



## **Education Coordinating Council**

**February 22, 2023**

**9:00 a.m. | via Zoom**

**Present:** Mónica García, ECC Co-Chair, Los Angeles Unified School District  
Judge Akemi Arakaki, ECC Co-Chair, Presiding Judge of the Juvenile Court  
Fabricio Segovia, ECC Vice Chair (former foster youth)

Tod Bellows, Grandparents as Parents/ONE Generation  
Cesar Casarrubias, Pomona Unified School District  
Matt Case, Antelope Valley High School District  
Jessica Chandler, Department of Children and Family Services (former foster and probation youth)  
Kymberlee Cochran, Lancaster School District  
Jesus Corral, Probation Department  
Jennie Feria, Department of Children and Family Services  
Alicia Garoupa-Bolinger, Los Angeles County Office of Education  
Ana Gutierrez, West Covina Unified School District  
Rebeca Hurtado, Department of Mental Health  
La Shona Jenkins, Los Angeles County Office of Education  
Darren Knowles, Pomona Unified School District  
Jodi Kurata, Association of Community Human Service Agencies  
Barbara Lundqvist, Director, Education Coordinating Council  
Patricia Mahony, Alhambra Unified School District  
Jeanette Mann, Commission for Children and Families  
Denise Miranda, Los Angeles Unified School District  
Judge Michael Nash, Office of Child Protection  
Julianne Reynoso, Pasadena Unified School District  
Mark Rodgers, Bonita Unified School District  
Rigoberto Roman, Compton Unified School District  
Claudia Sosa-Valderrama, Long Beach Unified School District  
Kanchana Tate, Department of Mental Health  
Rachelle Touzard, Los Angeles County Office of Education

**Speakers and Staff:** Kawena Cole, Los Angeles County Office of Education  
Alaina Moonves-Leb, Alliance for Children's Rights  
Alexus Ramsey, Alliance for Children's Rights  
Luciana Svidler, Children's Law Center

Kimberly Fuentes, Office of Child Protection  
Elizabeth Salazar Koenig, Office of Child Protection  
Miranda Velasquez, Office of Child Protection

Chair Mónica García brought the meeting to order, expressing her pride at being able to continue supporting “one of our greatest public-sector organizations, the Education Coordinating Council.”

Elizabeth Salazar Koenig covered virtual-meeting housekeeping topics, including the online [location of meeting materials](#), which will remain available following today’s adjournment.

ECC Director Barbara Lundqvist briefly explained the new format for ECC meetings being tried today, which involves spending an initial segment digging heavily into one topic, followed by an in-depth discussion and the development of some concrete next steps.

### **Addressing School Discipline for Youth in Foster Care**

Alexus Ramsey from the Alliance for Children’s Rights presented *The Intersection of Race, Systems Involvement, and Children with Disabilities: Creating More Equitable Education Systems* (made part of these minutes as Attachment 1).

**History of Racialized Violence as It Relates to School Discipline** Despite legislation at the federal and state levels designed to promote education equity, Ramsey began, vast disparities in education outcomes persist among California youth by race, foster-care and probation status, and disability. While 85% of all students in the state graduate high school in four years, this is true for only 78% of African-American students, 70% of youth with disabilities, and 56% of youth in foster care. Disproportionality in school discipline is even worse.

Exploring such disparities in our education, child-welfare, and juvenile-justice systems—by examining historical, legal, and structural racism, classism, and ableism; historical/current housing and school segregation realities; and implicit bias—helps those working with youth to better identify and address the effects of these biases on their own children, on national, state, and local policies, and when advocating for individual youngsters to have their education and special education needs met.

Before discussing school discipline as such, Ramsey covered a short history of racialized violence in this country. (More information is available in Attachment 2. The period of enslavement—with its mistreatment of human beings as property, and with capture, forced relocation, and violence used to control every aspect of life—is mirrored in the horrific images of brutality used today by school police, resource officers, and security officers against children of color. Even the very concept of local law-enforcement agencies was largely born from the ‘slave patrols’ used in the South to capture and return enslaved people who ran away from their masters. In the North, police were created specifically to protect the goods and property of the wealthy; previously, capitalists paid to protect their own goods, but public police forces spread that cost among entire communities. (This can be seen as the precursor of police protecting property over the lives and well-being of Black Lives Matter protestors, for instance, as well as school disciplinary measures that value school property over the needs of students.)

During the Reconstruction era in the first decade after the Civil War (1866–1877), Congress passed a series of progressive federal civil-rights laws, but a backlash by Southern Whites quickly coalesced against any exercise of those rights with the formation of the Ku Klux Klan. Members of the Klan, many of whom also belonged to local law enforcement, used violence or the threat of violence to discourage Black people from exercising their rights and to reestablish the racial hierarchy most Whites were comfortable with. During that period, White supremacy and the use of force to control the ‘acceptable’ behaviors of Black people were baked into the culture and history of law enforcement.

Jim Crow segregation in the South (1870s–1965) saw ongoing acts of violence against Black people, discouraging them from challenging that hierarchy. In thousands of documented cases, Black men, women, and children were lynched for alleged crimes, for disrespecting Whites, or for no real reason at all. Many lynchings were public communal events that White people brought their children to witness. Echoes of this linger today with ongoing police and other vigilante violence to people of color, while a White majority remains stubbornly reluctant to ‘see’ or address the problem. Subjective school-discipline policies like ‘willful defiance’ or dress-code violations—attempting to control the ‘acceptable’ behaviors of Black children—likewise stem from this era.

The civil rights movement of the 1950s–1960s was gaining momentum just as television sets were becoming more commonplace in American homes. Civil rights activists understood the power of imagery and recognized how violence against peaceful protestors would play on TV news. Coverage of Black protestors being attacked by police officers, police dogs, and White citizens helped strengthen the legitimacy of the civil rights movement in the eyes of the White American public. In recent times, similarly, cell-phone recordings of shootings, beatings, and killings of unarmed Black people—and the violence visited upon Black children in schools—have raised awareness about police brutality and increased support for the Black Lives Matter cause.

Another noteworthy parallel between the civil rights movement and our ongoing national reckoning is the existence of a conservative backlash. In the mid- to late 1960s, hundreds of Black uprisings took place in cities across the country, the majority of which were incited by police violence against people of color. One occurred in the Watts neighborhood of Los Angeles in 1965 when, after the violent arrest of a Black motorist suspected of drunk driving, a six-day uprising exploded during which 34 people were killed and more than 1,000 were injured. Conservatives blamed events like the Watts uprising on the civil rights movement (instead of the actual cause—police violence against people of color), and a subsequent framing of ‘law and order’ rhetoric allowed policymakers to pass legislation that increased local police budgets and led to more arrests and incarceration in poor Black neighborhoods, often framed as part of the 1970s “War on Crime.”

Today, the Black Lives Matter protest movement—that started in 2013 with the acquittal of George Zimmerman in the murder of Trayvon Martin, and which gained additional momentum two years ago with the murder of George Floyd—is suffering a similar backlash: media characterizations of peaceful protests as ‘riots’; media concerns about a supposed rise in crime and violence; former President Trump’s ban on federal contracts for diversity, equity, and inclusion trainings; and the push to ban books/teaching in K–12 schools and higher education on anything that could possibly be related to ‘critical race theory,’ such as the writings of Toni Morrison and Ta-Nehisi Coates.

The 1980s saw the introduction of the “War on Drugs.” Under President Reagan, drug and crime ‘epidemics’ in urban areas were used to justify significant increases in the federal budget for law enforcement, plus reductions of federal programs for drug treatment. All available research demonstrates that White and Black people use drugs at the same rate, yet this country’s jails, prisons, and juvenile detention facilities are disproportionately populated with adults and children of color. The reason? Selective enforcement of drug laws based on race. People of color are more likely to be stopped and searched under the 1968 Supreme Court ruling (*Terry v. Ohio*) that it is constitutional for American police to ‘stop and frisk’ a person they reasonably suspect to be armed and involved in a crime. This allows for blatant racial profiling. Children of color are more likely to be suspected of drug use and searched on and around school campuses. Adults and

children of color are also more likely to receive longer jail sentences than Whites for very similar crimes. For example, mandatory federal sentencing guidelines established during the Reagan administration required identical judicial sentences for one gram of crack—seen as a ‘Black drug’—and for 100 grams of cocaine, viewed as a ‘White drug.’ (This has since been reduced to one to 18, but there is still a clear racial discrepancy.)

The Clinton administration also got “Tough on Crime,” initiating increasingly harsher criminal sentences, including mandatory minimums and three-strikes laws that punished primarily people of color with longer and longer sentences. This led to mass arrests and incarcerations of Black people. Today, Black men are 6.5% of the total U.S. population, but they are 40.2% of its prison population. For identical drug offenses, Blacks are incarcerated at six times the rates of Whites. Clinton’s ‘tough on crime’ rhetoric was also echoed in ‘zero tolerance’ school policies, causing very similar statistics in the juvenile criminal legal system.

### **Disproportionality in School Discipline: Over-Representation of Students of Color and in Foster Care<sup>1</sup>**

- Nationally, African-American students are nearly four times as likely to be suspended as White students, and are disciplined more often for relatively minor infractions. African-American students are also 40% of those expelled, even though they are only 15% of the overall student population. African-American and Latinx youth are the subjects of 70% of school-discipline cases referred to the police. (Many of these referrals come directly from teachers, who are overwhelmingly White and female, despite research that students do better when they have a teacher of their same race.)
- For the 2021–2022 school year, California’s suspension rate demonstrates disproportionality by race and foster-care status and the intersectional and exponential impact of these identities. The leftmost graph on page 3 of Attachment 1 shows that the suspension rate for all students is 3.2%, while the suspension rate for youth in foster care is 12.6%—four times higher.

The suspension rate for all African-American students (right-most graph) is 8%, but the suspension rate for African-American students who happen to be in foster care is 19.1%. *Black foster youth are six times more likely to be suspended than their peers not involved in the child-welfare system.* These statistics are very similar to data collected in the pre-pandemic 2018–2019 school year, showing that the overrepresentation of foster youth and African-Americans in school discipline is an enduring issue.

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#### <sup>1</sup> Sources:

- *Chokehold: Policing Black Men*, Paul Butler (2017) citing Jamal Hagler, “8 Facts You Should Know About the Criminal Justice System and People of Color,” Center for American Progress, May 28, 2015. <https://www.americanprogress.org/issues/race/news/2015/05/28/113436/8-facts-you-should-know-about-the-criminal-justice-system-and-people-of-color/>
- *Biased: Uncovering the Hidden Prejudice that Shapes What We See, Think, and Do*. Dr. Jennifer Eberhardt (2019) citing the U.S. Office of Civil Rights.
- *Hood Feminism: Notes From the Women That a Movement Forgot*, Mikki Kendall (2020).
- <https://www.edweek.org/ew/issues/special-populations/index.html>
- <https://nces.ed.gov/programs/coe/indicator/cge>
- Suspension Rate, Data Quest Cal. Dept. of Educ. (2018–2019). <https://dq.cde.ca.gov/dataquest/>



- Causes for these outcomes are numerous, but include at a minimum:
  - Explicit and implicit biases built into our education system
  - An increased reliance on school push-out practices, including both formal and informal expulsion
  - Zero-tolerance policies
  - Having police on school campuses and/or quickly calling in police to address minor school discipline issues—often leading to the school-to-prison nexus
  - The defunding of school mental health services, counselors, and other supports for students

In another conundrum, the Federal Bureau of Investigation (FBI) reports that White males ages 13 to 18 are the most likely to initiate a school-based shooting. Despite that, schools with students mostly of color have the highest instances of metal detectors, security officers, School Resource Officers (SROs), school-based probation officers, and security guards. Schools with SROs report more crimes to law enforcement—both those involving weapons/drugs and those that are nonserious—thereby ‘net-widening’ or expanding the reach of the criminal legal system. Other research shows that more police on campus does *not* lead to lower campus crime rates.

This data demonstrates the ongoing pattern of racial violence perpetrated against African-Americans since the period of enslavement. Disproportionate racial and foster-care suspension rates deny these children their California constitutional right to an education, leave them fewer choices, and contribute to more negative life outcomes.

**Disproportionality in School Discipline: Multiple Suspensions and Expulsions** The pattern of intersectionality by race and foster-care status also occurs for students receiving multiple suspensions in a single school year (page four of Attachment 1). This is where the implicit bias of teachers can creep in: research demonstrates that teachers are more troubled by the second infraction of an African-American student than a White student, and that they push for stronger disciplinary actions to be taken against African-American students.

- In the 2021–2022 school year, 28.5% of all California students received multiple suspensions, compared to 44.5% of foster youth.
- As with previous graphs, combining race into this mix shows that 36% of African-American students received multiple suspensions while 48.6% of those in foster care did—half of the 20% of suspended African-American students in foster care faced more than one suspension.
- Expulsion rates show similar patterns. Foster-care status exponentially increases the risk of expulsion for all racial/ethnicity student groups.

**Disproportionality in School Discipline: Suspensions in Los Angeles County** At our county’s level, numbers are a bit better than in the state overall, but disparities are even greater (page five of Attachment 1). Youth in foster care are almost five times more likely to be suspended than other students; for African-Americans in foster care, that jumps to almost seven-and-a-half times more likely.

**Implicit Bias and Teaching** As mentioned, 80% of U.S. teachers are White and most are women. Studies show that teachers associate students with certain characteristics—shown on page six of Attachment 1—before they open their mouths or do anything academically or behaviorally. An intersectional layer is often added for African-American girls, who are more likely to be stereotyped as loud, aggressive, and having a lot of ‘attitude.’

- A Yale Child Study Center asked early education providers to look for problem behaviors in their classrooms. Researchers then tracked the eyes of the teachers and found they spent more time looking at African-American children (especially African-American boys) when seeking signs of misbehavior.
- These biases and their results are cyclical. Even before kindergarten, students are treated differently based on their race. This causes students to withdraw. Teachers become frustrated with these withdrawn students, thinking they are not trying. Students sense this frustration and become even more likely to disengage or act out. And the cycle repeats.
- Studies also show that while White and African-American students are often viewed the same by teachers before and after their first infractions, teachers were more troubled by African-American student behavior, recommending more severe punishment for them than for Whites after a second instance of misbehavior.

**Further Reading** Please see the Presentation Notes layer on page 7 of Attachment 1 for a list of further books, podcasts, and so on that touch on the topics discussed in this presentation. As mentioned, Attachment 2 presents further documents.

### **Implementing AB 740**

Luciana Svidler from the Children’s Law Center (CLC) presented the material contained in Attachment 3 (hereby made a part of these minutes) on AB 740, a bill sponsored by CLC and [Black Minds Matter](#) and signed into California law in 2022. This bill ensures that whenever disciplinary action is taken by a school against a child in foster care, the child’s attorney, the appropriate representative of the county child-welfare agency (usually the child’s assigned social worker), the child’s [Educational Rights Holder](#) (ERH), and, if appropriate, the tribal social worker receive notice—including suspension/expulsion documents and related information—and have the right to attend suspension and expulsion meetings and conferences. “Prior to this,” Svidler explained, “minors’ counsel were often not told of suspensions, expulsions, and involuntary school transfers, and everything was settled before we were aware. Notice has always been required for parents and guardians, but this adds some extra people to advocate on behalf of the best interests of the child.”

CLC is working with the Los Angeles County Office of Education (LACOE) to make sure the provisions of the new law are carried out, a process that has uncovered gaps in communication/collaboration between education, child welfare, and the courts that need to be remedied.

- Schools and school districts may not know that a given student is in the foster-care system (a troubling fact in itself, as foster students often require more academic and counseling support), which means they do not know who the child’s social worker, lawyer, or ERH is.
- Lawyers may be unsure about what an AB 740 notification should trigger, especially since they are dependency lawyers and not education attorneys.

“In Los Angeles County,” Svidler continued, “we do have a couple of advantages. One is that a single legal agency, CLC, represents all children in the foster-care system, and we can set up in-house procedures to streamline communication. We also have LACOE’s electronic Educational Passport System (EPS), which stores data on students; currently, all 80 public-school districts in the county are signed on to EPS, with 70 districts actively sharing data.” The California Longitudinal Pupil Achievement Data System (CALPADS) also collects student data that is available for updated downloads every week. CALPADS tracks foster-care status via the California Depart-

ment of Social Services Foster Youth Data Matching Process, but does not store information on minors' counsel.

***A Technical Guide to AB 470*** Kawena Cole briefly reviewed LACOE's technical guide (Attachment 4) for complying with the provisions of AB 470. Starting January 1, 2023, this legislation requires that local education agencies (including charter schools) send written notifications when a student in foster care is being faced with:

- Suspension (includes an in-school suspension)
- Expulsion
- Individualized Education Program (IEP) meeting when a Manifestation Determination takes place
- Involuntary Transfer to a continuation school

As stated, in addition to notifying parents or guardians when these circumstances arise, notifications must now also be sent—including any documents and information related to the above-mentioned incidences—to:

- County Social Worker The name and contact information for the minor's assigned CSW can be found in LACOE's Educational Passport System (EPS). If that information is not there, e-mail the DCFS YES (Youth Education Support) inbox at [youth.education.support@dcsf.lacounty.gov](mailto:youth.education.support@dcsf.lacounty.gov) to request it.
- Minor's Attorney The Children's Law Center of California (CLC) has created a dedicated e-mail address through which to forward notifications to minors' attorneys—[educationnotice@clcla.org](mailto:educationnotice@clcla.org). (This address has already received 90 e-mails, Svidler reported.)
- Educational Rights Holder (ERH) EPS houses JV-535 forms provided by the court, which indicate changes to ERHs. If ERH information is not listed there, e-mail the DCFS YES inbox at [youth.education.support@dcsf.lacounty.gov](mailto:youth.education.support@dcsf.lacounty.gov).
- Tribal Social Worker This information comes via self-identification by the family or tribe.

The guide also includes instructions on accessing the Educational Passport System for those unfamiliar with it. DCFS's Steve Sturm announced that a technical fix to EPS is being processed so the system will list social workers' e-mails and CLC attorneys; he will notify the ECC when that change goes live.

Cole clarified that provisions for similar notifications to be made when probation youth are suspended were not included in the AB 740 legislation, which pertains only to children taken into protective custody under Welfare and Institutions Code (WIC) §300 because of abuse or neglect, or to children in a voluntary placement agreement (who will have social workers, but not attorneys unless the case has gone to court).

WIC §602 youth—primarily ages 12 through 17, having delinquency cases subject to disposition by the juvenile court—are not covered by AB 740.

## **Discussion**

- Denise Miranda noted that the Los Angeles Unified School District (LAUSD) has been working with its operation administrators, principals, and counselors to implement a multi-tiered system of [Positive Behavior Interventions and Supports and Restorative Practices \(PBIS/RP\)](#), which prioritizes wellness and nurtures the social-emotional development of the

whole child, whole classroom, whole school, and whole community. This has led to a significant decrease in the numbers of [foster youth being suspended](#) over recent years; data for school year 2021–2022 will be uploaded in the next few weeks.

- LAUSD’s district-wide data for in-school suspensions, out-of-school suspensions, and instructional days lost to suspension is available in the Suspension/Discipline dashboard view of the district’s [open data portal](#).
- California Education Code §49810 calls for reducing ‘teacher’ suspensions (as opposed to those elevated to principals or superintendents of schools) with professional development that provides other means of correction to address challenging behaviors while building relationships between staff and students, rather than resorting to exclusionary practices.
- Long Beach Unified School District is working on a multi-tiered system of support for all students, plus additional help for foster youth, said Claudia Sosa-Valderrama. “Before last year, we didn’t have any mental health services except for counselors,” she continued. “Now we have wellness centers for middle and high schools, plus resource centers for counseling younger students and their families.” The district is also developing a student discipline handbook with tangible examples of behaviors and consequences—Sosa-Valderrama will share that with ECC staff once it is ready—as well as adding ‘flags’ to its student information system to alert teachers and others of children’s individual circumstances where appropriate.
- Cesar Casarrubias drew a distinction between simply ‘checking the boxes’ with AB 740 notifications and really fulfilling the purpose of the new law. “We need to provide the best proactive services for our students,” he said, “maximizing supports and offering alternatives to suspension. And we need good mechanisms to monitor, discuss, and measure that work.”
- Jennie Feria recommended the development of web- and phone-based apps for foster youth and their caregivers/service agencies to interact with schools in the best interests of young people. “When a child is suspended, is a team meeting called to discuss what led to the problem?” she asked. “Foster youth are dealing with trauma that is no fault of their own. What jurisdictions are using programs and services to help those youth rather than suspending them?”

Svidler agreed, pushing for better communication between schools and social workers so that teachers know, for instance, that if a student was in court that morning for a termination of parental rights, it’s probably not going to be a great afternoon for them back at school. What is causing behavior that leads to disciplinary action?

- For the West Covina Unified School District, Ana Gutierrez said, web-based parent portals give families access to students’ grades, attendance, demographic information, who their counselor is, and so on. Elsewhere, added Jessica Chandler, portals can also allow teachers to chat and schedule meetings directly with parents/caregivers (possibly social workers) to address issues and concerns in the classroom before they go higher up the disciplinary chain.
- What would be ideal, suggested Feria, is for everyone involved to get together to discuss what led up to a particular incident and decide on what other options should be considered before suspension. “The School Attendance Review Board [SARB] holds group discussions with social workers and attorneys,” she went on, “but I’m not sure in what timeframe. What window of time exists before a suspension is implemented?”

Casarrubias explained that the state Education Code calls for some actions—mostly safety-related; drugs or firearms, for example, or a physical altercation with police involvement—to be dealt with via immediate suspension or expulsion. In Pomona Unified, he has observed, the majority of suspensions occur during the first three weeks that students are in their schools; as they acclimate, problematic behaviors generally decrease.

- If school transfers occur as a result of children’s removal from their homes or disrupted placements, Lundqvist said, court hearings and other events can be foreseen by the child’s support team and their effects mitigated where possible. The problem is, Casarrubias explained, “In the first three weeks, we often don’t know they’re foster youth. We don’t know their individual concerns or triggers. Sometimes the gender of a teacher can affect them adversely. Communication is key. Schools need as much information as possible to support the student immediately.”
- “Not every district provides suspension and expulsion data to the EPS system,” Alicia Garoupa-Bolinger said, “but I’d be interested in exploring how often placement or school changes correlate with those levels of discipline. Even low suspension rates involve disproportionate levels of foster youth. These kids are destabilized and affected by trauma; school suspension is only the tip of the iceberg they’re experiencing.” How can LACOE better support school districts in this area?

(The Office of Child Protection and the Department of Children and Family Services are working with the UCLA Center for the Transformation of Schools at the intersection of chronic absenteeism and school stability; OCP will invite the UCLA team to present the preliminary findings when they are ready, perhaps by the ECC’s fall meeting.)

- A study Mark Rodgers has read found that behavior subject to school discipline often starts with students using profanity. “And there’s significant disproportionality in who gets written up for that,” he said, “and for other lower-level discretionary areas where there’s a lot of choice for school personnel.” Bonita Unified has significantly reduced its suspensions for those ‘lower-level offenses,’ which Rodgers said had been very helpful to the district.
- Former foster youth Martine Jones would love to help Black students develop the skills to identify racialization and adultification, and understand when and how to advocate for themselves. She also warned against implicit bias both in terms of how law enforcement perceives levels of ‘threat’ with Black children and youth, and in terms of ‘anti-Blackness’ in much school curriculum and in linguistic profiling that racializes how many Black students speak.

Implicit bias training is also needed for educators, said Feria, to address the disproportionate number of foster children and children of color reported to the Child Protection Hotline for allegations of possible child abuse or neglect.

- Returning to the question of teaming, Gutierrez noted that in practice, schools don’t consistently receive DCFS 1399 forms (Notification to School of Pupil’s Foster Care Status) when students enter the system, change placements, or return to home-of-parent. “We can run the student’s name through CALPADS,” she said, “but there is at least a week’s lag there. Who should be picking these kids up from school? Should anyone not be picking them up from school?”

Svidler agreed that changes in custody or living arrangements should be communicated between social workers and schools, and a quick turnaround for that information needs to be in place. José Smith from LACOE’s Foster Youth Services Coordinating Program (FYSCP) believes that

the foster youth liaisons for each school district could be the ‘point people’ for guidance on this issue. “Every district does discipline differently,” Smith said, “and sometimes the foster youth liaisons are kept out of the loop when they could be a great resource.”

- Lundqvist closed the discussion by saying she would reach out to DCFS, district, and other partners who indicated they were interested forming a workgroup to start addressing the communication/teaming issues highlighted today. Lundqvist also asked for school-district and other partners to share materials/programs related to efforts to proactively prevent suspensions/expulsions.

### **Issues from the Field**

**Expanding Partial Credit for Highly Mobile Youth under SB 532** The Alliance for Children’s Rights has created a [webinar](#) on the provisions of SB 532, which went into effect on January 1, 2023. This updated law provides clarification about when graduation options are available and expands on the ways that partial credits can be determined, creating more equity for highly mobile youth. In the webinar, panelists discuss:

- The changes to graduation and partial credit laws
- Reasons those changes were made
- Tips for implementation and equitable application of the law

**Virtual Mental Health Services Available to All K–12 Students in Los Angeles County** On February 2, 2023, LACOE [announced](#) a contract with [Hazel Health Services](#) to offer virtual (‘telehealth’) mental health services to K–12 students attending schools in any district wishing to opt in. Services are available at school or at the student’s home.

Garoupa-Bolinger said that a dashboard is currently being built to collect data on foster youth who use the Hazel Health services, and Rebeca Hurtado added that Hazel clinicians will be able to refer children/youth directly to the Department of Mental Health if needed.

Kymerlee Cochran from the Lancaster School District praised the “great supports” being received through Hazel Health in her area, and Julianne Reynoso will work with LACOE to see if Pasadena Unified can be ‘grandfathered in’ to the arrangement as a result of a prior grant-supported contract with Hazel.

**SB 12 Compliance | College Affordability Webinar** Jessica Petrass from John Burton Advocates for Youth (JBAY) is continuing to partner with DCFS and Probation to make sure that a ‘post-secondary support’ person is designated in each foster/probation youth’s case plan to provide help with college and financial-aid applications. And because college affordability is the primary reason foster youth choose not to attend college, JBAY is co-hosting a [webinar](#) on that subject on March 10, 2023, from 9:30 to 10:30 a.m. (please register online). Content is targeted to adult supporters, but youth are also welcome.

### **ECC Strategic Plan Update**

- As part of designing a new strategic plan for the Education Coordinating Council, Barbara Lundqvist is holding listening sessions with systems-involved youth associated with the California Youth Connection, the Foster Power Coalition, the Los Angeles County Youth Commission, and DCFS’s Independent Living section. If other organizations know of youth who would like to contribute, please contact [Barbara](#) directly. She thanked the Office of Child

Protection, DCFS, and Probation for providing funds to compensate the expected 150 participating youth for their time and lived expertise.

“We want a new strategic plan to revitalize the ECC,” Lundqvist went on, “making it more productive, with more of our members and partners working on specific action items. We’ve had many group and individual meetings already, and incorporated some of the feedback we received into the slightly different format used today. And we’re certainly open to more input! Please e-mail me if you have any thoughts.”

- May’s ECC meeting will include a group discussion about the new strategic plan, Lundqvist said, in preparation for which she asked ECC members and constituents to review Attachment 5—*Expecting More: A Blueprint for Raising the Educational Achievement of Foster and Probation Youth* (the ECC’s original strategic-plan blueprint from January 2006), keeping in mind these questions:
  - What has been accomplished?
  - What still needs to be accomplished?
  - What still resonates?

“Please send me your thoughts as you read through the document,” Lundqvist invited.

- With the prospect of Brown Act bodies like the ECC needing to return to in-person meetings once COVID-19 emergency orders are lifted, ECC staff has designed a survey to gauge member/constituent preferences about returning to completely in-person meetings or using technology to potentially offer a hybrid virtual option. The survey also asks about possible altered days of the week and/or times for the ECC meetings themselves; what choice would encourage the best participation from everyone who needs to be at the table?

Please complete the online [Educational Coordinating Council \(ECC\) Meeting Time Survey](#) no later than close-of-business on Friday, March 10, 2023. Thank you!

### **Public Comment**

- [Paul Frees](#) with the BEST Education Advocacy Collaboration (led by the Hon. Sherri Sobel) offered to, immediately upon an initial disciplinary notification to the Children’s Law Center, connect foster students whose Educational Rights Holders (ERHs) are absent or inactive with trained and qualified volunteer ERHs who can meaningfully advocate for the student. Frees will arrange a time for the BEST team to discuss this idea with Luciana Svidler.

Alaina Moonves-Leb agreed that an ERH should be designated the minute the system touches the youth, and be ready—and know how—to effectively engage and support that student from the beginning, prior to any problems cropping up.

- On the topic of reproductive health education, DCFS’s Gloria Corona gave a quick reminder to local education agencies to expect requests from social workers for DCFS 1726 forms—Requests for School Report—and to establish a process, if one doesn’t already exist, to streamline the completion and submission of those forms, assigning responsibility to whichever school personnel makes sense for that district (school counselors, foster youth liaisons, registrars, or others).



### **Adjournment**

As today is Mónica García's last meeting as co-chair of the Education Coordinating Council, Lundqvist thanked her for her long commitment and service to the group, plus her fierce advocacy and leadership for children and youth in care.

"Engagement changes the world," García said, expressing her appreciation. "We need to continue to expect good things of ourselves and each other. Lift your light! Interrupt sexism, racism, classism, and poverty whenever you see them. That doesn't come naturally, of course, but even if anger is a natural part of the world, love is more powerful. Give other folks many chances to learn what you know," she told ECC members and constituents. "Encourage more conversations about meaningful and difficult subjects. We heard earlier about the impact of this world on Black children and communities. Racism, classism, and sexism all show up in every 'only the third *fill-in-the-blank* woman to be elected' and the like. Surrender the exhaustion of not believing in people!" she said. "Start anew every day. Changes in practice are not enough yet. School-site relationships are where things happen for students. I will continue to be your cheerleader and partner! Thank you."

### **Next Meeting**

The Education Coordinating Council's next meeting is scheduled for:

**May 2023**

**Date, time, and location to be determined**

### **Adjournment**

There being no further public comment, the meeting was adjourned at 10:56 a.m.

# The Intersection of Race, Systems Involvement, and Children with Disabilities: Creating More Equitable Education Systems

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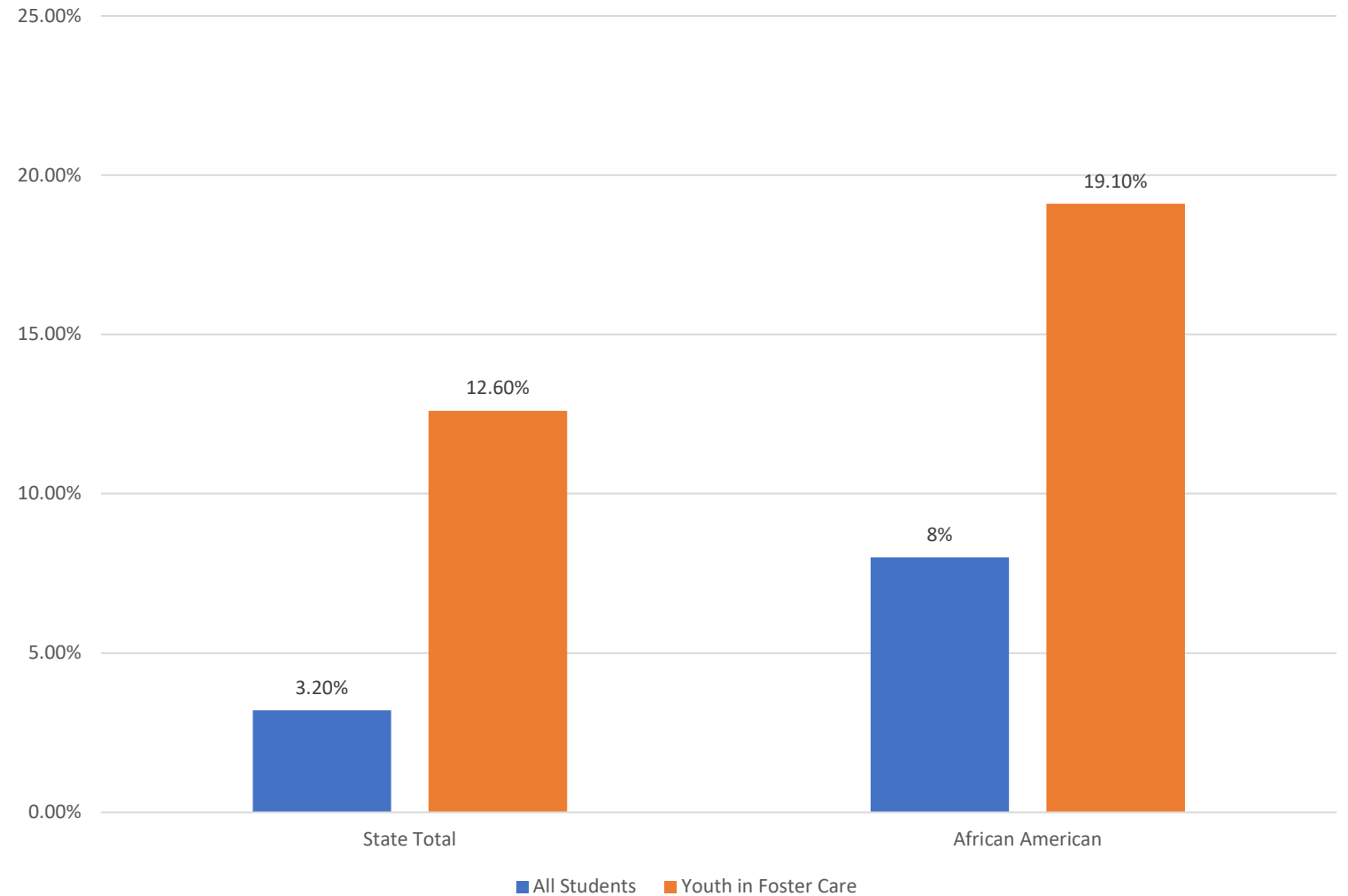
ALLIANCE  
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RIGHTS

Alexus Ramsey, Esq.

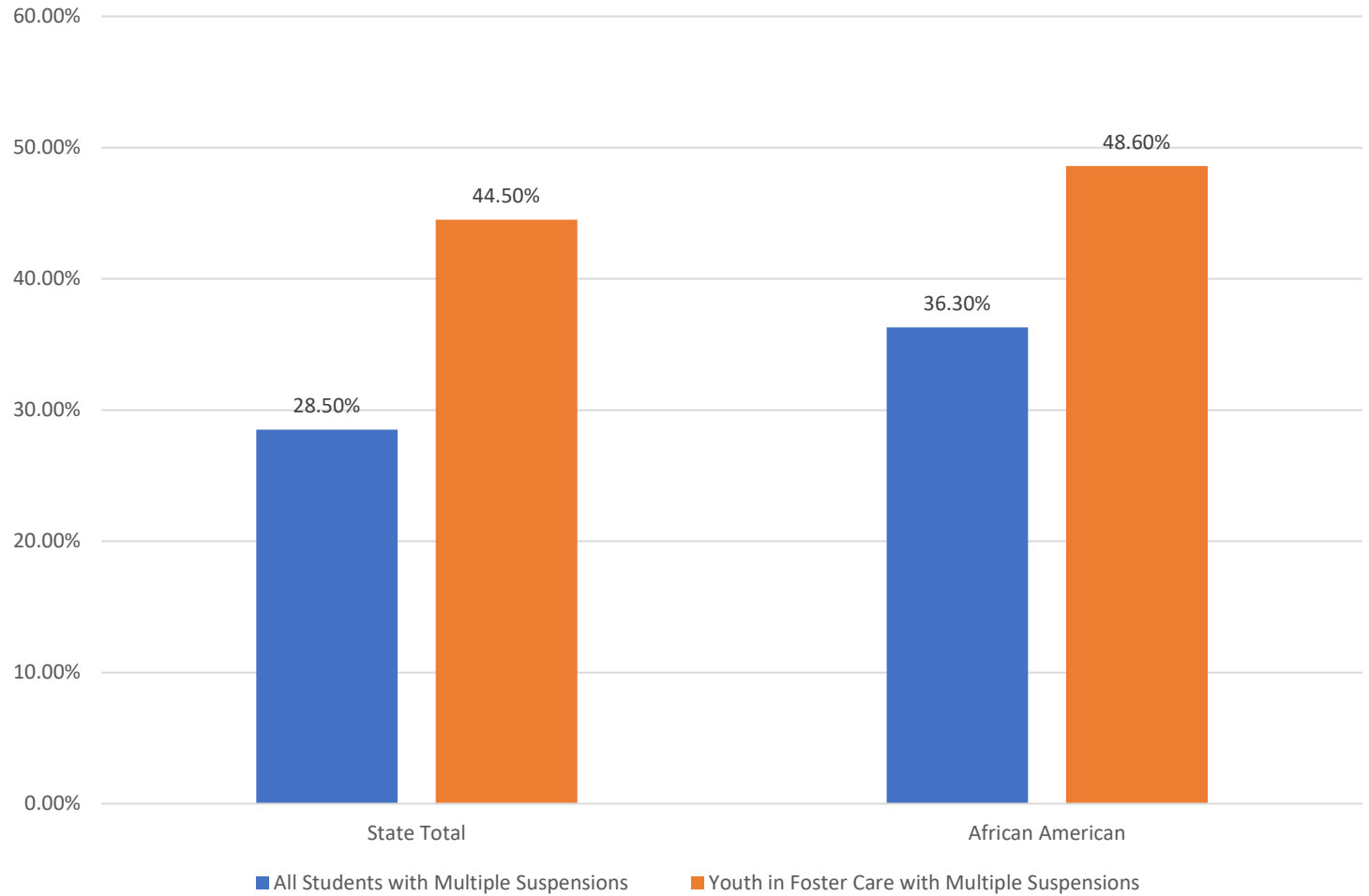
# History of Racialized Violence as it relates to School Discipline

- Period of Enslavement
- Creation of Local Law Enforcement
- Reconstruction and the KKK
- Jim Crow
- Civil Rights Movement
- 1980s War on Drugs

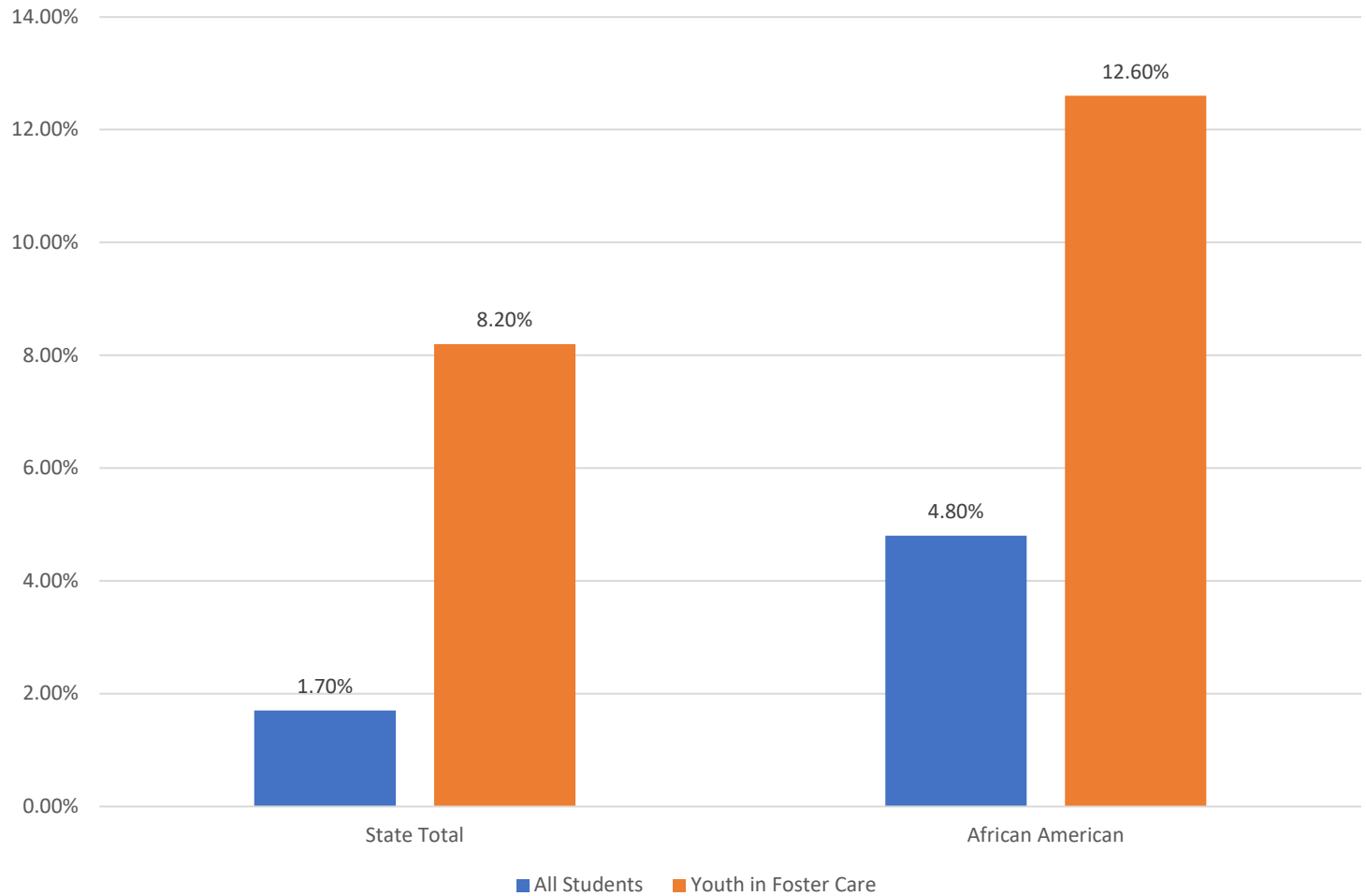
# Disproportionality in School Discipline: Over-Representation of Students of Color and in Foster Care



# Disproportionality in School Discipline: Multiple Suspensions and Expulsions



# Disproportionality in School Discipline: Suspensions in Los Angeles County



# Implicit Bias & Teaching

- U.S. Teachers: 80% white, most women
- Studies show that teachers associate students with certain characteristics:

<b>White</b>	Intelligence, sociability, friendliness, industriousness, compliance
<b>African American</b>	Problem behavior, disobedience, athleticism, activity, aggression, impulsiveness, laziness, low intelligence, low motivation, antisocial, negative demeanor
<b>Asian</b>	Unassertive, unexpressive, passive, quieter, lacking leadership skills, less interpersonally effective. "Model minority" stereotype: industriousness, introversion, intelligence, compliance
<b>Indigenous</b>	Unintelligent, silent/nonverbal learners, lazy, criminal, problem behavior
<b>Latinx</b>	Uninterested in education, incapable of learning, violent, antisocial, low ambitions



# Further Reading



# Thank You!

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Questions? Contact  
[jrowland@alliancecr.org](mailto:jrowland@alliancecr.org)

2021 POLICY SUMMIT REPORT

# The Path to Racial Equity in Child Welfare:

## VALUING FAMILY AND COMMUNITY

POLICY SUMMIT  
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Children's Law Center  
of California



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For Strengthening Children and Families

# PROJECT SUMMARY



**The child welfare system is intended to be one of the final social safety nets to support children and families in crisis.**

However, despite the best efforts of reformers and practitioners, the racism and bias embedded in the system from its founding have led to rigid policies that are often more focused on compliance and surveillance than healing and support. Eliminating the racial disproportionality and disparities in child welfare requires an examination of how families come to the attention of the system, the policies and practices that lead to family separation, the treatment of children and families in foster care, and the ways that permanency and reunification are achieved and supported.

This report and the accompanying summit would not be possible without the activism and advocacy of Black, Native American, and Latinx<sup>1</sup> communities that have been and continue to be disproportionately harmed by the child welfare system. This conversation, like the ongoing national reckoning on racism and oppression in the United States, is long overdue. The proposed policy reforms represent a blueprint for a child welfare system that is truly equitable, just, and family-centered. These reforms strive to achieve the following objectives:

- value family and community through prevention strategies aimed at avoiding maltreatment from occurring and halting all unnecessary separations of children and parents;**
- empower the family network and connect youth to their community if and when removing a child from their home is necessary and appropriate; and**
- prioritize family decision making and preferences when considering permanency and reunification at the point a child is exiting foster care.**

<sup>1</sup> Asian and Pacific Islander (API) children are significantly underrepresented among children in foster care. In California, for example, API children comprise 13 percent of all children but less than 2 percent of children in care. This underrepresentation does not necessarily mean that children in these communities are less likely to experience abuse and neglect. Rather, they may be less likely to come to the attention of the system because of cultural norms around government intervention and aid, language accessibility, and lack of engagement by child welfare professionals and other social service providers, among other issues. While the question of the underrepresentation of API children in foster care is beyond the scope of this project, it deserves greater focus in conversations about reform.



# BACKGROUND

## BEGINNINGS OF RACIAL DISPROPORTIONALITY AND DISPARITIES



**The racial inequities in child welfare have roots in the practices of nineteenth-century orphanages. Mostly private institutions run by religious groups, orphanages provided shelter, food, and education to the children of deceased parents or parents unable to adequately care for their children, usually because they were poor.<sup>2</sup>**

As Dr. Jessica Pryce explained in a 2020 virtual lecture series hosted by the UCLA Pritzker Center for Strengthening Children and Families, child welfare had a “dual-track delivery system” from the very beginning.<sup>3</sup> In both the Southern and Northern United States, White children and Black children were placed in separate facilities, and the services and resources offered in orphanages for the latter group were generally of substandard quality. Further, because most cities and states had relatively few Black orphanages (if any), many needy Black children ended up on the streets or in almshouses, which were notoriously run-down shelters for the poor, the elderly, and those suffering from mental illness.<sup>4</sup>

Native American children also experienced racism in the nascent child welfare system of the 19th century. Beginning in 1860, the federal Bureau of Indian Affairs established boarding schools on tribal reservations with the goal of assimilating Native youth into mainstream White American

society. Students were forced—frequently under the threat of physical punishment—to shun their traditional languages, customs, and beliefs.<sup>5</sup>

In the 1880s, the federal government adopted a more aggressive assimilationist approach by removing Native children from their homes and sending them to boarding schools and orphanages outside of tribal lands. Perhaps the most well-known of these institutions was the Carlisle Indian Industrial School in Carlisle, Pennsylvania. The school’s founder, U.S. Army Captain Richard Henry Pratt, stated that his mission was to “kill the Indian...and save the man.”<sup>6</sup> At Carlisle and other schools, students were essentially cut off from their families and communities. According to journalist Mary Annette Pember, when boarding school students died of disease, malnutrition, or other causes, they were sometimes buried in unmarked graves without their parents’ knowledge.<sup>7</sup> It was not until the passage of the Indian Child Welfare Act of 1978 (discussed later) that Native families were granted the right to prevent their children from being placed in off-reservation schools.

<sup>2</sup> Minnesota Dept. of Human Services, “Role of Orphanages in Child Welfare.”

<sup>3</sup> Pryce, “Eradicating Racism and Bias in Foster Care/Child Welfare.”

<sup>4</sup> Roberts, “Shattered Bonds.”

<sup>5</sup> Crofoot and Harris, “An Indian Child Welfare Perspective,” 1668.

<sup>6</sup> Ibid.

<sup>7</sup> Pember, “Death by Civilization.”

## EARLY FEDERAL CHILD WELFARE POLICIES

**The federal government began to take a more prominent role in child welfare policy at the turn of the 20th century.**

Decrying the institutionalization of children, the attendees of the 1909 White House Conference on the Care of Dependent Children declared that “children should not be removed from their families except for urgent and compelling reasons, and destitution was not one of those reasons.”<sup>8</sup> As public opinion turned against the practice of housing children in orphanages, nearly every state instituted a “mothers’ pension” for widows and single mothers living in poverty.

The Social Security Act of 1935 incorporated the mothers’ pension into federal statute with the creation of the Aid to Dependent Children program (later renamed Aid to Families with Dependent Children [AFDC]). With tacit federal approval, state child welfare agencies systematically deprived Black families of AFDC benefits and services, particularly in the Jim Crow South. States instituted policies that “arbitrarily denied [AFDC] benefits to African Americans because their homes were seen as immoral, men other than biological fathers were identified by workers as assuming care of the recipients’ children, the worker believed a man was living in the home, and/or the mother had children born out-of-wedlock.”<sup>9</sup>

In the early 1960s, under growing pressure from civil rights organizations, the federal Department of Health, Education, and Welfare (HEW) amended AFDC to address discriminatory practices. The impetus for these reforms was the so-called Louisiana Incident. In 1960, Louisiana removed 23,000 children—most of them Black—from its state welfare rolls because their households were deemed “unsuitable.” In the aftermath of the Louisiana Incident, HEW instituted the “Flemming Rule” in 1961. Named after HEW secretary Arthur Flemming, this rule barred states from denying welfare benefits to families based

on their parents’ marital status. The Flemming Rule also empowered states to remove children from homes judged “unsuitable” and provide services to a foster caregiver rather than offer services to the family in the home.<sup>10</sup>

The laws passed following the Louisiana incident and the institution of the Flemming rule laid the foundation for the punitive child welfare policies that disproportionately harm children and families of color today. After denying services to Black families for decades, public child welfare agencies began increasing their surveillance and punishment of this same population. According to the 1962 Public Welfare Amendments, child welfare agencies were now required to refer “neglectful” parents to the court system. Since parents of color (particularly Black and Native American parents), experienced poverty at higher rates than their White counterparts, they were more likely to be judged neglectful and ultimately have their children placed in out-of-home care.

