

2016

Legislative Update: Zero Tolerance to Zero Suspensions- An Analysis of LAUSD's New Discipline Policy

Lauren Brauer

Follow this and additional works at: <https://lawcommons.luc.edu/clrj>



Part of the [Family Law Commons](#), and the [Juvenile Law Commons](#)

Recommended Citation

Lauren Brauer, *Legislative Update: Zero Tolerance to Zero Suspensions- An Analysis of LAUSD's New Discipline Policy*, 36 CHILD. LEGAL RTS. J. 141 (2020).

Available at: <https://lawcommons.luc.edu/clrj/vol36/iss2/6>

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Children's Legal Rights Journal by an authorized editor of LAW eCommons. For more information, please contact law-library@luc.edu.

Legislative Update:
**Zero Tolerance to Zero Suspensions-
An Analysis of LAUSD's New Discipline Policy**

By: Lauren Brauer

Across the country, schools have launched programs to address the shortfalls of zero tolerance discipline in order to keep children in schools. Prior to the 1970's, suspending children was relatively rare, as corporal punishment was the predominant form of discipline. After numerous studies suggested that corporal punishment was ineffective, as well as the disproportionate use of corporal punishment on male minority students, schools began implementing in-school and out-of-school suspensions as a form of behavior modification. However, responding to a public outcry that student behavior in school was becoming too violent, districts began more heavily relying on out-of-school suspensions as the norm in the 1990's. Zero-tolerance school discipline policies were named after Congress' Gun Free Schools Act of 1994 ("Act"). Under the Act, students who brought a weapon to school would receive a federally mandated one-year expulsion. In addition, most states created zero-tolerance policies that had a mandatory suspension period for students who brought drugs or weapons, other than guns, into school.

Over twenty years after the explosion of zero-tolerance policies, schools are now seeing their disastrous effects. Numerous studies have addressed the implications of zero-tolerance, specifically on minority students. African-American males are typically suspended at significantly higher rates than their white male counterparts. The disproportionality is similar for Hispanic students compared to white students, and African-American females compared to white females. High suspension rates lead to many lost academic days, while also feeding the school-to-prison pipeline. Los Angeles Unified School District ("LAUSD") is one district that has seen the massively devastating effects of zero-tolerance policies, especially to its students of color. As a result, LAUSD has recently changed its discipline policies so all of its students have a better chance of graduating. This Article first addresses the unique reasons why a new discipline policy was necessary for LAUSD. It then discusses LAUSD's newly implemented policies and the effects they that have had. It concludes with a discussion on the long-term outcomes of these policies. Although LAUSD's new discipline policy has shown early progress in reducing disproportionally, a central issue that remains is long term funding in order to ensure sustainability of its progress.

The Need for A New Policy

LAUSD is a unique district due to the vast differences in discipline between schools within the same district. This differentiation is partially caused by LAUSD's size, which encompasses over 720 square miles, 900 schools, and 187 public charter schools. In 2013, LAUSD had fifty-four "hotspot" middle schools, which is the fourth highest number of "hotspot" schools in any district in the country. A "hotspot" school is any school that suspends 25% or more of any subgroup of student. In LAUSD, "hotspot" schools

particularly affect the African American community. A 2006 study by the Southern Poverty Law Center reported that 32% of African American males were suspended at least once, compared to 15% of Hispanic males and only 11% of white males across the country. Nine LAUSD middle schools suspended 50% or more of African American males students at least once while twenty-four additional schools suspended 33% or more of African American males at least once. Although the numbers are lower for females, they still demonstrate the same discrepancy. For example, 19% of African American females had been suspended at least once, compared to only 8% of Hispanic females and 3% of white females. Out of the eighteen school districts ranked, LAUSD was twelfth for the largest disparity of African American to white suspension rates.

Although LAUSD is a leader in the unwelcomed “hotspot” category, LAUSD is first on the list of districts with the highest number of low suspending schools with eighty-one schools. The discrepancy between some schools with low suspension rates, and others with high suspension rates of certain subgroups, suggests that LAUSD has a significant problem with suspending young minority men and women. With the overwhelming inequality of suspension among youth of color, LAUSD had no choice but to address the issue.

Los Angeles Unified School District's New Policy

In order to address the negative outcomes and racial discrepancies that resulted from zero tolerance policies, LAUSD created the “School Climate Bill of Rights” in 2013, which devised plans to decrease suspensions and redefine the role of police within its schools. Over the past two years, LAUSD has phased in new parts to its discipline plan in order to continually meet the goal of equality within the schools.

LAUSD's first step was to stop all suspensions for “defiance.” Prior to this policy, students were suspended for disrespecting teachers, getting into disagreements with other students, and not completing assignments on time, all of which were deemed “defiant.” All of these behaviors are now addressed through restorative justice techniques, which look to resolve conflicts through conversation and open discourse between students. The ultimate goal is to resolve issues so they do not escalate past the singular instance.

