the work of forming the coalition. Then in December Fight Crime convened legal advocates, community organizers, researchers, and statewide policy advocates to conduct an initial brainstorm of legislative ideas around state discipline reform. At the core of the brainstorming team were representatives from five legal services organizations: the Youth Law Center (YLC), ACLU of Northern California, California Rural Legal Assistance (CRLA), Public Counsel, and the Mexican American Legal Education and Defense Fund (MALDEF). They were part a larger network of lawyers that had a long history of working together, representing young people in the foster care and juvenile justice systems and working to change policies around school push out. Deborah Escobedo from the Youth Law Center recalled working on issues related to suspension and expulsion in the early 1990's and Laura Faer from Public Counsel began the first education clinic in South LA in the early 2000's, eventually connecting and collaborating with CADRE. However, this was the first time ever that all of these organizations had come together to collaborate on state policy change around school discipline. With their deep experience on the issues of school discipline and thorough understanding of the state Education Code they came to the meeting with new language already drafted. They worked together efficiently, and the ideas for potential legal and administrative changes emerged quickly and with enthusiasm.

Members of this newly formed team left the meeting energized and with clear next steps. "For me, the meeting was so amazing," explained Laura Faer, "I could not believe we were all in this room talking together about this issue and about tackling it statewide. This was a great contrast from when I started working on this issue about 10 years ago. At the time it felt like I was one of the only ones screaming in the dark." Over the next four weeks, spearheaded in large part by Laura Faer, this group shifted into high gear, meeting weekly and splitting up the work of drafting bills, finding sponsors, and rolling out a parallel strategy targeting administrative decision-makers. Although they had met for the first time in December 2011, this group managed to get ten bills drafted, sponsored, and introduced by February 2012.

During December and January, the seasoned Sacramento players from Fight Crime, Children Now, and the ACLU's California Legislative Office played a pivotal role in taking the nascent bills and finding influential sponsors. They worked closely with the lead education consultant for the Senate President pro tem, eventually getting him to introduce one of the bills. They testified at hearings on school discipline organized by Assemblyman Roger Dickinson, the Chair of the Assembly Select Committee on Delinquency Prevention and Youth Development, who went on to sponsor another key bill. They also proved invaluable in helping the legal advocates navigate the process of bill introduction.

During this period, the lawyers and statewide advocates took center stage. The technical skills of the lawyers in drafting legislative language meshed seamlessly with the strengths brought by the statewide advocates: their ability to provide inside access to top state decision-makers and their ability to reframe discipline as a mainstream concern.

The statewide advocates had initially worried about bringing organizations that weren't deeply involved in statewide work into the policy advocacy efforts in Sacramento. There was the risk that these groups lacked too much insider knowledge. As one statewide advocate framed it, bringing these types organizations to the Capitol could have been a "disaster," because "the process in Sacramento is nuanced and garbled and relationship-dependent." But in the case of the public interest lawyers, it did not work out this way. Instead the lawyers' combination of technical expertise and experience on the ground allowed for the collaboration to work effectively. "The lawyers were just amazing," one statewide advocate noted. "They knew the issue from years of experience representing young people in court. That was uncommon. You don't usually have people draft the bills that have such direct experience."



The close relationship between the lawyers and statewide advocates threatened to exclude the community organizers. "State policy development among legal experts has occurred so quickly," explained a coalition member, "that the ability of communities and students to fully understand and inform such opportunities at times lagged behind." Describing the makeup of the brainstorming team convened in December, a community organizer deeply involved in the coalition said "to be very candid—it was pretty much made up of top down groups." He described the "unevenness" that existed among lawyers, statewide advocates, and community organizers. "The lawyers know the Education Code way better than us," explained the organizer, "so we had to climb a really quick learning curve in order to give some feedback to what people were already proposing." This meant that even though CADRE and LCSC were formally involved when the legislative priorities were being hashed out in December 2011 and January 2012, they had limited ability to make substantive contributions. Describing the final set of bills that were prioritized and drafted in December and January, another organizer central to the effort said "I am sure that a couple of [the members of the policy team] would say their priorities stem from their work with organizing groups in different parts of the state but I can't honestly say that any organizing group were involved in prioritizing." "We were nervous," explained an organizer, "that it would be top down thing where they just called on us when they need young people to work the halls."