In 1962, pediatrician C. Henry Kempe introduced the world to battered-child syndrome, “a clinical condition in young children who have received serious physical abuse, generally from a parent or foster parent.”<sup>11</sup> According to Dr. Kempe and his colleagues, the syndrome could cause permanent disability or death. This claim sparked nationwide concern about child abuse, and at a meeting convened by the Children’s Bureau that same year, Kempe and other advocates “recommended state legislation requiring doctors to report suspicions of abuse to police or child welfare.”<sup>12</sup> By 1967, all 50 states passed some form of mandatory reporting law. Coupled with mandatory reporting, the new focus on abuse and neglect led to a marked increase in the foster care population.

<sup>8</sup> Crenson, “Building the Invisible Orphanage,” 15.

<sup>9</sup> Lawrence-Webb, “African American Children in the Modern Child Welfare System,” 11.

<sup>10</sup> Ibid.

<sup>11</sup> Kempe et al., “The Battered-Child Syndrome,” 23.

<sup>12</sup> Myers, “History of Child Protection,” 456.

## THE MODERN ERA OF CHILD WELFARE REFORM

**As the number of out-of-home placements jumped in the late '60s and early '70s, calls for child welfare reform grew louder.**

In the landmark 1972 book *Children of the Storm*, Andrew Billingsley and Jeanne M. Giovannoni argued that state agencies were not only removing Black children from their homes unjustly, but also denying them much-needed services. The authors recommended that Black communities be empowered to care for their own children without state intervention.<sup>13</sup> To the dismay of Billingsley, Giovannoni, and many others, the post-civil rights era saw the government expand the reach of the child welfare system in new and concerning ways.

Over the next few decades, the federal and state governments adopted well-meaning policy priorities—protecting children, expediting permanency, funding foster families, supporting adoption—that have allowed racial disproportionality and disparities to either grow or persist. The Child Abuse Prevention and Treatment Act of 1974 (CAPTA) created a federal mandate for state mandatory reporting laws and introduced new definitions of abuse and neglect. In the wake of CAPTA's passage, the number of children coming into the child welfare system skyrocketed.

Concerned about the growth of the national foster care population and the increase in lengths of stay in care, Congress passed the Adoption Assistance and Child Welfare Act of 1980 (AACWA). AACWA "required states to make 'reasonable efforts' to avoid removing children from maltreating parents" and to reunite children with parents in removal cases.<sup>14</sup> In addition, children in foster care now needed a "permanency plan" for reunification or termination of parental rights. The law also incentivized adoption by providing financial support to adoptive parents.

While the number of children in care and time spent in care dipped for a few years after AACWA's passage, these indicators shot up again during the crack cocaine and HIV epidemics of the '80s and '90s, both of which devastated many Black communities.<sup>15</sup> Amidst these public health crises and an economic downturn, the foster care population grew from 280,000 in 1986 to nearly 500,000 in 1995.<sup>16</sup> And between 1986 and 2002, the proportion of Black children entering foster care jumped from about 25 percent to 42 percent.<sup>17</sup>

The Adoption and Safe Families Act of 1997 (ASFA) built on the permanency planning focus of AACWA by establishing strict timelines for terminating parental rights and incentivizing adoption through direct payments to states.<sup>18</sup> The strategies at the core of ASFA, and subsequent legislation such as the Fostering Connections Act of 2008 (FCA), aimed to move children out of the system more quickly and were ultimately successful in doing so. After peaking at 567,000 in 1999, the national foster care population dropped to 397,000 in 2012.<sup>19</sup>

California's foster care caseload dropped 41 percent between 2000 and 2016, from 103,000 to 61,000.<sup>20</sup> Nevertheless, over this same period, the percentage of children entering care in California following a substantiated abuse or neglect allegation remained stable. The decline in caseloads was attributable almost entirely to faster exits out of care, as opposed to fewer entries into care. This suggests many missed opportunities to prevent maltreatment or provide in-home services to keep parents and children together. Even if more relatives have achieved

<sup>13</sup> Billingsley and Giovannoni, "Children of the Storm."

<sup>14</sup> Myers, "History of Child Welfare," 459.

<sup>15</sup> Murray and Gesiriech, "Legislative History of Child Welfare."

<sup>16</sup> Ibid.

<sup>17</sup> Roberts, "Shattered Bonds," 8.

<sup>18</sup> Curtis and Denby, "African American Children in Child Welfare."

<sup>19</sup> Child Trends, "Foster Care."

<sup>20</sup> Lucile Packard Foundation, "Children in Foster Care."



legal guardianship in recent years—one effect of FCA—the trauma of separating a parent and child cannot be undone.

Among the federal legislative reforms of the last half century, the Indian Child Welfare Act (ICWA) of 1978 stands apart because it applies to a single group—children who are members, or are eligible for membership, of a federally recognized tribe. Describing the congressional hearings that preceded the passage of ICWA, law professor Matthew L. M. Fletcher writes,

**“Hundreds of pages of legislative testimony taken from Indian Country over the course of four years confirmed for Congress that many state and county social service agencies and workers, with the approval and backing of many state courts and some Bureau of Indian Affairs officials, had engaged in the systematic, automatic, and across-the-board removal of Indian children from Indian families.”<sup>21</sup>**

As noted in an earlier section, these policies and practices dated back to the mid-nineteenth century. The goal of ICWA was to preserve cultural and familial ties between Native children, families, and communities and elevate tribal authority over placement decisions.

## DISPROPORTIONALITY AND DISPARITIES TODAY

Today, children of color, and specifically Black and Native American children, continue to experience disparities at every stage of the child welfare system: maltreatment reports, investigations, case substantiations, service referrals, out-of-home placements, family reunification, termination of parental rights, and time spent in foster care. Black children comprise 14 percent of all children nationwide but 23 percent of children in the child welfare system.<sup>22</sup> More than half of Black children experience a child welfare investigation before the age of 18.<sup>23</sup> Despite ICWA's passage more than 40 years ago, the proportion of Native

children in foster care is 2.6 times higher than their share of the total child population.<sup>24</sup> Though Latinx children are underrepresented in the national foster care population, they are overrepresented in more than 20 states, including California.<sup>25</sup> Generally, children of color are less likely than White children to exit foster care through reunification, adoption, and legal guardianship.<sup>26</sup>

Because socioeconomic status and child welfare involvement are highly correlated, many attribute disproportionality in the system to high levels of poverty among certain communities of color. To analyze this argument, it is important to understand exactly how poverty, race, and the child welfare system interact. First, poverty among communities of color is often the direct result of racism in employment, housing, education, healthcare, and other areas. Moreover, as sociology professor Dorothy E. Roberts notes, “government authorities are more likely to detect child maltreatment in poor families, who are more closely supervised by social and law enforcement agencies.”<sup>27</sup> Therefore, official data inflates the extent of maltreatment in low-income households of color and further contributes to negative perceptions about these families. That said, generational poverty and systemic oppression can interfere with parents' ability to adequately care and provide for their children. Rather than equating poverty with neglect and needlessly separating children from their parents, child welfare agencies should strive to provide services and benefits that tangibly address the inequalities that stem from structural racism (while always prioritizing child safety).

Along with acknowledging and responding to structural racism broadly, child welfare practitioners must grapple with decades

<sup>21</sup> Fletcher, “Indian Child Welfare Act,” 269.

<sup>22</sup> Puzanchara and Taylor, “Disproportionality Rates.”

<sup>23</sup> Schoenherr, “1 in 3 Children.”

<sup>24</sup> Puzanchara and Taylor, “Disproportionality Rates.”

<sup>25</sup> Lucile Packard Foundation, “Children in Foster Care.”

<sup>26</sup> Tilbury and Thoburn, “Using Racial Disproportionality and Disparity Indicators.”

<sup>27</sup> Roberts, “Shattered Bonds,” 29.

of academic research and anecdotal evidence regarding the bias and discrimination within the system. When controlling for family income and perception of risk, caseworkers have been shown to be more likely to substantiate cases and make removal decisions when investigating Black families. These findings suggest that some caseworkers have a lower threshold for making the potentially life-altering decision to separate a child from their parents if the family in question is Black.<sup>28</sup> Another study found that caseworkers were more likely to refer Black parents to parenting classes “even if there were no racial differences in the identification of poor parenting skills.”<sup>29</sup> This sort of bias is very much felt and understood by communities of color and reinforces the belief that the child welfare system aims to undermine parents’ judgment and ultimately break families apart.

In recent years, some practitioners and advocates have embraced kinship care as a remedy for the racial disproportionality in foster care. However, in certain circumstances, these relative placements occur outside of the dependency court system in the context of threats or coercion by the child welfare agency. This results in the phenomenon of “hidden foster care.”<sup>30</sup> While connecting children with family members should be a top priority in removal cases, coercing families to establish informal custody changes outside of the system could deprive them of benefits and services that promote permanency, reunification, and healing. In forced diversion cases, child welfare agencies essentially relieve themselves of the responsibility to ensure a child resides in a safe, stable home, whether with a relative or a parent. This decision acknowledges harm caused by the system but does not prevent this harm—family separation—from occurring. As described by the policies below, real transformational reform encompasses upholding the rights of children and parents and offering family-centered services and supports.

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<sup>28</sup> Dettlaff et al., “Disentangling Substantiation”; Rivaux et al., “Understanding the Decision.”

<sup>29</sup> Font, “Service Referral Patterns,” 384.

<sup>30</sup> Gupta-Kagan, “America’s Hidden Foster Care System.”

# POLICY RECOMMENDATIONS

Since deep racial disparities persist at every decision-making point in the child welfare process, transformational change will require critical analysis and reform to better serve children and families before a child enters care and as they move through and eventually exit the system. The policy recommendations outlined below strive to achieve the following objectives:



value family and community through prevention strategies aimed at avoiding maltreatment from occurring and halting all unnecessary separations of children and parents;



empower the family network and connect youth to their community if and when removing a child from their home is necessary and appropriate; and



prioritize family decision making and preferences when considering permanency and reunification for children exiting foster care.

## VALUE FAMILY AND COMMUNITY THROUGH PREVENTION STRATEGIES



providing responsive and trauma-informed crisis intervention; and bolstering legal safeguards against unnecessary removals.

Eliminating the racial disproportionality and disparities in child welfare begins long before a maltreatment allegation is made. Far too many low-income families of color come to the attention of child welfare agencies because of their socioeconomic status and through their interactions with social service providers. Because the United States provides a woefully inadequate social safety net compared to other industrialized countries, state and local child welfare agencies should develop policies and implement practices to help ensure that the families they serve have their basic needs met related to food, housing, employment, and healthcare. When engaging with families, agencies should aim first and foremost to avoid separating a child and parent. This can be accomplished by preventing maltreatment through programs that strengthen families' protective factors;



### PROPOSED REFORMS

1

#### **Expand primary prevention services to support families before maltreatment occurs.**

The Family First Prevention Services Act (FFPSA) can be a springboard to develop and expand access to prevention services while ensuring those services are not limited to children who are “candidates for foster care” (and their families). In addition, the review process for the California Evidence-Based Clearinghouse for Child Welfare can be refined to account for programs that do not meet the current scientific standards but have been implemented at the local level and align with community practices and values. Ideally, service provision should be trusted to community-based organizations (CBOs) that are uniquely attuned to their clients' needs. Leaving this responsibility to CBOs—rather than the child welfare agency itself—allows families to focus on healing and thriving without the looming threat of separation.

2

### Give families in crisis the option to seek help from behavioral health specialists rather than law enforcement.

The Family Urgent Response System (FURS) can be made accessible to all families, not just current and former foster youth and their caregivers. This would allow youth and families to seek services before the point when child welfare caseworkers would typically intervene. Further, agencies could encourage youth and families to utilize FURS by ensuring that a call to the hotline would not automatically trigger a child welfare investigation.

3

### Limit removals on the basis of “neglect.”

The statutory definition of “neglect” should be rewritten to reduce the number of removals that occur because families are living in poverty. Under Welfare and Institutions Code 300(b)(1), a child can become a dependent if the court rules “the child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of...negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.” To bolster the “reasonable efforts” requirement that already exists in statute, child welfare agencies could be required to show that a parent refused to utilize available services and supports.<sup>31</sup> This same idea could be applied to the definition of “failure to protect” for domestic violence cases.

4

### Mandate pre-petition legal representation.

The court process can be intimidating and overwhelming, especially for families experiencing poverty. Pre-petition representation ensures the rights of parents and children are protected and helps parents understand the steps they can take to guarantee their children’s health and safety and avoid the trauma of separation. According to Casey Family

5

### Implement a “blind removal” process.

Blind removal has been shown to reduce the impact of practitioner bias. This process removes all identifying information (i.e., race, name, address) from the investigating caseworker’s report before a committee of child welfare professionals makes a recommendation regarding whether a child should be placed in out-of-home care.<sup>33</sup> When Nassau County, New York, began implementing blind removals in 2011, Black children comprised 55 percent of children removed from their homes; that number dropped to 27 percent by 2015.<sup>34</sup>

Programs, “evaluations of a collection of pilot [pre-petition] programs show promise, including nearly 100 percent prevention of foster care entries and cost savings of 2-to-1 when compared with the cost of foster care placement.”<sup>32</sup> Relatedly, at this same stage of the child welfare process, social workers and courts could be required to examine whether the use of intensive in-home services would be just as, if not more, effective in protecting a child’s safety as removal.

<sup>31</sup> CA Welf & Inst Code § 300 (amended 2015).

<sup>32</sup> Casey Family Programs, “Pre-Petition Legal Representation,” 2.

<sup>33</sup> A separate process for children belonging to federally recognized tribes would perhaps involve a review of the committee’s recommendation by tribal authorities.

<sup>34</sup> Fitzgerald, “Try Colorblindness.”





## EMPOWER THE FAMILY NETWORK AND CONNECT YOUTH TO THEIR COMMUNITY

In cases where it is necessary and appropriate to separate a child from their parents because of a threat of immediate harm to the child, child welfare agencies should take every affirmative step to maintain that child's connections to their own family and community. These social bonds are critical for achieving permanency and reunification and healing from trauma. Further, families and communities have a right to make decisions about the care of their most vulnerable children. The procedures regarding voluntary placement agreements, child and family team meetings, and relative family approval are particularly promising areas for reform.



## PROPOSED REFORMS

1

### Use Voluntary Placement Agreements as a proactive family engagement tool.

Through a Voluntary Placement Agreement (VPA), county agencies can allow parents to identify a temporary placement for their child while receiving services and supports. During this process, the agencies can give parents time and space to consider placement options for their children because parents are best positioned to know where their children will feel safe and supported. In California, a VPA is the only legal option a child welfare agency may use to facilitate an out-of-home placement outside of a petition filed with the juvenile court. Nevertheless, many counties force the movement of a child to a relative's home without any documentation or use variations of a "safety plan," which is not authorized by statute, does not provide any due process protections to the parent or funding to the caregiver or the child, and does not result in a transfer of legal custody and control to the child welfare agency or the caregiver. Similarly, youth involved in the delinquency system are often released to relatives without establishing a formal or voluntary placement. To establish a formal transfer of care and custody of the child away from the parent, the delinquency court should utilize VPAs when they believe a formal placement (and completion of the resource family approval program) will not be necessary.

2

## Permit families, parents, or children to seek court review of any safety plan or informal care arrangement.

To protect due process rights, parents or children should be permitted to seek court review of any safety plan or informal care arrangement that did not utilize the state-sanctioned VPA form. This will allow parents to avail themselves of the representation offered by the child welfare system in those instances when such representation and support was denied because the child was removed from the parent through alternative, and unsanctioned, means.

3

## Facilitate expedited guardianships through the dependency court system.

Families should not have to forfeit the legal protections and the supports and services afforded by the dependency system in order to place a child with a relative through probate court. The Welfare and Institutions Code 360(a) guardianship process should be amended to allow more family decision making with the benefit of counsel. This can be accomplished in three ways: (1) promoting family autonomy by allowing parents to designate individuals they determine to be fit to serve as the guardian rather than requiring resource family approval; (2) funding all guardianships ordered pursuant to Welfare and Institutions Code 360(a); and (3) changing the requirement that allegations against the parent must be substantiated before the court can order a guardianship under 360(a).<sup>35</sup>

4

## Make child and family team (CFT) meetings truly family-centered and culturally competent.

Child and family team (CFT) meetings should include independent facilitators or tribal representatives who are highly trained with a focus on trauma and

cultural competency. Current policy allows child welfare social workers to serve as facilitators. This arrangement presents a clear conflict of interest and heightens the confrontational aspect of the teaming process. The presence of an independent facilitator helps children and families feel as if they are collaborating with the child welfare agency to reach a resolution that is acceptable to all parties. Further, children and their caregivers (and the child's tribe in the case of Native American children) should always decide the time and location of CFT meetings.

5

## Remove barriers preventing children from being immediately connected to their own family and extended family.

Adding a "reasonable efforts" requirement to Welfare and Institutions Code 361.3 would prevent placement delays that occur when relatives lack childcare supplies such as cribs, car seats and booster seats.<sup>36</sup> Further, child-specific approval should be granted (absent a risk to the child) whenever the relative has a "parent-like" relationship with the child, in the case of an emergency placement, and should be expanded to apply to all of the child's siblings. Another barrier to relative placement is the criminal history review component of the resource family approval (RFA) process, which excludes far too many relatives and extended family members who are fit and willing to care for a child in need of a safe and stable home. This issue is of particular concern to the Black and brown communities that have long been overrepresented in the criminal justice system. Old arrests or convictions should not prevent the government from empowering relatives who wish to step up as caregivers. Moving forward, the onus could be placed on county agencies to show why a child would be unsafe in a relative's care.

<sup>35</sup> CA Welf & Inst Code § 360 (amended 2010).

<sup>36</sup> CA Welf & Inst Code § 361.3 (amended 2017).





## PRIORITIZING FAMILY DECISION MAKING AND PREFERENCES WHEN CONSIDERING PERMANENCY AND REUNIFICATION

In a child welfare system that is truly family-centered, children remain connected with their families at every step of the process and the emphasis is on relational permanence and ensuring the family continues to feel supported. However, as the system currently functions, as soon as a child is removed from the home, the child and family face a ticking clock by which they need to reunify or exit according to another permanency plan. The procedures for establishing permanency and facilitating reunification should give families the opportunity to heal and make decisions that align with their hopes for their children's futures.



## PROPOSED REFORMS

- 1 Build in more flexibility for extending family reunification timelines based on the specific needs of the family.**

Existing timelines for permanency and reunification, established in response to federal legislation, do not account for the generational trauma and systemic oppression endured by many communities of color. Moreover, family relationships are fluid, and families should have the freedom to reorganize themselves as these relationships evolve and strengthen. With changes to federal statute, local child welfare agencies could honor the fact that it can take years for both parents and children to overcome the challenges that led to separation. The court should have the discretion to expand timelines in specific situations, particularly in relative placement cases.
- 2 Restructure visitation to promote family bonding time and set the stage for successful reunification.**

Though consistent and meaningful visitation is vital to reunification, the standard visitation order almost always begins with supervised visitation and allows for just a few hours of visitation per week. In addition, visits are often scheduled during business hours and at locations far from where parents live. When such obstacles prevent parents from seeing

their children on a regular basis, county agencies may assume parents are not truly committed to reunification. With these challenges in mind, parents, caregivers, and agencies should work together to implement visitation in a way that encourages healing and connection for parents and children. Parents should be incorporated into a child's daily life as much as possible and visitation should be unsupervised unless there is an identified safety risk.

3

### **Ensure access to reunification services.**

If court-ordered reunification services are not readily accessible and provided free of cost to parents, families are less likely to reunify. For the communities that are overrepresented in child welfare, these services often add to the daily stressors of poverty and structural racism. Instead of putting the onus on parents to locate and pay for services, the county should be required to fund services and ensure they are truly accessible.

4

### **Support families' preferred permanency arrangement.**

California law sets out an "order of priority" for permanent plans, prioritizing adoption over guardianships and guardianships over placement with a "fit and willing relative."<sup>37</sup> Even though relatives can choose among these options, there are limitations built into the statute that impact practice, family engagement, and decision making in ways that can result in families feeling pressured and coerced into choosing options that do not promote the underlying wishes and needs of the child and family. Families, and particularly kinship caregivers, must be supported in fully understanding their options and choosing the permanency option that best supports the needs of the child and family.

5

### **Allow for the possibility of adoption without termination of parental rights (TPR).**

In 2010, California implemented tribal customary adoption (TCA) as a permanency adoption for Indian children to whom the Indian Child Welfare Act (ICWA) applies.<sup>38</sup> TCA enables a state court adoption to be completed without terminating the legal parental rights of birth parents. For non-Indian adoptions, California dependency law requires termination of parental rights before adoption, a permanent severing of the parent-child legal relationship which creates a legal orphan now free for adoption. In a TCA, on the other hand, the legal rights of the birth parents are not severed but the rights and responsibilities of parenting are transferred to the adopting parent(s). Adoption without TPR is preferable for many California tribes because TPR and adoption were once used as tools of genocide in Native communities. Further, TPR is contrary to tribal customs, disrupts intrafamilial relationships, and re-traumatizes families. TCA in California has been a successful additional permanency option for children covered by ICWA. California statute could include a non-tribal/non-ICWA permanency option that does not involve TPR.

6

### **Eliminate requirement that parental rights must be terminated based on a finding that the child is adoptable.**

California law requires that the parental rights of a biological parent be terminated after a certain time period if the child is deemed "adoptable." Terminating parental rights stops all visitation between the child and their biological parents and closes off any legal option for the parent to petition the court to resume custody of their child. Because the court can judge a child to be adoptable regardless of whether the child is in the home of a caregiver seeking adoption, many

<sup>37</sup> CA Welf & Inst Code § 727.3 (amended 2017).

<sup>38</sup> CA Welf & Inst Code § 366.24 (amended 2013).

children ultimately age out of the system without having found stability with a loving family, and a disproportionate number of these children are Black. The law should be restructured to include additional factors beyond adoptability to be considered before terminating parental rights.

## 7

### Reassess system performance measures.

To avoid incurring federal financial penalties, states must comply with the stipulations of the Adoption and Safe Families Act (ASFA), including the requirement to solidify a permanency plan within 12 months of a child's out-of-home placement.<sup>39</sup> The rigidity of federal policy—and the potential financial ramifications—forces states to emphasize moving children out of the system over giving families the time they need to heal and grow. Future legislative reforms could introduce performance measures related to family health and wellbeing, such as connections to family members, school stability, housing, employment, healthcare, and other services.

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<sup>39</sup> U. S. Congress. 105th Congress. An Act to Promote the Adoption of Children in Foster Care. Washington: Government Printing office, 1997.

## ACKNOWLEDGMENT, REFORM, EDUCATION AND TRANSPARENCY

All policy changes must be grounded in an acknowledgment of past and ongoing harms and a commitment to anti-racist reform. Government child welfare agencies should institutionalize anti-racist trainings; outline specific targets for reducing racial disproportionality and disparities; and release an annual report analyzing progress on this agenda.

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# Pomona Unified SCHOOL DISTRICT

*DEPARTMENT  
OF  
PUPIL RESOURCES*  
*EDUCATIONAL SERVICES*



**SECONDARY DISCIPLINE  
MATRIX**





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### Table of Contents

#### **Pomona Unified School District:**

PUSD's Mission & Vision	4
CONNECTIONS TO PUSD'S STRATEGIC PLAN	5
POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS (PBIS)	6
POMONA USD MINOR/MAJOR OFFENSES WITHIN PBIS FRAMEWORK	7
MULTI-TIERED BRAIDED INITIATIVES IN PUSD	8
Minor Offenses and & Interventions	9
MINOR OFFENSES AND MAJOR INFRACTIONS	10
DEFINITIONS OF COMMON MISBEHAVIORS	11
UNDERSTANDING THE FUNCTION OF THE BEHAVIOR	13
Menu of Interventions for Minor Offenses	14
CHRONIC MISBEHAVIORS:	15
CONDUCTING A THOROUGH INVESTIGATION	16
UNIQUE BUS VIOLATIONS & DISCIPLINE:	17
Special Education Guidelines:	18
QUICK GUIDE TO SUSPENSIONS/EXPULSIONS:	19
Student Information Behavioral Codes	26
Level 1 – Teacher, Campus Supervisor, Campus Security, Clerical Staff	28
EC 48915 (C) – SAFETY - Mandatory Expulsions	31
EC 48915 (A) – SAFETY - Discretionary Recommendation for Expulsions	32
EC 48900 (A-1) – SAFETY	34
EC 48900 (A-2) – SAFETY	37
EC 48900 (B) – SAFETY	39





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

EC 48900 (C) – SAFETY	41
EC 48900 (D) – SAFETY	42
EC 48900 (E) – SAFETY	43
EC 48900 (F) – NON-SAFETY	44
EC 48900 (G)--NON-SAFETY	45
EC 48900 (H) & 48901--NON-SAFETY	47
EC 48900 (I)--NON-SAFETY	48
EC 48900 (J) – NON-SAFETY	50
EC 48900 K – NON-SAFETY	51
EC 48900 (L) – Non-Safety	55
EC 48900 (M) – SAFETY	56
EC 48900 (N) – SAFETY	57
EC 48900 (O) SAFETY	58
EC 48900 (P)--SAFETY	59
EC 48900 (Q) – SAFETY- Hazing	60
48900 (R)--SAFETY	62
EC 48900 T – SAFETY- Aiding and Abetting	63
EC 48900.2	64
EC 48900.3 – SAFETY	65
EC 48900.4 – SAFETY- Harassment,Threats, or Intimidation	66
EC 48900.7 – SAFETY- Terrorist Threat	67
LEVEL 1 MEETING CHECKLIST	70
INCIDENT REPORT	74
Discipline Intervention and Action Form – Level 1	76
Student Discipline Low Level Referral Form	79



**Pupil Resources**  
**Secondary Discipline Matrix**

Integrated Positive Behavior Interventions and Support (PBIS) Framework

**2021**

---

<b>Student Discipline Office Referral Form</b>	<b>80</b>
<b>Student Discipline Intervention Feedback Form</b>	<b>81</b>
<b>Student Behavior Monitor</b>	<b>82</b>
<b>Student Discipline Reflection Form</b>	<b>83</b>
<b>Student Behavior Contract</b>	<b>84</b>
<b>Classroom Suspension Form</b>	<b>85</b>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### PUSD's Mission & Vision

#### MISSION STATEMENT

The Pomona Unified School District, in partnership with parents and community, provides a well-rounded, challenging, and quality educational program that develops character and integrity. Students are equipped and empowered through academic opportunities, career and technical experiences, and whole-student supports needed for college and career success. A service culture of operational excellence, collaboration, and continuous improvement empowers all to flourish with trust and pride.

#### VISION STATEMENT

As a world-class educational system, PUSD ensures that every student excels in academic and career pathways that sustain personal growth and contribute to society.

#### CORE VALUES and BEHAVIORAL EXPECTATIONS

The Pomona Unified School District is a world-class educational system committed to:

**Respect**, where all students, parents, staff, and community members are valued partners;

**Relationships**, where genuine and caring connections are built;

**Responsibility**, where everyone is accountable for what they say and do; and

**Results**, which reflects rigorous levels of student achievement.

#### PUSD BEHAVIORAL STATEMENT OF PURPOSE

PUSD's discipline philosophy is to enhance the capacity of our district and schools to provide the most equitable, culturally responsive, and effective multi-tiered behavioral interventions and supports in order to maximize academic and social-emotional achievement that meet the needs of the whole child

#### DISCIPLINE PHILOSOPHY IN PUSD

School discipline should both serve a purpose and remain consistent with the child's right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). This means a school must try less restrictive means of discipline/intervention, before removing a child from academic instruction. Schools must also be especially mindful of a child's disability, and related service needs, in order to develop and implement appropriate behavioral interventions and/or disciplinary measures. This applies to both children with active Individualized Educational Plan (IEP), as well as those suspected of having a disability about which the school district has knowledge. Students with disabilities have special protections provided by their IEP or 504 plans. Discipline must be assessed on a case by case basis, looking specifically at the child and their unique circumstances. A student cannot be removed from their placement (by expulsion or suspension) over 10 days in



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

school year without appropriate changes in their IEP, and the student must continue to receive special education services.

### CONNECTIONS TO PUSD'S STRATEGIC PLAN

**Strategic Priority A:** Increase student success through academic opportunity, emotional support, and

family engagement.

PUSD has been making important academic gains in recent years, leading to several important Bright Spots. Academic Yearly Progress (AYP) was steadily on the rise from 2006 to 2011 in both English Language Arts (ELA) and Mathematics.

Graduation rates have been on the rise over the past five years and are the highest among demographically similar districts. As well, the number of students completing A-G curriculum requirements and the number of Junior and Senior students taking AP exams have risen, with PUSD being comparable to its neighboring districts and superior to demographically similar districts. PUSD is recognized as offering a wide variety of AP courses and committed to fostering a college-going culture that has relationships in place with local institutions of higher education. During the same time period, PUSD's total overall enrollment and enrollment per ethnic subgroup (e.g., African Americans, Asians, etc.) have been steadily decreasing.



PUSD students' future success is of paramount importance and is impacted by interdependent systems that span academic opportunities, emotional supports, and family engagement. The community has voiced a need for greater socio-emotional, health, and academic support for students and families. The strategies recommended below build on existing bright spots by encouraging utilization of community resources and fostering family engagement, expanding support systems that are already in place, creating a synergy between the needs of PUSD and the communities it serves, and capitalizing on a culture that emphasizes success.

#### Focus Areas

Based on needs that emerged from data collection with stakeholder groups and environmental scans, six focus areas were identified to frame next steps related to Student Success: 3. Provide additional supports for all student groups, particularly African American, Hispanic, ELL, Special Education, foster students, and homeless students. 4. Provide socio-emotional support for students and families, especially in regards to bullying, trauma, depression, and physical and mental health.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### Strategies

Strategy 5: Strengthen and expand a multi-tiered system of support (MTSS) for physical and mental health by providing wrap-around services to families

### POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS (PBIS)

In Pomona USD, we believe that all students should have access to high-quality teaching and learning. Part of our teaching mission is to help students learn to work within the structures of the school environment to improve achievement for all. We cannot assume that children already know what appropriate school behavior looks like and sounds like; instead we need to provide explicit modeling, instruction, practice, and reinforcement of our expectations. We increase the probability of students exhibiting positive behaviors when we ensure the following necessary conditions:

- Clearly Established Expectations
- Consistent Routines and Procedures
- Positive Reinforcement
- Leadership and Coaching

Our district-wide overarching goal for PBIS is to create sustainable, culture-driven change with increased academic achievement for students and decreased classroom disruptions at 27 implementing sites of the 41 school sites district-wide. In the past, discipline has focused mainly on reacting to specific student misbehavior through punitive measures, including reprimands, loss of privileges, office referrals, suspensions, and expulsions. Research has shown that punishment, especially when it is used inconsistently, is ineffective. Implementing school-wide PBIS that embeds instruction, modeling, review and reinforcement of positive behavior has shown to impact systemic change through a proactive, preventative, and responsive process. The PBIS Framework, sometimes misconstrued as a program, ensures that all staff are proactive, preventative, and responsive to the tiered behavioral needs of students in an appropriate, culturally relevant and systematic way in order to reduce referrals, increase instructional engagement time, and continue to improve school culture and climate.

In Pomona USD, our Culturally Responsive PBIS journey began in response to our Significant Disproportionality status during the 2014-15 school year. Since then, PBIS has impacted 27 school sites over 4 cohorts. Within the PBIS framework, Culturally Responsive PBIS is focused on shifting school culture by recognizing and celebrating students' differences. Students and staff alike work to create, implement, and monitor school-wide, culturally relevant positive behavioral expectations that are modeled, taught, re-taught, reviewed, and positively reinforced throughout the school day. To continue to support behavior skills and social-emotional learning, PBIS Coaches and PBIS Teams at each site focus on three key implementation strategies: Transforming Mindsets, Using Progress Monitoring Data to Determine Success Indicators, and Building Capacity of Staff.

Our primary objective is to teach behavior and social-emotional learning just as we would any academic subject, as well as impact and influence students positively through relationships so that we can maximize student-achievement. The social skills that we teach all students will prepare our children to be successful employees and citizens. PUSD's proactive, preventative, and systemic approach supports schools in:

- Determining overarching 3-5 school-wide expectations
- Explicitly identifying and teaching behavioral expectations for all school settings





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- Encouraging students to meet the identified expectations through 5:1 and use of the 3 step praise statement
- Intervening with compassion to respond to students who have not yet met the expectations
- Evaluating the effectiveness of the fidelity of implementation based on multiple data sources

### POMONA USD MINOR/MAJOR OFFENSES WITHIN PBIS FRAMEWORK

When a student does not meet the behavioral expectations, he or she may receive an Office Data Referral (ODR) or Low Level Referral (LLR). These form are aligned with PUSD's Discipline Code and divides infractions into MINORS and MAJORS. The ODR is a communication tool between parents, teachers, students, and administration. It is also a way to collect data so that PBIS Teams can take-part in Team Initiated Problem Solving to best meet the needs of students and the school site. Our goal is to teach children expected behaviors, so that all children can work in a school that is safe, engaging, free from distraction, and allows all children to reach their maximum learning potential.



#### Tier One Supports (School-wide):

Tier One Supports are proactive and preventative in nature. Since Tier One (school-wide) supports are built into the structure of the school, all students may benefit from these academic and behavioral supports.

School-wide behavior supports include:  
explicit teaching of expected behaviors  
consistent acknowledgement and correction of student behavior

- data-based decision making active supervision
- safe and welcoming culture

#### Tier Two Supports (Targeted):

Tier Two supports (academic / behavioral) are short-term, scientifically-based interventions which are highly efficient and provide rapid response for students who are not making adequate progress with Tier One supports alone. Targeted behavior supports include:

- targeted skill development
- function-based interventions
- increased support and feedback
- increased progress monitoring







## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

**Tier Three Supports (Individualized):** Tier Three supports (academic/behavioral) are long-term, intensive interventions which focus on individual students. Tier Three Secondary supports are appropriate for students identified, through the systematic review of data, as unable to make adequate progress with Tier One and Two supports alone. Tier Three supports may or may not include special education identification and placement.

### MULTI-TIERED BRAIDED INITIATIVES IN PUSD

Elements for Student Success	Practices and Procedures	Progress Monitoring and Data Analysis	Tier One: Universal (80%-95%)	Tier Two: Targeted (5-15%)	Tier Three: Individualized (1-5%)
Effective Classroom Instruction	CA Standards for the Teaching Profession	-Teacher Evaluation -Administrator Observation -Classroom Walkthroughs	-Feedback on evaluations -District and Site Professional Learning -Collaborative Site Teams -Use of Data to Drive Decision-Making -Response to Instruction and Intervention -Professional Goals	-Administrative Feedback on evaluations -District and Site Mandated Professional Learning -Coaching on Observations -Induction Support -PAR Support	-Administrative Feedback on evaluations -District and Site Mandated Professional Learning -Coaching on Observations -Modeling and Coaching on Expected Changes -PAR Support -Improvement Plan
Academic Progress for All Students	California State Standards  Pacing  Standards for School Counselors  ELD Standards  District Adopted Curriculum	-Universal Screener Data -Progress Monitoring Data -Formative Assessments -District Interim Assessments -ELPAC -CAASPP -SST/504 Goals -IEP Goals -Classroom Walkthroughs	-District and Site Professional Learning -Core Curriculum -Feedback -Co-planning and collaboration (PLCs) -Differentiated Instruction: Scaffolding, Learning Communities, Culturally Responsive Instruction, Universal Design for Learning -Response to Instruction and Intervention -Opportunities to Respond -Engaging Instruction	-Targeted Professional Learning -Universal Access -Co-Planning and Collaboration (PLCs) -Differentiated Learning -Extended Learning Time -Literacy Interventions -Math Interventions -Programs: AVID, GATE, ELD, Cal Safe, AP -Targeted Support Classes -Alternative Education -Strategic Classes -Structured Grouping -RSP Services -SST	-Individualized Professional Learning -Universal Access -Differentiated Learning -Extended Learning Time -Literacy Interventions -Math Interventions -Programs: AVID, GATE, ELD, Cal Safe, AP -Targeted Support Classes -Alternative Education -Strategic Classes -Structured Grouping -Inclusion/Co-Teaching -Intensive Special Education Services
Positive Behavior Interventions and Supports (PBIS)	Positive Behavior Interventions and Supports Framework  Standards for School Counselors  CA Education Code	-Universal Screener Data -Zangle Behavior Data -School Wide Information -System (SWIS) Data -Suspension Data -Tiered Fidelity Inventory (TFI) -Self-Assessment Survey (SAS) -School Climate Survey -SST, 504, IEP Goals -School-wide Walkthroughs	-PBIS Team Training and Coaching -Ongoing Universal Professional Learning -School-wide Expectations and Defined Behaviors Explicitly Taught -Active Supervision and Monitoring -Pre-corrections and Re-directions -Cue, Prompt, Remind -5:1 and 3 step praise statement -School-wide Reinforcement System -Continuum of Interventions and Consequences for Minor and Major Behaviors -Engaging Instruction -Positive Class Environment -Family and Community Partnerships	-PBIS Tier 2 Team Training and Coaching -Targeted Professional Learning -Counseling -Small Group Intervention -Restorative Practices -Targeted Skill Development -Functional Behavior Assessment -Behavior Intervention Plan -Behavior Contracts -Check-In, Check Out -Alternative Education -Expect Respect -Parent/Guardian Involvement -Mental Health Supports and Services	-PBIS Tier 3 Team Training and Coaching -Individualized Professional Learning -Counseling -Functional Behavior Assessment -Behavior Intervention Plan -Case Management -Parent/Guardian Involvement -Mental Health Supports and Services -Intensive Services and/or Placement -Non-Public School Placement -Multi-Agency Involvement -Functional Analysis Assessment



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

				-SST	
Attendance	CA Education Code	-Systemic data entry and review of attendance -SART/SARB	-Parent/Guardian Contact -School-wide Policy -School-wide Incentive Program -Guidance Curriculum	-Parent-Guardian Involvement -Check-In, Check Out -Small Group Intervention -Student Attendance Review Team (SART) -Alternative Education	-Parent-Guardian Participation -Student Attendance Review Board (SARB) -Multi-Agency Involvement -Referral to District Attorney

### Minor Offenses and Interventions

MINOR OFFENSES	INTERVENTIONS
<b>Disrespect, Defiance &amp; Non-Compliance:</b> Failure to respond to adult requests and / or directives.	<b>Clearly define / post</b> the behavioral expectations. <b>Implement procedures</b> for all class routines - entering the room, handing in assignments, sharpening the pencil, welcoming a guest, etc.
<b>Disruption:</b> Interruption to the classroom / learning environment.	<b>TEACH and ROLE-PLAY</b> the behavioral expectations, classroom procedures, use of materials, etc. Demonstrate what the expected behavior "looks like" (positive example) as well as what it "does not look like" (non-example).
<b>Property Misuse:</b> Low level misuse / damage of school property.	<b>Pre-correct</b> -Prior to directing students to perform a task, provide a description of what the expected behavior will look like. "Lunch will be in two minutes. At that time, everyone will put away all materials, push in chairs and line up."
<b>Dress Code:</b> Failure to comply to dress code standards.	<b>Cue / Prompt / Remind</b> - Provide a pre-arranged / previously taught cue to remind specific students to engage in the appropriate behavior.
<b>Physical Contact:</b> Inappropriate touching — horseplay, "friendly touching," etc.	<b>Acknowledge students</b> who appropriately demonstrate the expected behavior.
<b>Inappropriate Language:</b> Language which is inappropriate yet not used in an abusive / threatening manner.	<b>Specifically explain</b> HOW the behavior did not meet the stated / taught expectation. "It is disrespectful to other students when you ____"
<b>Tardy:</b> Failure to be in a designated place at the designated time.	<b>Provide a warning</b> - "Respect a school rule. All students are expected to talk respectfully to staff and students here at ABC School. This is your official warning."
<b>Lying:</b> Stating / repeating statements that are untrue.	<b>Check for student understanding of the behavioral expectations</b> - "Please summarize what we discussed so I ensure there is no confusion."
<b>Cheating:</b> Presenting the work of others as one's own.	<b>Evaluate the student's skill repertoire.</b> Determining if the student is capable of demonstrating the behavioral expectation. Evaluate behavior & academic domains.
<b>Out of Bounds:</b> Loitering or participating in activities outside designated areas.	<b>Determine the FUNCTION</b> of the misbehavior. All behaviors serve a purpose (function). Determine what the student is <i>gaining</i> or <i>avoiding</i> by misbehaving?
<b>Trash / Littering:</b> Discarding of items or dumping of trash in any location other than a trash can.	<b>Provide a structured choice</b> - clearly offer a choice between two alternatives and state the consequence for each. "You can work quietly on your assignment now and leave with the class or work with me during lunch."
<b>Refusal to Dress: PE</b> Failure to bring / dress in proper PE attire.	<b>Evaluate ENVIRONMENTAL factors</b> within the classroom, school, or home which may be contributing to the misbehavior: Space, Time, Materials, Interactions. <b>Collaborate with colleagues</b> to identify behavior patterns and trends (class to class, year to year, etc.). <b>Use a variety of consequences:</b> Positive Reinforcement, Negative Reinforcement, Penalties and Punishments. Remember, punishment is the least



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

<p><b>Repeated Ed Code Violations (48900 K):</b> In order for disruptive and defiant behaviors to reach the level of Education Code Violation 48900 K, clear documentation of the student’s behavior pattern, as well as site interventions to correct the behavior, must be established</p>	<p>effective consequence for students with antisocial behaviors.</p> <p><b>Evaluate the effectiveness of consequences.</b> Ineffective consequences must be analyzed and modified. Seek assistance for “out of the box” ideas.</p> <p><b>Involve a problem-solving team</b> (grade, team, family, SST, 504, IEP).</p>
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**MINOR OFFENSES AND MAJOR INFRACTIONS**

<p><b>Minor Offenses</b> Minor Offenses are misbehaviors managed “on the spot” (classroom, common areas, etc.). Interventions used to address and correct minor offenses are documented in Q.</p>	<p><b>Major Infractions:</b> Major Infractions are violations of the Education Code which require the immediate attention of administrative staff. The interventions used to address and correct major infractions are documented in Q.</p>
<ul style="list-style-type: none"> <li>• <b>Disruption</b> <ul style="list-style-type: none"> <li>• Defiance</li> <li>• Non-compliance</li> <li>• Property misuse</li> <li>• Dress code</li> <li>• Mild physical contact</li> <li>• Inappropriate language</li> <li>• Tardy</li> <li>• Lying</li> <li>• Cheating</li> <li>• Out of bounds</li> <li>• Trash / littering</li> <li>• Refusal to dress: PE</li> <li>• Disrespect</li> <li>• Unsafe play</li> <li>• Horseplay</li> <li>• Teasing</li> <li>• Taunting</li> <li>• Technology Violation</li> <li>• Inappropriate Display of Affection</li> <li>• Inappropriately Throwing Objects</li> </ul> </li> </ul>	<p><b>Safety (High Level) EC 48915:</b> A1, A2, A3, A4, A5, C1, C2, C3, C4, C5</p> <p><b>Safety EC 48900:</b></p> <ul style="list-style-type: none"> <li>• A &amp; A-2 —fight (see also above, EC 48915)</li> <li>• B — weapon</li> <li>• C — controlled substance, under influence (see also EC 48915)</li> <li>• D — controlled substance, sale</li> <li>• E — robbery / extortion</li> <li>• M — imitation firearm</li> <li>• N — sexual assault</li> <li>• O — harass / threaten / intimidate witness</li> <li>• P1 — sexual harassment (see also below — P.2, Non-Safety)</li> <li>• Q — hate violence</li> <li>• R — harass / threaten / intimidate individual, groups or staff</li> <li>• S — terrorist threat</li> <li>• T — soma /aiding/abetting</li> <li>• U — aid / abet physical injury</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

<ul style="list-style-type: none"> <li>• Inappropriate Touching</li> <li>• Inappropriate location</li> </ul>	<ul style="list-style-type: none"> <li>• V — hazing</li> <li>• X, X1, X2, X3 — bullying (cyber, sexual orientation, race/ ethnicity, physical/mental disability)</li> </ul> <p>Non-Safety EC 48900:</p> <ul style="list-style-type: none"> <li>• F — damaged property</li> <li>• G — stole</li> <li>• H — tobacco</li> <li>• I — obscene acts / vulgarity</li> <li>• J — drug paraphernalia — sale</li> <li>• K — disruption / defiance</li> <li>• L — received stolen property</li> <li>• P2 — sexual harassment (see also above — P.1, Safety)</li> </ul>
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### DEFINITIONS OF COMMON MISBEHAVIORS

As defined in Federal codes and State Education codes, and as used as Administrative and Board policies by the Pomona Unified School District Board of Education:

Absence (Unexcused) and Truancy -Any absence which has not been both excused by a parent / caregiver or legal guardian and approved by the appropriate school official.

- **Aiding or abetting** - Assisting, encouraging, supporting others in the act of inflicting injury to another person.
- **Arson** -Starting or setting a fire on school campus.
- **Battery on a Staff Member** - Aggressive physical contact with an employee of the school district.
- **Bullying, Cyberbullying & Harassment** - Knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and involves an imbalance of real or perceived power among those involved. This includes cyberbullying which is the use of information technology (e.g. cell phones, instant messaging, e-mail, social networking sites) to harass, threaten or intimidate someone.
- **Bus Conduct** - Students who ride school buses are expected to adhere to the same rules of conduct and behavior on the school bus as in school. Engages in misconduct, disrupts school bus travel, disrespects the school bus driver or jeopardizes the safety of school bus rides.
- **Cheating** - Dishonesty on a test or school related assignment.
- **Defiance of School Personnel's Authority** -Refusal to comply with reasonable requests of school personnel.
- **Destruction or Defacement of Property** - Destroying or mutilating property or materials belonging to the school, school personnel or other persons.
- **Disorderly Conduct, Including Profanity And Obscene Behavior** - Conduct and/or behavior that is



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

disruptive to the orderly educational procedure of the school.

- **Drug/Alcohol/Paraphernalia** - The use, possession or sale of a controlled substance, or otherwise furnish to another person, a controlled substance or alcoholic beverage, or the selling of other substances or materials and representing such substances or material as a controlled substance or alcoholic beverage.
- **Explosive Devices** - The use, possession, or sale of explosive devices.
- **Extortion/Robbery** - The solicitation of money, or something of value, from another person, in return for protection, or in connection with a threat to inflict harm.
- **False Fire Alarm** - Deliberately pulling or setting off school fire alarm.
- **Fighting/Mutual Combat** - Engaging in or threatening an act which causes or might cause harm to another person; mutual combat between two people.
- **Fighting/Assault** - Willfully using force or violence upon another except in self-defense. Forgery - Writing and using the signature or initials of another person.
- **Gambling** - Participating in games of chance for the purpose of exchanging money or something of value.

### DEFINITIONS OF COMMON MISBEHAVIORS (cont.)

- **Gang Behavior/Attire** - Engaging in behavior (writings, hand signals, intimidation, "stare down", etc.) or wearing attire (caps, shirts, "rags") or symbols (notebooks, tattoos, etc.) that signify gang affiliation or membership.
- **Hate Crimes** - Actions committed because of the victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation.
- **Hazing** - Any method of initiation into a student organization or group that causes or may cause physical harm or personal degradation or disgrace resulting in physical or mental harm to a student.
- **Off Campus Without A Pass** - Leaving campus without proper authorization.
- **Parking Violations** - Parking in an unauthorized area on the school grounds.
- **Profanity/Obscene Acts** - Vulgarity or acts which are considered obscene.
- **Reckless Driving On/Around Campus** - Excessive speed or careless driving.
- **Sexual Assault** - Committed or attempted to commit an act of sexual battery, rape, statutory rape, lewd and lascivious conduct, molestation, etc.
- **Sexual Harassment** - Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. Other types of conduct prohibited in the district and which may constitute sexual harassment include (EC 212.5):
  - Unwelcomed leering, sexual flirtations or propositions.
  - Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
  - Graphic verbal comments about an individual's body, or overly personal conversation.