In 2014, LAUSD further redefined the role of police within the schools. Prior to the change, police were allowed to write tickets to students for infractions such as truancy, trivial fights, petty theft and other minor crimes. Police were further authorized to arrest student in certain situations. Between 2009 and 2011, police officers wrote 33,000 tickets to students under the age of fourteen for the aforementioned infractions. Many of these infractions resulted in court appearances or probation, further undermining student learning. With LAUSD's new policy, students are now referred to counseling or other programs to help address the issue, as opposed to creating a disciplinary record for that student. The phasing out of ticket writing for students is imperative in avoiding the numerous consequences that result from the process. Not only do they have financial

implications on students, especially in low-income areas, but also the arrests can have long-term consequences. Additionally, an arrest stays on a student's record, even if they are not later charged. A juvenile record can have a negative impact on a minor's ability to get a job, find housing, or apply for a teaching license. If the record is not expunged, that arrest may potentially hinder the student's ability to gain certification to become a doctor, lawyer, police officer or other numerous professions. Though it seems that LAUSD is making promising changes towards addressing the school-to-prison pipeline, there have been other unintended negative results from this change in policy.

Outcomes of the New Policy

Generally, LAUSD's new discipline policy has been successful. Prior to implementing the new policy, LAUSD's 2008 data showed a suspension rate of 8%. At the end of the 2014 school year, the suspension rate dropped to 1.5%. Over this same period, days lost to suspension dropped from 75,000 to 5,025 days. Because the policy is still relatively new, the results of stopping police from writing tickets in schools is yet to be fully ascertained.

While the new policy has achieved much of its goal, there are still significant issues hindering its full success. Many teachers find that they are unable to effectively run their classroom because they cannot adequately address student behavior. Some teachers argue that the problem is not that children's behavior has gotten worse, but rather that there are just not enough resources to address behavior issues. For instance, only about one-third of the district's schools have received the proper training to execute the new discipline policy's programs. Lack of training has led to an increase in the school's frustrations with properly addressing behavior problems. One teacher's union representative discussed the pressure it put on teachers, stating, "teachers with a high number of students with discipline issues are walking a fine line between extreme stress and an emotional meltdown." Despite this, schools that have received the proper funding and training have been incredibly successful. Students have also responded positively to the restorative justice techniques such as having discussions surrounding poor classroom behavior and disagreements between students.

LAUSD received a local grant of \$4 million dollars to fund restorative justice counselors in its schools. However this only translates to about twenty-five counselors for the entire district. Despite the student's positive response to restorative justice practices, twenty-five counselors is not sufficient to address the 900 schools in the district.

Conclusion

With the aforementioned results of LAUSD's new behavior policy, the central issue that remains is how to address the problems that accompany reducing suspensions in schools that are already underfunded. LAUSD has plans to create restorative justice circles, and refer students with behavior issues to services. However, these plans are problematic

because of the severe lack of adequate funding to execute them. Although LAUSD's policy has forged positive changes in discipline, in order to make restorative justice work, more counselors must be hired. While LAUSD is on the road to addressing the school-to-prison pipeline, funding is still a primary concern to the sustainable implementation of this policy.

Sources

ABOUT THE LOS ANGELES UNIFIED SCHOOL DISTRICT, <http://achieve.lausd.net/about> (last visited Jan. 5, 2016).

Airtalk, *New LAUSD Disciplinary Policy to Focus on Counseling, Not Criminalization*, AIRTALK Aug. 19, 2014, <http://www.scpr.org/programs/airtalk/2014/08/19/38937/new-lausd-disciplinary-policy-to-focus-on-counseli/>.

Alicia Insley, Comment, *Suspending and Expelling Children From Educational Opportunity: Time to Reevaluate Zero Tolerance Policies*, 50 AM. U. L. REV. 1039, 1043-48 (2001).

DANIEL J. LOSEN & TIA ELENA MARTINEZ, *OUT OF SCHOOL & OFF TRACK: THE OVERUSE OF SUSPENSIONS IN AMERICAN MIDDLE AND HIGH SCHOOLS* (The Ctr. for Civil Rights, 2013), http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/Exec_Sum_OutofSchool_OffTrack_UCLA.pdf

DANIEL J. LOSEN & RUSSELL J. SKIBA, *SUSPENDED EDUCATION URBAN MIDDLE SCHOOLS IN CRISIS*, 1, 5-7, (Southern Poverty L. Ctr., 2013). (https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/Suspended_Education.pdf)

John Dayton, *Corporal Punishment in Public Schools: The Legal and Political Battle Continues*, 89 ED.LAW REP. 729, 731 (1994).

Teresa Watanabe & Howard Blume, *Why Some LAUSD Teachers are Balking at a New Approach to Discipline Problems*, L.A. TIMES (Nov. 7, 2015), <http://www.latimes.com/local/education/la-me-school-discipline-20151108-story.html>.

Teresa Watanabe, *L.A. Unified Suspensions Rates Fall but Some Question Figures' Accuracy*, L.A. TIMES, (May 31, 2014), <http://www.latimes.com/local/la-me-lausd-suspend-20140601-story.html>.

Yana Gracile, *LAUSD Announcing New Strategies for Student Discipline*, LA SCH. REP. (Aug. 18, 2014), <http://laschoolreport.com/lausd-announcing-new-strategies-for-student-discipline/>