Despite their wariness, the community organizing groups stayed involved in the campaign and brought their membership out in force to support the bills. Their continued involvement was based importantly on their moral commitment to the issue. They are in it for the long haul, and as representatives of the young people most directly impacted by these policies, they felt that it was crucial to stay on the inside and influence the course of the coalition's work. Organizers also described an underlying sense of trust and goodwill with the other groups. This was rooted in a long history of collaboration between the legal advocates and community organizers. Indeed, Laura Faer of Public Counsel and Maisie Chin of CADRE had been collaborating on the issue since 2005. It also stemmed from the fact that community organizers had been closely involved in bringing together the coalition from the beginning. With trust and goodwill comes a shared belief that the coalition is learning from its mistakes. "Even though I had concerns," explained one organizer "I still think it's worked.... It's all experimental and we are constantly trying to think of how to make it stronger and lift up the grassroots elements of this."



Making the Legislative Case:

Advancing the legislative proposal, January to August 2012

Once the bills were introduced, the coalition turned its attention to convincing legislators and the public that the legislative changes were needed. This would involve a massive effort to bring voices from across the spectrum—students, parents, researchers, teachers, and law enforcement—to testify at the committee hearings in both houses, to visit key legislators and their staff prior to the floor votes, and to reach out to the Governor’s office. The first big opportunity to bring all of these messages and messengers together was in early April for the committee hearings. Again the diversity of skills and connections within the coalition proved to be an important asset: each member of the group brought to the table a critical group of messengers.

Fight Crime mobilized law enforcement representatives including prominent sheriffs, police chiefs, and district attorneys from across California to educate policy makers about the importance of reducing suspension rates as a dropout-prevention and crime-prevention strategy. Through meetings with the Governor and key legislators, Fight Crime members spoke from direct experience when they described how suspension contributed to crime by leaving kids unsupervised and out of school during daytime hours. A Police Chief told legislators that “kids who aren’t in school are instead likely to be getting ‘schooled’ out on the streets, with the wrong crowd.” Fight Crime’s members made a direct connection between getting kids to graduate from high school and decreasing violence, citing research demonstrating “that by increasing graduation rates by 10 percentage points we could prevent 400 murders and over 20,000 aggravated assaults in California each year.” They warned that suspensions made kids fall behind in their academics and become disengaged, and too often led to school dropout and crime. This was not the message lawmakers expected from the “tough on crime” crowd, and it had a real impact.

“ We really made a difference! Once people heard our stories and why we wanted them to vote yes they paid attention and I believe we changed the way some of them voted, like Assembly member Shannon. I don’t want other kids to be pushed out of school the way I have been and I think these bills will change the way things work. I have a little brother that I hope my work here today will make a difference for. ”

Malik, high school student, Oakland

“ I can’t believe I shared so much about myself. When I told them how I been kicked out of school over and over for small stuff since I was in elementary school it made me realize how much it really hurt my grades. I am still struggling to make it through high school and paying for stuff I did when I was 7 and 8 years old. ”

Camaron, 12th grade student, Oakland



Children Now brought in the voices of children’s advocates through mobilizing Children’s Movement members in California to educate committee members in support of the bills. The Children’s Movement in California is an organizing effort with over 380 organizational members led by Children Now, and dedicated to empowering organizations and individuals resolved to see all children’s basic developmental needs met. Through the movement’s “Get Unfair Discipline Out of School” campaign, Children Now had thousands of individuals in these organizations write and call their elected representatives. In their messages to lawmakers, these members echoed law enforcement’s dropout prevention message by directly tying the issue of suspensions to concerns about school attendance, chronic absence, and reduced learning time. Suspension, in practice, means that children who can *least* afford to miss school are missing far too much. Like the voice of law enforcement, the voice of mainstream children’s advocates worked to shift the narrative from “get tough on crime” and “kick out bad kids” to a discussion about making sure all youth are safe, healthy and learning. This reframing shrank the social distance that policy makers and the public had previously been able to establish between their own families and the families of suspended students.