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- Sexual jokes, stories, drawings, pictures or gestures.
- Spreading sexual rumors.
- Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
- Touching an individual's body or clothes in a sexual way.
- Purposefully limiting a student's access to educational tools.
- Displaying sexually suggestive objects in the educational environment.
- Continuing to express sexual interest after being informed that the interest is unwelcomed.
- Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.
- **Smoking/Tobacco/Possession** - The possession or use of tobacco or nicotine products on school property.
- **Tardiness** - Arriving late to school or class.
- **Theft/Possession of Stolen Property** - Taking or attempting to take property that does not belong to you, or knowingly being in possession of stolen property.
- **Weapons/Injurious Objects** - The possession, use or sale of any object that might be used to inflict bodily injury to another person.

### UNDERSTANDING THE FUNCTION OF THE BEHAVIOR

#### What is the function of behavior?

The function of behavior is the reason people behave in a certain way. People engage in millions of different behaviors each day, but the reasons for doing these different behaviors fall into four main categories.

#### The four main functions that maintain behaviors are:

1. **Escape/Avoidance:** The individual behaves in order to get out of doing something he/she does not want to do.
2. **Attention Seeking:** The individual behaves to get focused attention from parents, teachers, siblings, peers, or other people that are around them.





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

3. Access to Materials: The individual behaves in order to get a preferred item or participate in an enjoyable activity.
4. Sensory Stimulation: The individual behaves in a specific way because it feels good to them.

Once you have identified what function or functions are maintaining the behavior, you can start to implement an intervention that will help decrease the problem behavior and increase more appropriate behaviors.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### Menu of Interventions for Minor Offenses (Classroom Managed Misbehaviors)

Clearly define / post the behavioral expectations. Implement procedures for all class routines – entering the room, handing in assignments, sharpening the pencil, welcoming a guest, etc.

- **TEACH and ROLE-PLAY** the behavioral expectations, classroom procedures, use of materials, etc. Demonstrate what the expected behavior “looks like” (positive example) as well as what it “does not look like” (non-example).
- **Pre-correct** – Prior to directing students to perform a task, provide a description of what the expected behavior will look like. “In two minutes we will break for lunch. I expect everyone to put their materials away, push in all chairs and quietly line up for lunch.”
- **Cue / Prompt / Remind** – Provide a pre-arranged / previously taught cue to remind specific students to engage in the appropriate behavior.
- **Acknowledge students** who are appropriately demonstrating the expected behavior.
- **Specifically explain** HOW the behavior did not meet the stated / taught expectation. “It is disrespectful to other students when you \_\_\_\_\_.”
- **Provide a warning** – “Respect is one of our school rules. All students are expected to talk respectfully to all adults and students here at ABC School. This is an official warning.”
- **Check for student understanding of the behavioral expectations** --“Please summarize for me what we have discussed so I am sure there is no confusion” (written or verbal).
- **Evaluate the student’s skill repertoire** – Determine if the student is capable of demonstrating the behavioral expectation. Make sure to evaluate both behavior and academic domains.
- **Determine the FUNCTION of the misbehavior** All misbehaviors serve a purpose (function). Determine what the student is gaining or avoiding by engaging in the misbehavior.
- **Provide a structured choice** – clearly offer a choice between two alternatives and state the consequence for each. “You can work quietly on your assignment now and leave with the class or work with me during lunch.”
- **Evaluate ENVIRONMENTAL** factors within the classroom which may be contributing to the misbehavior: Space, Time, Materials, Interactions (peers, adults).
- **Collaborate with colleagues** to identify behavior patterns and trends (class to class, year to year, etc.).
- **Use a variety of consequence** – Positive Reinforcement, Negative Reinforcement, Penalties and Punishments. Remember, punishment is the least effective consequence for students with antisocial behaviors.
- **Evaluate** the effectiveness of consequences.
- **Ineffective consequences** must be analyzed and modified.
- **Seek assistance** for “out of the box” ideas.
- **Document interventions** with a Low Level Referral (LLR)
- **Involve a problem-solving team** (grade, team, family, SST, 504, IEP)



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### CHRONIC MISBEHAVIORS: QUESTIONS TO CONSIDER

- Is the student consistently receiving Tier One (school-wide) behavior supports?
- Does the student possess the skills necessary to:
  - √ appropriately resolve conflicts with peers and/or adults?
  - √ successfully complete academic requirements?
  - √ resist peer recruitment (gangs, drugs, hazing, etc.)

If no, what targeted skill development is necessary?

- What INTERVENTIONS, as opposed to punishments, have been implemented?
- What ENVIRONMENTAL FACTORS\* (triggers) at school are contributing to the misbehavior?
- What is missing or present in the environment which supports the continued use of the misbehavior?
- What FUNCTION\* does the misbehavior serve? What is gained or avoided by engaging in the misbehavior?
- Has the student been seen by the school counselor/s
- Has the student been provided targeted skill development? i.e., anger management, conflict resolution
- Has the student been seen by a private agency?
- Has the student been paired with an adult mentor to help build positive school relationships?
- Does the student have a Behavior Support Contract?
- Has the student been referred to the Student Success Team (SST)?
- Has the student been diagnosed with a medical / psychiatric condition which requires medication?

**REMINDER:** Punishments are one of the **LEAST EFFECTIVE** responses to students who demonstrate a pattern of antisocial behavior. Students with chronic behavior concerns, will require interventions which are thoughtfully constructed and routinely evaluated for effectiveness.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### CONDUCTING A THOROUGH INVESTIGATION POINTS TO CONSIDER

**California Education Code**, in response to *Goss vs. Lopez*, requires the Governing Board of a school district to establish strict procedures and protocols regarding the suspension and expulsion of students. According to Ed. Code, any decision to suspend or expel a pupil must be based upon “substantial evidence” which follows a thorough investigation by school officials.

**Substantial Evidence** is a legal term which requires evidence to be: 1) reasonable in nature, 2) credible, and of 3) solid value. When conducting an investigation for the purpose of suspension or expulsion, administrators must ensure they gather evidence which would be considered “substantial” by a group of “reasonable people.”

The following types of evidence may be used alone, or in any combination, to establish “substantial evidence” so long as it is of the quality and credibility to prove the allegation.

- 1) **Direct Evidence (legal definition):** Evidence which directly/conclusively proves a fact without inference or presumption (credible eyewitness testimony, sworn written student admission, video).
- 2) **Circumstantial Evidence:** Evidence which requires an inference or presumption of fact (a weapon found on the scene, controlled substance found on the scene).

Prior to suspending or recommending a student for expulsion, administrators must conduct a thorough investigation following all due process requirements. Suspensions and expulsion recommendations which do not follow a thorough investigation may be reversed (i.e., suspension expunged, expulsion recommendation terminated and student returned to the recommending site).

#### Procedures for Gathering Evidence:

1. **Disciplinary notes must:**
  - √ clearly document incident: brief, easily understood, chronological order, accurate portrayal
  - √ exact time/date of incident
  - √ name of person(s) present or involved in any degree: adult witnesses, student witnesses and potential suspects
  - √ location of incident
2. **Witnesses statements must:**
  - √ be collected from all witnesses
  - √ be conducted at the time of the incident -- if circumstances prohibit interviewing witnesses at the time, interviews must be conducted as soon as possible
  - √ be in original handwriting
  - √ be specific and as detailed as possible
  - √ be reviewed for clarity
  - √ include date/location where written
  - √ contain all names of accused or victims
3. **Administrator statements must be accurate and factually based**
4. **Submitted evidence must clearly relate to the alleged violation (photographs, maps, diagrams, etc.)**
5. **Conclusions must be based on facts (premature or personal opinions cannot be considered)**
6. **Appropriate Education Code violation must be determined once all facts are gathered (refer to the Progressive Discipline Matrix to determine if the violation requires a suspension or recommendation for expulsion)**
7. **Written documentation of findings must be included in the discipline file for all suspensions (see Appendix: Suspension Justification form)**

School officials have a responsibility to conduct thorough investigations and respond immediately to Ed. Code violations. The Progressive Discipline Matrix is a district-wide document created to assist site administrators in the consistent:

1. application of administrative action(s)



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

2. provision of student intervention(s)

### UNIQUE BUS VIOLATIONS & DISCIPLINE: for all other behaviors follow progressive discipline

PUSD recognizes that students who regularly ride the school bus may present disciplinary problems. EC 44807 states, "public schools shall hold pupils to a strict account for their conduct on the way to and from school," and EC 48900 provides school districts the authority to discipline students going to/from school. Consequently, students who exhibit adverse behavior while being transported via school bus, are subject to the disciplinary actions outlined in the *Progressive Discipline Matrix (PDM)*, and Board Policy (BP): Bus Conduct 5131.1.

The principal/designee is responsible for ensuring all rules, procedures, policies, and EC requirements are enforced. It is the responsibility of the Transportation Department to notify appropriate administrative staff of all disciplinary concerns. It is the responsibility of site administration to follow the guidelines outlined in the *PDM* to address the student's bus conduct. All suspensions/disciplinary actions must be entered into Zangle (Q).

The following is a list of transportation behaviors as they relate to the PDM. All other disciplinary issues are addressed within the *PDM*.

Offense	Definition	Administrative Action
Body Parts Exposed from Window	Exposing arms or other body parts through bus windows	BP 5131.1, General: EC 48900 K, Body part exposed: EC 48900 I, if applicable
Boisterous or Loud	Talking and/or yelling loudly, refusing to maintain quiet while on board the bus	BP 5131.1, General: EC 48900 K, Obscenity/ Vulgarity: EC 48900 I, if applicable
Bus Pass	A) MS/HS: Failure to provide a valid bus pass or producing a fraudulent pass B) Issuing one's bus pass to another student for the purpose of boarding	BP 5131.1
Cell Phones and/or Electronic Devices	Using a cell phone or electronic device while on the bus	BP 5131.1
Eating and/or Drinking	Eating or drinking while on board the bus	BP 5131.1
Emergency Exits	Tampering with an Emergency Exit	BP 5131.1, Stationary: EC 48900 K, Moving: EC 48900 B
Harassment	Intentionally harassing, threatening, or intimidating other students, driver, or attendant	BP 5131.1, Grades 4-12: EC48900.4, EC 48900 R
Lighter/Matches	Lighting a cigarette lighter or striking a match	BP 5131.1, EC 48900 B
Seating	A) Refusing to remain seated, changing seats, climbing over or under seats B) Refusing to share a seat with other students.	BP 5131.1, EC 48900 K
Sexual Harassment	Education Code 48900.2	BP 5131.1(Grades 4-12) EC212.5: EC 48900 P1, OR Verbal Harassment: EC 48900 P2
Throwing Objects	Throwing objects in or out of the bus	BP 51.31.1, EC 48900 B



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

Unauthorized Exits	Climbing through windows or exiting the Emergency Exit without authorization	BP 51.31.1, EC 48900 K
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## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### Special Education Guidelines:

The following must be submitted in order to substantiate an expulsion recommendation:

- Students receiving Special Education services are entitled to a Manifestation Determination Meeting during Pre-Expulsion IEP under law. This meeting is to be conducted within 10 days after the recommendation for expulsion.
- The Pre-Expulsion IEP Team has the right to stop all expulsion proceedings if they find the misconduct was a manifestation of the student's disability.
- Students who fall under the 504 educational umbrella have the right to have a Pre-Expulsion 504 Meeting prior to a recommendation for expulsion. The district 504 coordinator should conduct this meeting on-site.
- Parents must be told of the date and time of the Pre-Expulsion IEP / 504 Meeting. Their presence, although needed, is not mandatory for the Manifestation Determination IEP / 504 Meeting to proceed on the scheduled date and time.

***Call the District's Special Education or 504 Office for direction.***



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### QUICK GUIDE TO SUSPENSIONS/EXPULSIONS:

#### Detention/Saturday School

Detention/ Saturday School are less restrictive forms of school discipline than suspension or expulsion that a school may use when a student violates the education code. Another example of an acceptable form of less restrictive discipline is a referral to School Mental Health Services to discuss the situation and more appropriate behaviors. The school must be careful not to deprive the child of academic or other protected social interactions when they choose to discipline by detention. A student may not be required to stay in school during the lunch break or during any recess for detention. However, students may have these breaks at a different time from the rest of the student population while serving their discipline. A student cannot be held in school for discipline or any other reason for more than one hour after school. It is also important to note that we **cannot** discipline a student for the behaviors of others. The purpose to discipline a student is to attempt a process to correct the behavior.

#### What is a suspension?

Suspension is a form of school discipline where the student is temporarily removed from school or classroom. This action is a result of offenses committed by the student that violates Education Code Sections 48900 (a)-(q), 48900.2-4, or 48900.7. Suspension is not to be used in response to truancy, tardiness or absence. Remember, the school must attempt a less restrictive means of discipline and intervention before suspension or expulsion, such as detention, counseling, or anger management (AB 1729). **Sending a student home as "SENT HOME" for disciplinary reasons is considered a suspension.**

The act for which a student is suspended must be related to school activity or school attendance while:

1. On school grounds
2. Going or coming from school
3. During a lunch period (both on or off campus)
4. Going to, during, or coming from a school sponsored activity (i.e. fieldtrip)

**Furthermore, suspension can only be imposed when all other means of correction fail to bring about proper conduct, or if the student presents a danger to people and property (AB 1729).**

#### For how long can a student be suspended?

A suspension cannot be longer than 5 consecutive school days, and this can only be extended by the Director of Pupil Resources in a Level 1 meeting as part of the expulsion process. In a given academic year, students cannot be suspended for more than 20 school days, unless they have transferred. In these



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

cases it may be up to 30 days.

### **Does the school have to suspend the student?**

No. The principal has the discretion to provide alternatives to suspension such as a referral to School Mental Health Services , counseling, or community service on school grounds or, with written permission of the parent or guardian off the pupil, off school grounds, during the pupil's non-school hours (EC§ 48900.6).

### **What types of suspension are there?**

1. The student is prohibited from school grounds for a given duration of time up to 5 consecutive days unless extended by the Director of Pupil Resources.
2. The student is placed in a supervised suspension classroom (ISS) away from other students, as long as the student poses no threat to his/ her peers.
3. The student is suspended from a particular teacher's classroom for the day of the suspension and the following day ([EC§ 48910](#))

**Please note that under ([EC§ 48900.5](#)) Suspension including supervised suspension shall be imposed only when other means of correction fail to bring about proper conduct.**

### **What rights do students and parents have in the suspension process?**

Prior to suspension the child has a right to an informal conference with the principal or designee. This is an opportunity for the student to be heard and present evidence. The exception to this is when the student presents a clear danger. When this is the situation, the student must be given notice of their right to a hearing and the school must hold the hearing meeting within 2 school days. The school must make a reasonable attempt to contact the parent at the time of the student's suspension, and the school must provide a written notice of the action to the parent.

### **Do parents have a right to appeal a suspension?**

The Education Code is silent on the right to appeal a suspension. However, Pomona USD has their specific suspension and appellate procedures. Please see below the procedure to Challenge a Suspension EC§ 49070.

### **What is an expulsion?**

An expulsion is commonly defined as an action taken for severe or prolonged breaches of discipline or



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

for single acts of grave nature. In most cases it is considered as the last resort

### What are the Grounds for Recommendation/Expulsion?

There are three levels to consider when a school must recommend the expulsion of a student. They are broken into three categories: <https://www.cde.ca.gov/ls/ss/se/expulsionrecomm.asp>

1. Mandatory Recommendation and Expulsion [EC§ 48915\(c\)](#)
2. Mandatory Recommendation for Expulsion [EC§ 48915 \(a\)](#)
3. Permissive Expulsion, Supplemental Findings Required [EC§ 48915\(b\)](#) and (e)

### What is a Level 1 (Pre- Expulsion) meeting?

A Level 1 meeting is a meeting between the family, the school, and the Director of Pupil Resources to determine if the facts and findings warrant an expulsion hearing. In this meeting information will be provided to the family of their rights and procedures pertaining to their case. In addition, the following recommendations can be made to address the discipline in question: Stipulated Expulsion Agreement, Voluntary Transfer, and or provided a Discipline/Intervention Plan.

### Can a student with an IEP or 504 be expelled?

Yes. However a manifestation determination meeting must take place if the student's misconduct is not a manifestation of the student's disability, then the student may be disciplined the same as a student without a disability. But if expelled, the student is still entitled to receive a free appropriate public education that supports his/her IEP.

### Can a student (foster youth) be expelled?

Yes. However AB 1909 requires the school site notify the foster child's attorney, Ed Rights holder, and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the foster child is an individual with exceptional needs, pending manifestation determinations, as specified.

### Can students with disabilities be removed from school for possession of a dangerous weapon, possession, sale, or use of illegal drugs, or assault that resulted in bodily injury?

Yes. Such students may be removed from school in several ways: (1) a 45-calendar-day interim alternative educational placement; (2) a court injunction; (3) a long-term suspension or expulsion if the student's conduct is determined to be unrelated to the student's disability; or (4) a 45-calendar-day interim alternative educational placement following a decision by a formal due process hearing that the student



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

is dangerous. (The 45-day interim placement also can be renewed through additional due process hearings if the student is deemed to be dangerous.)

### What is an expulsion hearing?

An expulsion hearing is a part of the expulsion process that determines if the student should be expelled. In the expulsion hearing panel the recommendation to expel (expel, expel in abeyance) is made to The Board of Education. The Board of Education makes the final decision.

### What are parent's rights before an expulsion hearing?

If the child is recommended for expulsion, the (parent or educational rights holder) have the right to attend an expulsion hearing. It is their right to have an advocate or attorney present at this hearing, if they wish. In addition, the school district

(Department of Pupil Resources) must provide a 10 day written notice of the date, time, and location of the hearing, the parent rights in the process, and specific facts regarding the incident. In most cases this information will be provided to the families in a Level 1 meeting.

In addition,

1. The parent or educational rights holder have the right to postpone the hearing for 30 calendar days.
2. The school must provide a statement of facts upon which the charges are based and a copy of the district's disciplinary rules relating to the violation.
3. The school district (Pupil Resources) must provide the parent or educational rights holder notice of the right to representation, to inspect all documents, call witnesses, and present evidence.
4. The parent or educational rights holder have a pre-hearing right (Level 1 meeting) to a copy of the documents and exhibits that will be used.
5. The parent or educational rights holder also have the right to request and receive documents in their primary language.
6. The parent or educational rights holder will have an interpreter present at the hearing if needed.

### What can we expect at an expulsion hearing?

The hearing panel consist of three independent individuals along selected to serve the expulsion process. This hearing must be set *within 30 days* of the original date of suspension. The Director of Pupil Resources will serve as a chair for this panel however; The Director of Pupil Resources **cannot** determine the outcome of the process due to prior knowledge of the case from the Level 1 meeting.

- The hearing will be recorded should there be an appeal to Los Angeles County Office of Education (LACOE)
- The school representative, parent or educational rights holder may present evidence and call witnesses, including evidence of child's good behavior, academic success, community involvement



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

and leadership.

**In order to expel, the School Board must have evidence and make specific findings of act that:**

1. There is substantial evidence that the student violated the indicated Education Code sections and the violation is connected to school attendance or school activities; for example, by committing the offense during school hours or on school property
2. Other means of correction (discipline) are not feasible or have been tried and have repeatedly failed.
3. The Board must also make secondary findings of fact that: Due to the nature of the act, the student's presence in school is a threat to the physical safety of others.

**The following Big 5 offenses are mandatory expulsions should there is substantial evidence that the student committed:**

- a. Possessing, selling, or otherwise furnished a firearm
- b. Brandishing a knife
- c. Unlawfully selling a controlled substance
- d. Committing or attempting to commit a sexual assault or sexual battery
- e. Possession of an explosive

### **Suspended Enforcement of and Expulsion Order (Expel in Abeyance)**

#### [EC§ 48917](#)

The governing board may suspend the enforcement (expel in abeyance) of an expulsion (even if the expulsion is based on a Big 5 offense) for a period of not more than one calendar year. The Board may, as a condition of the suspension of enforcement, assign the student to a school class or program that is appropriate for the rehabilitation of the student. During the period of suspension of enforcement, the student is on probationary status. The governing board may revoke the suspension of the expulsion order if the student commits any of the acts under EC§ 48900 or violates any of the district's rules and regulations governing student conduct. Specific terms of the suspended expulsion should be spelled out in the expulsion order and must be reasonable.

### **When will we find out the School Board decision?**

The School Board must make their decision within 40 days after the original suspension and within 10 school days of the hearing. If the Board decides to expel the student and the family does not agree with the findings, the parent or educational rights holder have the right to appeal the decision. (EC§ 48919). This appeal must be submitted to the County Board of Education within 30 days of the vote to expel.





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### INVOLUNTARY TRANSFERS

#### EC§ 48432.5

A student can be involuntarily transferred to a community day school or a continuation school. They are allowed when the student is expelled, on an expulsion process, referred by probation, or referred by a School Attendance Review Team (SARB), Hearing Panel, or Hearing Officer

**How do we determine if the student will be transferred involuntarily? Who determines the transfer? What is the duration of the transfer?**

#### Grounds

A decision to transfer the student involuntarily shall be based on a finding that the student (a) committed an act enumerated in EC§ 48900, (Hearing Panel) or (b) has been habitually truant or irregular in legally required school attendance. (SARB *cf.* 5113 – *Absences and Excuses*)

#### Limitation

Involuntary transfer to a continuation school or Community Day School (CDS) shall be made only when other means fail to bring about proper conduct. However, a student may be involuntarily transferred the first time he/she commits an act enumerated in EC§ 48900 if the district determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process (EC§ 48432.5).

#### Duration

The duration of the involuntarily transfer must end at the end of the semester following the semester during which the acts that led to the involuntary transfer occurred.

### GROUNDS FOR EXPULSION

#### Mandatory Recommendation and Expulsion - EC§ 48915 (c)

The principal or superintendent is required to immediately suspend and recommend for expulsion students determined to have committed any of the following acts:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or sexual battery.
5. Possession of an explosive.

The district's board of education is required to order the student expelled upon finding the student committed any of the above

acts. [EC§ 48915 (d)]

#### Mandatory Recommendation/or Expulsion -EC§ 48915 (a)

The principal or superintendent is required to recommend the expulsion of a student for any of the following acts, unless the principal or superintendent finds that expulsion is inappropriate due to the particular circumstance:

1. Causing serious injury to another person, except in self-defense.
2. Possession of any knife, or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance.
4. Robbery or extortion.
5. Assault or battery upon any school employee.

#### Permissive Expulsion, Supplemental Findings Required - EC§ 48915(b) and (e)

Except for the EC 48915(c) violations, as listed above, the district's board of education may order a student expelled upon a finding that the student committed a violation of EC 48900 *et seq.* and meets one or both of the following supplemental findings:

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
2. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or other
3. safety of the student or other



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### Expulsion Matrix

	Mandatory Recommendation and Mandatory Expulsion	Mandatory Recommendation and Permissive Expulsion	Permissive Recommendation and Permissive Expulsion	Permissive Recommendation and Permissive Expulsion
<b>EDUCATION CODE</b>	<a href="#">48915(c)</a>	<a href="#">48915(a)</a>	<a href="#">48900.7</a>	<a href="#">48915(e)</a> , <a href="#">48900.2</a> , <a href="#">48900.3</a> ; <a href="#">48900.4</a>
<b>LEVEL OF PROOF</b>	<ol style="list-style-type: none"> <li>1. Student committed the offense</li> </ol>	<ol style="list-style-type: none"> <li>1. Student committed the offense</li> <li>2. Other means of correction are not feasible or have repeatedly failed and/or</li> <li>3. Continuing danger to the physical safety of the pupil or others. i.e., police citation/arrest</li> </ol>	<ol style="list-style-type: none"> <li>1. Student committed the offense</li> <li>2. Continuing danger to the physical safety of the pupil or others. i.e., police citation/arrest</li> </ol>	<ol style="list-style-type: none"> <li>1. Student committed the offense</li> <li>2. Other means of correction are not feasible or have repeatedly failed or</li> <li>3. Continuing danger to the physical safety of the pupil or others.</li> </ol>
<b>OFFENSES</b>	<ol style="list-style-type: none"> <li>1. Possessing, selling, or otherwise furnishing a firearm.</li> <li>2. Brandishing a knife at another person.</li> <li>3. Unlawfully selling a controlled substance.</li> <li>4. Committing or attempting to commit a sexual assault or sexual battery.</li> <li>5. Possession of an explosive.</li> </ol>	<ol style="list-style-type: none"> <li>1. Causing serious injury to another person, except in self-defense.</li> <li>2. Possession of any knife, or other dangerous object of no reasonable use to the student.</li> <li>3. Unlawful possession, use, furnishing, or being under the influence of any controlled substance.</li> <li>4. Robbery or extortion.</li> <li>5. Assault or battery upon any school</li> </ol>	<ol style="list-style-type: none"> <li>1. Terroristic threats against school officials, school property or both</li> </ol>	<ol style="list-style-type: none"> <li>1. Caused or attempted to cause damage to school property or private property</li> <li>2. Stole or attempted to steal school property or private property.</li> <li>3. Possessed or used tobacco or nicotine products or paraphernalia.</li> <li>4. Committed and obscene act or engage in habitual profanity or vulgarity.</li> <li>5. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia</li> <li>6. Knowingly received stolen school property or private property.</li> <li>7. Possessed an imitation firearm that leads a reasonable person to conclude that the replica is a firearm.</li> <li>8. Committed sexual harassment</li> </ol>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

		employee.		<p>9. Committed hate violence</p> <p>10. Commits harassment, threats or intimidation against school district personnel or pupils</p>
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**Student Information Behavioral Codes**

Behavior Description (May Suspend)	PusdC
Committed Sexual Harass(4-12)	48900.2
Hate Violence Caused(4-12)	48900.3
Hate Violence Attempted(4-12)	48900.3
Hate Violence Threatened(4-12)	48900.3
Hate Violence Participated(4-12)	48900.3
Harassment/Race(4-12)	48900.4
Harassment/Disability (4-12)	48900.4
Harassment/basis of Sex(4-12)	48900.4
Hrass/Engaged in Threats(4-12)	48900.4
Hrass/Engaged Intimidation(4-12)	48900.4
Terrorist Threat/Staff(K-12)	48900.7
Terrorist Threat/School(K-12)	48900.7
Fighting(K-12)	48900.a1
Willful force on Other(K-12)	48900.a2

Willful violence on Other(k-12)	48900.a2
Dangerous Object(K-12)	48900.b
Knife less than 3.4 inches(K-12)	48900.b
Contr Subs Arrange to Sell(K-12)	48900.c
Contr Subs Sold(K-12)	48900.c
Contr Subs Possessed(K-12)	48900.c
Behavior Description (May Suspend)	PusdC
Contr Subs Used(K-12)	48900.c
Look-Alike Contr Sub/Sold(K-12)	48900.d
Committed/Attempt Robbery(K-12)	48900.e
Committed/Attempt Extortion(K-12)	48900.e
Vandalism(K-12)	48900.f
Damage/School Property(K-12)	48900.f
Damage/Private Property(k-12)	48900.f
Damage/Property Attempted(K-12)	48900.f
Theft of Property(K-12)	48900.g



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

Stole School Property(K-12)	48900.g
Stole Private Property(K-12)	48900.g
Attempted/steal/property(K-12)	49000.g
Electronic Cigarette (K-12)	48900.h
Tobacco Products Possessed(K-12)	48900.h
Tobacco Products Used(K-12)	48900.h
Obscene Act(K-12)	48900.i
Profanity/Vulgarity(K-12)	48900.i
Drug Para Possession(K-12)	48900.j
Drug Para Sold(K-12)	48900.j
Drug Para Offered(K-12)	48900.j
Disruption School Activity(K-12)	48900.k
Willful Defiance(K-12)	48900.k
Received Stolen Property(K-12)	48900.l
Possess/Imitation Firearm(K-12)	48900.m
Intimidated a Witness(K-12)	48900.o
Harassed a Witness(K-12)	48900.o
Threatened a Witness(K-12)	48900.o
Soma Offered/Sold(K-12)	48900.p
Attempted to engaged/Hazing(K-12)	48900.q

Engaged/Hazing(K-12)	48900.q
Engaged/Bullying/Disab.(K-12)	48900.r
Engaged/Bullying/Sex(K-12)	48900.r
Engaged/Bullying/Race(K-12)	48900.r
Bullying/Electronic Device(K-12)	48900.r
Engaged/Bullying(K-12)	48900.r
Mandatory Expulsion Recommendation	
<b>Serious Physical Injury(K-12)</b>	<b>48915.a1(A)</b>
<b>Possession/Knife/3.5 inch+(K-12)</b>	<b>48915.a1(B)</b>
<b>Weapons/Dangerous Objects(K-12)</b>	<b>48915.a1(B)</b>
<b>Possession/Control Sub 1oz+(K-12)</b>	<b>48915.a1(C)4</b>
<b>Robbery/Extortion/Committed(K-12)</b>	<b>48915.a1(D)</b>
<b>Assault/Battery/Staff(K-12)</b>	<b>48915.a1(E)</b>
<b>Weapons Firearms(K-12)</b>	<b>48915.c1</b>
<b>Brandishing a Knife (K-12)</b>	<b>48915 c2</b>
<b>Contr Subs Sold/Dealing(K-12)</b>	<b>48915.c3</b>
<b>Committing Sexual Assault(K-12)</b>	<b>48915.c4</b>
<b>Attempting Sexual Assault(K-12)</b>	<b>48915.c4</b>
<b>Possession</b>	<b>48915 c5</b>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

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<b>Explosive/M80+(K-12)</b>	
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## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### ED CODE 48900 K (Willful Defiance / Disruption Of School Activities)

#### Level 1 – Teacher, Campus Supervisor, Campus Security, Clerical Staff

Behavior	Intervention	Consequence / Action
<p><b>Behavior</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Classroom Disruption</li> <li><input type="checkbox"/> Electronic Device</li> <li><input type="checkbox"/> Horse Play</li> <li><input type="checkbox"/> Teasing / Mocking</li> <li><input type="checkbox"/> Dress Code</li> <li><input type="checkbox"/> Attendance (6 days or less)</li> <li><input type="checkbox"/> Profanity / Vulgarity (non-directed)</li> <li><input type="checkbox"/> Cheating on a test</li> <li><input type="checkbox"/> Leaving Class w/out permission</li> <li><input type="checkbox"/> Academics (1-2 Fs)</li> </ul>	<ul style="list-style-type: none"> <li>● Prompt Student,</li> <li>● Verbal Warning,</li> <li>● Written Warning(s)</li> <li>● Review Social Contract</li> <li>● Change in Seating,</li> <li>● Provided Structured choice,</li> <li>● 1 on 1 talk</li> <li>● Reteach Behavior</li> <li>● Student Conference</li> <li>● Peer Mentor Counselor</li> </ul> <p><b>Referral / Notification</b></p> <ul style="list-style-type: none"> <li>● Peer Resources</li> <li>● Counselor</li> <li>● Mentor/Coach</li> <li>● Wellness Center</li> <li>● SST Coordinator</li> <li>● School Mental Health Service</li> </ul>	<ul style="list-style-type: none"> <li>● Teacher Detention</li> <li>● Alternative Learning Center</li> <li>● In School Suspension – same day</li> <li>● Saturday School</li> </ul> <p><b>Parent Notification</b></p> <ul style="list-style-type: none"> <li>● Letter</li> <li>● Call</li> <li>● Tele-parent</li> <li>● Parent Conference (Mandatory if suspended)</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>● Zangle Visits Tab</li> <li>● Low Level Referral</li> <li>● Office Referral</li> <li>● SST Online</li> </ul>

Level 1 Behavior (5 or More Incidents)

Pre Student Study Team Shall be held for student to receive Level 2 supports





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### ED CODE 48900 K (Willful Defiance / Disruption Of School Activities)

#### Level 2-Counselors/ Intervention Continuous

Behavior	Intervention	Consequence/Action
<p><b>Behavior</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Continuous Level 1 Behavior (48900 K)</li> <li><input type="checkbox"/> Multiple Class Referrals (3-5)</li> <li><input type="checkbox"/> No Show Detention, Saturday School</li> <li><input type="checkbox"/> Possession, stealing, distribution, or duplicating Teacher assessment</li> <li><input type="checkbox"/> Habitual Profanity / Vulgarity (non directed)</li> <li><input type="checkbox"/> Unauthorized Entry/ use of facilities</li> <li><input type="checkbox"/> Habitual Truancies / Tardy (7-12 days)</li> <li><input type="checkbox"/> Academics (2-4 Fs)</li> <li><input type="checkbox"/> Arguing with others</li> <li><input type="checkbox"/> Minor Physical Contact (Pushing Shoving)</li> <li><input type="checkbox"/> Substance Use</li> <li><input type="checkbox"/> Gang Affiliation / Tagging</li> <li><input type="checkbox"/> Harassment / Making fun of other</li> </ul>	<p><b>Additional Intervention</b></p> <ul style="list-style-type: none"> <li>• Groups Counseling</li> <li>• Conflict Mediation</li> <li>• Peer Resources</li> <li>• Counselor check in</li> <li>• Link Crew</li> <li>• Saturday School</li> <li>• Community Service</li> <li>• Wellness Center</li> <li>• Attendance/Behavior Contract</li> <li>• SART</li> </ul> <p><b>Referral / Notification</b></p> <ul style="list-style-type: none"> <li>• Counselors – Progress Contract</li> <li>• Academic Tutoring</li> <li>• Saturday School</li> <li>• After School Tutoring</li> <li>• Wellness Center</li> <li>• School Mental Health Services</li> </ul>	<p><b>Administrative Action</b></p> <ul style="list-style-type: none"> <li>• School Detention</li> <li>• Alternative Learning Center</li> <li>• In School Suspension – 1-2 days</li> <li>• Saturday School</li> <li>• Community Services</li> </ul> <p><b>Restrict Activity</b></p> <ul style="list-style-type: none"> <li>• Senior Activities</li> <li>• Lunch Activities</li> <li>• Field Trips</li> <li>• School Dances / Games</li> </ul> <p><b>Parent Notification</b></p> <ul style="list-style-type: none"> <li>• Call</li> <li>• Parent / Teacher Conference</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>• Zangle Visits Tab</li> <li>• Behaviors</li> </ul>

#### Continuous Level 2 Behaviors (3-5)

Student Study Team ( SST Coordinator) or Individualized Educational Plan (School Psychologist)  
Create Behavior Support Plan / Place on Contract (SST, IEP)



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### ED CODE 48900 K (Willful Defiance / Disruption Of School Activities)

#### Level 3 - Administration

Behavior	Intervention	Result/Consequence
<p><b>Continuous Levels 1/ 2 Behavior</b></p> <ul style="list-style-type: none"> <li>a. Inflicted physical injury Fighting / Physical Altercation</li> <li>b. Weapons/dangerous objects possession</li> <li>c. Substance use, possession or sale</li> <li>d. Sold look alike substance</li> <li>e. Committed robbery/extortion</li> <li>f. Caused damage to property / Graffiti</li> <li>g. Committed theft</li> <li>h. Use/possession of tobacco products</li> <li>i. Committed obscenity/profanity/vulgarity</li> <li>j. Possessed or sold drug paraphernalia</li> <li>k. Disrupted school or defied school staff</li> <li>l. Stealing / Receiving stolen property</li> <li>m. Possessed imitation firearm</li> <li>n. Committed sexual harassment</li> <li>o. Harassed, threatened a student witness</li> <li>p. Sold prescription drug Soma</li> <li>q. Committed hazing</li> <li>r. Engaged in an act of bullying,</li> </ul>	<p><b>Additional Interventions</b></p> <ul style="list-style-type: none"> <li>• Counselor Monitoring</li> <li>• Family Support Referral</li> <li>• Drug Counseling</li> <li>• Group Counseling</li> <li>• Conflict Mediation</li> <li>• Recommendation to Probation</li> <li>• Community Service</li> <li>• Outside Agencies</li> </ul> <p><b>Referral / Notification Administration</b></p> <ul style="list-style-type: none"> <li>• Law Enforcement</li> <li>• CWA</li> <li>• Counselor</li> <li>• Intervention Counselor</li> <li>• SST Coordinator</li> <li>• School Psychologist</li> <li>• Family Support</li> <li>• District</li> <li>• School Mental Health Services</li> </ul>	<p><b>Administrative Action</b></p> <ul style="list-style-type: none"> <li>• Detention</li> <li>• Suspension 1-5 days (Progressive)</li> <li>• Saturday School</li> <li>• Alternative Schedule</li> <li>• Involuntary/ voluntary Transfer</li> <li>• SARB</li> <li>• Recommendation for Expulsion (EC 48915-A)</li> </ul> <p><b>Parent Notification</b></p> <ul style="list-style-type: none"> <li>• Call</li> <li>• Parent / Teacher Conference</li> <li>• Parent Attendance to Class</li> <li>• Parent conference</li> <li>• Suspension Letter</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>• Q Visits Tab</li> <li>• Behaviors</li> </ul>

#### Safety – District Level Placement Change Request

<p><b>EC 48915 C</b></p> <ul style="list-style-type: none"> <li>1. Firearm ( Selling or furnishing a firearm.)</li> <li>2. Brandishing a knife at another person.</li> <li>3. Selling a controlled substance</li> <li>4. Committing or attempted sexual assault</li> <li>5. Possession of an explosive.</li> </ul> <p><b>ED 48900 A-R, 48915 (A) 48900.1 - 48900.7</b></p> <ul style="list-style-type: none"> <li>1. Other means of correction failed to bring about proper conduct.</li> <li>2. Presence of the pupil causes a continuing danger.</li> </ul>	<p><b>Additional Interventions</b></p> <ul style="list-style-type: none"> <li>• Level 1 Hearing</li> <li>• Law Enforcement Citation</li> </ul> <p><b>Referral / Notification Administration</b></p> <ul style="list-style-type: none"> <li>• Law Enforcement</li> <li>• Probation</li> <li>• CWA Coordinator</li> <li>• School Psychologist</li> <li>• Family Support</li> <li>• DCFS Representative</li> <li>• Education Rights Holder</li> </ul>	<p><b>Administrative Action</b></p> <ul style="list-style-type: none"> <li>• Alternative Schedule</li> <li>• Involuntary/ voluntary Transfer</li> <li>• Level 1</li> <li>• SARB</li> <li>• Recommendation for Expulsion</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>• Zangle Visits Tab</li> <li>• Behaviors</li> <li>• Suspension Letter</li> <li>• Expulsion Packet</li> </ul>
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Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- EC 48915 (C) – SAFETY - *Mandatory Expulsions*
- (1) Possessing, selling, or otherwise furnishing a firearm.
  - (2) Brandishing a knife at another person.
  - (3) Unlawfully selling a controlled substance
  - (4) Committing or attempting to commit a sexual assault
  - (4) Possession of an explosive.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Evidence the student has participated in a verbal or physical altercation or has attempted to cause injury to someone by making a verbal or written threat to another person on school grounds.
- ❖ Documentation by the administrator and statements by the victim and witness (es).
- ❖ Statement by accused agreeing they committed the violation as stated by the administration.

EC 48915 (C)	(1) Possessing, selling, or otherwise furnishing a firearm. (2) Brandishing a knife at another person. (3) Unlawfully selling a controlled substance (4) Committing or attempting to commit a sexual assault (4) Possession of an explosive.	
	<b>Interventions :</b>	<b>Administrative Action(6-12):</b>
1st Offense	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• 5 day Suspension</li> <li>• Contact PD</li> <li>• Recommend for Expulsion</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

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### EC 48915 (A) — SAFETY - *Discretionary* Recommendation for Expulsions

- (A) Causing serious physical injury to another person, except in self-defense.
- (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (C) Unlawful possession of any controlled substance, except for either of the following:
  - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- (D) Robbery or extortion.
- (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

The following must be documented in Q in order to substantiate an expulsion recommendation:

Education Code section 48915(a) requires the principal of a school to recommend expulsion for possession of any firearm, knife, explosive, or any other dangerous object at school or at a school activity off school grounds.

(see Appendix)

- ❖ Description (length, color, size) and photograph of the object.
- ❖ Statements by: accused, witness(es).
- ❖ Documentation from anonymous witness(es), EC 48918(f).
- ❖ Copy of mandatory Police Report.

Students in possession of a knife (threatening manner) or a gun fall under this violation.

The following weapons apply to this violation: firearms, knives, daggers, explosives of any sort, other dangerous weapons such as: brass knuckles, razor blades, and tools, such as: a screwdriver that has been sharpened at the end. Other dangerous objects would be throwing stars, ballistic knives, black jacks, billy clubs, sand clubs, and nunchakus.

Illegal explosives are not fireworks but vary in size and color. Among those are the M-80, M-100, Silver Salute, M-250, M-1000, and Quarter Stick. All these explosives are dangerous and can cause severe damage to the body (see Appendix). Violation of Education Code section 48915(c)(5) should also be included if student is found with a self-made or handmade explosive device.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

EC 48915 (A)	<p>(A) Causing serious physical injury to another person, except in self-defense.          (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.          (C) Unlawful possession of any controlled substance, except for either of the following:              (i) 2019e for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.              (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.          (D) Robbery or extortion.          (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.</p>	
EC 48915 (A) (cont.)	Interventions :	Administrative Action (6-12):
1st Offense	<p>Interventions :</p> <ul style="list-style-type: none"> <li>● Counselor provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> </ul>	<ul style="list-style-type: none"> <li>● Notify parent</li> <li>● 1-5 day in school Suspension</li> <li>● Possible Call Police</li> <li>● Parent Meeting</li> <li>● Possible Recommendation for Expulsion</li> <li>● Remove privilege</li> <li>● Contact PD</li> </ul>
2nd Offense		<ul style="list-style-type: none"> <li>● 5 day Suspension</li> <li>● Contact PD</li> <li>● Recommend for Expulsion</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### EC 48900 (A-1) — SAFETY

Caused, attempted to cause, or threatened to cause physical injury to another person.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Evidence the student has participated in a verbal or physical altercation or has attempted to cause injury to someone by making a verbal or written threat to another person on school grounds.
- ❖ Documentation by the administrator and statements by the victim and witness (es).
- ❖ Statement by accused agreeing they committed the violation, as stated by the administration.

#### A-1: SECONDARY — SAFETY Level 1

EC 48900, A-1 Verbal Altercation, Teasing, Mocking, Name calling, mimicking, Verbal Altercation: Threatening Bodily Harm Fighting: Pushing, Shoving, Horseplay (resulting in minor scuffle)		
	Interventions :	Administrative Action (6-12):
1st Offense	<ul style="list-style-type: none"> <li>● <a href="#">Self Reflection Form</a></li> <li>● Peer Counseling</li> <li>● Mediation Contract</li> <li>● Review School Climate Program</li> <li>● Meet with counselor</li> <li>● Possible Restorative Justice (Hyperlink)</li> </ul>	<ul style="list-style-type: none"> <li>● Check CUM file</li> <li>● Assign detention</li> <li>● Restrict activity</li> <li>● Assign Community Service</li> <li>● 1–2 day in school suspension</li> </ul>
2nd Offense	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>● School wide positive reinforcement program (eg. Character Counts, etc.)</li> <li>● Establish Behavior Support Plan (BSP)</li> <li>● Parent attends student class</li> <li>● <a href="#">Possible Refer to School Mental Health Services</a></li> <li>● Counselor provides parent with multiple district and community resources</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>● Check CUM file</li> <li>● Assign detention</li> <li>● Restrict activity</li> <li>● Assign Community Service</li> <li>● 1–2 day in school suspension</li> <li>● Saturday school</li> </ul>
3rd Offense	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>● Assign adult certificated or classified mentor</li> <li>● Possible Teacher -PIT</li> <li>● Evaluate consequences and intervention effectiveness</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>● Check CUM file</li> <li>● Assign detention</li> <li>● Restrict activity</li> <li>● Assign Community Service</li> <li>● 1–3 day in school suspension</li> <li>● Saturday School</li> </ul>
4th Offense	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>● Follow-up with adult certificated or classified mentor</li> <li>● Teacher -PIT</li> <li>● Possible Refer SST</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>● Assign detention</li> <li>● Restrict activity</li> <li>● 1–5 day in school suspension</li> </ul>





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

	<ul style="list-style-type: none"> <li>Possible Refer SET</li> </ul>	<ul style="list-style-type: none"> <li>Saturday School</li> <li>Possible contact police</li> <li>Possible recommendation for expulsion</li> </ul>
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### A-1: SECONDARY — SAFETY LEVEL

EC 48900, A-1 <b>Fighting: Mutual Combat without Injury</b>		
<b>Fighting: Mutual Combat Minor Injury without Serious Medical Attention (black eye without lacerations to nose, small scratches or cuts without severe bleeding)</b>		
	<b>Interventions :</b>	<b>Administrative Action</b>
<b>1st Offense</b>	<b>Interventions :</b> <ul style="list-style-type: none"> <li><a href="#">Self Reflection form</a></li> <li>Meet with counselor</li> <li>Assign adult certificated or classified mentor</li> <li>Peer counseling/ mediation contract</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Check CUM file</li> <li>Possible detention</li> <li>Notify parent</li> <li>Assign Community Service</li> <li>1–5 day in school suspension</li> <li>Remove privileges</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>Develop Behavior Support Plan (BSP)</li> <li>Develop consequences and intervention for behavior contract</li> <li>Parent Meeting</li> <li>Report progress to parents</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Possible detention</li> <li>Notify parent</li> <li>Assign Community Service</li> <li>1–3 day in school suspension</li> <li>Remove privileges</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>Possibly Refer SST</li> <li>Possible 504</li> <li><a href="#">Possible Refer to School Mental Health Services</a></li> <li>PIT</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Notify parent</li> <li>Assign Community Service</li> <li>2–5 day in school suspension</li> <li>Remove privileges</li> <li>Possible Pre-Expulsion</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

4th Off	<b>Additional Interventions :</b> <ul style="list-style-type: none"> <li>• Complete Behavior Support Plan (BSP)</li> <li>• Evaluate consequences and intervention effectiveness</li> <li>• Counselor provides parent with multiple district and community resources</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 2–5 day in school suspension</li> <li>• Remove privileges</li> <li>• Recommend Expulsion</li> </ul>
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### A-1: SECONDARY – SAFETY LEVEL 3 (6-12)

EC 48900, A-1 EC 48900, A-1 - Fighting or Assault on a Student: Unprovoked Fighting: Gang Related		
	Interventions :	Administrative Action(6-12):
1st Offense	<ul style="list-style-type: none"> <li>• <a href="#">Self Reflection form</a></li> <li>• Meet with counselor</li> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Assign adult certificated or classified mentor</li> <li>• Peer counseling/ mediation contract</li> <li>• Develop Behavior Support Plan (BSP)</li> <li>• Parent Meeting</li> <li>• Possible Refer SST</li> <li>• PIT</li> </ul>	<b>Administrative Action (6-8):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 1–3 day in school suspension</li> <li>• Restrict activities</li> <li>• Possible Contact Police</li> </ul> <b>Administrative Action (9-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 1–3 day in school suspension</li> <li>• Remove privileges</li> <li>• Possible Contact Police</li> </ul>
2nd Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>• Review BSP</li> <li>• Parent Meeting</li> <li>• Refer SST</li> <li>• Monitor SST actions</li> <li>• Follow-up PIT</li> <li>• Evaluate consequences and intervention effectiveness</li> <li>• <a href="#">Possible Refer to School Mental Health Services</a></li> </ul>	<b>Administrative Action (6-8):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 1–5 day in school suspension</li> <li>• Restrict activities</li> <li>• Possible Contact Police</li> <li>• Possible recommendation for expulsion if with same student</li> </ul> <b>Administrative Action (9-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 3-5 day in school suspension</li> <li>• Remove privileges</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

		<ul style="list-style-type: none"> <li>Contact Police</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li><a href="#">Self Reflection form</a></li> <li>PBS placement</li> <li>PAS placement</li> <li>Counselor provides parent with multiple district and community resources</li> <li>Evaluate consequences and intervention effectiveness</li> <li><a href="#">Refer to School Mental Health Services</a></li> <li>Meet with counselor</li> <li>Peer counseling/ mediation contract</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>5 day suspension</li> <li>Notify parent</li> <li>Assign Community Service</li> <li>Remove privileges</li> <li>Contact PD</li> <li>Recommend expulsion</li> </ul>

### EC 48900 (A-2) — SAFETY

**Willfully used force or violence upon the person of another, except in self-defense.**

The following must be documented in Zangle in order to substantiate an expulsion recommendation:

Evidence the student, while under the jurisdiction of the school and without provocation, participated in a physical altercation causing minor trauma to the victim.

- Statements by: victim, credible witness(es).
- Statement by accused agreeing they committed the violation, as stated by administration.
- Photographic evidence of the injury — extent of injury must be visible.
- Documentation of medical intervention(s) for victim

### A-2: SECONDARY — SAFETY

<b>EC 48900, A-2</b>	<b>Fighting: Serious Injury / Assault (broken bones, contusions, convulsions, unconscious due to fight, stitches, shot, stabbed) EC 48915 (a)(1) Assault / Battery (staff member) EC 48915 (a) (5)</b>	
	<b>Interventions:</b>	<b>Administrative Action (6-12)</b>
<b>1st Offense</b>	<b>Interventions :</b> <ul style="list-style-type: none"> <li><a href="#">Self Reflection</a></li> <li>Parent meeting</li> <li>Teacher PIT ABC</li> <li>Refer SST</li> <li>Behavior Support Plan / Contract(BSP)</li> <li>Meet with counselor</li> <li>Assign adult certificated or classified mentor</li> <li>Peer counseling/ mediation contract</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Notify parent</li> <li>Assign Community Service</li> <li>1–5 day in school suspension</li> <li>5 day suspension and Possible recommendation expulsion</li> <li>Remove privileges</li> <li>Contact PD</li> </ul>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• Possible manifestation determination</li> </ul>	
<b>2nd Offense</b>	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Assign adult certificated or classified mentor</li> <li>• Peer counseling/ mediation contract</li> <li>• Review BSP</li> <li>• Parent Meeting</li> <li>• Possible refer SST</li> <li>• Monitor SST actions</li> <li>• Follow-up PIT</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• Assign Community Service</li> <li>• 5 day suspension and Possible recommendation expulsion</li> <li>• Remove privileges</li> <li>• Contact PD</li> </ul>
<b>EC 48900, A-2 (cont.)</b>	<b>Interventions:</b>	<b>Administrative Action (6-12)</b>
	<ul style="list-style-type: none"> <li>• Evaluate consequences and intervention effectiveness</li> <li>• <a href="#">Refer to School Mental Health Services</a></li> <li>• Review IEP</li> <li>• Possible PAS placement</li> </ul>	



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

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**EC 48900 (B) — SAFETY**

Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object.

The following must be documented in Q in order to substantiate an expulsion recommendation:

Education Code section 48915(a) requires the principal of a school to recommend expulsion for possession of any firearm, knife, explosive or any other dangerous object at school or at a school activity off school grounds.

- ❖ Description (length, color, size) and photograph of the object.
- ❖ Statements by: accused, witness(es).
- ❖ Documentation from anonymous witness(es), [EC 48918\(f\)](#).
- ❖ Copy of mandatory Police Report.

Students in possession of a knife (threatening manner) or a gun fall under this violation.

The following weapons apply to this violation: firearms, knives, daggers, explosives of any sort, other dangerous weapons such as: brass knuckles, razor blades, and tools, such as: a screwdriver that has been sharpened at the end. Other dangerous objects would be throwing stars, ballistic knives, black jacks, billy clubs, sand clubs, and nunchakus.

Illegal explosives are not fireworks but vary in size and color. Among those are the M-80, M-100, Silver Salute, M-250, M-1000, and Quarter Stick. All these explosives are dangerous and can cause severe damage to the body (see Appendix). Violation of Education Code section 48915(c)(5) should also be included if student is found with a self-made or handmade explosive device.

**B: SECONDARY — SAFETY: LEVEL 4 (6-12)**

EC 48900, B

B-1: Possession of a Knife or Other Dangerous Object EC 48915 (a)(2)

- ❖ Dirk or dagger (means a knife or other instrument *[that can be used]* as a stabbing weapon that may



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

inflict great bodily injury or death), ice pick, knife having a blade longer than 2 1/2 inches (3 1/2 inches under Ed Code 48915 g), folding knife with a blade that locks into place, razor with an unguarded blade, taser, or stun gun, any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, a razor blade or a box cutter

	Interventions :	Administrative Action(6-12):
1st Offense	<ul style="list-style-type: none"> <li>• <a href="#">Refer to School Mental Health Services</a></li> <li>• Provide intervention services</li> <li>• Parent Attends School</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• 3-5 day suspension</li> <li>• Possible recommendation expulsion</li> <li>• Possible Contact PD</li> </ul>
2nd Offense	<ul style="list-style-type: none"> <li>• <a href="#">Refer to School Mental Health Services</a></li> <li>• Provide intervention services</li> <li>• Parent Attends School</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• 3-5 day suspension</li> <li>• Possible recommendation expulsion</li> <li>• Contact PD</li> </ul>

### B: SECONDARY — SAFETY: LEVEL 4 (6-12)

EC 48915 B-2	<p><b>B-2: Brandishing a Knife or Other Dangerous Object at Another Person EC 48915 (c)(2) MANDATORY</b> <i>Must notify victim/parent of their right to transfer under NCLB</i></p> <p><b>B-3: Possession of, or Brandishing, Gun EC 48915 C(1) MANDATORY</b> <i>Must notify victim/parent of their right to transfer under NCLB</i></p> <p><b>B-4: Possession of Explosive Device (M80, M100, or other powerful explosives) EC 48915 (c)(5)</b></p>	
	Interventions :	Administrative Action(6-12):
1st Offense	<ul style="list-style-type: none"> <li>• <a href="#">Self Reflection form</a></li> <li>• Teacher PIT ABC</li> <li>• Refer SST</li> <li>• Behavior Support Plan / Contract (BSP)</li> <li>• Provide intervention counselor</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Notify parent</li> <li>• 5 day suspension</li> <li>• Mandatory recommendation expulsion</li> <li>• Contact PD</li> </ul>





Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• Administrator provides parent with multiple district and community resources</li> <li>• Possible Manifestation Determination</li> </ul>	
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**EC 48900 (C) – SAFETY**

Possessed, used, sold, or otherwise furnished; or been under the influence of any controlled substance, alcohol or intoxicant

The following must be submitted in order to substantiate an expulsion recommendation:

Evidence the student was found in possession of, or under the influence of, an identified controlled substance (alcohol or other intoxicant).

Trained professionals such as: school nurses, police officers, school security or resource officers may provide this evidence.

- ❖ Photographic evidence of the controlled substance.
- ❖ If applicable, test results which identify the substance found. Both school security and police are qualified to conduct such testing.
- ❖ Admission by the accused of possession or use of the controlled substance while under the jurisdiction of the school site.
- ❖ Statements by witness(es).
- ❖ Documentation from
- ❖ m anonymous witness(es), EC 48918(f). All controlled substances must be confiscated as evidence.

**C: SECONDARY – SAFETY**

EC 48900 C Possession of Drugs, Alcohol or any Controlled Substance EC 48915 (a) (3) - on campus Under the Influence of Drugs, Alcohol or any Controlled Substance EC 48915 (a)(3) - on campus		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions:</b> <ul style="list-style-type: none"> <li>• <a href="#">Refer to School Mental Health Services</a></li> <li>• Behavior support plan/contract</li> <li>• Assign mentor</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 2 day in school intensive drug counseling if available</li> <li>• 1 day suspension</li> </ul>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• Parent conference</li> </ul>	<ul style="list-style-type: none"> <li>• Possible Recommend expulsion</li> </ul>
2nd Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>• Evaluate intervention counselor</li> <li>• Evaluate BSP</li> <li>• Parent conference</li> <li>• Require parent to attend school with child 1-2 day</li> <li>• Parent class/support group</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-3 day suspension</li> <li>• 2 day in school intensive drug counseling if available</li> <li>• Contact PD and request citation</li> <li>• Possibly Recommend expulsion</li> </ul>
3rd Offense	<b>Additional Interventions:</b>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• 2 day in school intensive drug counseling if available</li> <li>• Contact PD and request citation</li> <li>• Recommend expulsion</li> </ul>

**EC 48900 (D) – SAFETY**

Offered, arranged, or negotiated to sell any controlled substance, alcohol, or intoxicant or representation of items thereof. And replaced with a “FAKE” item

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Photographic evidence of the FAKE controlled substance, or substance represented as such.
- ❖ Test results of the controlled substance.
- ❖ Statements by: witness(es) reporting sales(i.e. money collected for drugs, etc.).

The sale of a controlled substance or substances represented as controlled substances is grounds for suspension or recommendation for expulsion.

Confiscate all evidence and give to police.

Controlled substances are identified as heroin, cocaine, crack, LSD, PCP, amphetamines, methamphetamines, marijuana, hashish, and alcohol. Intoxicants include, but are not limited to toxic inhalants such as spray cans, nitrous oxide, etc.

An example of substances being represented as a controlled substance would be a student selling oregano as marijuana, or the selling of an over-the-counter look-alike non-prescription drug as a controlled substance

**D: SECONDARY – SAFETY**

**EC 48900 D** Offered, arranged, or negotiated to sell any controlled substance, alcohol, or intoxicant or representation of items thereof. And replaced with a “FAKE” item

**Interventions:**

**Administrative Action**



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

<b>1st Offense</b>	<b>Interventions:</b> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention counselor</li> <li>• Parent meeting</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Same day in school suspension</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention counselor</li> <li>• Parent meeting</li> <li>• Parent attends school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-2 day suspension</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions:</b>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Possible Recommend expulsion</li> <li>• Contact PD</li> </ul>

#### EC 48900 (E) – SAFETY

#### Committed or attempted robbery or extortion.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Statements by: victim, direct witness(es) and supporting witness(es) to the act of robbery or extortion.
- ❖ Interviews from: accused and witness(es) named by the accused.

**Extortion** is defined as blackmail. Example: A student demands money from another person – “Give me money or I’ll get you later!” (see Appendix for Penal Code section 520).

**Robbery** is defined as the taking of personal property in the possession of another, against his/her will, accomplished by means of fear and force (see Appendix for Penal Code section 211)

E: SECONDARY – SAFETY

EC 48900, E Robbery, Extortion, Grand Theft: Violence Indicated EC 48915 (a) (4)		
	Interventions :	Administrative Action(6-12):
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Anger Management</li> <li>• Develop BSP/contract</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> </ul>



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

	<ul style="list-style-type: none"> <li>• Voluntary probation</li> <li>• Assign adult mentor</li> <li>• Parent conference</li> </ul>	<ul style="list-style-type: none"> <li>• Possible recommend expulsion</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Administrator provides parent with multiple district and community resources</li> <li>• Provide intervention services</li> <li>• Evaluate BSP</li> <li>• Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 3-5 day suspension</li> <li>• Contact PD</li> <li>• Possible Recommend expulsion</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions:</b>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> <li>• Recommend expulsion</li> </ul>

#### EC 48900 (F) – NON-SAFETY

Caused or attempted to cause damage to school or private property.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Photographic evidence of the defaced property – school / private
- ❖ Statements by: witness(es), accused
- ❖ Statement by the Campus Security Officer (CSO) – recommended
- ❖ Assessment of damage to the school site – Fiscal Services

According to SBCUSD Board Policy, site administrators are entitled to recommend expulsion for graffiti (defacement of school property).

#### F: SECONDARY – NON-SAFETY

#### EC 48900 F Defacing School Property, Graffiti: Permanent Damage View Purchasing Dept Cost matrix

	<b>Interventions :</b>	<b>Administrative Action (6-12):</b>
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• <a href="#">Reflection form</a></li> <li>• Counselor: targeted skill development</li> </ul>	<b>Administrative Action (6-12):</b> Damage less then \$420.00



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• <a href="#">Develop behavior support plan/contract</a></li> <li>• Peer counseling</li> <li>• Assign adult mentor</li> <li>• Review student data for</li> <li>• Identify patterns and trends</li> <li>• Parent attends school</li> <li>• Campus beautification</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension of privileges</li> <li>• On Campus Suspension</li> <li>• 1–3 day suspension</li> </ul> <p><u>Damage more then \$420.00</u> (multiple windows, doors, graffiti of vehicles)</p> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Possible recommend expulsion</li> <li>• Contact PD</li> <li>• Restitution</li> </ul>
2nd Offense	<p><b>Additional Interventions:</b> <b>Interventions (6-12):</b></p> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Review BSP</li> <li>• Review PIT</li> <li>• Possible SST</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• 1–5 day suspension</li> <li>• Recommend expulsion-Contact Police</li> <li>• extension of suspension</li> <li>• Restitution</li> </ul>

**EC 48900 (G)--NON-SAFETY**  
**Stole or attempted to steal, school or private property**

- ❖ The following must be submitted in order to substantiate an expulsion recommendation:
- ❖ Direct evidence or testimony supporting the act of stealing.
- ❖ Amount or cost of the item stolen or attempted to be stolen
- ❖ Statements by: witness(es), accused.
- ❖ Interview with the accused.

G: SECONDARY – NON-SAFETY

**EC 48900 G Stole, or Attempted to Steal, School Property(Amount over \$950.00= grand theft )**  
**Computers, Smart technology, Multiple petty items, Sound systems**  
**Refer to Purchasing Cost Matrix**

	Interventions :	Administrative Action(6-12):
1st Offense	Interventions :	<p><b>Administrative Action(6-12):</b> Grand Theft</p> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> </ul>



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

		<ul style="list-style-type: none"> <li>• Restitution</li> </ul>
<b>EC 48900, G Stole, or Attempted to Steal, School Property (petty theft)(petty theft &lt;\$950), PC computers, Laptops, Radios, Projectors Refer to Purchasing Cost Matrix</b>		
	<b>Interventions :</b>	<b>Administrative Action(6-12):</b>
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Meet with counselor</li> <li>• Develop behavior support plan /contract</li> <li>• Assign adult mentor</li> <li>• Parent conference – phone</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Elimination of privilege</li> <li>• On Campus Suspension</li> <li>• 1 day suspension</li> <li>• Contact PD</li> <li>• Restitution</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Provide intervention: counselor</li> <li>• Evaluate consequence and intervention effectiveness</li> <li>• Review behavior contract</li> <li>• Refer to SST</li> <li>• Parent conference – school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• On Campus Suspension</li> <li>• 1-3 day suspension</li> <li>• Contact PD</li> <li>• Restitution</li> </ul>
<b>EC 48900 (G) (cont.)</b>	<b>Interventions :</b>	<b>Administrative Action(6-12):</b>
<b>3rd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counselor: targeted skill development</li> <li>• Review student CUM file</li> <li>• Parent attends school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> <li>• Restitution</li> </ul>
<b>4th Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• administrator provides parent multiple district/community resources</li> <li>• Review BSP/SST</li> </ul>	<b>Administrative Action (6-12)</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> <li>• Restitution</li> </ul>





Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

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**EC 48900 (H) & 48901--NON-SAFETY  
Possessed or used tobacco or tobacco products**

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Evidence administration has provided three or more warnings regarding smoking or having cigarettes on campus

Refer student to a Smoking Cessation Program. Contact Student Assistance Programs for further information.

H: SECONDARY – NON-SAFETY

EC 48900 H Possession and/or use of Tobacco Includes chewing tobacco		
	Interventions :	Administrative Action(6-12):
1st Offense	<ul style="list-style-type: none"> <li>• Prevention Program</li> <li>• Develop behavior support plan contract</li> <li>• Assign adult mentor</li> </ul>	<ul style="list-style-type: none"> <li>• On Campus Suspension</li> </ul>



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• Parent conference</li> </ul>	
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Review BSP</li> <li>• Parent conference</li> <li>• <a href="#">Refer to School Mental Health Services</a></li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• On Campus Suspension</li> <li>• 1 day suspension</li> </ul>
3rd Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>• <a href="#">Refer to School Mental Health Services</a></li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• On campus suspension</li> <li>• 1-3 day suspension</li> </ul>
4th Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>•</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Possible recommendation for expulsion</li> </ul>

#### EC 48900 (I)--NON-SAFETY

Committed an obscene act or engaged in habitual profanity or vulgarity.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Direct evidence and admission by the accused
- ❖ Documentation of the incident(s) involving the use of profanity, obscenity, or habitual profanity
- ❖ Anecdotal record, if continuous violation
- ❖ Statements by: witness(es)
- ❖ This act pertains to the use of vulgar, profane language or an act as defined by proper society as obscene. Examples:
- ❖ Prolonged cursing toward staff, exposing oneself in public, etc.

While it is not typical for a student to be expelled for this violation alone, it is possible when the misbehavior results in extreme problems on campus. Generally this violation is coupled with a more severe Education Code violation.

#### I: SECONDARY — NON-SAFETY

##### EC 48900 I

Committed an Obscene Act (excluding sexual harassment)

An obscene act which strongly offends the prevalent morality of the time, is a profanity, or is otherwise taboo, indecent, abhorrent, or disgusting, or is especially inauspicious.(exposing self, touching self in public, explicit sexual gestures, sexual intercourse, extremely violent depiction must



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

interrupt educational environment)		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Peer counseling</li> <li><a href="#">Reflection form</a></li> <li>Identify contributing Functional and Environmental Factors</li> <li>Develop behavior support plan contract</li> <li>Referral to community counseling resource</li> <li>Assign adult mentor</li> <li>Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1-2 period on campus suspension</li> <li>1 day on campus suspension</li> <li>1 -2 day Suspension</li> <li>After School Detention</li> <li>Possible Contact PD</li> <li>Possible recommendation for expulsion</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Provide intervention: counselor</li> <li>School Site provides with multiple district and community resources</li> <li>Review BSP</li> <li>Parent conference</li> <li>Parent attends school with child</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1 day On Campus Suspension</li> <li>1-3 day suspension</li> <li>Obscene Act: Possible Contact PD</li> <li>Possible Recommend for expulsion</li> </ul>
3rd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Evaluate BSP</li> <li>Begin SST process</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1-5 day suspension</li> <li>Obscene Act: Contact PD</li> <li>Possible Recommend for expulsion</li> </ul>
EC 48900 (I) (cont.)	<b>Interventions</b>	<b>Administrative Action (6-12)</b>
4th Offense	Additional Interventions:	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>5 day suspension</li> <li>Contact PD</li> <li>Recommendation for expulsion</li> </ul>
EC 48900 I	<b>Habitual Profanity (daily jargon between students, continuous behavior, even after warning)</b> <b>Habitual Profanity Toward a School Employee (more than one time or single incident)</b>	
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Identify contributing Functional and Environmental Factors</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Assign detention</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• <a href="#">Reflection form</a></li> <li>• <a href="#">Develop behavior support contract</a></li> <li>• Assign adult mentor</li> <li>• Parent conference</li> </ul>	<ul style="list-style-type: none"> <li>• 1-2 period On Campus Suspension</li> <li>• 1 day on campus suspension</li> <li>• 1 day suspension</li> </ul>
<b>2nd Offense</b>	<p><b>Additional Interventions (6-12)</b></p> <p><b>Additional Interventions (6-12):</b></p> <ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Parent attends school</li> <li>• Site administrator provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Review BSP</li> <li>• <a href="#">Possible Refer to School Mental Health Services</a></li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• Assign detention</li> <li>• Healthy and Safety – Sent home</li> <li>• 1-2 period On Campus Suspension</li> <li>• 1-2 day on campus suspension</li> <li>• 1 day off campus suspension</li> <li>• 1–3 day suspension (Staff directed)</li> </ul>
<b>3rd Offense</b>	<p><b>Additional Interventions (6-12):</b></p> <ul style="list-style-type: none"> <li>• Evaluate behavior support plan</li> <li>• Parent attend school</li> <li>• Begin SST</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• Assign detention</li> <li>• 1-2 period On Campus Suspension</li> <li>• 1-2 day on campus suspension</li> <li>• 1 day off campus suspension</li> <li>• 1-5 day suspension (Staff directed)</li> </ul>

### EC 48900 (J) – NON-SAFETY

Possessed, offered, arranged or negotiated to sell any drug paraphernalia.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Direct evidence, such as photographs.
- ❖ Evidence the items are within the Health and Safety Code Section 11014.5.
- ❖ Admission by the accused.

See section 11014.5 of the Health and Safety Code for a clear definition of this violation (see Appendix for Health Code).

Examples of clear-cut paraphernalia are ZigZag papers and roach clips.

### J: SECONDARY – NON-SAFETY

**EC 48900 J Possession of Drug Paraphernalia / Selling Drug Paraphernalia  
(lighter, pipe, bongs, zig zags/tobacco rolling paper, etc)**



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Prevention Program – targeted skill development</li> <li>Identify contributing Functional and Environmental Factors</li> <li>Develop behavior support plan contract</li> <li>Assign adult mentor</li> <li>Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1-3 day suspension</li> <li>On Campus Suspension</li> <li>Call police for non-marijuana paraphernalia</li> </ul>
2nd Offense	<b>Additional Interventions:</b>  <b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Counselor provides parent with multiple district and community resources</li> <li>Provide intervention: counselor</li> <li>Review BSP</li> <li>Parent conference</li> <li>Consider Tier Three supports</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1–5 day suspension</li> <li>Call police for non-marijuana paraphernalia</li> </ul>
3rd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>Follow-up with prevention services to analyze progress</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>Possible recommendation for expulsion</li> <li>Call police for non-marijuana paraphernalia</li> </ul>

### EC 48900 K – NON-SAFETY

Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Evidence the disruptive behavior is outside the range of normal intervention – accumulation of 20 days suspension (maximum). The student is allotted 10 additional suspension days (not to exceed 30) if placed in Opportunity or Alternative Programs.
- ❖ Evidence all means of correction have been exhausted at the site level.
- ❖ Interventions may include but are no limited to, counselor interventions, parent involvement, identification of Environmental and Functional Factors, targeted skill development, behavior contract, assignment of adult mentor Behavioral Support Plan, Student Success Team and/or a recommendation to an outside counseling agency.
- ❖ Documentation of student’s behavior / intervention over time.

Use this Ed Code violation when 1) a student becomes so defiant school authority is unable to control the behavior, or 2) the behavior is so extreme it severely disrupts the educational process.

K: SECONDARY – NON-SAFETY

EC 48900 K Chronic Classroom Disruption / Disruption to School Activities / Food fight /



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

Forgery, CHEATING, Plagiarism, Gambling

Use of Electronic Devices, for non educational purposes, during designated instructional time

- Dress Code Gum chewing / public displays of affection / Selling non-approved items on campus / throwing trash

Leaving class without permission / Leaving campus without permission / being out of approved area/ chronic tardy / loitering

	Interventions :	Administrative Action(6-12):
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counsel students</li> <li>• Peer counseling</li> <li>• <a href="#">Reflection form</a></li> <li>• Call parents</li> <li>• Develop behavior support plan</li> <li>• Community service/Campus Beautification</li> <li>• Reproduce work (Cheating)</li> <li>• Assign adult mentor</li> <li>• Identify contributing Functional and Environmental Factors</li> <li>• <a href="#">Family Support Services Referral</a></li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Warning</li> <li>• Assign detention</li> <li>• Suspend privileges</li> <li>• 1-2 period On Campus Suspension</li> <li>• 1 day In school suspension</li> <li>• Change of clothes</li> <li>• Parent meeting</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• School provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Warning</li> <li>• Assign detention</li> <li>• Suspend privileges</li> </ul>
<b>EC 48900 (K) (cont.)</b>	<b>Interventions:</b>	<b>Administrative Action (6-12):</b>
	<ul style="list-style-type: none"> <li>• Reproduce work (cheating)</li> <li>• Community service</li> <li>• Campus Beautification</li> <li>• Peer counseling</li> <li>• <a href="#">Reflection form</a></li> <li>• Evaluate environmental factors</li> <li>• <a href="#">Family Support Services Referral</a></li> <li>• Counsel students</li> <li>• Call parents</li> <li>• Behavior support plan</li> <li>• Referral to counseling</li> </ul>	<ul style="list-style-type: none"> <li>• Healthy and Safety – Sent home</li> <li>• 1-2 period On Campus Suspension</li> <li>• 1-2 day In school suspension</li> <li>• 1 day off campus suspension</li> <li>• Change of clothes(dress code)</li> <li>• Parent meeting</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>• Reflection form</li> <li>• Peer Counseling</li> <li>• Counsel students</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Assign detention</li> <li>• 1-2 period On Campus Suspension</li> </ul>





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

	<ul style="list-style-type: none"> <li>• Parent conference</li> <li>• Parent attends school</li> <li>• Evaluate environmental factors</li> <li>• Behavior support plan</li> <li>• Campus beautification</li> <li>• Community service</li> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• <a href="#">Family Support Services Referral</a></li> <li>• Review BSP</li> <li>• Referral to counseling</li> <li>• SART/SST</li> </ul>	<ul style="list-style-type: none"> <li>• 1-2 day on campus suspension</li> <li>• 1 day off campus suspension</li> <li>• 1-2 day off campus suspension</li> <li>• Possible call police</li> <li>• Detention</li> <li>• Change of clothes</li> <li>• Parent meeting</li> <li>• Suspend privileges</li> <li>• Warning</li> <li>• Detention</li> <li>• Suspend privileges</li> <li>• Suspend privileges</li> <li>• Detention</li> <li>• In school suspension</li> </ul>
4th Offense	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>• Reflection form</li> <li>• Peer Counseling</li> <li>• Counsel students</li> <li>• Parent conference</li> <li>• Parent attends school</li> <li>• Evaluate environmental factors</li> <li>• Behavior support plan</li> <li>• Community service</li> <li>• Provide intervention: counselor</li> <li>• <a href="#">Family Support Services Referral</a></li> <li>• Review BSP</li> <li>• Referral to counseling</li> <li>• SARB</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• Detention</li> <li>• Change of clothes</li> <li>• Parent meeting</li> <li>• Suspend privileges</li> <li>• In school suspension</li> </ul>

<b>EC 48900 K</b>	<b>Ed Code 48900, K -Continued Willful Disobedience, Refusal to Follow School Rules and Regulations, Defiance Interference and/or Obstruction (staff member)</b>	
	<b>Interventions</b>	<b>Administrative Action (6-8)</b>
1st Offense	<p><b>Additional Interventions (6-12):</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Self Reflection form</a></li> <li>• Peer Counseling</li> <li>• Mediation Contract</li> <li>• School wide positive reinforcement program (eg. Character Counts, etc.)</li> <li>• Meet with counselor</li> </ul>	<p><b>Administrative Action (6-8):</b></p> <ul style="list-style-type: none"> <li>• Assign Detention</li> <li>• On Campus Suspension</li> <li>• 1 day suspension</li> </ul> <p><b>Administrative Action (9-12):</b></p> <ul style="list-style-type: none"> <li>• On Campus Suspension</li> <li>• 1-3 day suspension</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

<p>2nd Offense</p>	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Self Reflection form</a></li> <li>• Peer Counseling</li> <li>• Mediation Contract</li> <li>• School wide positive reinforcement program (eg. Character Counts, etc.)</li> <li>• Establish Behavior Support Plan (BSP)</li> <li>• Parent attends student class</li> <li>• <a href="#">Possible Refer to School Mental Health Services</a></li> <li>• Counselor provides parent with multiple district and community resources</li> </ul>	<p><b>Administrative Action (6-8):</b></p> <ul style="list-style-type: none"> <li>• Assign detention</li> <li>• 1-3 day suspension</li> <li>• Follow SART/SARB process</li> </ul> <p><b>Administrative Action (9-12):</b></p> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Follow SART/SARB process</li> </ul>
<p>3rd Offense</p>	<p><b>Additional Interventions:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Self Reflection form</a></li> <li>• Peer Counseling</li> <li>• Mediation Contract</li> <li>• School wide positive reinforcement program (eg. Character Counts, etc.)</li> <li>• Meet with counselor</li> <li>• Review Behavior Support Plan (BSP)</li> <li>• <a href="#">Possible Refer to School Mental Health Services</a></li> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Assign adult certificated or classified mentor</li> <li>• Possible Teacher -PIT</li> <li>• Evaluate consequences and intervention effectiveness</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Possible Contact PD</li> <li>• Possible recommendation</li> <li>• Follow SART/SARB process</li> <li>• Possible recommendation for expulsion</li> </ul>
<p>EC 48900 (K) (cont.)</p>	<p><b>Interventions:</b></p>	<p><b>Administrative Action (6-12):</b></p>
<p>4th Offense</p>	<p><b>Interventions:</b></p> <ul style="list-style-type: none"> <li>• Peer Counseling</li> <li>• Mediation Contract</li> <li>• Meet with counselor</li> <li>• Review Behavior Support Plan (BSP)</li> <li>• <a href="#">Refer to School Mental Health Services</a></li> <li>• School site provides parent with multiple district and community resources</li> </ul>	<p><b>Administrative Action (6-12):</b></p> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> <li>• Follow SART/SARB process</li> <li>• Possible recommendation for expulsion</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

	<ul style="list-style-type: none"> <li>• Evaluate consequences and intervention effectiveness</li> <li>• Possible Refer SST</li> </ul>	
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**EC 48900 (L) – Non-Safety  
Knowingly received stolen school or private property.**

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Documentation the accused has, and/or has received, stolen property.
- ❖ Documentation supporting that student had knowledge
- ❖ Photographic evidence of stolen item(s).
- ❖ Estimated value of item(s).
- ❖ Statements by: witness(es) – may be used as direct evidence.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- ❖ Statement by the accused agreeing they committed the violation.

L: SECONDARY – NON-SAFETY

EC 48900 L Knowingly Received Stolen Property		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Prevention Program – targeted skill development</li> <li>• Identify contributing Functional and Environmental Factors</li> <li>• <a href="#">Reflection form</a></li> <li>• Develop behavior support plan contract</li> <li>• Assign adult mentor</li> <li>• Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• Assign detention</li> <li>• 1-3 day suspension</li> <li>• On campus suspension</li> <li>• Contact PD</li> </ul>
2nd Offense	<b>Additional Interventions:</b> <b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• School site provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Review BSP</li> <li>• Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• On campus suspension</li> <li>• Contact PD</li> </ul>
3rd Offense	<b>Additional Interventions:</b>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> <li>• Possible recommendation for expulsion</li> </ul>

### EC 48900 (M) – SAFETY

Possessed an imitation firearm - as used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Statements by accused and direct witness(es)
- ❖ Photographic evidence of the imitation firearm.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- ❖ Statement(s) by: Campus Security Officer (CSO) and/or police officer.

### M: SECONDARY – SAFETY

**EC 48900 M Possession of an Imitation Weapon— MUST LOOK LIKE A REAL GUN**  
 If not a weapon, no need to extend suspension.  
 If it leads to other violations (i.e., A-1, B, R) then recommend expulsion.

	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program – targeted skill development</li> <li>● <a href="#">Self Reflection form</a></li> <li>● Identify contributing Functional and Environmental Factors</li> <li>● Develop behavior contract</li> <li>● Assign adult mentor</li> <li>● Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● Health and Safety sent home</li> <li>● 1-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Counselor provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Develop BSP</li> <li>● Parent conference</li> <li>● Review PIP process</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Recommendation for expulsion</li> </ul>

### EC 48900 (N) – SAFETY

Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

The following must be submitted in order to substantiate an expulsion recommendation:

Refer to Education Code section 48915(c)(4) when dealing with this violation.

- ❖ Statements by: police and/or Campus Security Officer(s) are of extreme importance.
- ❖ Statements by: witness(es), if applicable.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- ❖ Record of report to District's Affirmative Action Office.

Violation of 48900(n) can be quickly substantiated if the perpetrator is identified and confesses to the act. In most cases,

however, it is in the best interest of the administrator to proceed with a thorough investigation.

In cases of sexual harassment and assault, it is necessary for the administrator to collect thorough documentation of the

incident and carefully handle statements given by the victim and the accused.

In cases where testifying in the presence of the accused perpetrator could cause serious psychological harm, the victim may be allowed to testify in a closed session hearing, separate from the accused. Such requests must be provided by site

administration to the district Hearing Panel at the time the recommendation for expulsion is submitted.

This violation shall not apply to students in grades K-3 – refer to the Ed. Code and call Youth Services.

### N: SECONDARY – SAFETY

EC 48900 N	Sexual Assault EC 48915 (c) (4)	
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● School site provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Consider Tier Three support</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Mandatory expulsion</li> </ul>

### EC 48900 (O) SAFETY

Harassed, threatened, or intimidated a witness.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Documentation of harassment, threats, or other forms of intimidation made by the accused to the victim.
- ❖ Statements by: victim and witness(es), verifying the act(s) of harassment or intimidation.





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### O: SECONDARY – SAFETY

EC 48900 O Harassed, Threatened or Intimidated a Witness		
	Interventions :	Administrative Action(6-12):
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Meet with counselor</li> <li>• Identify contributing Functional and Environmental Factors</li> <li>• Develop behavior support contract</li> <li>• Assign adult mentor</li> <li>• Parent attends school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-3 day suspension</li> <li>• Possible call PD</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Prevention Program – targeted skill development</li> <li>• Evaluate consequence and intervention effectiveness</li> <li>• Review BSP</li> <li>• Parent attends school</li> </ul>	<b>Administrative Action (6-8):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Provide intervention: counselor</li> <li>• Parent attends school</li> <li>• Evaluate BSP</li> <li>• Refer to SST</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 3-5 day suspension</li> <li>• Contact PD</li> <li>• Possible recommendation for expulsion</li> </ul>
<b>4th Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Parent attends school</li> <li>• Review BSP</li> <li>• Review SST process and interventions</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> <li>• Recommend expulsion</li> </ul>

### EC 48900 (P)--SAFETY

#### Unlawfully offered or arranged to sell the drug-Soma

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Documentation the accused, while under the jurisdiction of the school, sold or arranged to sell the drug Soma.
- ❖ Photographic evidence.
- ❖ Test results, which identify the substance found. police is qualified to conduct such testing.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

❖ Statements by: accused, witness(es).

P: SECONDARY – SAFETY

EC 48900 P Unlawfully offered or arranged to sell the drug - Soma Copy drugs		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions:</b> <ul style="list-style-type: none"> <li>Prevention Program with targeted skill development</li> <li>Behavior support plan/contract</li> <li>Assign mentor</li> <li>Parent conference</li> <li>Counselor provides parent with multiple district and community resources</li> <li>Require parent to attend school with child 1 day</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>2 day in school intensive drug counseling if available</li> <li>1 day suspension</li> <li>Contact PD and request citation</li> </ul>
2nd Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>School site provides parent with multiple district and community resources</li> <li>Evaluate intervention counselor</li> <li>Evaluate BSP</li> <li>Parent conference</li> <li>Require parent to attend school with child 1-2 day</li> <li>Parent class/support group</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>1-3 day suspension</li> <li>2 day in school intensive drug counseling if available</li> <li>Contact PD</li> <li>Possibly Recommend expulsion</li> </ul>
3rd Offense	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li></li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>5 day suspension</li> <li>2 day in school intensive drug counseling if available</li> <li>Contact PD</li> <li>Recommend expulsion</li> </ul>

### EC 48900 (Q) – SAFETY- Hazing

Engage in, or attempted to engage in, hazing as defined in Education Code section 32050

The following must be submitted in order to substantiate an expulsion recommendation:

As defined in [Education Code section 32050](#):

“Hazing” includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to those organizations that cause or are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any pupil or other person attending any school, community college, college, university, or other educational institution in this state. The term “hazing,” does not include customary athletic events or other similar contests of competitions (Amend. Stats. 2003, Ch. 21).



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

- ❖ Statements by: victim, supporting witness(es).
- ❖ Police Report(s).
- ❖ Medical record of injury provided by medical professional.
- ❖ Photographic evidence of weapons used in hazing activity, if applicable. Examples: sticks, bata, and brass knuckles.
- ❖ Statements by: witness(es) verifying verbal abuse was inflicted during the incident.
- ❖ In order to establish a link between the hazing event and the persons and/or group involved, focus the investigation around the hazing practices of the group (secret club, team, gang, etc).

#### Q: SECONDARY – SAFETY

EC 48900 Q	Hazing	
	Interventions :	Administrative Action(6-12):
<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Meet with counselor</li> <li>● Identify contributing Functional and Environmental Factors</li> <li>● Develop behavior support contract</li> <li>● Assign adult mentor</li> <li>● Parent attends school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-3 day suspension</li> <li>● Possible call PD</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Evaluate consequence and intervention effectiveness</li> <li>● Review BSP</li> <li>● Parent attends school</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-5 day suspension</li> <li>● Contact PD</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Evaluate BSP</li> <li>● Refer to SST</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 3-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
EC 48900 (Q) (cont.)	Interventions:	Administrative Action (6-12):
<b>4th Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● School site provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Review BSP</li> <li>● Review SST process and interventions</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Recommend expulsion</li> </ul>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

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### 48900 (R)--SAFETY Bullying

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Documentation of the accused involvement in the harassment of a pupil, group of pupils, or staff by words or active threats. Examples: gang activity of revenge or sending notes of impending harm.
- ❖ Statements by: accused, witness(es).

R: SECONDARY – SAFETY



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

EC 48900 R

Ed Code 48900, R - Bullying

X: Engaged in the act of electronic (cyber) bullying\*

X1: Engaged in bullying based on sexual orientation

X2: Engaged in bullying based on ethnicity or race

X3: Engaged in bullying based on physical or mental disability

#### Interventions :

<b>1st Offense</b>	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Meet with counselor</li> <li>● Identify contributing Functional and Environmental Factors</li> <li>● Develop behavior support contract</li> <li>● Assign adult mentor</li> <li>● Parent attends school</li> </ul>
<b>2nd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program — targeted skill development</li> <li>● Evaluate consequence and intervention effectiveness</li> <li>● Review BSP</li> <li>● Parent attends school</li> </ul>
<b>3rd Offense</b>	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Evaluate BSP</li> <li>● Refer to SST</li> </ul>
<b>4th Offense</b>	<b>Additional Interventions:</b> <ul style="list-style-type: none"> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Review SST process and interventions</li> </ul>

EC 48900 T — SAFETY- Aiding and Abetting

Aided or abetted the infliction or attempted infliction of physical injury.

The following must be submitted in order to substantiate an expulsion recommendation:

As defined in [Penal Code section 31](#): A pupil who aids or abets in the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great bodily injury or



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

serious bodily injury shall be subject to discipline. Documentation from a physician verifying physical injury was inflicted-- must note the severity of the injury. Investigation reports by police.

- ❖ Verbal or written threats, if applicable.
- ❖ During an investigation, the following should be carefully examined 1) the statement of the accused 2) the victim's statement 3) supporting witness(es) statements.

**Note:** This Education Code may apply to cases where more than one student is involved in an attempt to aid another in the infliction or intimidation of physical harm against another student on campus.

T: SECONDARY – SAFETY

EC 48900 T	Ed. Code 48900T - Aiding And Abetting	
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program – targeted skill development</li> <li>● Provide Tier Two supports</li> <li>● Parent attends school</li> <li>● Develop BSP</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul> <b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program – targeted skill development</li> <li>● Provide Tier Two supports</li> <li>● Parent attends school</li> <li>● Develop BSP</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
3rd Offense	<b>Additional Interventions:</b> <b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Provide intervention: counselor</li> <li>● Review BSP</li> <li>● Refer to SST</li> <li>● Consider Tier Three supports</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Recommend expulsion</li> </ul>

### EC 48900.2 Sexual Harassment

The following must be submitted in order to substantiate an expulsion recommendation:

Refer to [Education Code section 212.5](#) to clarify sexual harassment.





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- ❖ Victim statement outlining sexual harassment charges and the negative impact the incident incurred on the victim. The complaint must be signed by: victim and witness(es).
- ❖ Evidence the harassment negatively impacted the academic performance of the victim.
- ❖ Evidence substantiating a hostile, intimidating or offensive educational environment was created by the accused.
- ❖ Record of report to District's Affirmative Action Office.

### SECONDARY – SAFETY

EC 48900.2 Ed. Code 48900.2 - Sexual Harassment		
	Interventions :	Administrative Action (6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Counselor: targeted skill development</li> <li>● Reflection form</li> <li>● Identify contributing Functional and Environmental Factors</li> <li>● Develop behavior support contract</li> <li>● Review sexual Harassment policy</li> <li>● Assign adult mentor</li> <li>● Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● Detention</li> <li>● 1 -2 day in school suspension</li> <li>● Possible 1 day suspension</li> <li>● Contact PD</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program – targeted skill development</li> <li>● Parent attends school</li> <li>● Review BSP</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-2 day in school suspension</li> <li>● 1-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
3rd Offense	<b>Additional Interventions:</b> <b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Counselor provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Review BSP</li> <li>● Refer to SST</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Recommend expulsion</li> </ul>

### EC 48900.3 – SAFETY

Hate Violence - Education Code section 48900.3.

The following must be submitted in order to substantiate an expulsion recommendation:

- ❖ Determination by school officials the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Subdivision (e) of [Education Code section 233](#).



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- ❖ Documentation of hate violence as defined by Subdivision (e) of [Education Code section 233](#).
- ❖ Statements by: victim, witness(es).
- ❖ Photographic evidence, if applicable

### SECONDARY – SAFETY

EC 48900.3 Ed. Code 48900.3 - Hate Violence		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Counselor: targeted skill development</li> <li>● Identify contributing Functional and Environmental Factors</li> <li>● Develop behavior contract: assign adult mentor</li> <li>● Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>● 1-5 day suspension</li> <li>● Contact PD</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Prevention Program – targeted skill development</li> <li>● Provide Tier Two supports</li> <li>● Parent attends school</li> <li>● Develop BSP</li> </ul>	<b>Administrative Action (6-12)</b> <ul style="list-style-type: none"> <li>● 1-5 day suspension</li> <li>● Contact PD</li> <li>● Possible recommendation for expulsion</li> </ul>
3rd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>● Counselor provides parent with multiple district and community resources</li> <li>● Provide intervention: counselor</li> <li>● Parent attends school</li> <li>● Review BSP</li> <li>● Refer to SST</li> <li>● Consider Tier Three supports</li> </ul>	<b>Administrative Action (6-12)</b> <ul style="list-style-type: none"> <li>● 5 day suspension</li> <li>● Contact PD</li> <li>● Recommend expulsion</li> </ul>

### EC 48900.4 – SAFETY- Harassment,Threats, or Intimidation

Pupil has intentionally engaged in harassment, threats or intimidation directed at school employee,property or students creating an intimidating or hostile educational environment.

The following must be submitted in order to substantiate an expulsion recommendation:

- Documentation the accused actively engaged in harassment, threats, intimidation against school officials or school property. Example: Student threatening to commit harm to others directed at individuals with a specific plan.



## Pupil Resources

### Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- Statements by: accused, witness(es).

According to this section of the Education Code, “hostile educational environment” involves any statement, written or oral, which threatens specific intent of:

- ❖ great bodily injury to another person
- ❖ property damage directed towards targeting an individual or group.

All statements must to be taken as a threat even if there is no intent of actually carrying them out (see Appendix).

#### SECONDARY – SAFETY

EC 48900.4 Ed. Code 48900.4 - Harassment, Threats, or Intimidation		
	Interventions :	Administrative Action(6-12):
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counselor: targeted skill development</li> <li>• Identify contributing Functional and Environmental Factors</li> <li>• Develop behavior contract: assign adult mentor</li> <li>• Parent conference</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> </ul>
2nd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Prevention Program — targeted skill development</li> <li>• Provide Tier Two supports</li> <li>• Parent attends school</li> <li>• Develop BSP</li> </ul>	<b>Administrative Action (6-12)</b> <ul style="list-style-type: none"> <li>• 1-5 day suspension</li> <li>• Contact PD</li> <li>• Possible recommendation for expulsion</li> </ul>
3rd Offense	<b>Additional Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• Counselor provides parent with multiple district and community resources</li> <li>• Provide intervention: counselor</li> <li>• Parent attends school</li> <li>• Review BSP</li> <li>• Refer to SST</li> <li>• Consider Tier Three supports</li> </ul>	<b>Administrative Action (6-12)</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> <li>• Recommend expulsion</li> </ul>

#### EC 48900.7 – SAFETY- Terrorist Threat

Pupil has made terrorist threats against school officials, school property or both

The following must be submitted in order to substantiate an expulsion recommendation:

- Documentation the accused actively engaged in terrorist threats against school officials or school property.  
Example: Student calls in a bomb threat.



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

- Statements by: accused, witness(es).

According to this section of the California Education Code 48900.7, “terrorist threat” involves any statement, written or oral, which threatens specific intent of:

- ❖ great bodily injury to another person
- ❖ property damage

### SECONDARY – SAFETY

EC 48900.7 Ed. Code 48900.7 - Terrorist Threats			
	Interventions :	Administrative Action(6-12):	Documentation
1st Offense	<b>Interventions (6-12):</b> <ul style="list-style-type: none"> <li>• School site provides parent with multiple district and community resources</li> <li>• Parent attends school</li> <li>• Consider Tier Three support</li> </ul>	<b>Administrative Action (6-12):</b> <ul style="list-style-type: none"> <li>• 5 day suspension</li> <li>• Contact PD</li> <li>• Mandatory expulsion extension of suspension OR Rationale</li> </ul>	



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

## WITNESS STATEMENT

**Information of the person completing the form:**

Name (last, first) \_\_\_\_\_

**Are you?**

- Student, ID# \_\_\_\_\_
- Parent \_\_\_\_\_
- Staff (position) \_\_\_\_\_

**Your involvement?**

- I'm the victim
- I'm the accused
- I'm a witness
- I helped deal with the incident

**Please include the following information, where applicable, regarding the incident:**

1. Note the date and time of the incident.
2. Describe the location where the incident took place.
3. Describe, in the order of events, what you experienced, heard or witnessed.
4. Describe how you were involved in the incident.
5. Note any physical injuries.
6. List any other witness names and/or physical descriptions.

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**I declare under penalty of perjury that the information provided on this form is accurate and true.**

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_

Name of person receiving the statement \_\_\_\_\_



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

**SWORN DECLARATION**

In the matter of the:  suspension  possible expulsion or  disciplinary incident of:

\_\_\_\_\_, a student at \_\_\_\_\_ School,

I feel that the disclosure of my identity and my testimony as a witness at the hearing would subject me to unreasonable risk of harm.

I wish to remain anonymous because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Narrative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Executed at \_\_\_\_\_, California

\*Declarant's Name \_\_\_\_\_ \*Signature \_\_\_\_\_

***\*Name and signature will not be disclosed.***





## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

### NAME OF SECONDARY SCHOOL ADDRESS

Pomona, CA 91766

(909) 397-0000

### LEVEL 1 MEETING CHECKLIST

STUDENT: \_\_\_\_\_

Student ID #: \_\_\_\_\_ DOB: \_\_\_\_\_ GRADE: \_\_\_\_\_

#### **THE LEVEL 1 PACKET MUST BE IN THE FOLLOWING ORDER:**

1. \_Cover Sheet
2. \_Principal's Memo
3. \_Suspension Notification
4. \_Administrator's Memo (A **detailed description** of what happened from a-z.) **Include school interventions for Academic and Behavior.**
5. \_Incident Report form(Pupil Resources will provide this form)
6. \_Injury report (if applicable/available)
7. \_Police Report (if applicable/available)
8. \_Copy of citation (s) (if applicable /available)
9. \_Witness Statements (**If the witness is a student, cross out student names**).
  - a). \_Accused
  - b). \_Other witness
  - c). \_Victim
10. \_Contracts - Behavior, attendance, and/or academic (if applicable).
11. **Photos** -victims, property damage, and/or evidence
12. **Copy of Manifestation Determination form only (if applicable) or Manifestation form for a 504 plan.**
13. \_Parent/Student home information **UPDATED**

#### **ZANGLE(Q) INFORMATION MUST BE IN THE FOLLOWING ORDER:**

14. Detailed Behavior for the current school year and the previous school year only (Behavior Menu)
15. \_Attendance History (Attendance Menu)
16. \_Student Marks (Marks Reporting Menu)
17. Student Test Scores (Enrollment Menu/Profile)
18. \_Academics (copy of two years of report cards including the current year)

DATE & TIME OF LEVEL 1 MEETING: \_\_\_\_\_

#### **LEVEL 1 MEETINGS:**

**3 sets of copies of the above documents are required for the Level 1 Meeting.**

At the Level 1 Meetings, the Director of Pupil Resources will determine one of the three recommendations: Provide the school/student with guidelines and/or interventions; a Stipulated Expulsion (if parent agrees); Proceed with an Expulsion Hearing.