While the voices of law enforcement and children’s advocates undoubtedly made a very significant difference, arguably nothing was more compelling to policymakers than the voices of students and parents directly affected by harsh school discipline. In April, the community and youth organizers brought the student and parent voice out in force. Groups from Fresno, Los Angeles, Oakland, and Sacramento including LCSC, Youth Justice Coalition, the Black Parallel School Board, Oakland Community Organizations (OCO), the Black Organizing Project, and SUCCESS sent young people and parents to speak powerfully to the experience of being targeted by these misguided policies and practices. Energized by the statewide virtual rally in the fall and a string of local victories in their communities during the spring, young people flooded the capitol and effectively put a face and voice to this notion that our schools were reacting to relatively minor incidents of misbehavior by meting out grossly disproportionate and counterproductive punishments that have serious long term consequences.

Long-term policy advocates described the degree of commitment from supporters as impressive and unusual. A statewide legislative advocate described that *“for each bill we could always find a teacher, parent, students, and administrator to testify. [...] You had ten really, really focused committee meetings where testifiers flew up to lobby the day before the meeting. Each committee has between 12 and 15 members and they visited each one.”*

Using Data to Craft the Message

For decades, researchers have been investigating the nature of the school discipline problem, pointing to the devastating consequences for youth of color, and putting forward potential solutions. This research began to have its day in the sun, and became a critical tool for accelerating the movement. Studies released in 2011 and 2012 offered facts and analysis at critical junctures that helped advocates make a powerful case, and helped journalists tell the real story to the public.

In July 2011, the Council of State Governments released ***Breaking School Rules***, a landmark study confirming what parents, students, and lawyers had known for years: far from *helping* a student get back on track, suspension was pushing them further and further behind. With its highly rigorous methods, the study could confidently say that suspensions lead to declining school performance. This is critical because many argue that the relationship between suspensions and academic failure is a simple matter of “self selection:” those who do poorly in school are more likely to be suspended. ***Breaking School Rules*** showed not only that the most important causal arrow goes from discipline to performance (not the other way around), but also that black and Latino students are suspended more often than whites and Asians, even when their behaviors are the same.

PROGRESS IN OTHER STATES

At the same time that things were heating up on the federal level, movement was happening in other states. In **Colorado** on May 23rd, 2011, in the wake of a yearlong campaign by the youth organizing group *Padres y Jovenes Unidos*, Colorado Governor John Hickenlooper signed into law Senate Bill 133 which is intended to help improve disciplinary policies in Colorado public schools. This was but one of some 15 school discipline-related bills that were under consideration in state legislatures in 2011—all focused on reforming harsh discipline practices.

After the report’s release, U.S. Secretary of Education Arne Duncan and Attorney General Eric Holder announced the launch of the Supportive School Discipline Initiative (a collaborative project of the Departments of Justice and Education). They acknowledged that current discipline policies disproportionately harm black and Latino children, and said that the new initiative was meant to address the “school-to-prison pipeline.” Their initiative helped bring squarely into mainstream discourse the idea that harsh school discipline is not only discriminatory, but entirely counterproductive.

Research and data can become policy game changers if advocates are able to capitalize on them to effectively frame an issue for the public and for lawmakers. Framing an issue—changing the conversation—can sometimes be done with well-timed and strategically placed research, polling, and media. The Endowment was uniquely qualified to contribute these three essential ingredients to the school discipline movement. These are the types of sophisticated tools that groups working to educate the public and decision-makers about the needs of less powerful communities such as children and low income families rarely have at their disposal. As it turned out, research, polling, and media combined powerfully with the coalition’s mobilization of students, parents, law enforcement, and children’s advocates.

Each year in California

more than

400,000 students are

thrown out of school.

OFTEN just for being **LATE**

OR ACTING UP

OR TALKING BACK

that's **6 KIDS** every minute!

Is that the **BEST** way to get kids back on track?

INSTEAD

WHAT IF...

we keep kids in school 

and give

them & their teachers **THE SUPPORT** they need to succeed.