**EXPULSION HEARINGS:** 1 set of the above documents are required. Packets are due on the day of the Level 1 Meetings. Packets are not to be brought with the administrator the day of the Expulsion Hearings



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

**REQUEST FOR ACTION/HEARING**

<b>Today's Date:</b>	
<b>Pupil's Name:</b>	
<b>School of Attendance:</b>	
<b>School of Residence:</b>	
<b>Student ID#</b>	
<b>Date of Birth:</b>	
<b>Grade:</b>	
<b>Sex:</b>	
<b>Ethnic Code:</b>	
<b>Special Education Program or 504</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Name of Parent:</b>	
<b>Address:</b>	
<b>City, Zip Code</b>	
<b>Home Phone:</b>	
<b>Primary Home Language:</b>	
<b>Translation Needed?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

<b>Primary Home Language:</b>	
<b>REQUEST FOR ACTION/HEARING</b>	
<b>Translation Needed?</b>	
<b>School Administrator:</b>	
<b>Secretary:</b>	
<b>Probation Officer:</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Name of Probation Officer:</b>	
<b>Date Of Incident:</b>	
<b>First day of Suspension:</b>	
<b>Last Day of Suspension:</b>	
<b>ED. Code Violation:</b>	EC 489 _____
<b>Offense Details (specifics):</b>	
<b>Cited?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Photos</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>How many behavior incidents this school year?</b>	
<b>List behavior interventions?</b>	
<b>Is there a behavior contract?</b>	



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

### REQUEST FOR ACTION/HEARING (cont.)

To recommend a student for an expulsion recommendation the student must have committed a violation of the ED Code and have met one or both of the following criteria:

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct  
-OR-
1. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

If either of the two apply you must provide a detailed explanation

Pupil Resource Action

DATE OF LEVEL 1 MEETING:



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

## INCIDENT REPORT

Report must be filled out by the reporting administrator

Name of Student:	
Student ID:	
Date of Incident:	
Time of Incident:	
Violation of Education Code:	

Did this incident occur on school campus? \_\_\_\_\_

Exact location of the incident: \_\_\_\_\_

Who reported the incident? \_\_\_\_\_

Did you take a written statement from the reporting individual? \_\_\_\_\_

Are there witnesses(s)? \_\_\_\_\_

Did you get written statements from the witness? \_\_\_\_\_

Did the student admit to the accusation? \_\_\_\_\_

Did you get written statements from the student who is being accused ( written statements are supportive evidence)? \_\_\_\_\_

What was the explanation given by the student for his/her action? \_\_\_\_\_

Were photos of the evidence taken? (photos are supportive evidence)? \_\_\_\_\_

Was the parent of the accused informed of the suspension and how was the parent informed (phone call/parent conference)? \_\_\_\_\_

How many days was the student suspended for? ( if you are recommending a Waiver/Expulsion Hrg, you must suspend for a maximum of 5-days. \_\_\_\_\_





Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Discipline Intervention and Action Form – Level 1

Student Name		Student ID #	Grade
Student Address		Parent Guardian	Phone Number
			email
AR Scores		CAASPP Proficient?	IEP
Foster / Homeless / Probation			
ELA _____	ELA _____ MATH _____	YES [ ] NO [ ]	YES [ ] NO [ ]
Referred By:	Place / Room	Time / Place	Date

	Behavior	Intervention	Action
L E V E L  1	<input type="checkbox"/> Classroom Disruption	<ul style="list-style-type: none"> <li>Prompt Student,</li> <li>Verbal Warning,</li> <li>Written Warning(s)</li> <li>Review Social Contract</li> <li>Change in Seating,</li> <li>Provided Structured choice,</li> <li>Reteach Behavior</li> <li>Student Conference</li> </ul>	<ul style="list-style-type: none"> <li>Teacher Detention</li> <li>Alternative Learning Center</li> <li>In School Suspension – same day</li> <li>Saturday School</li> </ul>
	<input type="checkbox"/> Electronic Device		
	<input type="checkbox"/> Horse Play		
	<input type="checkbox"/> Teasing / Mocking		
	<input type="checkbox"/> Dress Code		
	<input type="checkbox"/> Attendance (6 days or less)		
	<input type="checkbox"/> Profanity / Vulgarity (non-directed)		
	<input type="checkbox"/> Cheating on a test		
	<input type="checkbox"/> Leaving Class w/out permission		
	<input type="checkbox"/> Academics (1-2 Fs)	<p><b>Referral / Notification</b></p> <ul style="list-style-type: none"> <li>Peer Resources</li> <li>Mentor/Coach</li> <li>Wellness Center</li> <li>SST Coordinator</li> </ul>	<p><b>Parent Notification</b></p> <ul style="list-style-type: none"> <li>Letter</li> <li>Call/Tele-parent</li> <li>Parent Conference</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>Q Visits Tab</li> <li>Low Level Referral</li> <li>Office Referral</li> <li>SST Online</li> </ul>

Intervention/ Action	Date/Time	Contact Person	Feedback Form / Date
			[ ] Yes [ ] No ___/___/___

Outcome


Comments


Teacher Signature	Students Signature	Office Signature	Date





Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Discipline Intervention and Action Form – Level 2

Student Name	Student ID #	Grade
Student Address	Parent Guardian	Phone Number
AR Scores	CAASPP Proficient?	IEP
ELA _____	ELA _____ MATH _____	YES [ ] NO [ ]
Referred By:	Place / Room	Time / Place

	Behavior	Intervention	Action
<b>L E V E L 2</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Continuous Level 1 Behavior (48900 K)</li> <li><input type="checkbox"/> Multiple Class Referrals (3-5)</li> <li><input type="checkbox"/> Possession, stealing, distribution, or duplicating Teacher assessment</li> <li><input type="checkbox"/> Habitual Profanity / Vulgarity (non directed)</li> <li><input type="checkbox"/> Habitual Truancies / Tardy (7-12 days)</li> <li><input type="checkbox"/> Minor Physical Contact (Pushing Shoving)</li> <li><input type="checkbox"/> Substance Use</li> <li><input type="checkbox"/> Gang Affiliation / Tagging</li> <li><input type="checkbox"/> Harassment / Making fun of others</li> </ul>	<p><b>Additional Intervention</b></p> <ul style="list-style-type: none"> <li>• Groups Counseling</li> <li>• Conflict Mediation</li> <li>• Peer Resources</li> <li>• Saturday School</li> <li>• Community Service</li> <li>• SMHS</li> <li>• Attendance/Behavior Contract</li> <li>• SART</li> </ul> <p><b>Referral / Notification</b></p> <ul style="list-style-type: none"> <li>• Counselors – Progress Contract</li> <li>• Academic Tutoring</li> <li>• Saturday School</li> <li>• After School Tutoring</li> </ul>	<p><b>Administrative Action</b></p> <ul style="list-style-type: none"> <li>• School Detention</li> <li>• Alternative Learning Center</li> <li>• In School Suspension – 1-2 days</li> <li>• Saturday School</li> <li>• Community Services</li> </ul> <p><b>Restrict Activity</b></p> <ul style="list-style-type: none"> <li>• Lunch Activities</li> <li>• Field Trips</li> <li>• School Dances / Games</li> </ul> <p><b>Parent Notification</b></p> <ul style="list-style-type: none"> <li>• Call Parent / Teacher Conference</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>• Q Visits/Behaviors</li> </ul>

Intervention/ Action	Date/Time	Contact Person	Feedback Form
			[ ] Yes [ ] No / Date

Outcome

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Comments

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Teacher Signature	Students Signature	Office Signature	Date



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Discipline Intervention and Action Form – Level 3

Student Name		Student ID #		Grade	
Student Address		Parent Guardian		Phone Number	
AR Scores		CAASPP Proficient?		IEP	
Foster / Homeless / Probation		ELA _____ MATH _____		YES [ ] NO [ ]	
Referred By:		Place / Room		Time / Place	
				Date	

	Behavior	Intervention	Action
<b>LEVEL 3</b>	a. Inflicted physical injury Fighting / Physical Altercation /	<b>Additional Interventions</b> <ul style="list-style-type: none"> <li>Counselor Monitoring</li> <li>Family Support Referral</li> <li>Drug Counseling</li> <li>Group Counseling</li> <li>Conflict Mediation</li> <li>Recommendation to Probation</li> <li>Community Service</li> <li>Outside Agencies</li> </ul> <b>Referral / Notification Administration</b> <ul style="list-style-type: none"> <li>Law Enforcement</li> <li>CWA</li> <li>Counselor</li> <li>Intervention Counselor</li> <li>SST Coordinator</li> <li>School Psychologist</li> <li>Family Support</li> <li>District</li> </ul>	<b>Administrative Action</b> <ul style="list-style-type: none"> <li>Detention</li> <li>Suspension 1-5 days (Progressive)</li> <li>Saturday School</li> <li>Alternative Schedule</li> <li>Involuntary/ voluntary Transfer</li> <li>SARB</li> <li>Recommendation for Expulsion (EC 48915-A)</li> </ul> <b>Parent Notification</b> <ul style="list-style-type: none"> <li>Call</li> <li>Parent / Teacher Conference</li> <li>Parent Attendance to Class</li> <li>Parent conference</li> <li>Suspension Letter</li> </ul> <b>Documentation</b> <ul style="list-style-type: none"> <li>Zangle Visits Tab</li> <li>Behaviors</li> </ul>
	b. Weapons/dangerous objects possession		
	c. Substance use, possession or sale		
	d. Sold look alike substance		
	e. Committed robbery/extortion		
	f. Caused damage to property / Graffiti		
	g. Committed theft		
	h. Use/possession of tobacco products		
	i. Committed obscenity/profanity/vulgarity		
	j. Possessed or sold drug paraphernalia		
	k. Disrupted school or defied school staff		
	l. Stealing / Receiving stolen property		
	m. Possessed imitation firearm		
	n. Committed sexual harassment		
	o. Harassed, threatened a student witness		
	p. Sold prescription drug Soma		
	q. Committed hazing		
	r. Engaged in an act of bullying		

Intervention/ Action	Date/Time	Contact Person	Feedback Form
			[ ] Yes [ ] No / Date

Outcome


Comments


Teacher Signature	Students Signature	Office Signature	Date



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Student Discipline Low Level Referral Form

Administrator:		Office / Extension	
Support Teacher		Office / Extension	

Student Name	Student ID #	Grade

Referred By:	Place / Room	Time / Place	Date

Behavior	Intervention	Teacher Action
<b>1<sup>st</sup> Incident</b>	<b>Date:</b>	<b>Time:</b>
<input type="checkbox"/> Classroom Disruption <input type="checkbox"/> Tardy / Truancy <input type="checkbox"/> Defiance <input type="checkbox"/> Profanity / Vulgarity <input type="checkbox"/> Disrespect <input type="checkbox"/> Other _____	<input type="checkbox"/> Prompted Student _____ <input type="checkbox"/> Written Warning(s) _____ <input type="checkbox"/> Change in Seating <input type="checkbox"/> Peer to Peer Tutoring <input type="checkbox"/> Provided Structured choice	<input type="checkbox"/> Self Reflection Form <input type="checkbox"/> Detention <input type="checkbox"/> Saturday School
<b>2<sup>nd</sup> Incident</b>	<b>Date:</b>	<b>Time:</b>
<input type="checkbox"/> Classroom Disruption <input type="checkbox"/> Tardy / Truancy <input type="checkbox"/> Defiance <input type="checkbox"/> Profanity / Vulgarity <input type="checkbox"/> Disrespect <input type="checkbox"/> Other _____	<input type="checkbox"/> Prompted Student _____ <input type="checkbox"/> Written Warning(s) _____ <input type="checkbox"/> Change in Seating <input type="checkbox"/> Peer to Peer Tutoring <input type="checkbox"/> Provided Structured choice	<input type="checkbox"/> Self Reflection Form <input type="checkbox"/> Detention <input type="checkbox"/> Saturday School
<b>3<sup>rd</sup> Incident</b>	<b>Date:</b>	<b>Time:</b>
<input type="checkbox"/> Classroom Disruption <input type="checkbox"/> Tardy / Truancy <input type="checkbox"/> Defiance <input type="checkbox"/> Profanity / Vulgarity <input type="checkbox"/> Disrespect <input type="checkbox"/> Other _____	<input type="checkbox"/> Prompted Student _____ <input type="checkbox"/> Written Warning(s) _____ <input type="checkbox"/> Change in Seating <input type="checkbox"/> Peer to Peer Tutoring <input type="checkbox"/> Provided Structured choice	<input type="checkbox"/> Self Reflection Form <input type="checkbox"/> Detention <input type="checkbox"/> Saturday School
<b>4<sup>th</sup> Incident</b>	<b>Date:</b>	<b>Time:</b>
<input type="checkbox"/> Classroom Disruption <input type="checkbox"/> Tardy / Truancy <input type="checkbox"/> Defiance <input type="checkbox"/> Profanity / Vulgarity <input type="checkbox"/> Disrespect <input type="checkbox"/> Other _____	<input type="checkbox"/> Prompted Student _____ <input type="checkbox"/> Written Warning(s) _____ <input type="checkbox"/> Change in Seating <input type="checkbox"/> Peer to Peer Tutoring <input type="checkbox"/> Provided Structured choice	<input type="checkbox"/> Self Reflection Form <input type="checkbox"/> Detention <input type="checkbox"/> Saturday School <input type="checkbox"/> ALC (office referral due at end of day) <input checked="" type="checkbox"/> Call Home ( <b>REQUIRED</b> )

**Comments**

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<b>Teacher Signature</b>	<b>Parent Signature</b>	<b>Students Signature</b>	<b>Date</b>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

### POMONA UNIFIED SCHOOL DISTRICT Student Discipline Office Referral Form

<b>Administrator:</b>		<b>Office / Extension</b>	
<b>Support Teacher</b>		<b>Office / Extension</b>	

<b>Student Name</b>	<b>Student ID #</b>	<b>Grade</b>

<b>Referred By:</b>	<b>Place / Room</b>	<b>Time / Place</b>	<b>Date</b>

Behavior	Intervention	Teacher Action
<input type="checkbox"/> Classroom Disruption <input type="checkbox"/> Tardy / Truancy <input type="checkbox"/> Dress Code <input type="checkbox"/> Damage to School Property <input type="checkbox"/> Drug / Alcohol <input type="checkbox"/> Defiance <input type="checkbox"/> Physical Altercation <input type="checkbox"/> Profanity / Vulgarity <input type="checkbox"/> Disrespect <input type="checkbox"/> Electronic Device <input type="checkbox"/> Other	<input type="checkbox"/> Prompted Student _____ <input type="checkbox"/> Written Warning(s) _____ <input type="checkbox"/> Change in Seating <input type="checkbox"/> Peer to Peer Tutoring <input type="checkbox"/> Provided Structured choice <b>Targeted Support</b> <input type="checkbox"/> Parent Conference _____ <b>Curriculum</b> <input type="checkbox"/> Make Up <input type="checkbox"/> Alternative Assignment <input type="checkbox"/> Extra Credit <input type="checkbox"/> Partial Credit	<b>Accountability</b> <input type="checkbox"/> Self Reflection Form <b>Alternative Setting</b> <input type="checkbox"/> ALC <input type="checkbox"/> Detention <input type="checkbox"/> Saturday School <b>Referral / Notification</b> <input type="checkbox"/> Peer Counseling <input type="checkbox"/> Counselor <input type="checkbox"/> Tutoring <input type="checkbox"/> Administrator

Parent Notification	Date/Time	Contact Person	Phone Number
<input checked="" type="checkbox"/> Call ( <b>REQUIRED</b> )			
2 <sup>nd</sup> Attempt			
3 <sup>rd</sup> Attempt			
<input type="checkbox"/> CWA / Parent Center			
<input type="checkbox"/> Meeting			

**Outcome**

**Comments**

<b>Teacher Signature</b>	<b>Students Signature</b>	<b>Office Signature</b>	<b>Date</b>



## Pupil Resources Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

# 2021

### POMONA UNIFIED SCHOOL DISTRICT Student Discipline Intervention Feedback Form

<b>Student Name</b>	<b>Student ID #</b>	<b>Grade</b>

<b>Intervention by:</b>	<b>Place / Room</b>	<b>Time / Place</b>	<b>Date</b>

Behavior	Functional Factors	Environmental Factors
<input type="checkbox"/> Classroom Disruption	<input type="checkbox"/> Gain Peer Attention	<input type="checkbox"/> Adult Request
<input type="checkbox"/> Tardy / Truancy	<input type="checkbox"/> Gain/Obtain Activity	<input type="checkbox"/> Group Work
<input type="checkbox"/> Dress Code	<input type="checkbox"/> Avoid Work	<input type="checkbox"/> Classroom Transitions
<input type="checkbox"/> Damage to School Property	<input type="checkbox"/> Gain Adult Attention	<input type="checkbox"/> Changes to Routine
<input type="checkbox"/> Drug / Alcohol	<input type="checkbox"/> Avoid Peers	<input type="checkbox"/> Oral Instruction
<input type="checkbox"/> Defiance	<input type="checkbox"/> Avoid Group Work	<input type="checkbox"/> Managing Materials
<input type="checkbox"/> Physical Altercation	<input type="checkbox"/> Gain/ Obtain an item	<input type="checkbox"/> Passing Periods
<input type="checkbox"/> Profanity / Vulgarity	<input type="checkbox"/> Avoid Adults	<input type="checkbox"/> Individual Seat Work
<input type="checkbox"/> Disrespect	<input type="checkbox"/> Avoid Scheduled Event	<input type="checkbox"/> External Interruptions
<input type="checkbox"/> Electronic Device	<input type="checkbox"/> Other	<input type="checkbox"/> Teasing form Peers
<input type="checkbox"/> Other		<input type="checkbox"/> Assembly
		<input type="checkbox"/> Other

**Reason the behavior took place?**

**What can be done for the behavior to stop?**

**What strategies will student use for success?**

**How was student accountable for their behavior?**

**Goals:**

**Comments/concerns:**

<b>Interventionists Signature</b>	<b>Students Signature</b>	<b>Office Signature</b>	<b>Date</b>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Student Behavior Monitor

<b>Student Name</b>	<b>Student ID #</b>	<b>Grade</b>

<b>Student Address</b>	<b>Parent Guardian</b>	<b>Phone Number</b>	<b>Behavior Contract</b>
			<input type="checkbox"/> Weekly <input type="checkbox"/> Daily

Academic	Behavior	Attendance
1 = Productive Complete 2 = Productive Not Complete 3 = Not Productive	U = Unsatisfactory N = Needs Improvement S = Satisfactory	A = Absent T = Tardy P = Present

	Academic	Behavior	Attendance	Class Grade %	Teacher Signature
Period Subject Teacher	1 2 3	U N S	A T P		
Comments					
Period Subject Teacher	1 2 3	U N S	A T P		
Comments					
Period Subject Teacher	1 2 3	U N S	A T P		
Comments					
Period Subject Teacher	1 2 3	U N S	A T P		
Comments					
Period Subject Teacher	1 2 3	U N S	A T P		
Comments					

<b>Teacher Signature</b>	<b>Parent Signature</b>	<b>Students Signature</b>	<b>Date</b>



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Student Discipline Reflection Form

Student Name	Student ID #	Grade

Referred By:	Place / Room	Time / Place	Date

Which School Expectation or Rule did you violate?


How did the behavior affect the learning environment?


What will you do next time in order to avoid disciplinary action?


How can the teacher help you avoid this type of behavior?


List a behavior goal for the next week that will help you succeed in class.


What was the reason for your behavior?


What do you like about this class?


What do you NOT like about this class?


Comments:

--

Teacher Signature	Students Signature	Office Signature	Date





Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Student Behavior Contract

Student Name	Student ID #	Grade

Referred By:	Place / Room	Time / Place	Date

**ACADEMICS:** Student is expected to pass all classes with a 2.0 GPA and earn all credits per term.

<input type="checkbox"/> Student is not earning a 2.0 GPA. <input type="checkbox"/> Student is failing more than 2 classes. <input type="checkbox"/> Student is not earning credits on time.	<b>I agree to:</b> <input type="checkbox"/> complete all of my homework on time. <input type="checkbox"/> actively participate in class learning activities. <input type="checkbox"/> attend tutoring sessions if needed to maintain a "C" grade or higher.	_____ _____ _____
--	--	-------------------------

**ATTENDANCE:** Student is expected to attend school at least 90% time, be on time, and stay in school.

<input type="checkbox"/> Student has chronic absences <input type="checkbox"/> Student has chronic period absences <input type="checkbox"/> Student has chronic tardies <input type="checkbox"/> Student leaves campus unauthorized	<b>I agree to:</b> <input type="checkbox"/> arrive to school on time daily <input type="checkbox"/> come to school every day. <input type="checkbox"/> stay inside school campus. <input type="checkbox"/> bring a valid note to excuse my absences.	_____ _____ _____ _____
--	--	----------------------------------

**BEHAVIOR:** Student is expected to follow all state, district and school rules and regulations.

<input type="checkbox"/> Student has multiple behavior incidents <input type="checkbox"/> Student has Level 2 behavior violations <input type="checkbox"/> Student has Level 3 behavior violations <input type="checkbox"/>	<b>I agree to:</b> <input type="checkbox"/> respect classmates, teachers, staff, school property, <input type="checkbox"/> adhere to school rules and dress code. <input type="checkbox"/> use appropriate language when addressing people <input type="checkbox"/> follow instructions at all times	_____ _____ _____ _____
--	--	----------------------------------

**THE ABOVE STUDENT IS CURRENTLY NOT MEETING PROGRESS IN SCHOOL:**

<input type="checkbox"/> Student will be referred to higher level supports. <input type="checkbox"/> Suspended from School <input type="checkbox"/> Senior Activities (Prom, Graduation, Grad Night) <input type="checkbox"/> Student will be referred to an SARB, Level 1, Expulsion, or Alternative Program
--

If students are interested in changing to a different school (Independent Study, Adult School) inform the office

Comments

Teacher Signature	Students Signature	Parent Signature	Date



Pupil Resources  
Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

POMONA UNIFIED SCHOOL DISTRICT  
Classroom Suspension Form

Student Name	Student ID #	Grade

Referred By:	Place / Room	Time / Place	Date

Grounds for Suspension (48900)

**CIRCLE APPROPRIATE LETTER:**

- A. Caused, attempted to cause, or threatened to cause physical injury.
- B. Possessed, sold or furnished any firearms, knife, explosive, or other dangerous object.
- C. Possessed, used, sold, or furnished controlled substance.
- D. Offered, arranged or negotiated to sell a controlled substance.
- E. Committed robbery or extortion.
- F. Caused or attempted to cause damage to school property or private property.
- G. Stole or attempted to steal school property or private property.
- H. Possessed or used any type of tobacco product.
- I. Committed an obscene act or engaged in habitual profanity or vulgarity.
- J. Possessed or offered, arranged or negotiated to sell any drug paraphernalia.
- K. Disrupted school activities or willfully defied the authority or the school's staff.

Parent Notification	Date/Time	Contact Person	Phone Number
<input checked="" type="checkbox"/> Call (REQUIRED)			
2 <sup>nd</sup> Attempt			
3 <sup>rd</sup> Attempt			
<input type="checkbox"/> CWA / Parent Center			
<input checked="" type="checkbox"/> Meeting			

Comments


Teacher Signature	Students Signature	Parent Signature	Date



# Pupil Resources

## Secondary Discipline Matrix

Integrated Positive Behavior Interventions and Support (PBIS) Framework

2021

## **The Importance of Appropriate Special Education Assessments**

Many youth in the foster care system have disabilities, yet few receive the supports and services they need to succeed in school. Special education assessments help those caring for youth to better understand the youth's disability-related education needs, which is a critical first step in identifying appropriate, individualized supports and services. However, not all tests used in the special education assessment process are appropriate for use with all students. It is important that these tests are racially and culturally appropriate for the student being tested to avoid inaccurate classification of disability/eligibility and improper placement and services.

## **Disproportionality in Special Education**

Students of color, particularly Black students, are overrepresented in two of the most subjective and stigmatized special education eligibility categories: intellectual disability (ID) and emotional disturbance (ED). Compared to their White<sup>1</sup> peers, Black students are twice as likely to be identified as having an ED and three times as likely to be identified as having an ID.<sup>2</sup> In California, Black students are overrepresented in the ED category (13%) at 2.5 times their occurrence in the overall student population (5%). They are also twice as likely as White students to be labeled as ED. Black students who attend school in predominately White or wealthy areas are even more likely to be identified as having an ED or ID.<sup>3</sup> Research suggests that disparities such as these may be caused, in part, by biases in the special education assessment process.<sup>4</sup>

## **The Role of Special Education Assessment Tests/Tools**

Many different tests are used in the special education assessment process, including cognitive tests to help determine ID eligibility and behavior rating scales to help determine ED eligibility. However, not all tests are appropriate for all students, and research indicates that some tests commonly used to help determine such eligibility may be more racially and/or culturally appropriate than others. Selecting appropriate tests is crucial because the results of inappropriate tests that do not accurately reflect a student's skills or needs are often used to place them in inappropriate settings like dead-end or segregated classrooms.

## **Weakness of Common Cognitive Assessment Tool**

The Wechsler Intelligence Scale for Children (WISC-V) is the cognitive assessment tool that school psychologists use the most.<sup>5</sup> The WISC-V has been criticized for measuring what a youth knows academically (i.e., what they have been taught) instead of what they are capable of (i.e., their cognitive ability)—which is what the test is supposed to measure. As a result, many children perform poorly on the WISC-V due to a lack of resources (e.g., a quality education) rather than limited cognitive ability. These students are often inaccurately classified as having an ID and unnecessarily placed in restrictive settings. In fact, this was the subject of the *Larry P. v. Riles* case (against LAUSD) in which five Black children were inappropriately placed in dead-end, segregated classrooms due to their low performance on racially biased, discriminatory intelligence tests.<sup>6</sup> The Court prohibited the school district from using biased/discriminatory tests to identify students as ID or placing Black students in segregated classrooms. However, many districts' response to this ruling is to refuse to

conduct any cognitive testing of Black students, which is a different form of discrimination as to leads to Black students not being fully assessed to determine a variety of potential learning disabilities. Instead, the law requires that children are assessed in all areas of suspected disability and that racially and culturally appropriate testing be used.

### **Racially and Culturally Appropriate Cognitive Assessment Tools**

In line with recommendations made by researchers and scholars of color,<sup>7</sup> we promote using cognitive assessment tools that measure a child's cognitive skills (i.e., the way that they think and approach problems), rather than what they already know academically. One such comprehensive tool is the Cognitive Assessment System (CAS-2)<sup>8</sup>. Performance on the CAS-2 is not as heavily dependent on a student's preexisting academic knowledge, allowing students who may not have access to educational resources (e.g., students living in racially segregated, underserved neighborhoods) to receive scores that reflect a more accurate depiction of their cognitive skills than on other tests of cognition.

For some students, it may be more appropriate to assess cognition using a nonverbal test. For example, for students with speech and language disorders and/or autism, their performance on a verbal cognitive assessment will understate their cognitive skills. Nonverbal cognitive tests should both measure "nonverbal cognition" and also comprehensively measure cognition using nonverbal means (e.g., instructions that do not require things to be read to a student). We recommend use of the Universal Nonverbal Intelligence Test (UNIT-2) because it tests nonverbal cognition using nonverbal means and was designed to eliminate and/or reduce time constraints, different access to academic resources, and racial/cultural bias.<sup>9</sup> The Leiter International Performance Scale (Leiter-3) is another nonverbal tool we recommend for students with physical disabilities, as it provides for specific physical accommodations (e.g., does not require pointing to answers, allows for eye gaze). Each of these nonverbal cognitive tests can help reduce negative cultural influences in testing results. Research suggests that the 15-point score gap that exists between Black and White test takers on traditional cognitive tests is not present on nonverbal tests.<sup>10</sup>

The specific assessment tools discussed here can help reduce racial disparities in cognitive test outcomes. This will lead to more accurate eligibility determinations and ultimately, to a reduction in the over-representation of Black children inaccurately identified as having an ID. Ultimately, more racially and culturally appropriate testing will help those caring for youth with disabilities to advocate for appropriate education placement and services.

Please see our assessment request letter for sample language to request racially and culturally appropriate cognitive testing.

### **Appropriate Assessment Tools for Students with Social, Emotional, or Behavioral Disabilities**

For students with social-emotional, behavioral, and/or attention challenges, schools often use behavior rating scales as part of a psycho-educational assessment to identify a child's needs. The results of behavior rating scales are especially relevant for determining whether a student is classified as having an emotional disturbance – an eligibility category that is

very stigmatized<sup>11</sup> and often associated with more restrictive placements.<sup>12</sup> Another eligibility commonly used for young people with behavioral challenges (especially those diagnosed with ADHD) is Other Health Impairment (OHI). OHI is an eligibility category that is significantly less stigmatized than the ED category,<sup>13</sup> and is often associated with less restrictive placements<sup>14</sup> and services that target more than just behavioral concerns (e.g., academic delays). Research shows that students of color, particularly Black students, are overrepresented in the ED eligibility category,<sup>15</sup> even though many non-Black students with similar profiles are often categorized as having an OHI. This phenomenon is an example of racial disproportionality in the special education system and is something that we should be especially mindful of when engaging in education advocacy for youth.<sup>16</sup>

Some common examples of behavior rating scales include the Behavior Assessment System for Children (BASC-3)<sup>17</sup> and the Conners Comprehensive Behavior Rating Scales (Conners CBRS).<sup>18</sup> Rather than a test given directly to the student, behavior rating scales such as the BASC-3 and the Conners CBRS are made up of a set of questions given to parents/caregivers, teachers, and sometimes students, to evaluate their perceptions of a student's social-emotional, behavioral, and attention-related needs. Raters are asked to rate the frequency and/or severity of certain behaviors on a 'scale' (e.g., Never to Always or 1 to 4).

Although behavior rating scales may appear to produce "objective" data (e.g., T scores, percentile rankings), it is important to keep in mind that these results only reflect the perceptions of the person completing the scale.<sup>19</sup> Perception is incredibly subjective and can be influenced by many factors including but not limited to the race, class, or gender of a student, parent/caregiver, or teacher, as well as the implicit and explicit biases that we are all socialized into in this country. For example, we know that even when students demonstrate the very same behavior, Black boys are more likely than their White peers to have their behavior classified by their teachers as "aggressive."<sup>20</sup> (Notably, African American parents are more likely to rate their children's aggression lower than teachers<sup>21</sup>). Black girls are also subject to heightened scrutiny and are often deemed by their teachers as being "too loud" or "disruptive" compared to their White peers.<sup>22</sup> Behavior that a teacher may characterize as "inattentive" in a White student is often characterized as "defiant" for a Black student.<sup>23</sup> These phenomena are especially common in situations where the teacher is a White woman (which is especially problematic given that 80% of the teachers in this country are White women).<sup>24</sup>

Research has shown that aggression and disruptive classroom behaviors are the most important factors considered (even compared to other behavioral or mental health concerns, or academic factors) when making ED eligibility determinations and deciding on the restrictiveness of a placement being offered.<sup>25</sup> Research has also demonstrated that teachers and school psychologists have more active power in determining a student's placement.<sup>26</sup> If teachers complete behavior rating scales based on stereotyped or biased perceptions of a student's behavior(s), then the resulting eligibility determination, placement, and services are more likely to be rooted in that bias rather than in a student's unique needs. It is important to carefully evaluate the results of behavior rating scales from

a race and gender-conscious perspective to advocate for appropriate (and, importantly, equitable) eligibility determinations, placement, and services.

Unfortunately, there is a lack of research on the most racially and culturally appropriate behavior rating scales to use. Imperfect as they may be, we recommend the BASC-3 or the Conners CBRS for students with suspected social, emotional, or behavioral disabilities as they can provide useful information about a specific person's perception of a student's needs. If the BASC-3 is selected, we recommend requesting that the results from the BASC-3 Emotional Disturbance Qualification scales (EDQs) also be included. The BASC-3 EDQs combine existing scales in new ways to align with the federal definition of ED, which can aid in eligibility determinations.<sup>27</sup> However, it is important to carefully review the results of all these scales for potential rater bias to help reduce the likelihood of inaccurate eligibility determinations and inappropriate placements and services.

Please see our assessment request letter for sample language to request racially and culturally appropriate social and emotional behavior rating scales testing.

### More Details for Assessors

In sum, we recommend using the CAS-2 and the UNIT-2 or Leiter-3 to measure cognition for all students (including those suspected of ID), and the Conners CBRS and BASC-3 EDQs for students with suspected social, emotional, and behavioral disabilities (including ED). These recommendations are rooted in the findings of researchers and scholars of color, as well as an extensive review of existing literature about racial equity in special education assessments. We collected some additional technical information about these assessment tools to help assessors better understand the reasoning behind our recommendations.

- The WISC-V produces a mean score difference between Black and White students with White students scoring 11.5 standard score points higher, on average, than Black students. The CAS-2, in contrast, produces mean score differences of only 6.3 for the normative sample and 4.3 for the normative sample with statistical controls.<sup>28</sup> Research shows that while White children received the same mean scores on earlier versions of the CAS and the WISC, Black children received scores low enough to qualify them as having an ID on the WISC-III (due to the inclusion of language and achievement tasks), and higher scores on the CAS (likely due to the CAS's lack of academic knowledge-based test items).<sup>29</sup> As a result, fewer children would be identified as having an ID based on the full scale scores using the CAS than the WISC-III. By selecting an assessment tool that provides a more accurate depiction of a student's cognitive skills (rather than their preexisting academic knowledge), we can reduce the number of Black students inaccurately identified as having an ID, thereby reducing disproportionality in special education and ensuring more appropriate placement and services.
- Some research suggests that tests such as the WISC-V should only be interpreted at the full-scale level due to variance at the subtest levels.<sup>30</sup> In contrast, a 2011 study found that the PASS (Planning, Attention, Simultaneous, Successive) scales on the CAS are acceptable to interpret at the scale level.<sup>31</sup> Interpretation at the scale level allows for a better understanding of a child's strengths and weaknesses in each area.



This is especially helpful for use with diverse populations of children to obtain more fair and equitable assessment results which accurately reflects their related areas of strength and weakness, without reducing these variances to a sole full scale score.

- Although the CAS-2 is known for measuring “how you think” (basic psychological processing) rather than “what you know” (e.g., vocabulary, arithmetic), research also suggests that it is also a valid predictor of academic achievement. In fact, a meta-analysis recently conducted found correlations that were significantly stronger than those reported in previous meta-analyses for other measures of intelligence.<sup>32</sup>
- It is worth noting, however, that the CAS-2 still contains components that may make it challenging for some students. For example, one study found that the standard directions for the Expressive Attention portion of the CAS-2 placed some of the highest linguistic demand on test takers (i.e., they contain many words and sentences and a relatively large number of polysyllabic and difficult words).<sup>33</sup>
- The UNIT-2 and the Leiter-3 are more appropriate to use for “high stakes” eligibility and placement decisions because they are more comprehensive measures of cognitive skill compared to tests like the Comprehensive Test of Nonverbal Intelligence (CTONI-2), which is more narrowly focused on one dimension of intelligence (e.g., nonverbal intelligence).<sup>34</sup> Moreover, whereas the CTONI-2 is “language reduced” (i.e., questions may still be asked verbally, even if answers can be given nonverbally), the UNIT-2 and Leiter-3 are entirely nonverbal (i.e., no language needed to ask or answer the questions).
- The BASC-3 includes both teacher and parent rating scales, as well as a student self-report of personality. These components, alongside the student observation system and EDQs, help to provide a comprehensive overview of the behaviors and emotions of the student being tested. The Conners CBRS is the other behavior rating scale most similar to the BASC-3. Please note that our recommendation is to use the Conners CBRS, and not necessarily just the Conners-3 (which is more narrowly focused on attention deficit hyperactivity disorder (ADHD) and common comorbid disorders). Behavior rating scales like the BASC-3 and Conners CBRS are popular in large part due to their efficiency and simplicity. However, it is important to keep in mind that the results are always subjective because they will always be based on the rater’s perceptions (i.e., the parent or teacher). Importantly, the results of behavior rating scales cannot identify the cause or function of a behavior. Further, results can vary in reliability and validity depending on time (e.g., ratings made at different points in time tend to decrease reliability; more recent behaviors tend to be rated more drastically).<sup>35</sup>
- Finally, we emphasize the importance of fair and equitable assessment practices that maximize the opportunity for students to demonstrate their understanding of and skills related to what each test is intended to measure. Champions of equitable assessment include, but are not limited to, the American Educational Research Association (AERA), American Psychological Association (APA), and National Council on Measurement in Education (NCME).<sup>36</sup> In addition to helping IEP teams make informed decisions about a student’s educational programming, equitable assessment practices can empower students to recognize and develop their own skills for the future. Although an important first step, implementing equitable assessment practices requires more than simply finding a test with relatively less “technical” (i.e., statistical) bias. Rather, it is imperative

to be mindful of the many potential barriers to truly equitable assessment at all stages of the special education assessment process, including:

- the implicit biases of assessors towards students of different races, ethnicities, and genders beginning from the identification of which students to assess;
- selection of assessment tools/tests, test administration, results interpretation, and the use of those interpretations to make important eligibility, placement; and,
- services decisions that impact the futures of students with disabilities.

**Suggested Racially and Culturally Appropriate Assessment Request Language**

[Date]

[Principal]

[School]

[Address Line 1]

[Address Line 2]

Re: [Student's Full Name]; [Student's Date of Birth: MM/DD/YYYY]

Dear \_\_\_\_\_,

My name is \_\_\_\_\_ and I am the educational rights holder (ERH) for [Student]. As you know, [Student] struggles with [insert details]. As such, I am requesting that the [District Name] conduct the following assessments:

1. A psycho-educational assessment including comprehensive cognitive, academic, psychological processing, and social-emotional/attention/behavioral testing.
  - a. Please ensure that the cognitive testing conducted is racially and culturally appropriate for [Student] by using the Cognitive Assessment System (CAS-2) and [select from either the Universal Nonverbal Intelligence Test (UNIT-2) or the Leiter International Performance Scale (Leiter-3)].
  - b. Please also be sure to use either the Behavior Assessment System for Children (BASC-3) including the Emotional Disturbance Qualification scales (EDQs) or the Conners Comprehensive Behavior Rating Scales (Conners CBRS) as part of the social-emotional/attention/behavioral testing for [Student].
2. [Any other assessments that may be needed; see pages 14-15 of the [Alliance's Education Manual](#) for examples.]

Accordingly, please forward a proposed assessment plan to me within fifteen (15) calendar days. Cal. Educ. Code §§ 56043(a), 56321(a). If you have any further questions regarding this correspondence, do not hesitate to contact me.

[ERH Name]  
 [ERH Signature]  
 [ERH Address]  
 [ERH Phone Number]  
 [ERH Email Address]

- <sup>1</sup> To learn more about the decision to capitalize both “Black” and “White” when referring to racial identities, see [“The Case for Capitalizing the B in Black” by Kwame Anthony Appiah \(The Atlantic, June 18, 2020\)](#) and [“Recognizing Race in Language: Why We Capitalize ‘Black’ and ‘White’” by Ann Thuy Nguyễn and Maya Pendleton \(Center for the Study of Social Policy, March 23, 2020\)](#). Capitalizing “Black” acknowledges the unique history and racial identity of Black Americans, and capitalizing “White” helps bring attention to the fact that Whiteness is not neutral.
- <sup>2</sup> [“Significant Disproportionality in Special Education: Trends Among Black Students” \(National Center for Learning Disabilities, 2020\)](#).
- <sup>3</sup> [“How school segregation affects whether a black student gets labeled as having a disability” by Matt Barnum \(Chalkbeat, May 28, 2019\)](#).
- <sup>4</sup> See, for example, [“Culturally Competent Assessment: More Than Nonbiased Tests” by Russell J. Skiba, Kimberly Knesting, and Lakeisha D. Bush \(Journal of Child and Family Studies, March 2002\)](#) and [“Confronting special education’s race problem” by Lou Blouin \(University of Michigan-Dearborn, February 7, 2022\)](#).
- <sup>5</sup> [“Test use and assessment practices of school psychologists in the United States: Findings from the 2017 National Survey” by Nicholas F. Benson and colleagues \(Journal of School Psychology, 2019\)](#).
- <sup>6</sup> [“What is the Larry P. Riles case? How did it originate?” \(Disability Rights California\)](#).
- <sup>7</sup> See [“Testing and Assessment With Persons & Communities of Color” \(Council of National Psychological Associations for the Advancement of Ethnic Minority Interests, 2016\)](#) and [“Progress or Setback: Revisiting the Current State of Assessment Practices of Black Children” by Candice Aston and Danice L. Brown \(Contemporary School Psychology, 2021\)](#).
- <sup>8</sup> The CAS does require visual motor skills and may not be appropriate for students with disabilities in that area.
- <sup>9</sup> For more information on test development efforts to ensure fairness, see [“The Universal Nonverbal Intelligence Test: Second Edition” by Alex Friedlander Moore, R. Steve McCallum, and Bruce A. Bracken \(Handbook of Nonverbal Assessment, Second Edition, 2017\) \(p. 121\)](#).
- <sup>10</sup> See, for example, [“Intelligence Testing and Cultural Diversity: Concerns, Cautions, and Considerations” by Donna Y. Ford \(The National Research Center on the Gifted and Talented, December 2004\) \(p. 8, 29\)](#).
- <sup>11</sup> See, for example, [“More than 10,000 NYC students are classified as ‘emotionally disturbed.’ Some are out to change that label” by Pooja Salhotra \(Chalkbeat New York, August 30, 2021\)](#).
- <sup>12</sup> For example, federal data shows that in the 2020-2021 school year, 11.75% of students with disabilities classified as having an emotional disturbance were educated in entirely separate schools – nearly double the rate of any other eligibility category (See [OSEP Fast Facts: Educational Environments of School Aged Children with Disabilities, May 23, 2022](#)).
- <sup>13</sup> See, for example, [“The IDEA Classification Debate: ED ‘Emotionally Disturbed’ or OHI ‘Otherwise Health Impaired’ by Donna Gilcher, Ruth Field, and Martha Hellander \(Newsletter of the Child & Adolescent Bipolar Foundation, March 20, 2004\)](#) (noting that the ED classification comes with a stigma that children are “bad,” whereas the OHI classification signals to educators to provide the student with compassion and acceptance). See also, [“Standing out and sorting in: Exploring the role of racial composition in racial disparities in special education” by Rachel Elizabeth Fish \(American Educational Research Journal, 2019\)](#) (“...Rather than being seen as simply low performing or unmotivated, [White students who are struggling in school] are more likely than their peers to be sorted into higher-status disabilities... Meanwhile, in the context of racial distinctiveness, Black, Latinx, and less consistently Native American students who are struggling in school are sorted into lower-status disabilities, excluding them from the general education classroom, segregating them with other lower-performing peers, and allocating a stigmatizing label.”)
- <sup>14</sup> The same federal data referenced above shows that only 1.74% of students classified under the OHI eligibility category were educated in separate schools during the 2020-2021 school year, compared to 11.75% of students classified as having an ED.
- <sup>15</sup> Whereas Black students are only about 14% of the national student population, nearly 23% of students classified as having an ED are Black. (See [OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served under IDEA Part B](#)).
- <sup>16</sup> To learn more about disproportionality in the special education system, see [“Significant Disproportionality in Special Education: Current Trends and Actions for Impact” \(National Center for Learning Disabilities, 2020\)](#).
- <sup>17</sup> To learn more about the BASC-3, visit [this website](#).
- <sup>18</sup> To learn more about the Conners CBRS, visit [this website](#).
- <sup>19</sup> See [“The Consistency of Teacher Ratings on the Behavior Assessment System for Children-3 and the Child Behavior Checklist 1.5-5” by Carly A. Rentsch \(Western Kentucky University, 2017\) \(p. 13-20\)](#).
- <sup>20</sup> See, for example, [“Teachers More Likely to Label Black Students as Troublemakers” \(Association for Psychological Science, April 15, 2015\)](#).
- <sup>21</sup> See, for example, [“Characteristics associated with parent-teacher concordance on child behavior problem ratings in low-income preschoolers” by Tiffany G. Munzer and colleagues \(Academic Pediatrics, 2018\) \(p. 6\)](#) (finding that a student’s Black race is associated with greater odds of teacher reporting angry or aggressive behaviors, but not the parent).
- <sup>22</sup> See, for example, [“Angered: Black and non-Black girls of color at the intersections of violence and school discipline in the United States” by Connie Wun \(Race, Ethnicity, and Education, November 2016\)](#); [“Monique Morris: Why Are Black Girls More Likely To Be Punished In School?” \(WUBR, March 29, 2019\)](#).

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- <sup>23</sup> See, for example, [“White Kids Get Medicated When They Misbehave, Black Kids Get Suspended – or Arrested”](#) by Jack Holmes (The Cut, August 6, 2015); see also [“How ADHD Students of Color Suffer in American Schools”](#) (Neurodiverging).
- <sup>24</sup> See, for example, [“Future Teachers More Likely to View Black Children as Angry, Even When They Are Not”](#) by Amy Halberstadt and Matt Shipman (NC State University News, July 6, 2020); see also [“Teacher perceptions and race”](#) by Dick Startz (Brown Center Chalkboard, February 22, 2016).
- <sup>25</sup> [“Special Educators’ Conceptualizations of Emotional Disturbance and Educational Placement Decision Making for Middle and High School Students”](#) by Stephen P. Becker, Carl E. Paternite, and Steven W. Evans (School Mental Health, 2014).
- <sup>26</sup> [“Special Educators’ Conceptualizations of Emotional Disturbance and Educational Placement Decision Making for Middle and High School Students”](#) by Stephen P. Becker, Carl E. Paternite, and Steven W. Evans (School Mental Health, 2014).
- <sup>27</sup> Please note that we do not recommend using the Scales for Assessing Emotional Disturbance (SAED). It seems that the SAED test developers first took the federal legal definition of ED and *then* decided which behaviors they would evaluate. In contrast, the BASC-3 EDQs developers first surveyed *all* potential behaviors (positive and negative) and *then* roughly mapped them onto the definition of ED. We believe that the approach taken by the BASC-3 EDQs developers is more appropriate because it does not restrict evaluation of behaviors only to those that may fit neatly into legal categories, and because it originates in the student’s behaviors rather than in the law.
- <sup>28</sup> To learn more about these mean score differences, see [“PASS theory and the CAS2: Pass Comprehensive System”](#) (Jack Naglieri, starting at 11:24).
- <sup>29</sup> [“Intellectual Classification of Black and White Children in Special Education Programs Using the WISC-III and the Cognitive Assessment System”](#) by Jack A. Naglieri and Johannes Rojahn (AJMR, August 2001).
- <sup>30</sup> See, for example, [“Structural Validity Evidence of the Wechsler Intelligence Scale for Children- Fifth Edition with African American Students who have been Referred for Evaluation”](#) by Rachel Y. Taylor (Georgia State University Department of Educational Policy Studies, August 13, 2019) (concluding that although the WISC-V test publishers direct administrators to report the full scale score and then report subtest score to evaluate strengths and weaknesses, interpretation at the full scale level is not supported because verbal comprehension and processing speed were not adequate indicators of full scale IQ) and [“Is the WISC-V a Fair Test for Black Children: Factor Structure in an Urban Public School Sample”](#) by Scott L. Graves Jr, Leanne V. Smith, and Kayla D. Nichols (Contemporary School Psychology, July 14, 2020) (finding that a four-factor model fits the data better for Black students because Picture Span and Figure Weights were not invariant by race and therefore those measures of Fluid Reasoning and Working Memory operate differently for Black and White students).
- <sup>31</sup> [“Hierarchical factor structure of the Cognitive Assessment System: Variance partitions from the Schmid-Leiman \(1957\) procedure”](#) by Gary L. Canivez (School Psychology Quarterly, 2011).
- <sup>32</sup> [“PASS Theory of Intelligence and Academic Achievement: A Meta-Analytic Review”](#) by George Georgiou and colleagues (Intelligence, January 2020).
- <sup>33</sup> [“A Systematic Examination of the Linguistic Demand of Cognitive Test Directions Administered to School-Age Populations”](#) by Damien C. Cormier and colleagues (Journal of Psychoeducational Assessment, November 2016).
- <sup>34</sup> [“The Universal Nonverbal Intelligence Test: Second Edition”](#) by Alex Friedlander Moore, R. Steve McCallum, and Bruce A. Bracken (Handbook of Nonverbal Assessment, Second Edition, 2017) (p. 16).
- <sup>35</sup> For a detailed review of the strengths and weaknesses of behavior rating scales, see [“The Consistency of Teacher Ratings on the Behavior Assessment System for Children-3 and the Child Behavior Checklist 1.5-5”](#) by Carly A. Rentsch (Western Kentucky University, Spring 2017) (p. 13-18).
- <sup>36</sup> [“Standards for Educational and Psychological Testing”](#) by AERA, APA, and NCME (2014) (p. 50-72).

# The Intersection of Race, Foster Care Status, and Children with Disabilities: Creating More Equitable Education Systems

By Jill C. Rowland and Kelsey White; with research assistance from Karen Martinez-Chung and Alaina Moonves-Leb

## INTRODUCTION

Before we begin, the authors and researchers feel it is important to position ourselves. Combined, we have over 27 years of experience as special education attorneys working with children impacted by the child welfare and juvenile justice systems, with additional experience teaching and advocating for children with disabilities. While we have always examined the education inequities youth face from a racial justice perspective, the rise of the Black Lives Matter and Say Her Name movements, and the murders of Breonna Taylor and George Floyd, help to shine a brighter spotlight on their needs than ever before, creating new momentum for finding individual and systems-level solutions.

This white paper draws upon Critical Race Theory (CRT) as its organizing principle. As students of CRT, we acknowledge the more than three decades of CRT scholarship and teaching that we have benefited from that makes our work here possible. CRT scholars frame race as a social construction created by whites in positions of power to protect their property rights in that whiteness,<sup>1</sup> which gives rise to the racial inequities in our social, economic, and legal systems such as the poverty and criminalization of people of color. CRT scholars posit that institutional racism is engrained in the fabric and system of American society, reject the “truth” of meritocracy (i.e., that if you work hard, you can attain wealth, power, and privilege) as a myth told by those in power to maintain that power, and reject the idea that the law is neutral and colorblind.<sup>2</sup>

Further, we approach our work through an intersectional lens, which allows us to see how multiple inequities (e.g., race, class, and gender) function together to create an exponential, instead of cumulative effect.<sup>3</sup> As a founding example, “the experiences of women of color are frequently the product of intersecting patterns of racism and sexism, and...tend not to be represented within the discourses of either feminism or antiracism.”<sup>4</sup>

Finally, we must also position ourselves within and acknowledge our own significant privileges. We are three white women and one Latinx woman; we are cisgender, heterosexual, able bodied and minded; we speak the dominant language,<sup>5</sup> have citizenship in the United States, and have graduate degrees; we live above the poverty

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<sup>1</sup> Cheryl Harris, *Whiteness as Property*, 106 HARVARD L. REV. 1707 (1993).

<sup>2</sup> To learn more about CRT, visit <https://law.ucla.edu/academics/centers/critical-race-studies>.

<sup>3</sup> Professor Kimberlé Crenshaw coined term “intersectionality.” See K. Steinmetz, “She Coined the Term ‘Intersectionality’ Over 30 Years Ago. Here’s What It Means to Her Today,” TIME (Feb. 20, 2020).

<sup>4</sup> Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1243-44 (1991).

<sup>5</sup> One member of our team speaks the dominant language, but it is not her native language; she is also fluent in Spanish.

line, have relative access to health resources and the justice and political systems; and feel safe in our communities. As discussed herein, the same is not always true for students of color, students with disabilities, or students living in foster care.

This paper proceeds in two main parts. First, it explores how historical and structural racism and implicit bias are built into our education. Then, it unpacks current data and trends in the child welfare and education systems, including disproportionality. Finally, it concludes with a call to always evaluate education inequity in the context of history to craft interventions and, ultimately, create more equitable education systems.

## **HOW HISTORICAL AND STRUCTURAL RACISM & IMPLICIT BIAS ARE BUILT INTO OUR EDUCATION SYSTEM**

### **Creation of “Local” Schools Through Housing Segregation**

As described below, our child welfare and special education systems are replete with disproportionate representation of children of color, children and families living in poverty, and children with disabilities. This reality was not created by accident. Rather, historical and structural racism and classism created and sustain segregated housing today, which was explicitly used to continue school segregation long after the Supreme Court formally outlawed it in *Brown vs. Board of Education*.<sup>6</sup> The concept of “local” schools, and high stakes testing which controls education funding, continues to build and maintain an education structure that perpetuates segregation and inequalities.

#### *How Housing Segregation Today was Intentionally Created by Government Policy*

The roots of housing segregation begin in slavery, when wealthy white slave owners lived in expensive homes, often called “big houses,” and enslaved African Americans lived in poorly assembled shacks without heating or clean water, and extend into the Reconstruction Era where many African Americans were forced to live in their prior slave quarters, working under a system of “share-cropping” on the same plantations and under similar conditions as slavery. During the First World War and the First Great Migration, when two million African Americans fled share-cropping, poverty, and brutal racist treatment in the South to work in the war industries in the West and North, federally funded war worker housing (when available to African Americans) was officially segregated.

Housing segregation intensified in the 1930’s, when the Great Depression and material shortages caused by the war created housing shortages so severe that the federal government stepped in. Roosevelt’s New Deal created public housing intended to help lower- and middle-class white families, including war workers and returning veterans. Segregation in public housing was created using the “Neighborhood Composition” rule such that the racial composition of federal housing projects (either white or African American<sup>7</sup>) had to reflect the previous racial composition of the neighborhood. Along the

<sup>6</sup> *Brown v. Topeka Board of Education*, 347 U.S. 483 (1954).

<sup>7</sup> It is important to note here that the term “African American” refers specifically to Black Americans with African ancestry. Although many Black people subject to segregation and discrimination did in fact have



lines of the “one drop rule,”<sup>8</sup> the Neighborhood Composition rule was used by the federal government to designate a neighborhood as African American if even a single resident was of that race, and to only allow African American public housing projects to be built there. The federal government also expanded housing segregation where it did not previously exist by building African American housing projects in previously integrated neighborhoods,<sup>9</sup> driving out whites and forcing African Americans in (as this was the only available housing).

Fueled in part by labor shortages in the Second World War and Jim Crow laws in the South that enforced unequal treatment in all spheres of life, four million African Americans made the Second Great Migration to northern and western cities starting in the 1940s. Housing shortages and the above-described federal public housing policies and practices fueled ‘white flight’ to the suburbs. The Federal Housing Administration (FHA) required a promise to not sell homes to African Americans before it provided federal low interest loans to contractors to finance construction and land acquisition costs for suburban developments. This created “whites only” suburban enclaves, further enforced by private restrictive covenants which barred initial owners from selling their homes to African Americans. The FHA<sup>10</sup> conducted “appraisals” of homes (which impacted the availability of loans) including a risk assessment of the neighborhood where they were located. Color coded maps of every metropolitan area in the nation were created wherein any neighborhood was “redlined” if a single African American lived in it, even if it was a solidly middle-class and majority white neighborhood, under the assumption that African American home ownership would cause property values to fall.<sup>11</sup> The Federal Home Owner’s Loan Corporation issued amortized loans<sup>12</sup> with low

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African ancestry, non-African Black Americans also faced such discriminatory realities. We do not purport to comprehensively address the varying experiences of African Americans and non-African Black Americans; therefore, this white paper uses both “African American” and “Black” to describe the history and continued experience of inequity in this country, often deploying the term used in source materials or official statistics. For a brief overview of the distinction, see C. Adams, “Not all Black People are African American. Here’s the Difference,” CBS News (Jun. 18, 2020).

<sup>8</sup> The “one drop rule” was used to establish racial classifications, such that a person with even “one drop” of African ancestry was classified as Black and therefore subject to slavery and/or segregation.

<sup>9</sup> E.g., where white and African American workers both lived within walking distance to factory jobs.

<sup>10</sup> The FHA often used local real estate agents to conduct these appraisals, whose national ethics code required housing segregation.

<sup>11</sup> In fact, private real estate market manipulation, commonly called Blockbusting, had the opposite effect. After a neighborhood was “redlined,” real estate agents panicked white families into selling their homes at discounted prices by hyping a predicted collapse of property values and then resold those same homes to African Americans far above fair market value, creating an increase in the cost of those homes.

<sup>12</sup> Amortized loans allow the borrower to pay portions of both the loan principal and interest in each payment, creating equity in the owner and allowing for the intergenerational accumulation and passing on of wealth. African Americans were often forced to be “Contract Buyers” whereby they paid an inflated monthly payment, earned no equity, could be evicted after missing a single monthly payment, and did not own the home at the end of the contract.

interest rates, often with no down payment required, to working class whites based on FHA's "appraisals" and refused to issue such loans to African Americans.<sup>13</sup>

Explicitly segregated public housing and suburban building and loan practices were reinforced by federal and local zoning ordinances. After zoning laws specifically excluding African Americans from white neighborhoods based on their race were struck down by the courts, economic zoning of single family home neighborhoods, while facially "race neutral," barred lower income families who could not afford to live in single family homes (disproportionately families of color) from integrating into white suburbs. Industrial and environmental hazard zoning was used to physically divide white and African American neighborhoods, while also protecting white suburbs from the negative impacts of waste disposal sites and harmful industries, which were concentrated in African American neighborhoods.<sup>14</sup> In each of the aforementioned ways, our federal government created the existing housing segregation we experience today.

### *How Housing Segregation was Intentionally Used as One Tool by Local Governments to Create and Maintain School Segregation*

Many laude the *Brown* decision as ending school segregation in our country, yet it still persists: 13% of white students, compared to 69% of African American students, attend a school where a majority of students are students of color.<sup>15</sup> Further, 72% of African American students attend economically segregated, high-poverty schools, compared to 31% of white students.<sup>16</sup> We also spend more money on white students than students of color.<sup>17</sup> Housing segregation, created by our government, is one tool that perpetuates racial and economic segregation in our schools.<sup>18</sup>

The phenomenon of African American families forced into concentrated city centers, with African American students attending over-crowded and economically disadvantaged schools compared to their suburban counterparts, has been our education landscape for 90 years. When building new schools to manage the

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<sup>13</sup> African Americans, when they were able to do so, were forced to take loans at exorbitant interest rates with substantial down payments or become Contract Buyers (see footnote 12).

<sup>14</sup> Government reports from the U.S. General Accounting Office in 1983 and the Environmental Protection Agency in 1991 found that hazardous and toxic waste facilities were disproportionately found in African American communities; the percentage of minorities living near waste incinerates was 89% higher than the national median.

<sup>15</sup> See E. García, "Schools Are Still Segregated, and Black Children Are Paying a Price," Economic Policy Institute (Feb. 12, 2020) (citing the National Center for Education Statistics' National Assessment of Educational Progress).

<sup>16</sup> *Id.*

<sup>17</sup> See \$23 Billion, EDBUILD (Feb. 2019) (reporting that the average white school district receives \$2,226 more per student than a nonwhite school district).

<sup>18</sup> There are also many other causes of school segregation, some of which were subversive reactions to *Brown* which we see echoed in education practices today. For example, after *Brown*, many southern states abolished public schools altogether rather than integrate them, funneling taxpayer dollars into private schools for whites, or created Freedom of Choice policies allowing white parents to move their children away from any school threatened with desegregation; these practices are mirrored in school choice, voucher, and charter schemes today.

overcrowding created by the Great Migrations, school boards specifically located African American school sites within predominantly African American neighborhoods and did not provide bussing such that any African American family who wanted their child to go to school was forced to move into that neighborhood. By doing so, the government intentionally created both a segregated school system and a corresponding segregated neighborhood.

“White flight” exacerbated this segregation. White families, with their higher income and wealth levels and financial support from the U.S. government, had the financial ability and luxury to flee overcrowded inner cities and the “threat” of housing and school integration by moving to the newly created suburbs, designed specifically for them. Once there, they established suburban school districts with lines specifically drawn to exclude city residences, particularly children of color, preventing integration efforts. Suburban school districts funded themselves well through property taxes, leaving inner city students with even fewer resources.

This historical and structural background reveals the ways in which our government intentionally created segregated schools along the lines of race and poverty. And while equity demands intervention, our legal system has failed to intervene. The Supreme Court has held that school inequalities based on property values and taxes, which were created by government enforcement of residential segregation and discriminatory housing laws, are not unconstitutional.<sup>19</sup> Attempts to “bus” children outside of their “local” school to create integration, counter residential segregation and white flight to suburbs, and redraw the district boundaries used specifically to prevent bussing options, were also unsuccessful.<sup>20</sup> Thus, the rhetoric of “local” schools was born. In recent years, even modest school integration schemes that take race into account have been found unconstitutional, despite clear evidence that state actions created the imbalances.<sup>21</sup>

Federal legislation such as No Child Left Behind (2001) and Race to the Top (2012) has used high stakes testing results to cut funding for schools performing at the bottom and most in need, despite stated intentions to help underserved students. State efforts have also failed to create meaningful change. For example, California efforts to create more equitable education funding and outcomes for disadvantaged students by specifically giving schools more money to support certain historically disadvantaged student groups have had limited results, caused in part by loopholes that allow for funding to be spent in unintended ways.<sup>22</sup>

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<sup>19</sup> *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

<sup>20</sup> *Milliken v. Bradley*, 418 U.S. 717 (1974).

<sup>21</sup> *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007).

<sup>22</sup> Despite the intention to create additional funding for disadvantaged student populations, California's Local Control Funding Formula (2013), allows extra funds to roll over into a district's general fund to be used in any way the district chooses if funds are not spent in the year they are dispersed by the state.

### Creation of Education Inequities through Implicit Bias<sup>23</sup>

Over fifty years of social science research has demonstrated that implicit bias exists. Whereas explicit bias is conscious and intentional, implicit bias is unconscious and automatic. Implicit biases are stereotypes or attitudes that operate without our conscious awareness and impact our actions and decisions, often without us even knowing it, especially when we are stressed, tired, or forced to make decisions quickly. As such, recognizing and combatting implicit bias requires intentional effort. Implicit biases are part of our socialization and culturalization, and thus everyone has them. We learn and are reconditioned to these biases every day through our parents or other authority figures (e.g., teachers), television and films, social media, magazines and advertisements, and other sources. In turn, we often pass these biases down to children through verbal or nonverbal expressions.

Implicit biases are learned as early as three months old and by six years old, 80% of children have already developed a pro-white, anti-African American sentiment. The Harvard Doll Study,<sup>24</sup> used to help win the *Brown* case, demonstrated the pernicious effect of segregation on children in the 1940s, and has been repeated with similar results in children into the present and across different nations.<sup>25</sup> As we grow older, implicit biases are thought to intensify with repeated exposure to “within race” faces, building a preference for people who look like us. Of participants who have taken the Harvard Implicit Association Test,<sup>26</sup> 70% have a preference for white faces over African American faces. Implicit biases can exist for race/ethnicity, skin color gradations, facial phenotypes, sex, gender, sexual orientation, disability, nationality, and many more.

The effects of implicit biases are often profound. In the criminal justice system, implicit biases impact cross-racial identification and how civilians and police officers react to people of color, especially African American men. In particular, research has revealed a strong implicit bias that associates African Americans with crime and criminality such that African American men are seen as more threatening and requiring more force to subdue. Moreover, studies on housing, medicine, and employment have revealed similar outcomes: the exact same house is valued differently depending on the race of the owners; the racial empathy gap<sup>27</sup> can cause medical personnel to undervalue patient reported symptoms, leading to misdiagnosis or undertreatment;<sup>28</sup> and people with the same qualifications and experience but of different races or genders experience differences in hiring, salary and promotions. Implicit bias plays out in education in

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<sup>23</sup> Unless otherwise cited, the majority of content in this section comes from J.L. Eberhardt, *BIASED: UNCOVERING THE HIDDEN PREJUDICE THAT SHAPES WHAT WE SEE, THINK, AND DO* (2019).

<sup>24</sup> “The Significance of ‘The Doll Test’,” NAACP LEGAL DEF. & EDUC. FUND (last accessed Dec. 14, 2020).

<sup>25</sup> For an example of the test, visit <https://www.youtube.com/watch?app=desktop&v=tkpUyB2xgTM>.

<sup>26</sup> To take the Harvard Implicit Association Test, visit <https://implicit.harvard.edu/implicit/takeatest.html>.

<sup>27</sup> This term describes the implicit bias that African American people feel less pain than white people.

<sup>28</sup> Racial bias in medicine likely contributes to the infant mortality rate of African American babies being 2.3 times that of white babies, as well as the rate of African American women dying in childbirth being 342% that of white women. Racial bias is also likely a factor in the framing of the crack epidemic (long associated with African Americans) as one based on crime whereas the opioid epidemic (associated predominantly with whites) is framed as a public health crisis.

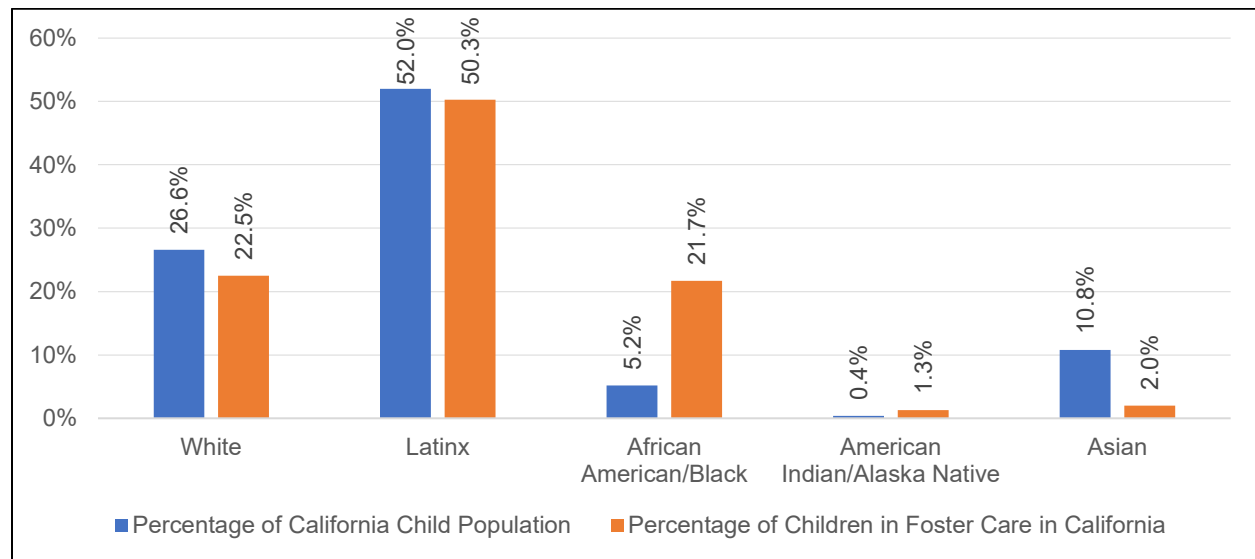
innumerable ways, including in differential expectations set for students, in classroom communication, and in school discipline. Thankfully, implicit biases are not set in stone. De-biasing interventions include being concerned about the effect of bias, recognizing, labeling, debunking, and replacing stereotypes, first-person perspective taking, and focusing on similarities.

## UNPACKING CURRENT DATA AND TRENDS

### Disproportionate Representation of Children of Color in the Child Welfare System

#### *A Look at the Data*

**Figure 1: California Child & Foster Care Populations by Race/Ethnicity (2018)**



Children of color, particularly African American and Native American children, are disproportionately over-represented in the child welfare system. Nationally, 33% of children in foster care are African American, but only 15% of the child population is.<sup>29</sup> As illustrated in Figure 1 above, in California, African American children are only 5.2% of the child population,<sup>30</sup> yet 21.7% of children in foster care.<sup>31</sup> Similarly, American Indian/Alaska Native children are only 0.37% of children in California, yet 1.3% of children in foster care. Although Latinx children are 52% of the California child population and 50.3% of the foster care population, prior research has shown that they are over-represented in the child welfare system in other states like Utah, Massachusetts, and Connecticut.<sup>32</sup> In contrast, white and Asian children are under-represented in the child welfare system. Whereas white children are 26.6% of children in California, they are only 22.5% of children in foster care. Likewise, Asian children are 10.8% of children in California, but they make up only 2% of children in foster care.

<sup>29</sup> *Disproportionality and Disparity in Child Welfare*, NAT'L CONF. OF STATE LEGISLATURES (Sep. 28,2020).

<sup>30</sup> *Child Population by Race/Ethnicity in California*, KIDS COUNT DATA CTR. (2018).

<sup>31</sup> *Children in Foster Care, by Race/Ethnicity*, LUCILE PACKARD FOUND. FOR CHILDREN'S HEALTH (2018).

<sup>32</sup> *Places to Watch: Promising Practices to Address Racial Disproportionality in Child Welfare*, CTR. FOR CMTY PARTNERSHIPS IN CHILD WELFARE, CTR. FOR STUDY OF SOCIAL POLICY (2006).

### Discussion

Extensive research has been conducted to further understand the causes and consequences of disproportionality in the child welfare system.<sup>33</sup> This paper does not fully review that research, but rather encourages careful attention to the ways in which structural racism, classism, ableism, and bias operate in conjunction to produce and exacerbate inequities in the child welfare system and beyond.

For instance, it is impossible to understand the over-representation of African American children in the child welfare system without considering the over-surveillance of African American families through mass incarceration, mandated reporting, the child welfare system itself, as well as systems of poverty. In the United States, five million children have a parent who is or was previously incarcerated, and these children are more likely to grow up with limited resources or enter foster care.<sup>34</sup> This is especially troubling since African Americans are incarcerated in state prisons between five and ten times the rate of whites.<sup>35</sup> Moreover, children of color are overrepresented in reports of suspected maltreatment by all groups of reporters (including mandated reporters).<sup>36</sup> Prior research has shown that African American women are more likely to be reported for child abuse when their newborns test positive for drug use, and that hospitals over-report abuse and neglect among African Americans but under-report maltreatment among whites.<sup>37</sup>

Studies have also shown that when presented with physical injuries, doctors are more likely to diagnose them as “accidents” among affluent families, but “abuse” among poor families.<sup>38</sup> Parents accessing income supplements come under increased surveillance by the state through their system contacts.<sup>39</sup> Poor parents are more likely to face charges of neglect and possible child removal based on conditions related to their financial circumstances such as “poor food quality or lack of medical supervision – factors with which affluent parents are not confronted.”<sup>40</sup> Thus, African American children, who are almost four times as likely as white children to live in poverty,<sup>41</sup> are

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<sup>33</sup> See, e.g., J. Fluke et al., *A Research Synthesis on Child Welfare Disproportionality and Disparities*, THE ALLIANCE FOR RACIAL EQUITY IN CHILD WELFARE SYMPOSIUM (Dec. 2011).

<sup>34</sup> J.L. Eberhardt, *supra* note 23.

<sup>35</sup> *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, THE SENTENCING PROJECT (2016).

<sup>36</sup> *Racial Disproportionality and Disparity in Child Welfare*, CHILDREN’S BUREAU (Nov. 2016).

<sup>37</sup> R.B. Hill, *Synthesis of Research on Disproportionality in Child Welfare: An Update*, CASEY-CSPP ALLIANCE FOR RACIAL EQUITY (2006).

<sup>38</sup> Khiara Bridges, *THE POVERTY OF PRIVACY RIGHTS* (2017).

<sup>39</sup> These income supplements can include general relief or welfare funding, Temporary Assistance to Needy Families, social security, or any other financial supports available for families and children in need.

<sup>40</sup> Dorothy Roberts, *Child Protection as Surveillance of African American Families*. 36 J. SOCIAL WELFARE & FAMILY LAW 426-37 (2014).

<sup>41</sup> A. Carten, “How Racism has Shaped Welfare Policy in American Since 1935,” *The Conversation* (Aug. 21, 2016).

exponentially more likely to be funneled through a child welfare system plagued with disparate rates of removal and reunification.<sup>42</sup>

Finally, children with disabilities and children of parents with disabilities are over-represented in the child welfare system.<sup>43</sup> Children with disabilities compose up to 50% of children in the child welfare system even though the rate of disability in the total child population is only 15%.<sup>44</sup> This is caused by a variety of factors including the multiple stressors of parenting a child with special needs,<sup>45</sup> drug and alcohol exposure in utero, and the mental health and behavioral disabilities created by the trauma of living in the child welfare system. Parents with disabilities often face allegations of abuse based in the devaluation of their parenting skills, and their disability itself can be used as grounds for termination of parental rights.<sup>46</sup> Thus, as with race and class, disability serves to negatively influence outcomes for children and families in the child welfare system.

### **Disproportionate (Over- and Under-) Identification & Representation of Students of Color and Children in the Child Welfare System in Special Education**

The stated purpose of the Individuals with Disabilities Education Act (IDEA) is to ensure that all children with disabilities receive a free and appropriate public education, including special education and related services, designed to meet their unique needs. However, the special education system's history of maintaining the subordination of students of color calls into question the presumed neutrality of the IDEA. For example, after *Brown*, schools relied on special education to subvert desegregation orders, and over-referred students of color to segregated classrooms.<sup>47</sup>

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<sup>42</sup> E.g., Black children are more likely to be removed from their home after allegations of abuse, and less likely to be reunified with their family after removal. See B. Harvey & K. Whitman, "From a Moment to a Movement: Envisioning a Child Welfare System We Have Yet to See," *The Imprint* (Jul. 8, 2020).

<sup>43</sup> *The Intersection of Child Welfare and Disability: Focus on Children*, CTR. FOR ADVANCED STUDIES IN CHILD WELFARE (Spring 2013).

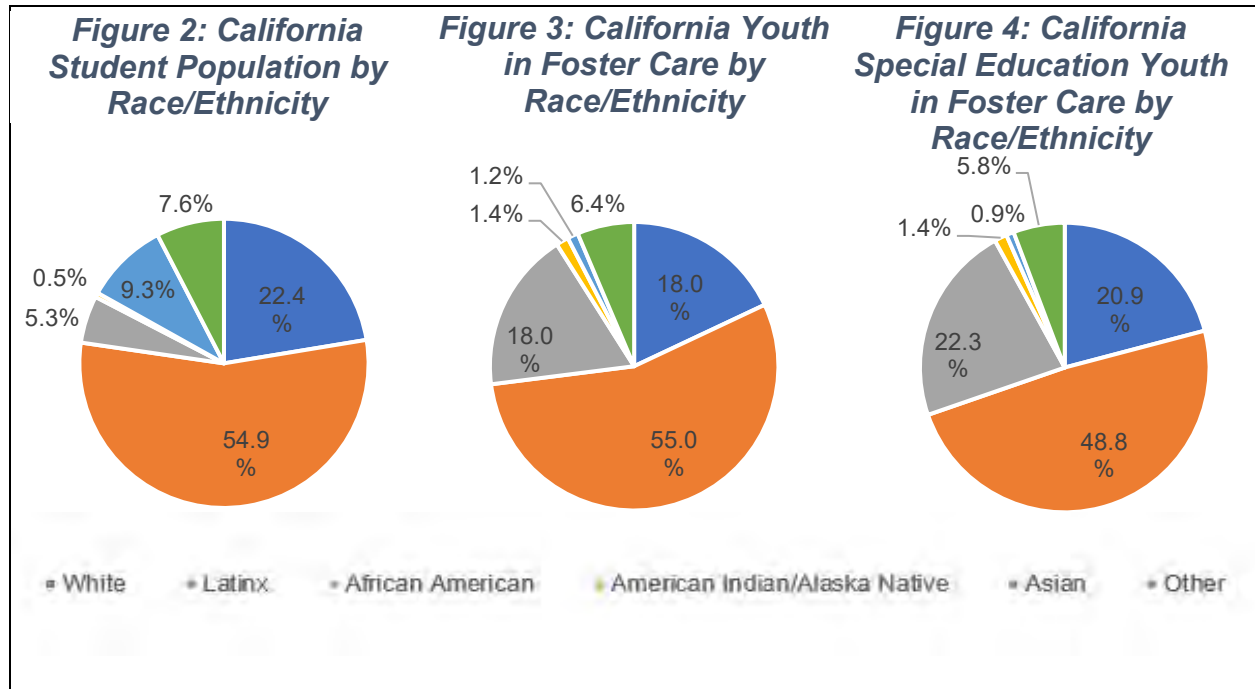
<sup>44</sup> T. Weiss, *Children with Disabilities and Foster Care*, *Disabled World* (Dec. 14, 2013).

<sup>45</sup> Just a few examples of this include the tax on parenting skills, lack of resources to provide adequate respite to parents, and time required to be taken off work due to education related meetings or school absences caused by school discipline or disability related health concerns or medical appointments.

<sup>46</sup> *Parental Disability in Child Welfare: Policy Strategies for Improving Child Welfare Services for Parents with Disabilities and their Children*, CTR. FOR ADVANCED STUDIES IN CHILD WELFARE (Spring 2017).

<sup>47</sup> B. Ferri & D. Connor, *In the Shadow of Brown: Special Education and Overrepresentation of Students of Color*, 26 *REMEDIAL SPEC. EDUC.* 93 (2005).





Today, as shown in Figures 2-4 above, students of color and children in foster care are still disproportionately represented in special education.<sup>48</sup> The U.S. Department of Education, Office for Civil Rights has confirmed continued over- and under-identification of students of color as having disabilities, unlawful delays in evaluating students of color for services, and the over-representation of students of color in special education.<sup>49</sup>

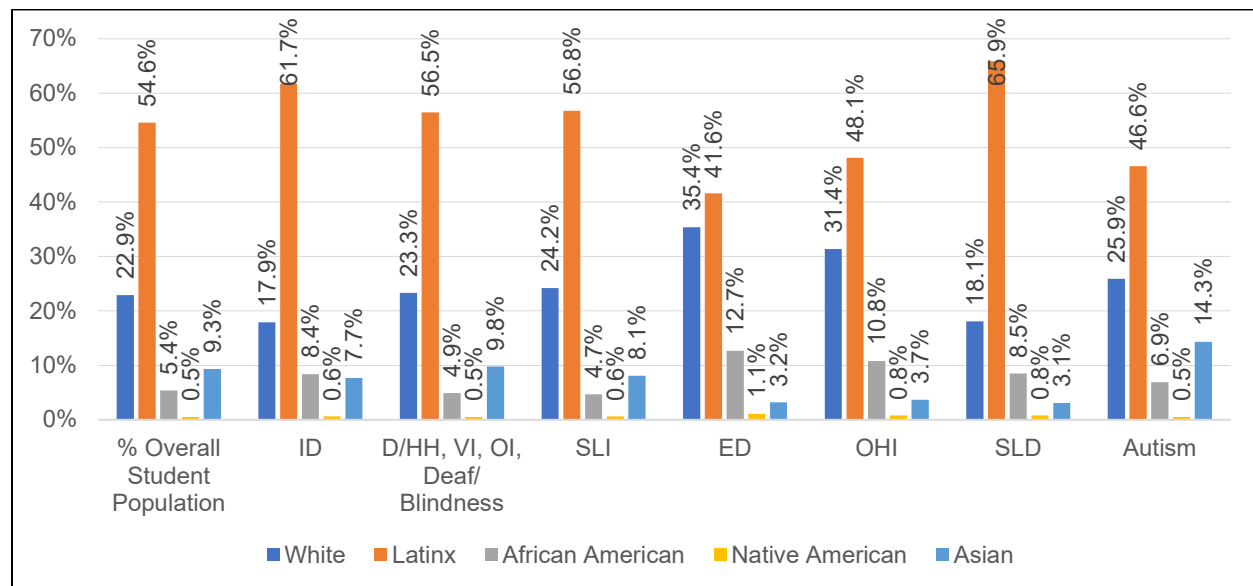
Notably, as illustrated in Figure 5 below, students of color are disproportionately over-represented in the most subjective eligibility categories, whereas less subjective categories (e.g. blindness/deafness) are ascribed proportionately.<sup>50</sup> Whereas African American students are only 5.4% students in California, they are 12.7% of students identified as having emotional disturbance (ED). African American students are also over-represented in categories with a historically negative connotation, such as intellectual disability (8.4%).

<sup>48</sup> *Enrollment by Ethnicity and Grade*, DATA QUEST CAL. DEPT. OF EDUC. (2018-2019).

<sup>49</sup> C. Lhamon, *Dear Colleague Letter: Preventing Racial Discrimination in Special Education*, OFFICE FOR CIVIL RIGHTS, U.S. DEPT. OF EDUC. (Dec. 12, 2016) (over-identification is the inappropriate identification of a student who does not have a disability and does not need services as a student with a disability; under-identification is the failure to appropriately identify a student who has a disability and does need services as a student with a disability; over-representation is when a high percentage of students of a certain race are identified as students with disabilities as compared to the overall enrollment of students of that race).

<sup>50</sup> *Special Education Enrollment by Ethnicity and Disability*, DATA QUEST CAL. DEPT. OF EDUC. (2018-2019); see B. Ferri & D. Connor, *supra* note 47 at 94.

**Figure 5: California Student Population & Disability Categories by Race/Ethnicity**



Students of color who are initially under-identified and/or experience unlawful delays in assessment and/or the provision of appropriate services, are also more likely than white students to be placed in restrictive, segregated classrooms and harshly disciplined.<sup>51</sup> When white and African American students present with the same behavior, teachers are more likely to see African American students as more aggressive; relegating their ‘Blackness’ to deviance and normalizing whiteness.<sup>52</sup> Thus, behind the IDEA’s presumed neutrality “lies a colorblind ideology, which fails to explicitly recognize how Whiteness is often viewed as race neutral[;]” this “contributes to an understanding of disability that is separate from race and therefore racialized outcomes are located within an individual rather than in systems of oppression... limit[ing] the ability of research-based interventions to eliminate disproportionate outcomes in special education.”<sup>53</sup>

Moreover, recent research has shown that school segregation strongly influences disproportionality in special education; African American and Latinx students are over-identified in predominantly white schools, yet substantially under-identified in schools with large shares of students of color.<sup>54</sup> Disproportionality is produced not only through individual teacher biases or school policies, but also through larger, structural forces.

<sup>51</sup> B. Ferri & D. Connor, *supra* note 47 at 95; see also J. Nanda, *The Construction and Criminalization of Disability in School Incarceration*, 9 COLUMBIA J. OF RACE & LAW 265 (2019).

<sup>52</sup> C. O’Connor & S. DeLuca Fernandez, *Race, Class, and Disproportionality: Reevaluating the Relationship Between Poverty and Special Education Placement*, 35 EDUC. RESEARCHER 6 (2006).

<sup>53</sup> C.K. Voulgarides et al., *Pursuing Equity: Disproportionality in Special Education and the Reframing of Technical Solutions to Address Systemic Inequities*, 41 REV. RES. EDUC. 61 (2017).

<sup>54</sup> See M. Barnum, “How School Segregation Affects Whether a Black Student Gets Labeled as Having a Disability,” Chalkbeat (May 28, 2019).

## Disproportionate Over-Representation of Students of Color in School Discipline

### *A Look at the Data*

Students of color are over-represented in all stages of school discipline including suspensions, expulsions, referrals to law enforcement, and arrest. Teachers are significantly more likely to discipline African American students for relatively minor infractions than any other group, and often want stronger disciplinary actions taken against African American students with a second minor infraction than white students.<sup>55</sup> Nationally, African American students are nearly four times as likely to be suspended than white students.<sup>56</sup> Despite comprising only 18% public school students, 40% of students expelled from U.S. schools each year are African American.<sup>57</sup> Further, 70% of school discipline cases referred to law enforcement are African American or Latinx students.<sup>58</sup> Decisions to involve police are often informed by both conscious and unconscious biases,<sup>59</sup> which is especially significant considering that the teaching profession is predominantly white.<sup>60</sup>

Students of color with disabilities and those living in foster care experience even higher rates of school discipline. As illustrated in Figure 6 below, students of color with disabilities living in foster care experience the highest rates of suspension in California compared to all students, students with disabilities, or youth in foster care alone.<sup>61</sup> This phenomenon is also observed in the percentage of students with multiple suspensions. As shown in Figure 7 below, 30% of all California students have multiple suspensions, yet nearly 56% of students with disabilities in foster care have multiple suspensions. This data highlights only a few of the ways in which race, foster care status, and disability intersect to produce and exacerbate inequitable school discipline outcomes. However, it fails to capture the unique experience of Black girls.

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<sup>55</sup> J.L. Eberhardt, *supra* note 23 (citing the U.S. Office of Civil Rights).

<sup>56</sup> *Id.*

<sup>57</sup> M. Lynch, "Black Boys in Crisis: The School-to-Prison Pipeline," *Educ. Week* (Aug. 8, 2016).

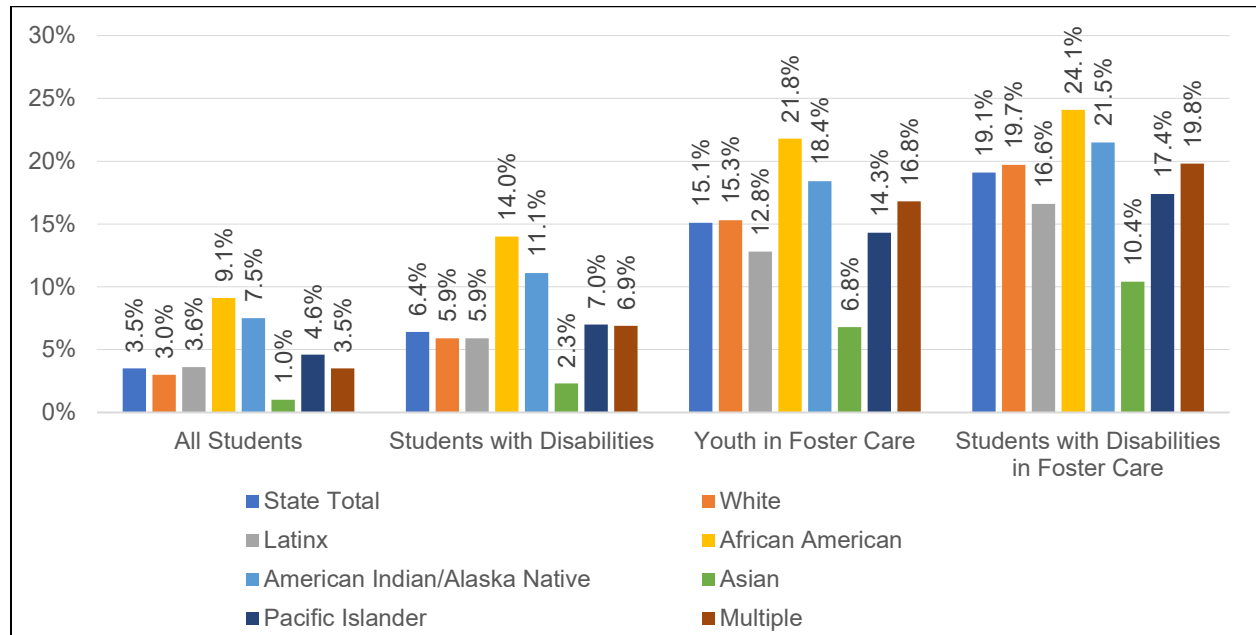
<sup>58</sup> J. Hagler, "8 Facts You Should Know About the Criminal Justice System and People of Color," *Ctr. For Am. Progress* (May 28, 2015).

<sup>59</sup> M. Kendall, *HOOD FEMINISM: NOTES FROM WOMEN THAT A MOVEMENT Forgot* (2020).

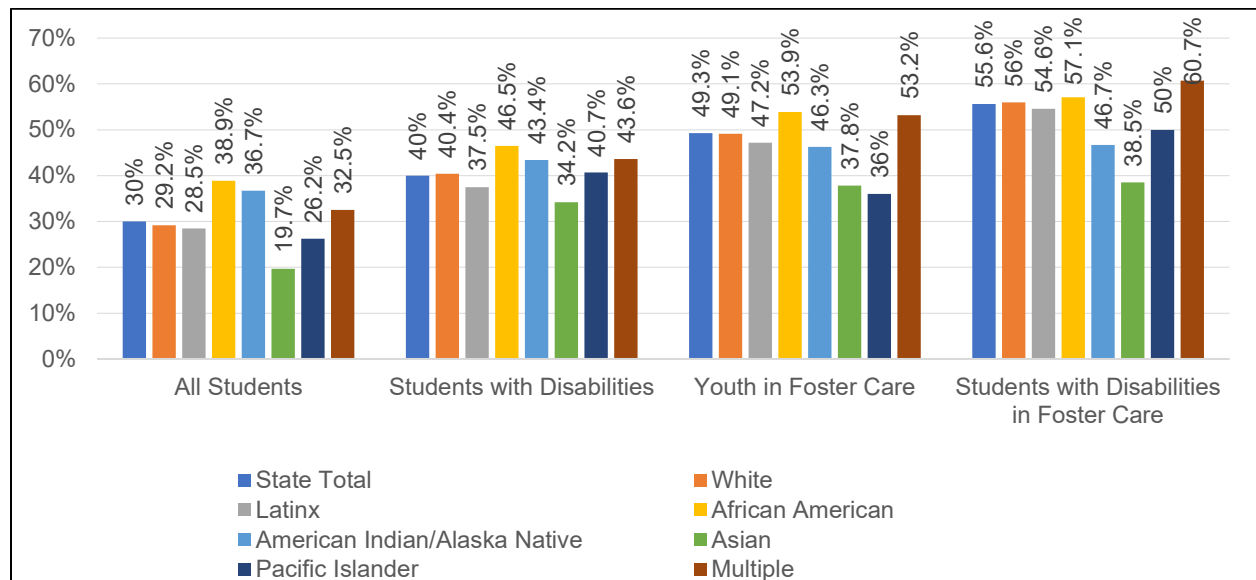
<sup>60</sup> M. Riser-Kositsky, "Special Education: Definition, Statistics, and Trends," *Educ. Week* (Dec. 17, 2019).

<sup>61</sup> *Suspension Rate*, DATA QUEST CAL. DEPT. OF EDUC. (2018-2019) (incl. multiple suspensions).

**Figure 6: California Suspension Rates by Race/Ethnicity, Disability, & Foster Care Status (2018-2019)**



**Figure 7: Percentage of Students with Multiple Suspensions in California by Race/Ethnicity, Disability, & Foster Care Status (2018-2019)**



**Intersectionality: Adultification of Black Girls**

Most research on school discipline has focused on African American boys, showing that they are perceived as less innocent and more adult than their white peers.<sup>62</sup> Recent research has shown that African American girls too are viewed through the racial

<sup>62</sup> P.A. Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, J. OF PERSONALITY & SOCIAL PSYCH (2014).

empathy gap as less innocent and more adult, but also less needing of nurturing, protection, support, and comfort.<sup>63</sup> The adultification of African American girls contributes to disproportionate discipline rates, harsher punishment, and an increased risk of juvenile justice system contact. In part because teachers often perceive them as loud, defiant, or precocious,<sup>64</sup> African American girls are more likely to face exclusionary discipline for subjective reasons and are often punished more harshly than their peers for the same behaviors.<sup>65</sup> African American girls are also more likely to be referred to law enforcement or arrested at school.<sup>66</sup> In the words of Dr. Morris, “Black girls are being criminalized in and by the very places that should help them thrive.”<sup>67</sup>

### **Disproportionately Low Education and Life Outcomes of Children of Color, Children in the Child Welfare System, and Children with Disabilities**

Vast disparities in education outcomes persist among youth by race, foster care status, and disability. For example, as demonstrated in Table 1 below, whereas 47% of all students did not perform at grade level on California English Language Arts (ELA) testing, 76% of youth in foster care, 83% of students in special education, and 92% of youth in foster care with special education needs did not perform at grade level.<sup>68</sup> In other words, only 8% of youth in foster care with special education needs met grade level standards compared to 53% of all students. Students of color are even more likely to fall behind. Among students in foster care with special education needs, 94% of Latinx students, 95% of African American students, 97% of American Indian/Alaska Native students, and 100% of Native Hawaiian/Pacific Islander students did not meet grade level standards in 2018-2019. Math state testing scores reflect similar disparities.

Youth in foster care face unique challenges that contribute to low education outcomes. These youth move an average of eight times while in care and lose up to six months of education with each move. Over 70% of youth in foster care over seven present with trauma and/or mental health symptoms.<sup>69</sup> Youth in foster care are also more likely to be retained a grade, have irregular attendance, or be placed in special education.<sup>70</sup> In fact, by third grade, 83% of youth in foster care repeat a grade.<sup>71</sup>

**Table 1: Percent of Students Not Performing at Grade Level on California State Testing by Race, Foster Care Status, & Disability (2018-2019)**

	English Language Arts State Testing	Math State Testing
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<sup>63</sup> R. Epstein et al., *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, GEORGETOWN LAW CTR. ON POVERTY AND INEQUALITY (2017).

<sup>64</sup> Monique Morris, PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS (2018).

<sup>65</sup> R. Epstein et al., *supra* note 63.

<sup>66</sup> Monique Morris, *supra* note 64.

<sup>67</sup> *Id.*

<sup>68</sup> *English Language Arts/Literacy & Mathematics Smarter Balanced Summative Assessments*, CAL. ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (2018-2019).

<sup>69</sup> *Trauma-Informed Practice with Young People in Foster Care*, JIM CASEY YOUTH OPP. INITIATIVE (2012).

<sup>70</sup> M. McInerney & A. McKlindon, *Unlocking the Door to Learning: Trauma Informed Classrooms & Transformational Schools*, EDUC. LAW CTR. (2014).

<sup>71</sup> *Education of Foster Youth in California*, LEGISLATIVE ANALYST'S OFFICE (May 28, 2009).

	Non-Foster	Youth in Foster Care	Non-Foster, Special Ed.	Foster, Special Ed.	Non-Foster	Youth in Foster Care	Non-Foster, Special Ed.	Foster, Special Ed.
<i>Percent Tested by Enrollment</i>	97%	91%	95%	88%	98%	91%	95%	87%
All Students	47%	76%	83%	92%	60%	86%	87%	95%
White	34%	68%	71%	88%	45%	81%	78%	93%
Latinx	59%	78%	89%	94%	72%	86%	92%	96%
African American	66%	82%	92%	95%	79%	92%	96%	97%
American Indian/ Alaska Native	61%	81%	89%	97%	73%	87%	92%	98%
Asian	23%	58%	67%	82%	26%	68%	64%	88%
Filipino	28%	63%	72%	94%	41%	73%	75%	100%
Native Hawaiian/ Pacific Islander	57%	73%	89%	100%	67%	86%	92%	100%
Two or More Races	35%	71%	79%	92%	45%	82%	78%	96%

Figure 8 below illustrates how race, foster care status, and disability intersect to produce inequitable outcomes in graduation rates.<sup>72</sup> Whereas 84.5% of all students in California graduate, only 67.7% of students with disabilities, 56% of youth in foster care, and 46.1% of students with disabilities in foster care graduate. In nearly every category, students of color are less likely to graduate than their white peers. Much of this gap is explained by the level of racial segregation in high schools: schools with higher concentrations of disadvantaged students and fewer resources struggle to provide students of color with support and equitable education opportunities.<sup>73</sup>

Unfortunately, low education outcomes often translate into poor life outcomes. Only 3% of students in foster care obtain a higher education degree. Within two years of aging out foster care, more than 50% of these youth are homeless, incarcerated, or on welfare. To obtain a bachelor's degree African American students must borrow significantly more than other students, yet they receive the lowest pay after graduation.<sup>74</sup> This is just one way the current system reinforces longstanding income and wealth inequalities.<sup>75</sup> The history and current patterns of segregation in the U.S. have made it such that African American families are more likely live in poor neighborhoods, which means African American children are more likely to attend poor schools and experience low education and life outcomes.

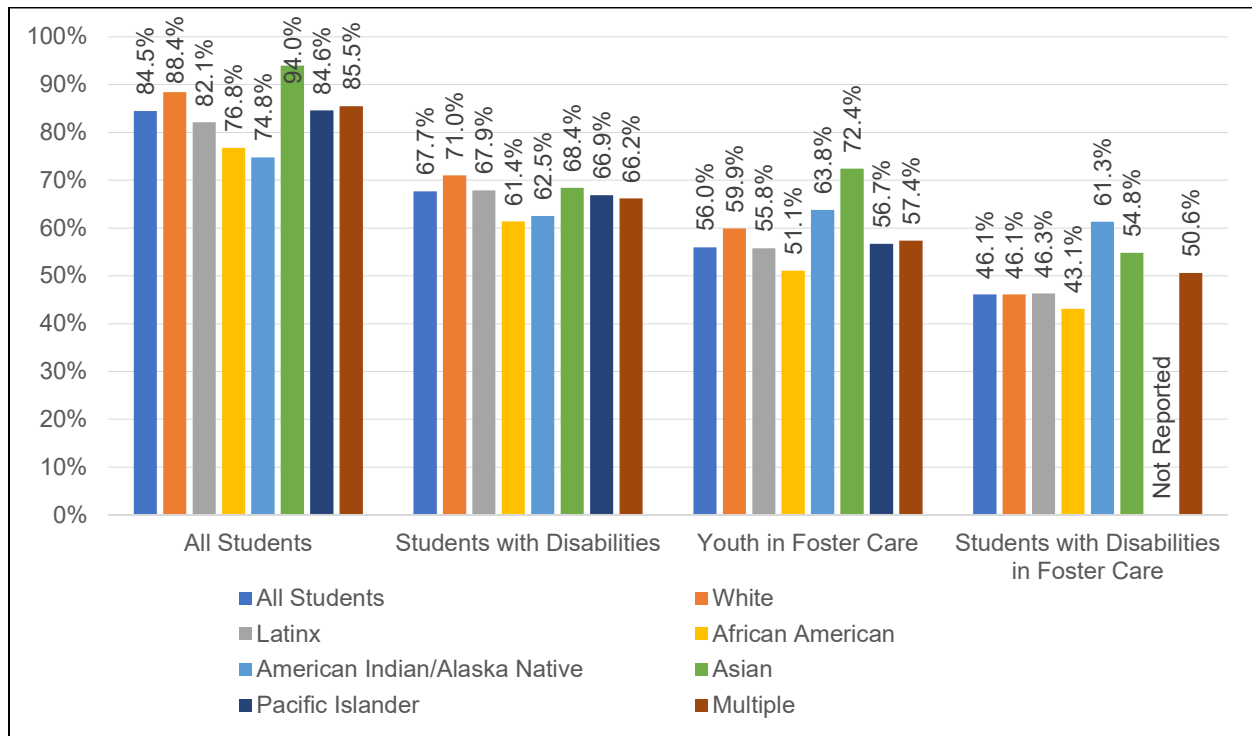
<sup>72</sup> *Four-Year Adjusted Cohort Graduation Rate*, DATA QUEST CAL. DEPT. OF EDUC. (2018-2019).

<sup>73</sup> S.D. Sparks, "How Segregation Impedes Graduation: New Research to Know," *Educ. Week* (2017).

<sup>74</sup> A. De La Fuente & M. Navarro, "Black and Latinx Students are Getting Less Bang for Their Bachelor's Degrees," *Ctr. For Am. Progress* (Jan 23, 2020).