After the ten school discipline bills were introduced, TCE staff discovered that researchers at UCLA were analyzing newly released federal data to document the hidden epidemic of suspension across the nation and in the state of California. TCE staff spoke with the director of the project, Dan Losen of the UCLA Civil Rights Project about his plans to do a California report analyzing suspension data from the federal Office for Civil Rights at the Department of Education. Staff immediately recognized the report's strategic value to the legislation and helped to promote the findings widely in California. This data had been released just a few weeks earlier and this report was one of the first in the nation to use it to document state and district level suspension rates. The findings were stunning: California schools were suspending over 400,000 students annually. Equally shocking were the wide disparities in the odds of being suspended by the race of the student. The report detailed how “nearly 1 out of every 5 African American students, 1 in 9 American Indian students, and 1 in 13 Latino students in the state sample were suspended at least once in 2009–10, compared to 1 in 17 white students and 1 in 35 Asian American students.” The level of local detail provided in the report was also unprecedented: The researchers released not only statewide numbers but also suspension rates by race for nearly 500 districts in California. In districts with the highest suspension rates in the state, the report described that “just under a quarter of the entire student body—*nearly one of every four students of all races and ages*—received at least one suspension that school year” and that “Black students [were] suspended on average at a rate that was a full 20 percentage points higher than White students.”

To complement this growing evidence base and to inform the shape of the message, the foundation staff commissioned a firm to do a statewide poll of attitudes toward discipline reform as part of their communications strategy to raise awareness and validate the importance of school discipline as an important education policy issue in California. The results of the polling showed that four out of five voters in California support changes in the discipline system. Voters support specific changes like using “in-school suspensions” and requiring schools with high suspension rates to change their approaches to discipline. And nine in ten voters back a preventative approach to discipline that identifies misbehavior early and nips it in the bud. Polls found that the messages that work focus on giving students a second chance to succeed and get back on track, while credible messengers include students who have gotten in trouble but learned from their mistakes.

TCE and the coalition were able to use these polling results to develop a powerful framing for the campaign: The overuse of suspensions was a well-intentioned policy that went way off track. There is a need for an alternative approach emphasizing prevention and holding youth accountable for their behavior and helping them learn from their mistakes. To get this message out to a broader audience, TCE staff created a short, punchy TV commercial designed to educate the public and decision-makers about the scope of the problem and drive home the point that *youth are not disposable*. The foundation paid for this commercial to air on television in Sacramento during a crucial time in the policy debate.

THE SACRAMENTO BEE

Sacramento-area schools review racial imbalance of student suspensions

Oakland Tribune

Report spotlights out-of-school suspension in California

THE ORANGE COUNTY REGISTER

Report: 400,000 suspended from California schools

Suddenly the message was everywhere. TCE had timed the release of the polling, and promotion of the research to coincide with Education Committee Hearings in April and May—when testimony would be taken on all the bills. So as young people were walking the halls, telling powerful stories to decision-makers, researchers were simultaneously holding press conferences detailing sky high rates of suspension both at the state level and in local communities, and television commercials were running to reinforce these messages throughout Sacramento. The result was an unprecedented burst of media attention as the research findings made the front page to major newspapers throughout the state.

These coordinated efforts in April and May showcase the powerful role of community organizations and Foundations in bringing the voice of grassroots youth and community leaders to state level decision-makers and the catalytic force of media and research to fundamentally shift an issue's narrative. By the end of April, eight of the ten bills introduced had cleared nearly every hurdle of the legislative process, needing only to pass the second house.

Winning the Argument: The Final Push for Passage, June 2012–September 2012

As the summer arrived, the coalition shifted gears as its members prepared for the final push for passage and signing of the bills. At this point, a critical new set of actors had joined the fray: the Alliance for Boys and Men of Color (BMOC). The Alliance represented a partnership among TCE, statewide advocates, and local communities, which grew out of the recognition that boys and young men of color were increasingly marginalized from mainstream education and the workforce system and pushed toward the criminal justice system. As a result, these young men were experiencing severe trauma and suffering some of the highest rates of disease, violent injury, and behavioral health problems, as well as significantly shorter life spans. During the summer of 2011, the Senate formed a Select Committee on Boys and Men of Color and the committee began a series of five regional hearings over the course of the year. TCE, in partnership with the Alliance, leveraged this platform and connected it with youth organizing efforts in the BHC sites. Thousands of young men came to testify at the regional hearings, and within the sites young leaders of color began to emerge. Early in 2012 the Alliance identified school discipline as a key priority, and the BMOC efforts began to align with those of the reform coalition.



The final Select Committee hearing in Sacramento happened at the beginning of August, coinciding with the final push for passage of the bills. The BMOC Alliance sent hundreds of youth up to Sacramento to testify at the hearings and voice their support for the bills. The young people received two days of advocacy training in the capitol before testifying and visiting key legislators. As they had been in April and May, once again young people were walking the halls, sharing their compelling personal stories. This event marshaled young leadership from the ongoing BMOC effort to meet and speak to legislators and was a pivotal factor in the eventual passage of seven bills: seven of the eight that had passed all but one house in April, passed the second house of the legislature by the end of August.

As September approached, the coalition recognized that the final barrier to be overcome was the Governor's potential veto. TCE staff hatched the idea of holding a public hearing in Los Angeles in early September designed to raise the profile of the issue and get the attention of the governor. Foundation staff worked very closely with coalition members to help develop the lineup and recruit speakers. The Foundation also covered the cost of facilities rental, catering, and travel for the speakers. The hearing was focused on "understanding why California schools suspend more students than they graduate and highlighting effective alternatives to harsh discipline that keep students in school." The event was co-sponsored by the US Department of Education Office for Civil Rights, the California Department of Education, and State Attorney General's Office and featured a keynote by the Assistant Secretary for Civil

Rights at the US Department of Education. Hundreds of adults and youth gathered to hear 22 speakers offer their testimony. These speakers included a number of Los Angeles area students, including Brett Williams, who spoke passionately about the importance of moving toward positive discipline approaches. “If we want youth of color to stay in school and away from a jail cell, we need to stop using punitive suspensions, police, tickets and courts to deal with problems that should really get a student connected to a counselor, peer resources and restorative support programs.” said Carlos “Elmo” Gomez, a young person involved with the Brothers, Sons, Selves Coalition, an LA-based member of the statewide Alliance for Boys and Men of Color. “If we want to transform our schools,” he explained, “we need to empower students, parents and teachers to change school culture.”

MUTED OPPOSITION

A key factor in the ultimate success of the campaign to reform California school discipline was the absence of a vocal opposition that aggressively challenged the coalition or the bills it helped shepherd through the legislative process. Traditionally, school administrators and teachers have opposed this type of legislation on the grounds that they are against any effort that limits the options they have at their disposal to manage their classrooms and schools. In this case, although the initial drafting of some bills was opposed by the Association of California School Administrators (ACSA) and the California School Boards Association (CSBA), there was little opposition to most of the bills. The California Teachers Association (CTA), perhaps the biggest potential source of opposition, remained largely on the sidelines during the introduction and advancement of the bills through the legislature. The fact that CTA did not take a position on any of the bills is perhaps due to the fact that their sights were focused squarely on two propositions on the November 2012 ballot: Prop 30 (which called for increasing taxes to avoid major cuts in public school funding) and Prop 32 on (which would have effectively neutralized the ability of CTA to influence policy decision-makers in the state).

Two weeks later, the governor signed five of the bills and vetoed two (see figure 1). The substance of the two that were vetoed (redefining willful defiance and offering training for schools with suspension rates above 25%) arguably had the greatest potential for impact. The substance of the training bill is on track to be implemented voluntarily via administrative agencies but the willful defiance issue remains unaddressed.

Looking back at the effort, a veteran legislative advocate said that over three decades in Sacramento, she had not seen so many bills garner so much support and move so fast since the time that a raft of “tough on crime” bills (including California’s three strikes law) were introduced in 1994 in the wake of the kidnapping and murder of 12-year-old Polly Klaas. There is certain poignancy to this comparison. Eighteen years after embarking on a get tough on crime approach that led to skyrocketing numbers of Californians imprisoned, the state was again attempting to create a set of policies that would protect its young people. But this time instead of relying on increased incarceration and criminalization after the fact, policymakers were now stressing powerful early intervention strategies that emphasized students’ social and emotional health. The new message was clear: Let teachers be teachers, not cops. And let students be kids—who sometimes make mistakes and need to learn from them—not criminals. The state may be witnessing a profound shift: away from policies designed to punish “bad people” and toward a public health model that emphasizes prevention and treatment.