<sup>75</sup> For reference, in 2016, median white wealth was \$171,000, but median Black wealth was only \$17,150; see K. McIntosh et al., "Examining the Black-white Wealth Gap," *Brookings* (Feb. 27, 2020).

**Figure 8: Four-Year Adjusted Cohort Graduation Rate, California (2018-2019)**



## CONCLUSION

This paper has explored how historical and structural racism and implicit bias are built into our education system and, drawing upon CRT as an organizing principle and using an intersectional lens, unpacked current data and trends in the child welfare and education systems. Despite legislation designed to promote education equity, vast disparities in outcomes persist among youth by race, foster care status, and disability. In sum, federal, state, and local policies and practices as well as individual-level biases have contributed to the disproportionate representation of children of color in the child welfare system, the disproportionate over- and under-identification and representation of students of color and children in the child welfare system in special education, the disproportionate over-representation of students of color in school discipline, and the disproportionately low education and life outcomes for children of color, children in the child welfare system, and children with disabilities. These disparities were not accidentally created; rather, they emerged from and are continuously reinforced by policies, practices, and biases that function to maintain the status quo and uphold existing systems of power. Thus, changing them will require acknowledgement of those policies, practices and biases, and active work to combat them.



## Understanding Privilege

Privilege is a right or benefit that is given to some people and not to others.<sup>1</sup> Privilege can be further defined as the unearned and mostly unacknowledged societal advantage that a restricted group of people has over another group.<sup>2</sup> There are many privileges conferred in US society; the following is not an exhaustive list:

- Race/Ethnicity: In our society, founded on the concept of white supremacy, there are privileges around race and ethnicity, specifically privileging persons perceived as being white, over those of color. Intra group differentiation within racial and ethnic groups can also be found, which is the concept of Colorism, a term coined by Alice Walker. This gives preferential treatment to certain people of the same race based on the lightness of their skin color, which reinforces white supremacy.
- Sex: The US is a society based on patriarchy, or the privileging of men over women.
- Gender: Cisgender people whose sense of personal identity and gender corresponds to their birth sex, are privileged in US society. For more on gender privilege, see: [https://njdc.info/wp-content/uploads/2013/11/invisible\\_knapsack2a.pdf](https://njdc.info/wp-content/uploads/2013/11/invisible_knapsack2a.pdf).
- Sexual Orientation: Heterosexuals are privileged in US society. For more on sexual orientation privilege, see: [https://njdc.info/wp-content/uploads/2013/11/invisible\\_knapsack2a.pdf](https://njdc.info/wp-content/uploads/2013/11/invisible_knapsack2a.pdf).
- Language: In the US, people who speak English as their first language are privileged.
- Citizenship: In the US, people with US citizenship are privileged.
- Class/Socio-Economics: In the US, people are exponentially privileged as their income and wealth increases. This is often influenced by the education, income, and wealth level of a person's parent(s). Class privilege also typically affords increased access to credit and/or home loans (and thus the ability to accumulate additional wealth), the ability to focus on your own education (instead of worrying about or attempting to contribute to addressing housing, income, or food insecurity faced by your family) or the ability to access additional supports for your own education (e.g., high quality or private schools, tutoring, SAT prep courses, etc.), and the ability to safely and privately travel (e.g., access to a vehicle and/or car insurance).
- Ability: In the US, people who are, or are perceived as, able bodied and/or minded are privileged. For more, see: <https://sites.lsa.umich.edu/inclusive-teaching-2/wp-content/uploads/sites/732/2017/08/Examples-of-Ability-Privilege.pdf>.
- Education: Access to high quality education can also be viewed as a privilege, although it is often created through intersections of race and class privileges. This includes access to early education, high quality K-12 instruction, access to college including financial aide and housing, and access to graduate school.
- Justice: Having access to justice is also a privilege, again often based on the intersection of racial and class privileges. This includes how the criminal justice system (disproportionately) enforces laws against people of your race or in your neighborhood (e.g., drug enforcement), whether your wealth or race allows you meaningful access to the legal system (e.g., private representation vs. public defender), whether you have access to reasonable bail or diversion programs after arrest, are subject to discriminatory fines or fees, whether law enforcement pays

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/privilege>

<sup>2</sup> <https://www.dictionary.com/browse/privilege>

attention to crimes committed against you vs. blames you as a victim, or takes exceedingly long times to respond to a call for help, whether law enforcement participates in crimes against you (or people that look like you), whether you fear for your safety or the safety of your loved ones at the hands of the police, whether you can reasonably expect a jury of your peers, whether you can expect equitable sentencing or other forms of punishment or ongoing supervision and control (e.g., parole).

- Health: Receiving meaningful access to high quality health care and living in a safe and healthy environment is also a privilege, again often based on the intersection of race and class. This includes issues such as access to healthy foods (e.g., economic access, geographic access; do you live in a food desert or food swamp, access to health care at all and if so, what type (private/employment based or through MediCare), whether the health care system works for you or ignores your health needs (e.g., do doctors ignore your symptoms or provide less pain relief, does research include members of your group to study treatments and medications, have members of your group been disproportionately subjected to medical experimentation), and whether you have access to housing in an environmentally safe area.
- Political: Meaningful access to participation in our political system is also a privilege often afforded to people based on race, class, and ability. This includes whether politicians care about your vote (e.g., do their campaign issues reflect your needs, do they keep campaign promises made to you to earn your vote), whether you can advocate for your political needs without being depicted as asking for a handout, whether your vote counts or has its worth been gerrymandered away, and whether you are physically eligible to vote including whether your name been purged from voter rolls, whether your polling location has been closed or moved far away from your home, whether you have to wait in long lines to vote, or had inconvenient voting hours put in place (e.g., only during your work or child care hours). Restricting access to absentee voting impacts persons with disabilities disproportionately as they are 20% of such voters. Voter ID requirements impacts 11% of the population who do not have the financial or economic means required to navigate through the administrative processes required or the funds to pay the fee (neither of which should be required before a person can exercise their citizenship rights). People who lack an individual street address are often disenfranchised (this impacted 5,000 Indigenous Americans in North Dakota in the 2016 election). Finally, disenfranchising felons excludes a large number of people of color; some examples include excluding 20% of all African American voters in Florida and Kentucky and 25% of all African Americans in Iowa.
- Media Depictions and Beauty Norms are one way that a variety of privileges (e.g., race, class, ability) are socialized into us every day. You can evaluate whether you have privilege here by asking these questions and others like them: Are there a wide variety of depictions (many positive) that reflect your lived experience? Do your physical characteristics reflect the predominant viewpoint on beauty (e.g., skin color/tone, facial features, hair (color/texture), weight/body type)?
- Community and Environmental: Privileges can also be found here, again many based on race and class. For example, can you walk around your neighborhood without fear? If you call, do police come and protect you? Do you live in a community that is free from industrial pollutants or waste or other environmental hazards?

- Individuality: People are privileged when they only have to represent themselves and not others like them. You can determine if you have this privilege by asking some of the following questions: Do you have to speak for (e.g., all women, African American men, etc.)? Can you code switch while speaking without negative connotations being attributed to you? Can you wear your hair in its natural fashion? Can you wear your own cultural clothes without negative connotations?
- Land: Every non-indigenous person in the Americas, whether your family arrived as a slave, settler, migrant, or refugee, lives on stolen Indigenous land and consequently possesses some form of settler privilege. White supremacy seeks to erode, deny, and ignore Indigenous peoples, perpetuating Indigenous invisibility whereby the majority of non-Indigenous folx know little, if anything, of Indigenous culture or even what Indigenous folx look like....All folx living in the Americas who are not Indigenous to the lands we live upon, perpetuate and benefit from anti-Indigeneity and colonial land theft. All white people in the Americas are settlers and must acknowledge their settler privilege. Having Settler privilege means that some combination of one's economic security, citizenship, sense of relationship to the land, mental and physical health, career aspirations, and spiritual lives are not possible, literally, without the territorial dispossession of Indigenous peoples. Do Better, Spiritual Activism for Fighting and Healing from White Supremacy, Rachel Rickett (2022).

## Additional Notes on Housing

For those interested in learning more about how our housing system has evolved through history, we invite you to read more details below.

1930s: Public housing was first created by President Roosevelt in legislation known as the New Deal. It was designed for working and lower middle class white families who could afford housing but could not find any. Tenants funded the full cost of operation of the housing through paying rent. This housing consisted mostly of attractive, low-rise developments with trees and parks. In order to create housing for white people, the Federal government often cleared lower income housing that was poorly upkept due to a lack of public investment (often termed as “slums”) where Black people had been forced to live, given their exclusion from better housing options.<sup>1</sup> Black Americans were also dependent on public housing because of the housing shortage, but they were mostly excluded from the new public housing developments. The Neighborhood Composition Rule required that federal housing projects reflect the previous racial composition of the neighborhood they were located in.<sup>2</sup> This created segregated projects where there was no previous segregation. For example, many urban areas had previously been integrated because both Blacks and Whites needed to be close enough to walk to their downtown factory jobs. When the Federal government placed segregated projects (read Black) in previously integrated areas, it drove out whites and forced Blacks in, propelling the transition to an all-Black neighborhood.

1940s: Late in this decade, the private housing market began to construct suburbs, large single-family home developments located outside of cities or urban centers. The Federal Housing Administration approved subdivision plans and helped builders get federal loans and low-interest bank loans to finance the costs of land acquisition and construction. One requirement for such approvals and loans was that builders had to promise not to sell to Black people.

Further, the Federal Housing Authority would not approve plans for integrated housing, which left contractors with no access to low-interest loans to finance construction. This meant any construction that did occur for integrated housing was shoddier and house and neighborhood designs were skimpier. Community designs for Black or mixed neighborhoods also lacked community facilities such as parks and playgrounds.

Federal subsidies were used to finance the creation of the suburbs. Working class white families could only get loans if their mortgages were insured. The Federal Housing Authority would only insure mortgages if builders sold to whites only. The Home Owner’s Loan Corporation, which was a federal agency, issued amortized loans with low interest rates to white working class families based on ‘appraisals’ which were risk assessments of neighborhoods done by the Federal Housing Authority (remember their whites only requirement), by local real estate agents (whose national ethics code required segregated housing). Further, the federal Veterans Administration ensured that white veterans didn’t even have to make down payments when purchasing a home or had to pay \$1. Loans that were

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<sup>1</sup> This process of clearing out lower income housing in urban areas, often inhabited primarily by people of color, and then investing wealth into upgrading housing (typically for white people) is known as the process of Gentrification. We can see some of its earliest roots during this time period.

<sup>2</sup> This is reminiscent of the ‘One Drop Rule’ which held that if a person had even one drop of African blood, then they were considered Black. This comes from the Plessy v. Ferguson court case.

amortized (through government subsidies or insurance) allowed payments which included principal, which allowed working and middle class white families to build equity and own their home after making all the payments. Over time, white working-class families were able to gain equity in their homes and this fueled their move into the middle class and the intergenerational accumulation of wealth.

Blacks received few of the federal government subsidies that were provided to whites. The Federal Housing Association and the Veteran's Administration refused to issue or insure mortgages to Blacks. Blacks also struggled to get federal loans (or were given loans at exorbitant interest rates) due to redlining in appraisals of properties and neighborhoods. The federal Home Owner's Loan Corporation created color coded maps of every metropolitan area in the nation. 'Red' was the highest risk and neighborhoods earned a red if any Black lived in it, even if it was a solid middle class neighborhood of single family homes. This was the federal government socially constructing loan risks based on race. Blacks were also required to make substantial down payments, making home ownership less affordable for them.

Blacks had to pay more for housing, it cost them more, required a larger down payment, paying higher interest, more taxes, and increased transportation costs if housing was not available close to jobs. The federal government did invest in highways to connect suburban whites to their jobs; it did not invest as much in subways or light rails that would allow urban Blacks to reach suburban employment opportunities. A 1973 Housing and Urban Development study of the 10 largest US cities found a systematic pattern of overassessment and thus higher tax rate in low income African American neighborhoods with corresponding underassessment in white middle class neighborhoods.

This forced many Blacks to be Contract Buyers, which required inflated monthly payments. Many homes had to be subdivided or doubled up to produce the additional rental income required to make these higher payments. This often contributing to the overcrowded nature of neighborhoods; for example, in 1954, the Federal Housing Authority found that Blacks were overcrowded four times the rate of whites and were doubled up three times the rate of whites. Additionally, both parents in a Black family might have had to work double shifts to make the exorbitant payments. This could leave them with less time and less money to devote to basic home or property maintenance causing homes to deteriorate faster. All of these factors might reinforce a neighborhoods' 'slum' conditions, all of which was created by federal government rules and policies. To make matters even worse, Blacks didn't have the option to leave because they weren't earning equity in their home and so would lose their entire investment. In fact, if they missed one payment, they would lose every dollar spent on the home.

Suburban homes had to be resold for white families to reap the rewards of their rising property values. Restrictive Covenants made it harder for second generation Black families to move into white suburbs. Restrictive covenants were comprised of language in both individual home deeds and in pacts among neighbors (i.e., homeowner's associations) that prohibited the future resale of homes to Blacks. This was reinforced by the Federal Housing Association's practice of lower appraisals (and thus lower tax rates) for properties with restrictive language. Many Los Angeles neighborhoods were created this way, including Westwood. Although the 1948 Supreme Court ruling in *Shelley v. Kraemer* found that if restrictive covenants were truly private, then homeowners or neighbors could not rely on the power of the courts and government to enforce racially restrictive covenants by evicting Black families, the Federal Housing Authority continued to subvert this ruling and insure properties with restrictive

covenants that required community approval for home sales, which allowed neighbors to veto sales to Black families.

Finally, although it was private market manipulation for financial gain, as opposed to directly created by the government, we must mention the practice of Blockbusting. If one Black family moved into a neighborhood, real estate agents hyped a predicted collapse in property values and panicked white families into selling their homes at discounted pricing to the real estate agents themselves. The agents then sold those very same properties at hugely inflated prices to Blacks who were desperate for housing. White real estate agents made a huge profit. Blacks moving into white neighborhoods often had higher socio-economic status than their white neighbors.

The Federal Housing Administration's assumption that the presence of Black people living in a neighborhood would cause property values of whites to fall was wrong. Government policy excluded working and middle class Blacks from most suburbs. Their desire to escape dense urban conditions spurred their demand for single family or duplex homes on the outskirts of urban ghettos nationwide; they were willing to pay prices far above fair market value. The FHA policy of denying Black access to most neighborhoods created conditions that raised property values when Black moved in. But, the work of real estate agents in blockbusting ultimately led to a decline in value as white panic was created. The FHA used this as proof that its position was correct instead of taking responsibility for creating the situation with discriminatory and unconstitutional racial policies in the first place.

Public Housing in the 1950s: For whites, federal and local regulations set upper income limits for families in public housing, which forced many middle class (and mostly white) families out of public housing, turned public housing into warehousing for the poor. For Blacks, in 1952 President Truman created the Racial Equity Formula which required local housing authorities to build housing in relationship to Black need, instead of letting buildings designated for whites only stay empty while Blacks remained on overflowing waiting lists. Unfortunately, at this time, the condition of public housing projects rapidly deteriorated. This is due to: (1) white middle-class housing authority maintenance workers being forced to stop living in the buildings where they worked when their wages made them ineligible to live there, thereby reducing the levels of property upkeep; (2) the loss of middle-class white tenants also removed a constituency that possessed the political strength to insist on adequate funds for their project's upkeep and amenities; and (3) loss of middle-class rents resulted in inadequate maintenance budgets. On the one hand, Blacks were finally able to access housing but that housing was poorly upkept, often in high rise buildings (distinct from multi-family public housing dwellings with the open park and grass space of the past). The trends during this era are reflective of the public housing we more often experience today. In the 1950s, many state constitutional amendments were enacted that required local referendums and approval before building low-income public housing projects. Middle-class white communities then systematically vetoed public housing proposals and the Supreme Court determined this was constitutional in 1971.

LOCAL ZONING LAWS: Explicit local racial zoning laws prevented whites from buying homes that were predominately in Black areas and Blacks from buying homes on blocks that were predominantly white. This was clearly and explicitly designed to prevent integration and protect white property values. A 1917 case, *Buchanan v Warley*, ruled racial zoning was illegal.

Cities then turned to economic zoning as a facially race 'neutral' way to continue to create and enforce housing segregation, often modeling it after the Federal government's Model Zoning Codes which were

very thinly disguised as requiring segregation. Suburbs were reserved exclusively for single family homes, read: for middle-class whites. Given all the labor and wealth accumulation factors discussed in the primary training materials, it should come as no surprise that Blacks had less income to spend on housing. By restricting neighborhoods to single family homes, and prohibiting affordable apartment buildings, this prevented low income, primarily families of color, from moving into white neighborhoods. It also created Black neighborhoods that were predominantly low income.

‘Revitalization’ of Downtown Areas: Many cities moved Blacks away from downtown business districts so white commuters, shoppers, and business elites would not be exposed to Blacks. Other ‘urban renewal’ projects cleared spaces for hospitals, universities, and middle-class housing. The Housing and Urban Development office of the federal government often knew of the disproportionate impact on Black people and made no plans to provide assistance to help people get rehoused.

Cities condemned or used eminent domain to take the property of Blacks, especially if they somehow managed to buy in the wrong part of town or a valuable piece of land. One example is Bruce’s Beach in Manhattan Beach. They also used these laws to take land to build freeways, destroy or clear out Black communities or ‘slums’, divide white and Black neighborhoods, or otherwise shift the existing residential placement of Black families. Examples of this include the building of the 10 Freeway in Los Angeles in 1954 which destroyed the city’s most prosperous Black middle-class neighborhood, Sugar Hill.

Industrial zoning and zoning for environmental hazards specifically protected white neighborhoods and property values from deteriorating by ensuring that few industrial or environmentally unsafe businesses could locate in them. Most environmental hazards such as railroad tracks, shipbuilding areas, garbage disposal sites, toxic waste sites, and industrial sites, as well as other property decreasing zones (e.g., subdivided homes, taverns, liquor stores, nightclubs, etc.) were placed in or adjacent to Black neighborhoods. Local zoning laws also used industrial zones to physically separate Black neighborhoods from white neighborhoods. A 1983 US General Accounting Office report found that waste treatment facilities or dumps were more likely to be found near African American than white residential areas. Race predicted where hazardous waste facilities could be found, as there was only a 1 in 10,000 chance of the racial distribution occurring randomly. Further, the percentage of people of color living near incinerators was 89% higher than the national median. A 1991 Environmental Protection Agency report confirmed that a disproportionate number of toxic waste facilities were found in African American communities. A 2014 Report found that middle-class African-American households with incomes between 50-60,000 live in neighborhoods that are more polluted than white households with incomes below 10,000.

Moving into the 1990s, 2.3 million people were living in public housing, which was mostly the high rise, low income, poorly maintained, warehousing for people of color that we know of today. The one strike rule limited admission and allowed for eviction of anyone with even a single drug offense. Money previously spent on federally funded public housing now went to build prisons.

In private housing, the mortgage broker compensation system included incentives to pressure borrowers into accepting subprime mortgages. Subprime mortgages had higher and more onerous interest rates, high closing costs, prepayment penalties, low initial teaser interest rates that skyrocketed later, and had negative amortization, which was initial monthly payments so low that interest costs weren’t covered and were added to outstanding principal. Brokers manipulated borrowers by convincing them they could take advantage of perpetually rising equity in their homes to refinance their



loan before the teaser rates expired. Banks excessively targeted and marketed exploitative loans to Blacks in distressed neighborhoods where little or no gain in equity could be expected. Reverse redlining was a widespread practice throughout the industry since the late 1990s with little state or federal regulatory response. In 2000, when 41%<sup>3</sup> of all borrowers with subprime loans would have qualified for conventional financing with lower rates, Black had subprime loans at three times the rate of whites and higher income Blacks at four times the rate of higher income whites. In 2010, after the housing bubble burst, the Justice Department found that brokers targeted toxic loans to communities of color who were more likely to then face foreclosure. Strong middle class and lower-middle class Black neighborhoods were devastated. African American homeownership rates fell much more than whites. Families no longer qualified for conventional mortgages due to foreclosures. Foreclosed-on residents were forced back into lower income areas, experienced greater houselessness, including doubling up with relatives. There was also a resurgence of the contract buying system of the 1960s; this is horribly insidious as the same firms that foreclosed on Black homes are now selling the exact same properties to low and moderate income households at higher interest rates with larger down payments, with no equity accumulated until the contract period ends and eviction possible after a single missed payment.

Race 'neutral' policies also reinforce the wealth differential between whites and Blacks. The Federal tax code provides for a mortgage interest deduction which provides a subsidy to higher income, mostly white suburban homeowners. This subsidy is available to all homeowner without regard to the federal budget. Housing Choice Vouchers (commonly referred to as Section 8) subsidizes families' rental payments so they can lease housing. Vouchers can often only be used in lower class segregated neighborhoods. This subsidy, used mostly by people of color, is not available to all, regardless of the federal budget. For example, in 2015, 1 in 6 families had vouchers who needed them. There are long waiting list for vouchers in every city with a large African American low income population.

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<sup>3</sup> This rose to 61% in 2006.

## Further Reading List

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- Bruce D. Perry, M.D., Ph.D. & Oprah Winfrey, *What Happened to You?* (2021).
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### Trends & Data: Child Welfare, Probation, Special Education, School Discipline, & Education Outcomes

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**Los Angeles County  
Office of Education**



# Assembly Bill 740: Notification of Disciplinary Actions

Amends Sections 47605, 47605.6, 48432.5, 48853.5, 48911, 48911.1, 48915.5,  
and 48918.1 of the Education Code, relating to foster youth



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[www.clccal.org](http://www.clccal.org)



# AGENDA

Overview of AB 730

The Technical Guide

Notification Process

Questions & Answers

Resources

Contact Information



# AB 740

## Student Discipline



- **Purpose:** to address the disproportionality of school suspensions and expulsions of students in foster care.
- Poor academic achievement and high school dropout rates are connected to the high suspension and expulsion rates.
- Many times, our students' caregivers are not equipped with the information and knowledge necessary to effectively advocate for our students' educational needs.
- Protect students in foster cares educational needs by requiring LEAs to notify and provide all rights of a parent or guardian to the state-appointed attorney, CSW, ERH, Tribal council, if applicable.

# AB 740: STUDENT DISCIPLINE

- Requires Local Educational Agencies to send a notification to the **foster child's attorney, county social worker, educational rights holder**, and if applicable, **tribal social worker**
- These notices is required when a student faces:
  - Involuntary transfer to a continuation school
  - suspension
  - expulsion (at least 10 calendar days before the hearing)
  - manifestation determination meeting
- Students' ERH, attorney, county social worker and, when applicable the Indian tribal social worker, are given the same rights a parent or guardian has to receive all the above notices, plus additional documentation related information
- An act to amend Sections 47605, 47605.6, 48432.5, 48853.5, 48911, 48911.1, 48915.5, and 48918.1 of the Education Code, relating to foster youth



# A TECHNICAL GUIDE TO AB 740

# A TECHNICAL GUIDE TO AB 740

- Required AB740 Notification
- Locating contact information in EPS
- Foster Youth Discipline Notification Fillable Form

## AB 740 NOTIFICATIONS

AB 740 requires EAs (including Charter Schools) to send written notification when a student in foster care is being faced with:

- Suspension (includes an in-school suspension)
- Expulsion
- IEP meeting when a Manifestation Determination takes place
- Involuntary Transfer to a continuation school

Required parties that receive all rights a parent or guardian receives (including any documents and related information to the above mentioned incidences) are listed below.


**Where to find this information:**

- 01 — County Social Worker**  
Educational Passport System (EPS) If the information is not included, email the DCFS YES Inbox - [youth.education.support@dsh.lacounty.gov](mailto:youth.education.support@dsh.lacounty.gov) and they will provide the CSW information.
- 02 — Minor's Attorney**  
The Children's Law Center of California (CLC) has created a dedicated email to forward the notification to minor's attorney. Emails may be sent to [education@clccal.org](mailto:education@clccal.org).
- 03 — Educational Rights Holder (ERH)**  
EPS houses JV 555 forms provided by the court, which indicates a change of the ERH. If this information is not listed in EPS, send an inquiry to the DCFS YES Inbox - [youth.education.support@dsh.lacounty.gov](mailto:youth.education.support@dsh.lacounty.gov)  
Please note: In emergency matters on the 24/7 (7x) system, call (800) 442-4444 for assistance. The YES Inbox is available 24/7 and will respond to you as soon as possible.
- 04 — Tribal Social Worker**  
This information comes from self-identification by the family or tribe.

## EDUCATIONAL PASSPORT SYSTEM (EPS)

**How to Access the Foster Youth Core Application in EPS:**  
To access the EPS Portal visit <https://www.dsh.lacounty.gov>. If you need access to the Foster Youth Core application, please contact your EPS Administrator. Click [here](#) to look up the EPS Administrator(s) for your district/school.

You may also be notified that a 20-555 has been applied for a student in EPS from the View Student - Details Tab and proceed the first page of the form in the Foster Youth Core application. The Document Library application gives you access to view the entire updated JV 555 form.



Please use the services at [www.dsh.lacounty.gov](https://www.dsh.lacounty.gov) or call (800) 442-4444 for more information.

### AB 740 Foster Youth Discipline Notification

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_ SID #: \_\_\_\_\_  
 School: \_\_\_\_\_ District: \_\_\_\_\_  
 Date of Incident: \_\_\_\_\_ Incident Location:  Yes  No  Unknown  Yes  No

**History**

Total # of days previously suspended: \_\_\_\_\_ Other notes of suspension(s):  Yes  No

If yes, please explain: \_\_\_\_\_

**Disciplinary Action**

Date of Incident: \_\_\_\_\_ Start Date of Suspension: \_\_\_\_\_ Student not return to school: \_\_\_\_\_  
 Type of Incident:  In-School Suspension  Out of School Suspension  Use of Restroom  Manifestation Determination  Involuntary Transfer  Expulsion

Incident Details, including evidence: \_\_\_\_\_

Did the student provide their address of the incident?  Yes  No  N/A

Student's account of the incident or at-risk student incident history: \_\_\_\_\_

May law enforcement be called in relation to the incident?  Yes  No

**Future Meetings or Hearings**

Mediation  Restorative Justice  Peer Support Meeting  Restorative Hearing

Date and time of meeting or hearing: \_\_\_\_\_ Address of meeting or hearing: \_\_\_\_\_

**School Site and District Contact Information**

District Site Administrator: \_\_\_\_\_  
 District Foster Youth Liaison: \_\_\_\_\_

# AB 740 Notification Procedures



**Children's Law Center  
of California**  
*Excellence In Advocacy*

*Serving Los Angeles, Placer and  
Sacramento Counties*

January 1, 2023

RE: Request for Notices of School-Discipline Related Proceedings for Los Angeles County Foster Youth

This is to inform you and your Local Education Agency that Children's Law Center of California is the primary provider of representation for foster youth in Los Angeles County.

Pursuant to AB 1909 (2012) and AB 740 (2022), please provide our office notice of and an invitation to attend (if applicable) the following proceedings affecting any Los Angeles County foster child in your school/district:

1. Any suspension, including in-school suspensions for more than one class (as required by California Education Code §§ 48911.1(d) and 48911(d)).
2. Any meeting to determine whether a suspension will be extended until the district's governing board has made a decision on an expulsion recommendation (as required by California Education Code § 48911(g)).
3. Any expulsion hearing (as required by California Education Code § 48918.1(a)). Notice should be provided at least 10 calendar days before the date of the hearing.
4. Any meeting of an Individualized Education Program team to make a manifestation determination decision (as required by California Education Code § 48915.5(d)).
5. Any involuntary transfers (as required by California Education Code § 48432.5(b)). Notice should provide opportunity to request a meeting with the designee of the district superintendent before the transfer.
6. For charter schools, any plans to involuntarily remove (disenroll, dismiss, transfer, or terminate) a foster child. Notice must be provided no less than 5 schools days before the effective action (as required by California Education Code § 47605(c)).

Please use the following contact information for any notifications and invitations:

Children's Law Center of California  
101 Centre Plaza Dr.  
Monterey Park, CA 90041  
(323) 980-1700  
[educationnotice@clcla.org](mailto:educationnotice@clcla.org)

If you have any questions or concerns, please contact us by telephone or email.

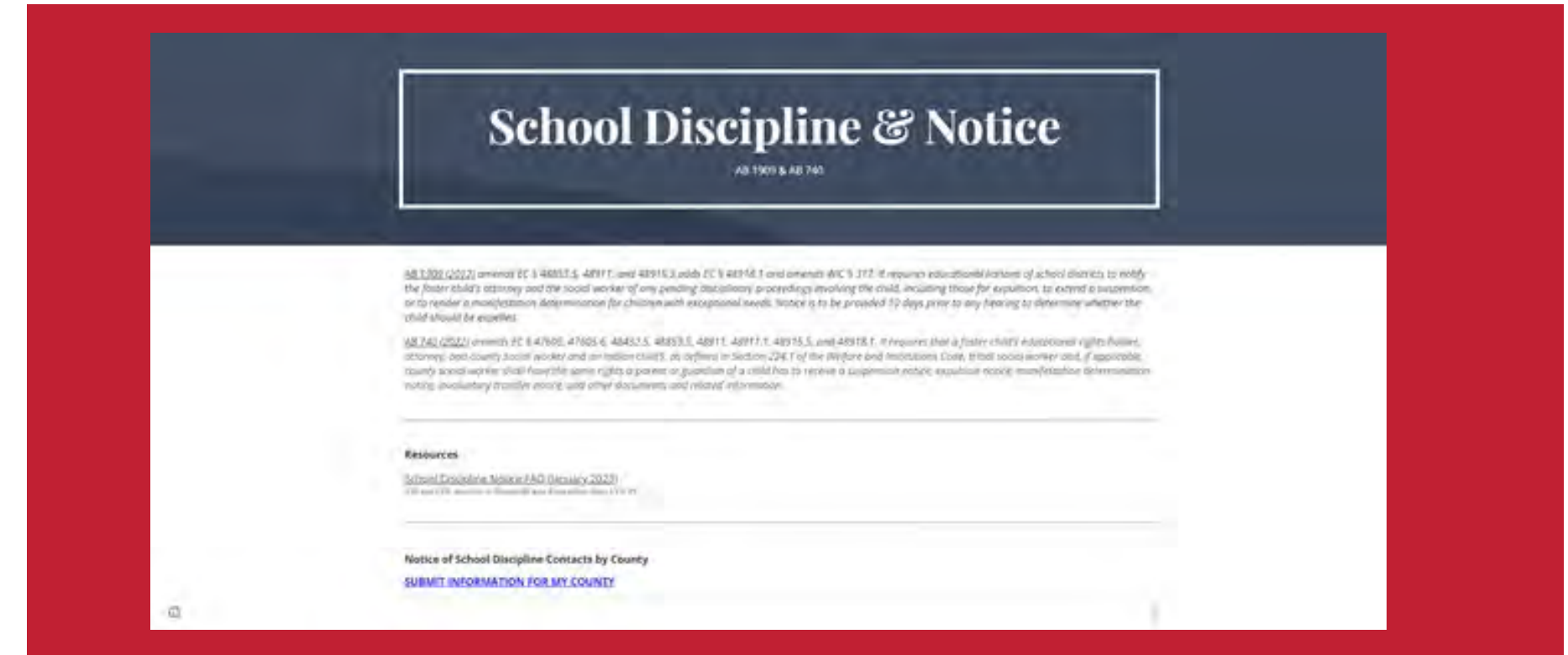
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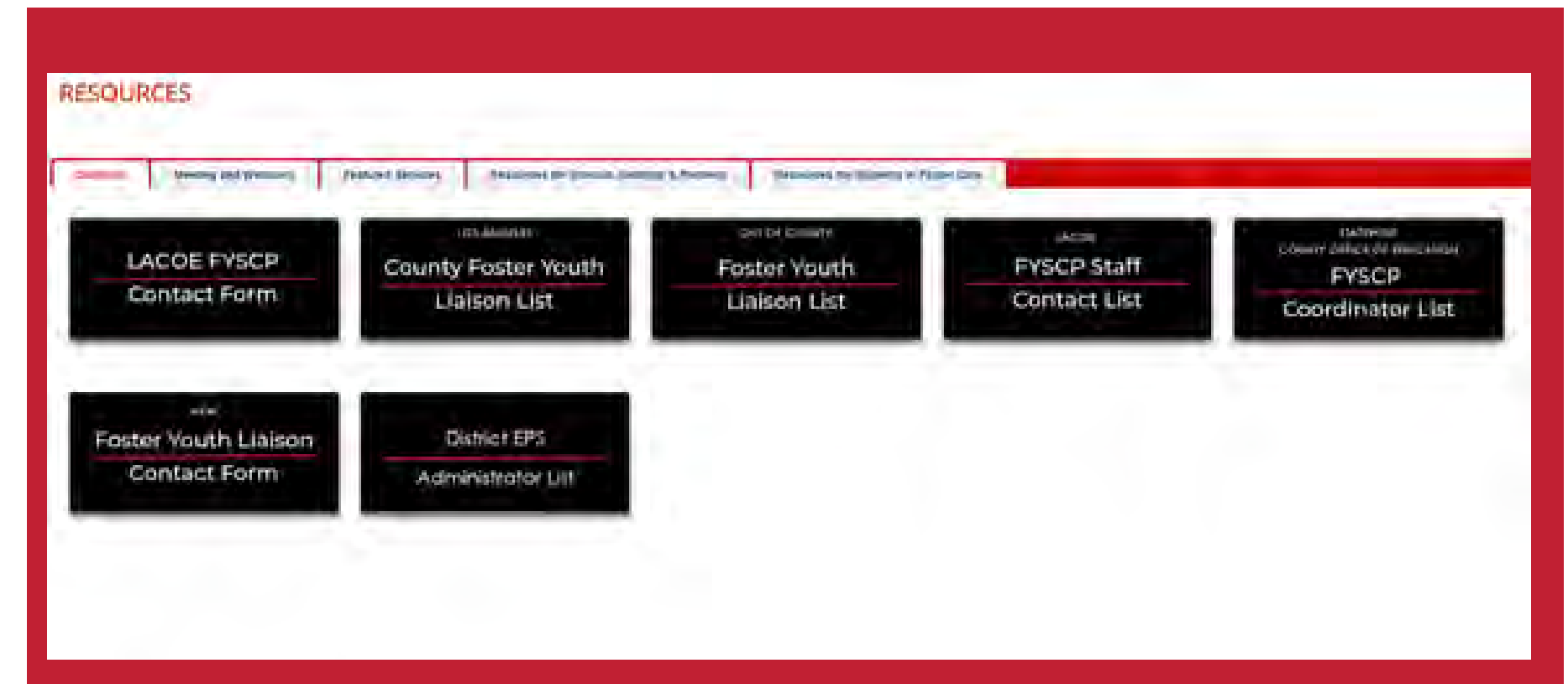


# AB 740 Notification Procedures

- FYSCP TAP Program School Discipline & Notice



- Outside County Contacts





# COMMON QUESTIONS



# AB 740 Implementation Questions

- Should notification be by mail in addition to email?
- Are we to use a secure email source to send the expulsion notifications?
- Is there a time frame in which all parties have to be notified?
- We understand that the parent/guardian is notified that day is it so for all other parties as well.
- Does notification have to be “sent” same day versus “received” same day?
- If our policy says to notify parents of one period suspension should we notify the other parties as well?
- What do we do if we cannot reach the ERH?
- Who should be responsible for sending the notification to ERH, CSW, and attorney?
- Can the same notice be used to inform the caregiver?



# Thank You

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Luciana Svidler

Director of Policy and Training

[svidlerl@clcla.org](mailto:svidlerl@clcla.org)



**Los Angeles County  
Office of Education**

Foster Youth Services Coordinating Program

# **A TECHNICAL GUIDE TO**

# A B

# 740

# ASSEMBLY BILL 740

## SUMMARY

**Sponsored by:** Assemblymember Kevin McCarty, 7th Assembly District  
**Co-Sponsors:** Black Minds Matter Coalition, Children's Advocacy Institute, Children's Law Center, Legal Advocates for Children & Youth

Assembly Bill (AB) 740 was introduced in 2021, due to the low academic outcomes and higher rates of school discipline that youth in foster care face compared to their peers. Data reveals that students in foster care are suspended at a rate of 331% more than the statewide average, which in turn affects their school attendance, due to missing class time.

High suspension and expulsion rates were the leading force behind the creation of this bill, as well as ensuring that students in foster care have "experienced advocates" that work to ensure this vulnerable population of students are supported.

AB 740 requires local education agencies (LEAs) starting January 1, 2023, to provide written notification to a minor's education rights holder, attorney, county social worker, tribal social worker (if applicable). The bill provides a student in foster care's educational rights holder, attorney, and county social worker and a child's tribal social worker and, if applicable, county social worker the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

The following documents are provided as a guide to enhance your forms to reflect the aforementioned changes in the notification requirement, per AB 740.

# AB 740 NOTIFICATIONS

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AB 740 requires LEAs (including Charter Schools) to send written notification when a student in foster care is being faced with:

- Suspension (includes an in-school suspension)
- Expulsion
- IEP meeting when a Manifestation Determination takes place
- Involuntary Transfer to a continuation school

Required parties that receive all rights a parent or guardian receives (including any documents and related information to the above mentioned incidences) are listed below.

## Where to find this information:



### 01 — County Social Worker

Educational Passport System (EPS). If the information is not included, email the DCFS YES Inbox - [youth.education.support@dcfs.lacounty.gov](mailto:youth.education.support@dcfs.lacounty.gov) and they will provide the CSW information.



### 02 — Minor's Attorney

The Children's Law Center of California (CLC) has created a dedicated email to forward the notification to minor's attorney. Emails may be sent to [educationnotice@clcla.org](mailto:educationnotice@clcla.org).



### 03 — Educational Rights Holder (ERH)

EPS houses JV 535 forms provided by the court, which indicates a change of the ERH. If this information is not listed in EPS, send an inquiry to the DCFS YES Inbox - [youth.education.support@dcfs.lacounty.gov](mailto:youth.education.support@dcfs.lacounty.gov)

*Please note, by sending an inquiry to the DCFS, YES inbox, this does NOT fulfill the notification process. The YES inbox, only provides information and will not forward onto the minor's CSW.*



### 04 — Tribal Social Worker

This information comes from self-identification by the family or tribe.

# EDUCATIONAL PASSPORT SYSTEM (EPS)

## How to Access the Foster Youth Core Application in EPS

To access the EPS Portal visit <https://epsportal.lacoe.edu>. If you need access to the Foster Youth Core application, please contact your EPS Administrator. [Click here](#) to look up the EPS Administrator(s) for your district/charter school.

You may view a notification that a JV-535 has been uploaded for a student in EPS from the View Student - Details Tab and preview the first page of the form in the Foster Youth Core application. The Document Library application gives you access to view the entire uploaded JV-535 form.

View Student

Details Counselor Logs Group Homes Enrollments School Transfer (1399) SCOE

First Name Last Name Middle Name

SSID Name Suffix Birth Date

Gender Special Ed Indicator Language Proficiency

Notes

JV 535 Uploaded? (Request to View using Document Library) YES Last Uploaded Date 12/07/2022

View info from JV-535 form  
(Search may take up to a minute)

ERH Name per DCFS Feed

ERH Phone per DCFS Feed

Please visit our website at [www.lacoe.edu](http://www.lacoe.edu) or call 562-922-6469 for more information

# AB 740 Foster Youth Discipline Notification

This document was created by the Los Angeles County Office of Education, Foster Youth Services Coordinating Program and the Los Angeles Children's Law Center of California in conjunction with the FYSCP Executive Advisory Council

Student :  Date of Birth:  Grade:  SSID #

School:  District:

Date of Enrollment:  Special Education:  Yes  No Section 504:  Yes  No

## History

Total # of days previously suspended:  Other means of correction used?  Yes  No

If yes, please explain

## Disciplinary Action

Date of Incident:  Start Date of Discipline:  Student can return to school:

Type of Incident:  In-school Suspension # of periods:   Out-of-school Suspension  
 Manifestation Determination  Involuntary Transfer  Expulsion

Incident details, including evidence:

Did the student provide their account of the incident: If yes, when:

If no, why:

Student's account of the incident or attach student incident report:

Was law enforcement called in relation to the incident:  Yes  No

## Future Meetings or Hearings

Manifestation IEP  Suspension meetings  Pre-expulsion hearing  Expulsion hearing

Date and time of meeting or hearing:  Address of meeting or hearing:

## School Site and District Contact Information

School Site Administrator:

District Foster Youth Liaison:





# Children's Law Center of California

*Excellence In Advocacy*

*Serving Los Angeles, Placer and  
Sacramento Counties*

January 1, 2023

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2. Any meeting to determine whether a suspension will be extended until the district's governing board has made a decision on an expulsion recommendation (as required by California Education Code § 48911(g)).
3. Any expulsion hearing (as required by California Education Code § 48918.1(a)). Notice should be provided at least 10 calendar days before the date of the hearing.
4. Any meeting of an Individualized Education Program team to make a manifestation determination decision (as required by California Education Code §48915.5(d)).
5. Any involuntary transfers (as required by California Education Code § 48432.5(b)). Notice should provide opportunity to request a meeting with the designee of the district superintendent before the transfer.
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Please use the following contact information for any notifications and invitations:

Children's Law Center of California  
101 Centre Plaza Dr.  
Monterey Park, CA 90041  
(323) 980-1700  
[educationnotice@clcla.org](mailto:educationnotice@clcla.org)

If you have any questions or concerns, please contact us by telephone or email.

# ACKNOWLEDGEMENTS

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The LACOE Foster Youth Services Coordinating Program would like to thank the below community partners for their help in creating this guide:

Children's Law Center of California (Los Angeles)  
 Los Angeles County, Department of Children and Family Services - Education Unit  
 Alliance for Children's Rights  
 Foster Youth Services Coordinating Program, Technical Assistance Program  
 LACOE Child Welfare and Attendance

**Mission:**  
**To facilitate collaboration and build  
 capacity in order  
 to maximize the educational success of  
 students in foster care.**

Children's Law Center fights to ensure the well being and future success of our clients through a multi-disciplinary, independent and informed approach to advocacy. A powerful voice for foster youth fighting for family reunification, permanence, educational opportunity, health and mental health services, self-sufficiency and overall well-being, we're working toward local, statewide and national policy change and child welfare system reform

Please visit our website at [www.clccal.org](http://www.clccal.org) for more information.




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Please visit our website at [www.lacoe.edu](http://www.lacoe.edu) or call 562-922-6469 for more information



# Expecting More

**A Blueprint for Raising  
the Educational Achievement  
of Foster and Probation Youth**

January 2006

Los Angeles County  
**Education Coordinating Council**  
500 West Temple Street, Room 745  
Los Angeles, CA 90012  
(213) 974-4530  
<http://www.educationcoordinatingcouncil.org>

## Table of Contents

<b>Table of Contents .....</b>	<b>i</b>
<b>The Challenge.....</b>	<b>1</b>
<b>What We Know .....</b>	<b>3</b>
<b>What We Want.....</b>	<b>4</b>
<b>Our Approach .....</b>	<b>5</b>
<b>What Youth Are Saying .....</b>	<b>7</b>
<b>Seven Basic Agreements .....</b>	<b>8</b>
<b>Some Short-Term Practical Solutions.....</b>	<b>9</b>
Early Childhood Education.....	9
Youth Development.....	11
Data and Information-Sharing .....	15
School-based Support .....	17
<b>What It Will Take To Do Better .....</b>	<b>19</b>
Roles and Responsibilities .....	19
Youth.....	19
Parents.....	20
Caregivers .....	21
Holders of education rights.....	22
Children’s Social Workers and Deputy Probation Officers.....	22
School teachers/administrators/personnel.....	23
Legal advocates/attorneys.....	24
County departments .....	25
School districts.....	25
Judiciary .....	26
Accountability.....	27
The ECC’s Role .....	28
<b>Next Steps .....</b>	<b>29</b>
<b>Conclusion .....</b>	<b>30</b>
<b>Acknowledgements .....</b>	<b>31</b>
<b>Bibliography .....</b>	<b>35</b>
<b>References.....</b>	<b>36</b>

## The Challenge

A good education is vital to adult success. Few Los Angeles County residents would argue with that, and most would agree that parents, schools, government agencies, and communities are jointly responsible for making sure that every child gets one. In fact, the area of education “was perhaps the most universal and frequently cited issue” by the 2,115 participants in the 64 community forums convened by the Los Angeles County Children’s Planning Council in 2005.

For children and youth in the care of the county’s Department of Children and Family Services (DCFS) and Probation Department\*, a solid education is even more important. Many of these youth don’t have families to support them, emotionally or financially, or anyone else to fall back on. For them, a solid education provides a unique opportunity for accomplishment and may be their only ticket to the world of work and self-sufficiency.

Although foster and probation youth are as able as other youth, those responsible for their care and development have not seen to it that they are as successful academically. Youth who have been removed from their families often feel they’ve been ‘stranded in the system’ and that no one is paying attention to what’s happening to them.

**“We know when people don’t believe in us, and, sooner or later, we start believing it, too.”**

—Jennifer Rodriguez, J.D., Legislative and Policy Coordinator, California Youth Connection, and former foster youth

Part of the problem is that, by and large, we don’t expect them to succeed. Foster parents and professionals working with these youth seldom urge them to make college a goal or help them work toward it<sup>1</sup>.

Of all youth, these are perhaps most at risk for and most damaged by educational failure. Clearly, the adults and systems responsible for them could do a *much* better job of stepping up to the plate on their behalf, working together more effectively to give them the support and opportunities they need (and want), and encouraging them to strive. Los Angeles has an urgent need for a coordinated focus on their readiness for school and their strong academic performance throughout their school years. We must raise the bar with respect to their aspirations and put them in a position to attain them.

**“I just got all A’s. Where are those people who said I wasn’t smart?”**

—Pierre, foster youth

Most of these youth are from low-income families and communities of color, have parents and/or caretakers with limited educations, and attend the kinds of low-performing public schools that Kozol (2005) has accused of providing “apartheid education.”<sup>2</sup> In these ways, they are similar to

\* The children and youth who are the subject of this Blueprint are those under the supervision of Los Angeles County’s DCFS and Probation Department. They are referred to in several ways throughout this report—as dependent and delinquent youth, as foster and probation youth, and as system youth. These terms are used interchangeably, even though some differences exist. These children and youth range in age from newborn to 21 years.

other at-risk youth. This reality makes the task of the Education Coordinating Council even more challenging, but it also makes its opportunities even more important. If we can find ways to help foster and probation youth succeed educationally, many of the lessons learned can be used to help tens of thousands of other youth in schools and communities throughout Los Angeles County.

## What We Know

Most children and youth in the child welfare and probation systems fall far behind other youth academically.

- Nationally, about one-third to one-half of foster and probation youth perform below grade level.<sup>3, 4, 5</sup>
- Nationally, nearly half of foster youth fail to complete high school, and fewer than 5 percent ever earn a bachelor's degree.<sup>6, 7, 8</sup>
- Almost a third of foster and probation youth in Los Angeles County receive special education services.<sup>9, 10, 11</sup>
- The average reading level of Los Angeles County probation youth in grades nine through twelve is below grade five.<sup>12</sup>

Part of this achievement gap is a result of the abuse, neglect, exposure to violence, poverty, inadequate early care, and poor preparation for school that many of these youth experience before entering the dependency or delinquency systems. Another part results from isolation, the trauma of being separated from their families, frequent placement changes, and, often, stigma and lowered expectations. The rest can largely be explained by administrative problems these youth encounter once in the system—disruptive delays in transfers between schools, lost or misplaced records, absences for service-related needs, a lack of standard procedures across school districts for awarding credits, and difficulties enrolling in the classes required for graduation in overburdened school systems.

**“More students have retention problems due to social and emotional well-being issues than they do from academic problems.”**

*—Sid Gardner, President,  
Children and Family Futures*

Once they leave the dependency or delinquency systems at about age 18, studies have shown that half of these youth are unemployed, one-third are dependent on public assistance, a quarter are incarcerated, and over a fifth are homeless.<sup>13</sup> These are unacceptable outcomes!

Given the interactive and complex nature of the problems involved, as well as the size and diversity of Los Angeles County, no single group, sector, or organization alone can accomplish the ambitious task of improving this situation. Only by working together can we create a better future for the approximately 60,000 children and youth in Los Angeles County now in the care of the departments of Children and Family Services and Probation, and for the thousands of children who may need that help and care in years to come.



## What We Want

Foster and probation youth—and their children—should be at least as successful educationally as other youth. This means, for example, that:

- Foster youth, the children of foster and probation youth, and those at risk of entering the child welfare system are adequately prepared for kindergarten, elementary school, and middle school, and that both foster and probation youth are adequately prepared for high school, higher education, and employment
- Significantly more foster and probation youth perform academically at grade level
- A majority of foster and probation youth graduate from high school
- A much larger percentage of these youth attend four-year colleges, earn bachelor's degrees, and are prepared for graduate programs in the disciplines of their choice
- After completing educational or career-preparation programs, most foster and probation youth obtain and maintain employment that provides them with a living wage and possibilities for career growth

Clearly, to achieve these results, foster and probation youth and their children must be given the same educational opportunities as other students. However, to help close the current dramatic achievement gap, many will need extra help and attention.