Legislative Victories, Losses and Lessons Learned

Ultimately, we must see this victory as only the beginning of a much larger effort to change not just laws, but practices carried out daily in schools. It will take time and effort to translate these laws into district-level policy, and then to ensure and support school-level implementation. This work will depend crucially on the continued partnership between legal advocates and community organizers.

While much work remains to be done, there are also important lessons learned from the journey so far in terms of key success factors and emerging tensions. A central reason that this issue moved so far so fast was that the issue of school discipline had matured locally but was not yet on the radar screen of lawmakers. Essentially the coalition had caught a wave that was cresting at the local level. The coalition managed to take that momentum and bring it into a statewide arena. Five factors contributed to the coalition's success.



- **First**, the coalition benefited from all the social capital built up over the past decade between the legal advocates and the community organizers. Because of the trust that the community and youth organizers had for the legal advocates, the organizers stuck with the coalition despite feeling excluded from the process of bill formation.
- **Second**, the coalition supercharged their advocacy message because of a compelling alliance with influential statewide advocates. The alliance with mainstream groups broadened the appeal of the advocacy message.
- **Third**, powerful opposition in the form of the Education Coalition (California Teachers' Association, Association of California School Administrators, California School Board Association) was either muted, distracted, or neutralized.
- **Fourth**, youth brought their voices and experiences to the table, giving lawmakers a vivid picture of the devastating human cost of current discipline policies.
- **Finally**, and crucially, TCE provided essential strategic, financial, and communications support as an anchor funder for the effort. This support ranged from grant funds that allowed non-profit staff to devote substantial time solely to this effort to sophisticated communications support including polling, commercial production, and the purchase of air time that catalyzed momentum and public opinion on the issue statewide. The Foundation also brought a unique strategic vision and approach that combined and linked intense work in neighborhoods with statewide policy and advocacy. These resources and vision provided the essential glue which allowed the different actors from different communities—youth from the BHC sites, statewide advocates, community organizers and public interest lawyers—to come together and push for change beyond the boundaries of their local communities to impact students statewide.



Key emerging tensions focus primarily on the imbalance of power between statewide advocates, lawyers, and community organizers. Community groups felt they had been left out of the early process of drafting legislation, and only brought in later when the coalition needed kids and parents to walk the halls in Sacramento. In part, this is a tension that is hard to resolve: the pace of state level legislative advocacy work is brisk and will at times inevitably outstrip the ability of membership based organizations like LCSC and CADRE to fully vet legislative proposals and strategic decisions with their members. Indeed, if the process had slowed down to allow for fuller participation of the grassroots groups, the coalition would not have been able to introduce bills during that year's legislative session and hence missed the unique opportunities presented by the fact that the bills' main opposition—the Education Coalition—was preoccupied with passing an tax increase to fund public schooling. While such an approach may work in the short term, if we are interested in making long term, sustainable change and truly building lasting capacity of youth and parents on the ground to work to make changes that impact students across the state, new approach is needed.

There are a number of important ways that the process can be altered to address the differences in working norms, technical language, and pace between grassroots organizers and the more professional advocates.

- Most important, is to begin the collaborative process early in the summer to allow for a full six months of planning before bills must be introduced in January. This gives grassroots groups the runway they need to do the type of training and capacity building required to ensure that their members can understand and fully participate in the statewide policy making process. It also allows for the coalition to structure—in such a way that creates more of a level playing field between the professional advocates and the grassroots organizers.
- In addition, the coalition will need to identify sources of funding to support grassroots organizations to build their capacity to do state level policy work.

As the year came to a close, the coalition continued to sustain remarkable momentum, as members busily prepare for the new legislative year, writing and publishing fact sheets on the new laws, presenting at conferences, analyzing new data, and holding webinars on implementation. Maisie Chin and Laura Faer are already hard at work on the design and implementation of a new process for identifying and prioritizing legislative opportunities that allows for a fuller participation of grassroots organizations including students and parents. And a new raft of bills is just beginning to be drafted. The next chapter is already unfolding.