**“It is doubtful that any child may reasonably be expected to achieve in life, if he is denied the opportunity of an education.”**

*—Brown v. Board of Education (1954)*

## Our Approach

Acknowledging the significant educational achievement gap for foster and probation youth, two education summits were convened in 2003 and 2004 by the Children’s Law Center of Los Angeles, county departments, schools, and advocacy organizations. The primary recommendation of these summits was the establishment of a countywide collaborative body that would provide oversight and accountability for the education of system youth. In November 2004, the Los Angeles County Board of Supervisors authorized the creation of the Education Coordinating Council (ECC) and asked the ECC, during its first year, to develop a Blueprint for raising the educational achievement of foster and probation youth.

For the first time, the major stakeholders responsible for the educational performance of foster and probation youth come together in the ECC. Its 23 members include the leadership of school districts with significant numbers of foster and probation youth, county departments, the juvenile court, city and county children’s commissions, advocacy and planning groups, community agencies, and youth and their caregivers<sup>†</sup>.

The ECC’s basic assumption is that **the responsibility for changing the unacceptably low educational performance of the children and youth under Los Angeles County’s supervision is *shared***. It lies with a host of public and private agencies, organizations, communities, family members, and the youth themselves, who must all work together strategically—in new ways and with great energy—to accelerate, expand, and unify efforts to achieve better results. No single group, sector, or organization can accomplish these goals alone. Only by joining forces can we create the positive future these youth deserve.

Luckily, Los Angeles County has a great deal to build on—a rich history of key accomplishments, effective partnerships, and highly successful program models run by schools, community-based groups, and public and private agencies that are providing some solutions. Further, the current goals of county departments and school districts for these children and youth provide a starting place for alignment—for example, the county’s goal of permanency for all system youth, and district goals that all students complete the A-G courses required for admission to California universities.

The job of the ECC, then, is to coordinate efforts across organizations and jurisdictions, encouraging networks of people to work together to expand best practices and fill the gaps in communities where little help or support for families is available, so that none of our children are left behind.

The Education Coordinating Council considers this Blueprint to be a working document—a way to begin. As such, it lays out the basic agreements needed among the agencies, organizations, and constituent groups responsible for the educational achievement of foster and probation

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<sup>†</sup> Throughout this document, the term ‘caregivers’ is used inclusively to refer to biological and adoptive parents, legal guardians, relative caregivers, non-relative extended family member caregivers, foster parents, resource families, and foster family agency and group home staff and administrators.

youth. It also recommends some practical, short-term solutions that require concerted action by ECC members and their partners, plus some specific actions to accomplish them.

This Blueprint is designed for all Los Angeles County foster and probation youth, as a group. It does not include specific recommendations for subgroups of these youth who have unique, additional needs, such as gay/lesbian/bisexual/transgender/queer/questioning youth, children of incarcerated parents, youth in special education, youth with mental health and/or alcohol or drug issues, crossover youth (between the dependency and delinquency systems), homeless youth, children with disabilities, teen parents, immigrant and/or undocumented youth, etc. Subsequent efforts must address the specific needs of these populations and will require the involvement of additional systems and organizations in the design of proposed solutions. This document is broadly construed, with the understanding that the needs of each child and youth in the system must be met through individualized case and education plans.

At its first meeting in January 2005, the ECC decided that the Blueprint would focus on four priority areas—two highlighting children and youth, and two addressing major implementation strategies:

- Early childhood education
- Youth development
- Data and information-sharing
- School-based support (education liaisons)

## What Youth Are Saying

Because the voices of system youth were the most important ones for developing this Blueprint, twelve focus groups involving 145 current and former foster and probation youth were held during the fall of 2005, so their ideas on how to best raise educational achievement could be heard. The full report of those meetings, *Through Their Eyes: Results of Youth and Adult Caregiver Focus Groups on the Education of Youth in the Foster Care and Probation Systems*, is available on the ECC website, <http://www.educationcoordinatingcouncil.org>.

What youth say they want most of all is someone who cares about them, who supports and encourages them, and who pushes them to do better. The ideal way to achieve this is through county departments' accomplishing their permanency goal of connecting every child and youth to a family through reunification, adoption, or legal guardianship, ensuring that they leave the system with strong and enduring ties to one or more nurturing adults. Family members, court-appointed special advocates (CASAs), mentors, tutors, coaches, school counselors, and program staff can all help youth by believing in them and attending to their educational needs.

**"We know when we're being written off."**

—James, probation youth

Youth also want:

- Teachers who push them to learn but provide assistance when necessary
- Adults who keep their word and understand what youth are experiencing
- Help with 'the basics' (tutoring and assistance with schoolwork, exams, and applications for financial support)
- School counselors who understand the dependency and probation systems and have a desire to help youth
- Better prepared foster parents
- To remain in one school—if it is a good school
- Accessible and timely paperwork for class enrollment and school transfers
- More information about available resources and programs, preferably from posters in public places, flyers, bulletin boards, other students, or teachers
- Transportation to and from school and programs

**"College is my way out."**

—Precious, foster youth

## Seven Basic Agreements

Those responsible for the educational attainment of foster and probation youth must agree to at least seven things if we are to achieve the results we want.

1. Everyone must understand the *central importance of education* for the current well-being and future prospects of children and youth, expressing that value clearly and consistently in every aspect of their work.

**“If we can master the system, we can master college.”**

—Berisha Black, Los Angeles County Emancipation Ombudsman and former foster youth

2. Everyone needs to adopt and maintain *high expectations for the children and youth* involved in these systems, believing in their ability to succeed educationally and demanding improvements in school attendance and achievement.
3. A *strong investment in prevention*, assuring that children are enrolled in high-quality early care and education programs, is fundamental. Current research demonstrating the power of high-quality child care, preschool, family support, and family literacy programs in preventing maltreatment—and the long-term benefits of such services—makes it vital for us to assure that vulnerable children have priority access to such programs.
4. Everyone must *pay attention to and address early on any factor affecting educational success*, including the social, developmental, health, mental health, and learning challenges of youth.
5. *School stability* must be strongly considered when making residential and educational placement decisions, except when a school does not adequately meet the needs of the child or youth. School stability, in the right school for that youth, is the basis for building positive attachments and educational continuity, and is essential to raising academic achievement. When a change in schools is unavoidable, or is found to be in the child’s best interest, records should be transferred quickly and youth enrolled immediately in the new school.
6. *Parents and caregivers should be involved* in all aspects of their children’s education.
7. A *shared understanding of educational responsibility* must be achieved among all partners and groups who help to care for these youth, so that roles and responsibilities can be clarified and each group held accountable.

## Some Short-Term Practical Solutions

### Early Childhood Education

It is becoming increasingly clear that the readiness of young children (pre-kindergarten and below) for school has a strong impact on their healthy growth and development and their future educational achievement. School readiness has been defined by the National Education Goals Panel as:

- **Children’s readiness for school** (they are prepared to fully participate)
- **Schools’ readiness for children** (they are ready to meet the needs of all the children they will serve)
- **Family and community supports and services that contribute to children’s readiness for school success** (households and community environments support learning)

In its 2003 *Shaping the Future* report, First 5 LA adopted this definition—as well as Los Angeles County’s desired outcomes for children and families (good health, safety and survival, economic well-being, social and emotional well-being, and education/workforce readiness)—to establish a set of goals and strategies for improving school readiness countywide. Several of the First 5 goals and suggested actions have been incorporated into this Blueprint.

The importance of early childhood education in getting children ready for school, especially when combined with family support, cannot be overstated. Research has shown that low-income students who attended a school-based preschool that emphasized parent involvement and the development of literacy skills had a 29 percent higher rate of high school completion than their peers who did not attend, 33 percent fewer juvenile arrests, 42 percent fewer arrests for a violent offense, 41 percent fewer special education placements, 40 percent fewer grade retentions, and 51 percent fewer incidences of child maltreatment.<sup>14</sup>

**“Put them in a position to succeed.”**

—Charlie Appelstein, M.S.W., President,  
Appelstein Training Resources, author of *“No  
Such Thing as a Bad Kid”* and *“The Gus  
Chronicles: Reflections from an Abused Kid”*

Further, identifying barriers to education early on can dramatically improve a child’s health, learning, and social/emotional development in ways that are often impossible just a few years later. As the National Academy of Sciences reported in *From Neurons to Neighborhoods*, “Compensating for missed opportunities, such as the failure to detect early difficulties or the lack of exposure to environments rich in language, often requires extensive intervention, if not heroic efforts, later in life.”<sup>15</sup>

High-quality early education is particularly important for young children under the supervision of the child welfare system, 25 percent of whom are under the age of five, and the children of foster and probation youth. At a minimum, it has proven helpful in countering some of the traumatic and neglectful life experiences these children have endured. Perhaps even more important,

it is a powerful tool for preventing further maltreatment and for ensuring positive, long-term benefits that include future academic and personal success.

The full report of the Early Childhood Education Work Group is available on the ECC's website, <http://www.educationcoordinatingcouncil.org>.

The Education Coordinating Council recommends that:

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**1. Higher numbers of children in the care of DCFS, and the children of foster and probation youth, should be enrolled in high-quality early intervention, care, and education programs that are culturally and linguistically responsive.**

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Examples of actions that would help achieve this recommendation:

- Educate caregivers about the numerous benefits of high-quality early intervention, care, and education for their children, the types of programs available, and the importance of being a full partner in their child's growth and development.
- Make high-quality developmental assessments and proper interventions available to foster youth and the children of foster and probation youth, particularly for those ages birth to 36 months.
- Develop a process for local child care resource and referral agencies to provide enhanced referrals to caregivers of foster children and the children of foster and probation youth to help them locate high-quality programs that meet their specific needs.
- Work with the Los Angeles County Office of Child Care and the Child Care Resource Center to pilot implementation of the quality rating instruments for child care programs developed by the Policy Roundtable for Child Care. These tools, adopted by the ECC at its July 2005 meeting, will help families (particularly those using county services) make informed decisions when selecting child development options.
- Fill available openings in State Preschool, Early Head Start, Head Start, and Los Angeles Universal Preschool (LAUP) programs with foster children and the children of foster and probation youth. A successful pilot is now underway that has identified DCFS and Probation liaisons to match children with these spots. It is already generating positive results.
- Dedicate bridge funding that ensures enrollment in high-quality early care and education programs until children can be connected to the larger subsidy system and before their families exit the child welfare or probation systems.



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**2. Community organizations and county departments should offer increased support and resources to parents, relative caregivers, and foster parents to help them be good nurturers and provide the positive learning environments that will ensure that their children are ready for school.**

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Examples of actions that would help achieve this recommendation:

- Assist caregivers to link with support networks in their communities, such as LA Connect (888-First-5-LA), those being developed through First 5 LA's Family Literacy and School Readiness Initiatives, the City of Los Angeles's Family Development Networks, Children's Institute Inc.'s Powerful Families Program, St. Anne's Learning Center, and home visiting programs like Early Head Start and Children Uniting Nations' Home Instruction Program for Preschool Youngsters (HIPPI).
- Facilitate enrollment in early intervention programs such as those provided by Regional Centers, school districts, and First 5 LA. First 5 LA's new 'Prenatal through Three Focus Area' programs and its Early Developmental Screening and Intervention Initiative are being designed to help families take care of their urgent needs as well as to assess young children early for possible behavioral or developmental concerns so that children are more ready to learn by the time they reach preschool.
- Connect families to community-based programs that promote literacy and reading awareness, such as Reading Is Fundamental of Southern California, the county library's Family Place, library preschool story times, Little-By-Little, and Begin at the Beginning with Books, as well as the Los Angeles City library's Grandparents & Books (GABS) program.
- Expand training opportunities for parents, relative caregivers, and foster parents in early child development, strengthening parent and child relationships, health and nutrition, and ways of promoting positive behavior in their children.
- Encourage relative caregivers to participate in the Community College Foundation's Kinship Education, Preparation and Support program (KEPS), Kinship In Action (KIA), Grandma's Angels, and DCFS' Kinship Resource Centers.

### **Youth Development**

All school-aged children and adolescents, in all economic and social circumstances, need generous amounts of help, instruction, discipline, support, and caring as they make their way toward adulthood.<sup>16</sup> Such assistance comes from many sources: loving and supportive families, good schools, safe neighborhoods, and a surrounding culture that emphasizes constructive lives and respectful relationships. Without such support—and especially if they are exposed to negative life events, dangerous

**“There are no bad kids . . . just bad luck and bad choices.”**

*—Charlie Appelstein, M.S.W., President,  
Appelstein Training Resources, author of  
“No Such Thing as a Bad Kid” and “The Gus  
Chronicles: Reflections from an Abused Kid”*

settings, and inadequate schooling—children will not thrive. Rather, they are likely to enter adulthood ill-prepared to reach their full emotional, interpersonal, social, and economic potential.

A strength-based approach is particularly important in thinking about youth in the care of Los Angeles County's child welfare and probation systems. Many experience multiple placements while under the care of the county and are therefore denied the building blocks for successful development:

- The ability to develop meaningful, trusting, and lasting relationships with nurturing adults
- Continuity in educational instruction and academic achievement
- Opportunities to 'give back' through civic engagement, the arts, and community service
- Connections to supportive adults and services that help youth develop into healthy, happy, and productive adults.

A continual exposure to positive experiences, settings, and people, including opportunities to gain and refine a range of life skills, is absolutely essential for foster and probation youth.

The Education Coordinating Council recommends that:

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**3. Higher numbers of DCFS and Probation youth should be enrolled in skill-building and enrichment programs that include non-system students and provide opportunities for positive and enduring connections to nurturing adults.**

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Examples of actions that would help achieve this recommendation:

- Promote the participation of these youth in after-school, off-track, and summer academic and enrichment activities, including tutoring, homework help programs, arts and culture, recreation, sports and athletics, community service/civic engagement, leadership development, internships/work experience, and life skills/emancipation preparation.
- Work with the Inter-Agency Council on Child Abuse and Neglect (ICAN), Children Uniting Nations, the Los Angeles County Bar Association's Bridges to the Future program, the Community College Foundation's Campus Peer Mentoring program, the Los Angeles Mentoring Partnership, e-mentoring programs, and others to connect foster and probation youth who want them with peer or adult mentors who will encourage their social and academic development.
- Work with organizations such as city and county recreation and parks departments, public libraries, the Greater Los Angeles Zoo Association, L.A.'s BEST, Beyond the Bell, Rowell Foster Children's Positive Plan, the Los Angeles Area Chamber of Commerce, and others to expand programming for foster and probation youth and/or give them priority access.

- Partner with Healthy City to electronically map program resources for foster and probation youth by school attendance area, beginning with schools having the largest numbers of these youth.

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**4. Youth should be systematically engaged and meaningfully involved in designing, implementing, and evaluating the programs, activities, and events in which they will participate.**

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Examples of actions that would help achieve this recommendation:

- Promote the addition of current and former foster and probation youth to the city, county, school, and community boards, committees, and planning groups responsible for developing and managing academic and enrichment programs for youth.
- Develop materials describing how ECC member organizations involve and engage youth in decision-making, what they are planning to do beyond their current efforts, and how other organizations can adopt similar principles.
- Coordinate with others—such as the City of Los Angeles’s Workforce Investment Board Youth Council, the SPA 1 (Antelope Valley) Youth Task Force, the SPA 3 (San Gabriel Valley) Youth Action Network, the SPA 8 (South Bay/Harbor) Youth Advisory Committee and its Youth Neighborhood Action Council Network, the American Indian Children’s Council’s United Native Youth LA (UNYLA), the California Youth Connection (CYC), and the Constitutional Rights Foundation—to facilitate training and leadership development opportunities that help youth become active and able decision-makers as members of boards, committees, or other work groups.

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**5. Families, caregivers, and agency staff should pay greater attention to preparing DCFS and Probation children and youth for transitions to preschool, elementary school, middle school, high school, adult education, vocational school, college, and employment, and for transfers between schools.**

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Examples of actions that would help achieve this recommendation:

- Support the implementation of and access to successful family literacy and school readiness programs such as those developed by First 5 LA and others.
- Encourage the expansion of community-wide school readiness events such as West Hollywood’s ‘Saturday in the Park’ program, SPA 1’s school readiness and parent empowerment education fairs, SPA 8’s annual ‘School Readiness is Everybody’s Business’ conferences, and UNYLA’s American Indian/Alaska Native back-to-school nights that promote culturally relevant school readiness.

- Support programs that help prepare middle school youth for secondary education, such as the Children, Youth and Family Collaborative and United Friends of the Children’s college readiness program.
- Work with the Advisory Committee on Student Financial Assistance, created by Congress, to include language on the Free Application for Federal Student Aid (FAFSA) to make it easier for foster youth to self-identify, automatically link FAFSA to the Chafee grant application for online users, and make financial aid available to youth in relative care or guardianship.
- Collaborate with the Emancipation Program Partnership (EPP), the California Youth Connection, the Children’s Law Center, United Friends of the Children, the Foster Youth Education Task Force, and others to seek state legislation that would provide free tuition, fees, and books for former foster and probation youth at state colleges and universities.
- Expand to additional Los Angeles college and university campuses such postsecondary education support programs for former foster youth as Guardian Scholars, Renaissance Scholars, and the Community College Foundation’s Campus Peer Mentoring program, and work with existing Education Opportunities Programs (EOP) to provide additional support to foster and probation youth on their campuses.
- Facilitate enrollment and participation in programs that prepare foster and probation youth for the workforce—such as the Los Angeles Area Chamber of Commerce’s LA Youth At Work (LAYAW) program, the City of Los Angeles’s CLASS Parks Youth Employment Internship Program, and Los Angeles County’s Internal Services Department’s Youth Career Development program and Community and Senior Services’ Independent Living Skills Enhancement program—and support the implementation of LAYAW’s Work Readiness Certification Initiative for youth.

**“The biggest mistake of most of the adults we deal with—they don’t provide the support we need to succeed. If we had some support, maybe we would be a little better off. I know I would be.”**

*—Fez, foster youth*

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**6. The ECC should participate in and work to align local efforts to create safer schools (including passages to and from), particularly within and among the seven school districts represented on the ECC—the Los Angeles Unified School District (LAUSD), the Lancaster School District, the Pasadena Unified School District, the Compton Unified School District, the Long Beach Unified School District, the Pomona Unified School District, and the Los Angeles County Office of Education (LACOE).**

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Examples of actions that would help achieve this recommendation:

- Continue the ECC’s involvement with LAUSD’s Working Group for Safer School Communities, the Los Angeles Mayor’s Council of Education Advisors, and the City of

Los Angeles's Child Safety Taskforce, and assist them in developing integrated solutions such as creating citywide safe haven networks, rethinking bus stop locations, and improving street lighting.

- Through partnerships with city, county, and school-district human relations commissions, dispute resolution programs, and community organizations, expand school-based mediation programs to increase mutual understanding, reduce tension, and prevent violence using students, parents, and teachers trained in conflict resolution.

### **Data and Information-Sharing**

The sharing of key educational information among county agencies, schools, and caregivers has been repeatedly identified by many stakeholders as the *biggest systems barrier* to achieving the ECC's goal. Without ongoing, effective communication, without information that clearly identifies

**“The hardest part of working with youth is the adults.”**

*—Charlie Appelstein, M.S.W., President, Appelstein Training Resources, author of “No Such Thing as a Bad Kid” and “The Gus Chronicles: Reflections from an Abused Kid”*

foster and probation youth and what schools they attend, and without the continual tracking of their educational progress, there is little hope of connecting them to the services and supports they need to succeed. Currently, confidentiality barriers at the federal, state, and local levels make it very difficult to obtain and share this basic information.

Further, there are strong disagreements among legal experts about what these laws permit. All of these barriers must be minimized or eliminated, while demonstrating great sensitivity to and respect for these youth and their privacy concerns.

The Education Coordinating Council recommends that:

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#### **7. The enhanced sharing of information among school districts, county departments, the juvenile courts, and counsel for children who appear in those courts should be assured by concurrently working to:**

- **Resolve differing views about what federal law and California law allow, especially regarding federal confidentiality regulations, so that placing agencies (such as DCFS and Probation) and counsel for the child can access school records without a court order or authorization from a parent/guardian/holder of education rights, thereby enabling them to carry out their responsibility to meet the educational needs of children in their care**
- **Establish a clear and consistent understanding of federal and state confidentiality laws among school districts, DCFS, Probation, and children's counsel so that information necessary for school success is routinely shared in a timely and effective manner**
- **Pursue amendments to the Federal Educational Rights and Privacy Act (FERPA), if needed, to clarify that child welfare agencies and legal representatives are able to**

**independently access, share, and receive educational information with and from all school districts**

- **Advocate for school districts in Los Angeles County to include child welfare personnel among those designated as eligible to receive ‘directory information’ on enrolled students. (School districts currently include juvenile justice personnel, but those provisions have not been interpreted in Los Angeles County as including DCFS employees.)** ‘Directory information’ includes the pupil’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height (for members of athletic teams), dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil. Parents have the right to opt out of sharing this information with any entity on the school district’s eligibility list.
- **Draft a court order that would permit county departments and the youth’s attorneys, while a youth is under the Juvenile Court’s jurisdiction, to access pupil records, grades, transcripts, special education assessments, individual education plans, and current attendance records**
- **With foster and probation youth, develop guidelines for information-sharing that do not violate their need for privacy and confidentiality**

Once these confidentiality issues are addressed, the most pressing need is for a secure Internet-based electronic education record for each child and youth in the child welfare or probation system. This record would provide immediate and continual access to basic educational information for county staff, school personnel, service providers, and caregivers. The paper-and-pencil passport approach used in recent years is not working; it is cumbersome, inadequate, not current, and, therefore, infrequently used. And the Los Angeles County’s proposed HELIX system (Health & Education Local Information eXchange), designed to provide a means for sharing electronically based educational information on these children and youth, has not yet become a reality.

The Education Coordinating Council recommends that:

- 8. The ECC should work with the Chief Administrative Office, other county departments, school districts, and placement provider agencies to ensure the development of an electronically based information system that includes the individual educational records of DCFS and probation youth.**

Examples of actions that would help achieve this recommendation:

- Convene the leadership of school districts and county departments such as DCFS, Probation, Health Services, Mental Health, the Chief Information Office, the Chief Administrative Office, and the Los Angeles County Office of Education (LACOE) to review the status of current efforts and the results achieved by alternative systems, and determine how best to move forward. A Memorandum Of Understanding (MOU) already exists



between these county departments, the Los Angeles Unified School District, and LACOE to assist in the design and implementation of such a system, and the Board of Supervisors has set aside funding to support its development. A strong foundation has already been laid.

- Partner with Los Angeles-based agencies and organizations that are pursuing similar projects, so that we can combine efforts and forge a unified approach.

### **School-based Support**

School-based staff (teachers, counselors, education liaisons, front-office workers, administrators, etc.) who provide resources for all students are especially important for foster and probation youth who may need individual assistance with educational records, academic guidance, supportive tutoring, and other services. Over the years, DCFS and Probation have partnered with school districts to develop several successful education liaison programs in which county staff outstationed at school campuses provide some of this support.

With the passage of AB 490 in 2004, an additional (but unfunded) support mechanism was created through the mandated designation of an ‘educational liaison for foster youth’ within each school district. These liaisons are responsible for ensuring proper school placement, for assisting with enrollment in and checkout from school, and for helping with the transfer of grades, credits, and records when youth change schools. Because most of these liaisons have other assigned responsibilities as well, they need additional assistance to carry out their AB 490 responsibilities.

**“When you’re a foster youth and you’re in school, that’s the only base you have.”**

*—Tony, foster youth*

ensuring proper school placement, for assisting with enrollment in and checkout from school, and for helping with the transfer of grades, credits, and records when youth change schools. Because most

The Education Coordinating Council recommends that:

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- 9. Educational liaisons and school-based staff should be provided with the information they are requesting about who these youth are, the names of those responsible for their education (holders of educational rights, caregivers, caseworkers, attorneys, etc.), how best to contact them, and what services and supports are available for these youth.**
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#### Examples of actions that would help achieve this recommendation:

- The ECC should convene school district and county department leaders and their legal advisors to develop standard protocols for sharing information relevant to school success for foster and probation youth. Each school district operates differently, and school staff may have different assumptions about the urgency of this problem, while county departments need to assure timely, accurate responses to the information needs of all 80 school districts.
- Several of the recommendations found elsewhere in this Blueprint (particularly in the Data and Information-Sharing and Youth Development sections), when achieved, will also help implement this recommendation.



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**10. School-based staff should be trained regarding the educational and emotional needs of foster and probation youth and ways to meet those needs.**

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Examples of actions that would help achieve this recommendation:

- Hold regular training sessions, workshops, and conferences for school-based staff at which experts in the fields of early care and education, K–12 and higher education, youth development, child welfare, etc., share information on enhancing educational outcomes for foster and probation youth. These trainings should include topics such as improving the attendance and academic achievement of at-risk youth, strength-based programming, understanding the needs and perceptions of these youth, motivational strategies, and the need for both teachers and front-office staff to exercise sensitivity with respect to youth's rights to confidentiality.
- Provide information to education liaisons on how to connect and work effectively with each child's educational team (teacher, holder of educational rights, parent, caseworker, caregiver, etc.). Help liaisons facilitate the training of other school personnel on the needs of foster and probation youth, as well as facilitate trainings for caregivers, caseworkers, and outside agencies on how best to navigate the school system.
- Assemble 'toolkits' for school personnel that include a summary of relevant education legislation, local health and human services resource guides, system navigation tips, etc.
- Assist educational liaisons and school-based staff to create and maintain a network within and across school districts to regularly share information and provide support to each other.

## What It Will Take To Do Better

Doing better will require continuing efforts to develop strong relationships, improve communication, and share information among all of the various groups that are important to dependent and delinquent youth—judges, lawyers, teachers, social workers, probation officers, police, child care providers, caregivers, and many others. Even more important, doing better will require regular communication among families, caregivers, youth, and the professionals who make many of the critical decisions that affect their lives. Enhanced and continuous training and cross-training will be essential, and it may also be necessary to pilot-test more effective ways to help families navigate the complicated educational, legal, and social service systems of Los Angeles County.

Two important topics to address in this effort are the roles and responsibilities of key players and their respective accountabilities.

### Roles and Responsibilities

In September 2005, a representative group of stakeholders who play a role in the educational lives of youth<sup>‡</sup> in the child welfare and probation systems—including youth, biological and foster parents, holders of educational rights, caseworkers, CASAs, legal experts, and school personnel—participated in a work session to clarify their respective roles and responsibilities. They agreed that individuals entrusted with raising the educational attainment of foster and probation youth have both collective and individual responsibilities. **The collective responsibility of all groups is to adhere to and live by the Seven Basic Agreements spelled out on page 8.**

Individual responsibilities are:

### Youth

- ✓ Actively participate in planning for their education and their future.
- ✓ Regularly attend school and educational and enrichment programs.
- ✓ Complete homework and other school assignments.
- ✓ Ask for help when needed.
- ✓ Seek out interests/hobbies and ways to participate in them.
- ✓ Advocate for what they think they need to further their education.

*Major challenges cited by youth:*

- They are usually not included in their educational planning.
- Transcripts and records are often delayed, and youth are not listened to about what classes they have completed and what credits they have earned.

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<sup>‡</sup> The children and youth who are the subject of this Blueprint are those under the supervision of Los Angeles County's DCFS and Probation Department. They are referred to in several ways throughout this report—as dependent and delinquent youth, as foster and probation youth, and as system youth. These terms are used interchangeably, even though some differences exist. These children and youth range in age from newborn to 21 years.

- Frequently, no one ensures their attendance at school or that adequate transportation is available.
- They do not have the information they need about what resources exist, what post-high school options are available, what courses they need for higher education, how to apply for financial aid, etc.
- Fellow students often work in school offices where they may be privy to confidential information or overhear conversations about foster and probation youth.

**“Everyone is worried about politics and personal issues between partners, but no one is worrying about the kids.”**

—*Machelle Wolf, former foster and probation youth*

## Parents

- ✓ Provide a home structure that supports the education of the youth (when the youth is at home).
- ✓ Maintain a strong attachment with the youth.
- ✓ Encourage stability in their child’s enrollment in early care and development programs, and in school.
- ✓ Advocate for the youth (regarding school enrollment, classes needed, etc.) and seek out other advocates when necessary (for translation services, for example).
- ✓ Request their child’s enrollment in after-school, off-track, and summer programs and services.
- ✓ Link with teachers, review teacher reports, and attend school conferences.
- ✓ Participate in school functions, activities, and events whenever possible.
- ✓ See that the youth has school supplies, access to technology, adequate transportation, etc.
- ✓ Partner with caregivers around the youth’s needs.
- ✓ Link with the youth’s social worker/probation officer on all issues.

### *Major challenges cited by parents:*

- The system cuts parents out of the process and does not support their role.
- They often don’t have access to the information they need to fulfill their responsibilities.
- Parents may not be the holders of education rights.
- Family members don’t always get permission to contact a youth in foster care.

## Caregivers

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**Caregivers have most of the same responsibilities as parents do. In addition, they must:**

- ✓ Enroll the child in early care/child development programs and in school.
- ✓ Be knowledgeable about the youth's social/emotional, developmental, and educational needs.
- ✓ Maintain the day-to-day responsibility of supporting the youth's education and related needs (nutrition, for example, and social, physical, and emotional well-being).
- ✓ Make certain that the youth completes assigned schoolwork.
- ✓ Communicate with the youth and his or her parents.
- ✓ Keep caseworkers and others informed about the youth, and raise issues when necessary.
- ✓ Provide transportation and items needed for school (pencils, paper, etc.).
- ✓ Encourage and support the youth's participation in after-school, off-track, and summer academic and enrichment programs and activities.
- ✓ Be familiar with higher education requirements (classes, financial aid opportunities and requirements, etc.).
- ✓ Gather information about the youth's educational status, ongoing progress, and any developing problems, to make recommendations to and help inform the social worker/probation officer and the court.
- ✓ Collect the information needed for the youth's health and education passport and ensure that the passport accompanies the youth if his or her placement changes.
- ✓ Attend the youth's IFSP (Individualized Family Support Plan) and IEP (Individualized Education Plan) meetings.
- ✓ Be informed of the youth's problems and advocate for the youth to receive the services needed to meet his or her educational needs.
- ✓ Minimize the number of appointments scheduled for youth during school hours.

*Major challenges cited by caregivers:*

- They often do not have up-to-date contact information for parents.
- Despite AB 490, schools are not cooperating with caregivers to ensure the timely enrollment of youth.
- When caregivers are located some distance from a youth's school, they often do not have the time or financial resources to provide transportation to and from school. Given the size of Los Angeles County, this is a particularly difficult challenge to solve.
- Because of community safety issues, current policies prevent caregivers from allowing probation youth to participate in unsupervised after-school activities.
- Educational information about the youth is rarely provided at the time of placement.

- Academic progress is disrupted when the youth is released home shortly before the end of the semester.
- Caseworkers are not always available to participate in placement provider treatment planning meetings.

### **Holders of education rights (court-assigned 'responsible adults')**

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- ✓ Assert the youth's educational rights with the school.
- ✓ Know the educational needs of the youth and how to find available services.
- ✓ Ensure that the youth is properly enrolled in educational programs and school, and that he or she is attending regularly.
- ✓ Request psycho-educational assessments for youth who may need special education services, and attend IFSP and IEP meetings to advocate for the youth's needs.
- ✓ Monitor the implementation of prescribed services and make sure they are delivered.
- ✓ Ensure the stability of the youth in school or early care/child development programs.
- ✓ Communicate regularly with the youth's teacher and other school staff.
- ✓ Collect the required documentation and track the youth's educational progress.

#### *Major challenges cited by holders of education rights:*

- Who decides if a given program is the best fit?
- Getting information is difficult; schools do not know who these youth are nor where educational information should be sent.
- Districts may not conform with federal IEP guidelines.
- System barriers make it unnecessarily difficult for youth to access non-public school services.

### **Children's Social Workers and Deputy Probation Officers (county department case managers)**

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- ✓ Ensure that educational plans—including Transitional Independent Living Plans (TILPs)—are developed for youth as part of the case planning process.
- ✓ Give strong consideration to school stability and whether a youth is succeeding in his or her current school when making placement decisions.
- ✓ Be knowledgeable about locating education resources, and help families and youth access them.
- ✓ Encourage youth and their families to be accountable for their educational achievement, and keep parents involved when possible.
- ✓ Provide caregivers with current educational information when the youth is placed.
- ✓ Ensure and assist youth in transitions between schools.
- ✓ When a youth transfers to another school, notify that school and request that the student be checked out.

- ✓ Make certain that transportation plans are developed when the distance to school is a barrier.
- ✓ Help build bridges among parents, caregivers, and schools.
- ✓ Discuss the youth's educational progress with parents and youth regularly.
- ✓ Understand child/youth development and help refer youth, caregivers, and families to appropriate services.
- ✓ Be informed of the youth's problems and advocate for the youth to get services that meet his or her educational needs.
- ✓ Inform the school and the caregiver about who holds the youth's education rights.
- ✓ Intervene when there is a problem at the school.
- ✓ Attend the youth's IFSP and IEP meetings.
- ✓ Refer young children for mandated CAPTA (Child Abuse Prevention & Treatment Act) and IDEA (Individuals with Disabilities Education Act) screenings.
- ✓ Gather information about the youth's educational status, ongoing progress, and any developing problems, to make recommendations to and help inform the court.
- ✓ Regularly update the educational information in information systems and case files.
- ✓ Make every effort to meet with youth during non-classroom time.

*Major challenges cited by case managers:*

- No point person exists at the school to communicate with and get information about how the youth is doing.
- Delays often occur in identifying holders of education rights.
- Some schools are reluctant to enroll youth who are returning from probation halls and camps.
- Youth are often directed to non-mainstream schools and are thus denied access to the full range of program options and resources available to others.
- Courts place restrictions on the types of placements to be used, making it difficult to keep youth in the same school district.

**School teachers/administrators/personnel  
(public, non-public and charter)**

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- ✓ Understand and meet the unique educational needs of foster and probation youth.
- ✓ Communicate the youth's educational progress and concerns with all responsible adults involved with the youth.
- ✓ Educate the youth in the most appropriate setting for his or her needs.
- ✓ Be sensitive to the unique circumstances of foster and probation youth when developing curricular assignments that address family ties.
- ✓ Assist with the immediate enrollment of the youth.
- ✓ Designate one person in the school as a 'point of contact' for the youth, to help with enrollment and checkout, troubleshoot, mediate disputes, and connect the youth to resources.

- ✓ Transfer records in a timely fashion.
- ✓ Identify available school resources.
- ✓ Provide a private space on the school grounds for youth to meet with caseworkers, to help maintain confidentiality.
- ✓ Assist in the youth's educational planning with the parent or caregiver, including academic assessments, how to resolve deficiencies, and the courses needed for graduation and entrance into post-secondary institutions.
- ✓ Develop policies and procedures and provide services for special-needs children.
- ✓ Understand the rights of the youth and family.

*Major challenges cited by school personnel:*

- Schools do not know who the case manager is and are often told that they cannot get the name of this person because of confidentiality issues.
- Key personnel within the school to assist are not identified.
- Calls into the school are usually handled by clerks whose employment turns over frequently.
- Private space for meetings is at a premium in many public schools.

### **Legal advocates/attorneys**

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- ✓ Be educated about and advocate for the youth's rights.
- ✓ Help educate parents and caregivers about the youth's rights.
- ✓ Be aware of the educational process and the youth's progress in it.
- ✓ Understand child development and the system of available services, especially with regard to young children.
- ✓ Advocate to meet the youth's individual needs in all areas.
- ✓ Know how to access specialists.
- ✓ Build relationships on all levels that affect the youth.
- ✓ Assist in empowering youth and caregivers to advocate for their needs in the future.
- ✓ Use the court process when necessary to ensure the youth's rights.
- ✓ Make every effort to minimize the amount of school time the youth has to miss for appointments and court hearings.

*Major challenges cited by attorneys:*

- Access is limited to school personnel, educational records, and information about the youth's progress.
- A lack of parity of representation exists for youth in the delinquency system because of differences in standards among the Los Angeles County Public Defender, the Alternate Public Defender, and panel attorneys.
- The panel structure for delinquency attorneys doesn't lend itself to continuity and a focus on long-term issues such as education.



## County departments

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- ✓ Ensure that educational planning is part of all case planning (in team decision-making, case conferences, etc.).
- ✓ Address educational considerations when developing permanency and placement plans.
- ✓ Routinely include educational planning and progress in court reports.
- ✓ Encourage departmental staff to be knowledgeable about and connect youth to the range of program supports and services available.
- ✓ Help families and communities provide environments that support learning.
- ✓ Outstation liaisons in schools to help link youth to services and to troubleshoot.
- ✓ Partner with community agencies to expand resources for youth.
- ✓ Promote the stability of casework staff assigned to youth.

**“Train foster parents to help them manage common problems and reduce failed placements.”**

*—Richard Kadison, M.D., Chief of the Mental Health Service at Harvard University, author of “College of the Overwhelmed: The Campus Mental Health Crisis and What to Do About It”*

## School districts

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- ✓ Set a positive tone for students and create a welcoming environment.
- ✓ Provide safe school campuses, including passages to and from.
- ✓ Train school personnel about the unique educational needs of foster and probation youth.
- ✓ Make sure that AB 490 education liaisons work with and support school-site–designated point persons for foster and probation youth.
- ✓ Ensure the timeliness of educational planning and implementation.
- ✓ Provide programs and resources that help youth achieve.
- ✓ Establish policies that help youth succeed, and hold staff accountable for following them.
- ✓ Ensure that surrogate parents appointed for children eligible for special education services are trained in and fulfill their mandated duties.
- ✓ Establish agreements across school districts to assist students in completing partially satisfied course requirements in a timely manner.
- ✓ Maintain confidentiality regarding students’ status as wards of the court.

## Judiciary

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- ✓ Hold all parts of the system—including child welfare workers, probation officers, attorneys, caregivers, and school personnel (to the extent possible)—responsible for the youth’s educational achievement, issuing orders as needed and monitoring progress.
- ✓ At least every six months, make inquiries of the youth, the family, advocates, and agency personnel about the youth’s developmental and educational progress; intervene when there is a need, and recognize achievement.
- ✓ Ensure that every youth has an effective holder of education rights and that this person’s identity is quickly communicated to CSWs, DPOs, caregivers, and school personnel.
- ✓ Understand the roles of those involved with the youth’s educational achievement.
- ✓ Educate hearing officers about the educational needs of foster and probation youth, who is responsible for meeting those needs, and the types of resources available to meet them.

The Education Coordinating Council recommends that:

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### **11. County departments, school districts, and the judiciary should cross-train the stakeholder groups listed above on their collective and individual responsibilities for ensuring that foster and probation youth receive a solid education.**

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Examples of actions that would help achieve this recommendation:

- Ensure that all stakeholder groups understand the Seven Basic Agreements and how to operationalize them.
- Regularly convene group members to share information about each others’ systems and break down existing barriers and challenges through shared understandings and strategies.
- Hold cross-trainings on such topics as:
  - The additional needs of unique subgroups of foster and probation youth (see page 6 for examples)
  - The impact of early neglect on academic performance
  - The use of effective screening tools
  - Making certain that special education placements are appropriate for those enrolled
  - The high rate of expulsions for preschool children and disproportionately frequent disciplinary actions for school-aged youth
  - The identification of high-quality care and education/enrichment programs
  - Preparation for the California high school exit exam and SAT
  - Postsecondary supports

## **Accountability**

A significant barrier to raising the educational achievement of foster and probation youth has been a lack of agreement among county departments and school systems as to who is ultimately accountable for ensuring their educational success.<sup>17, 18, 19</sup> In actuality, no one system is wholly responsible. Each entity accountable for the welfare of these youth is partially responsible for making sure that clear educational goals are included in overall case plans, and for ensuring that each child receives the services and supports needed to reach his or her individual goals.

The Education Coordinating Council recommends that:

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### **12. DCFS/Probation caseworkers, caregivers, and the courts should each be accountable for the educational success of foster and probation youth through a three-pronged approach:**

- **DCFS and Probation caseworkers shall ensure, by using multidisciplinary team decision-making and case conferences, that academic expectations are established for these youth and that educational plans are developed which outline the activities youth should participate in to meet those expectations. These team meetings should include, at a minimum, youth, parents, caregivers, and school representatives.**
  - **Caregivers and others identified in the plan shall implement these educational plans by facilitating the child's involvement in the agreed-upon programs and activities.**
  - **Courts shall monitor the creation of these plans and the progress made in achieving them, and hold the involved parties accountable for their implementation.**
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#### Examples of actions that would help achieve this recommendation:

- An Educational Case Plan should be developed for all foster and probation youth as part of their basic case plan. An outline of such a plan has been developed that details how to address each child's individual education needs, and specifies those responsible for the actions listed. That sample plan, drafted by the Youth Development Work Group, is available on the ECC's website, <http://www.educationcoordinatingcouncil.org>.
- Under the leadership of the Juvenile Court, cross-training sessions should be convened with all parties involved in developing and implementing the Educational Case Plan—judges, attorneys, CSWs/DPOs, school representatives, and caregivers—to ensure all understand their respective responsibilities.

**“[When I was] growing up in foster care, no one ever asked me what I wanted to do with my life.”**

*—Jennifer Rodriguez, J.D., Legislative and Policy Coordinator, California Youth Connection, and former foster youth*

**The ECC's Role**

**As a body, the ECC will champion the Seven Basic Agreements outlined in this Blueprint, promote partnerships, develop and coordinate ideas for raising educational achievement, track indicators of success, monitor and report progress, and intervene and problem-solve.**

One critical beginning need is to gather baseline data on foster and probation youth school attendance and academic achievement so that we can set numerical goals. During 2006, the ECC will conduct a series of data matches between DCFS and Probation and the seven school districts participating on the ECC, comparing these students to others within the districts. Future data matches will then track progress toward our joint goals and monitor the improvement of educational outcomes over time.

Clearly, a further step is to determine the appropriate levels of accountability among participating school districts and agencies, including how progress will be measured.

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**The Education Coordinating Council commits to the communities of Los Angeles County, and to its children and youth, to hold its own members accountable for achieving the vision and goals set out in this Blueprint.**

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## Next Steps

Once this Blueprint is adopted and there is shared commitment across systems and stakeholders to the Seven Basic Agreements, the ten programmatic recommendations, and the two recommendations for moving forward administratively, the stage will be set for meeting the challenge of raising foster and probation youth's educational achievement.

Under the ECC's leadership, a series of strategies for addressing the recommendations and suggested actions outlined in this Blueprint will be developed through strong partnerships with public, private, and community agencies and organizations, tailored planning sessions, and continuous teamwork.

Together, we must design appropriate approaches for different age groups of children and youth, determine what opportunities make the most sense for initial action, develop work plans that capitalize on those opportunities, and invite others to join in. Concurrently, public awareness must be raised about the special importance of education for youth who are in the care of the child welfare and probation systems, and some of the promising ideas for closing their achievement gap.

Ongoing public and private funding must be secured to support the full implementation of the recommendations and actions contained in this Blueprint.

## Conclusion

Making certain that all youth under the supervision of DCFS and the Probation Department—and their children—have a high-quality education that prepares them for adult success is the vision of the Education Coordinating Council. It is one of the most valuable things we can do to ensure that these particularly vulnerable young people not only survive, but thrive. To accomplish this vision, we must first of all believe that it is possible. Then we must *expect more* of youth, ourselves, and each other.

**“It’s not a resources problem, it’s a partnership problem.”**

*—Sid Gardner, President,  
Children and Family Futures*

Each of us must take the Seven Basic Agreements seriously and decide how best—both individually and collectively—to honor and implement the recommendations and suggested actions contained in this Blueprint. To do this, we must be clear about our roles and must hold one another respon-

sible for carrying them out. We must also share resources and work together more effectively than we have in the past.

This document is intended to be not ‘just another report,’ but a real blueprint for action. It outlines what is needed to build a strong educational foundation that will ensure the kind of future we all want for these youth. Ultimately, we are each accountable to the children and youth who find themselves under the supervision of the juvenile court, and we must commit to whatever it takes to do right by them.

## Acknowledgements

The ECC thanks the following individuals and organizations for their help in developing this Blueprint, and for their tireless efforts on behalf of children, youth, and families in Los Angeles County. In addition to ECC meetings, individuals have participated on the Planning Group, Blueprint Drafting Group, and priority-area work groups, and in a series of focus groups. We also thank participants in the 2003 and 2004 education summits for their pertinent recommendations, as well as individuals who made suggestions for and reviewed drafts of this document.

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Chair: Jose Huizar, *Councilmember, City of Los Angeles*  
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 Berisha Black, *Emancipation Ombudsman and former foster youth*

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**Organizations, Agencies, and Groups**

In addition to those groups listed, there was also representation from former foster youth, former probation youth, biological parents, foster parents, and holders of education rights.

A Better LA	Hawthorne School District
Alhambra Unified School District	Healthy City Project
Arcadia Unified School District	Inglewood Unified School District
Association of Community Human Service Agencies	Lancaster School District
Beyond The Bell	Long Beach Unified School District
Burbank Unified School District	Los Angeles County Arts Commission
California State Polytechnic University, Pomona, Renaissance Scholars and College Bound	Los Angeles County Board of Supervisors, First, Second, Third, Fourth, and Fifth Districts
California State University, Los Angeles	Los Angeles County Chief Administrative Office, Service Integration Branch
California Youth Connection	Los Angeles County Commission for Children and Families
CASA of Los Angeles	Los Angeles County Education Foundation
Casey Family Programs	Los Angeles County Office of Child Care
Child Care Resource Center	Los Angeles County Office of Education
Children and Family Futures	Los Angeles County Public Defender's Office
Children Uniting Nations	Los Angeles Superior Court, Juvenile Division
Children's Defense Fund	Los Angeles Unified School District
Children's Law Center of Los Angeles	Los Angeles Universal Preschool
Children's Planning Council	Los Nietos School District
Childrens Hospital Los Angeles	Loyola Law School Youth Program
City of Los Angeles Commission for Children, Youth and Their Families	Mental Health Advocacy Services
City of Los Angeles Department of Recreation and Parks	Mexican American Opportunity Foundation
City of Los Angeles Workforce Investment Board Youth Council	Montebello Unified School District
Community Build	New Directions
Community College Foundation	New Ways To Work
Compton Unified School District	Orangetown Children's Foundation
County Counsel	Policy Roundtable for Child Care
County of Los Angeles Public Library	Probation Department
Covina-Valley Unified School District	Public Counsel
Department of Children and Family Services	Rancho San Antonio
Department of Mental Health	Rowland Unified School District
Early Identification and Intervention Group	San Gabriel Unified School District
El Rancho Unified School District	Sycamores Non-Public School
Faith Communities for Families and Children	Temple City Unified School District
Garvey School District	University of California, Los Angeles
Glendale Unified School District	University of Southern California
	Westside Children's Center
	William S. Hart Union High School District

### **Youth Focus Groups**

145 current and former foster and probation youth from the following programs:

- 36 emancipated young mothers in transitional housing and teen moms in residence at St. Anne's maternity home in Los Angeles
- 22 middle and high school youth at The Sycamores in Altadena
- 25 youth enrolled in the Rites of Passage Program at the National Family Life & Education Center in South Los Angeles
- 18 youth enrolled in the DCFS independent living program conducted by the Community College Foundation at Mt. San Antonio College, Walnut
- 18 probation youth at Camp Scott (females) and Camp Scudder (males) in Santa Clarita
- 17 youth referred by the Probation Department to Helpline Youth Counseling's learning center in Norwalk and Boys Republic in Chino Hills
- 9 former foster youth, members of the California Youth Connection in Los Angeles

### **Caregiver Focus Groups**

66 adults from the following committees:

- 15 from the SPA 7 Foster Families Committee, which included parents, teachers, program directors, advocates, and professionals within the county departments of Mental Health, Children and Family Services and Public Social Services
- 51 from the Association of Community Human Service Agencies (ACHSA) DCFS, Probation, and Foster Family Agency Strategic Planning Policy committees

### **Consultant Team**

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Available on the ECC's website, <http://www.educationcoordinatingcouncil.org>:

- *Expecting More: A Blueprint for Raising the Educational Achievement of Foster and Probation Youth* (this document)
  - *Through Their Eyes: Results of Youth and Adult Caregiver Focus Groups on the Education of Youth in the Foster Care and Probation Systems*
  - Early Childhood Education Work Group Report
  - Sample Educational Case Plan (from the Youth Development Work Group)
-

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<sup>19</sup> Smithgall, C., Gladden, R. M., Howard, E., Goerge, R., & Courtney, M. (2004). Educational experiences of children in out-of-home care. Chicago, IL: Chapin Hall Center for Children, University of Chicago.