

West Contra Costa Unified School District
Resolution No. 49-1718
Establishment of a Positive School Climate Policy

WHEREAS, West Contra Costa Unified School District (WCCUSD) believes strongly in creating a District-wide, positive, relationship-based culture that is supportive of all members of WCCUSD that is grounded in Restorative Practices, Positive Behavior Interventions and Supports, and Trauma-Informed Practices; and

WHEREAS, WCCUSD is committed to addressing disproportionality and disparities in the issuance of office referrals, suspensions, expulsion referrals, and expulsions, all of which result in lost instructional time, and taking affirmative steps to support its school site leadership, teachers, staff, and parents to support students in the classroom; and

WHEREAS, WCCUSD has taken a strong and proactive role in its commitment to addressing disproportionality in suspension and expulsion rates through its schoolwide plans to address culture, behavior management and discipline; and

WHEREAS, the leadership and systemic change led by WCCUSD educators has already resulted in reductions in overall suspensions throughout the District by more than 40 percent from 2014-2017; and

WHEREAS, WCCUSD recognizes that California law provides that suspension, including supervised suspension, should be utilized for adjustment purposes only when other means of correction have failed to bring about proper conduct and/or safety is at risk, and provides alternatives to suspension that are age-appropriate and designed to address and correct the student's specific misconduct; and

WHEREAS, multiple studies indicate that suspension does not result in positive behavior conditioning and furthermore can instead intensify misbehavior by increasing shame, alienation, and/or rejection amongst students, and;

WHEREAS, the American Academy of Pediatrics, Council on School Health, 2013 policy statement, "Out-of-School Suspension and Expulsion," describes the adverse effects of out-of-school suspension as "profound," and the organization maintains that "out-of-school suspension and expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered an appropriate intervention in any but the most extreme and dangerous circumstances"; and

WHEREAS, WCCUSD remains concerned that a disproportionate number of African-American students in the District are given office referrals, suspended and referred for expulsion relative to their counterparts, leading to extensive lost instructional time and deepening the racial achievement/opportunity gap; and

WHEREAS, in 2016-2017, African-American students made up approximately 18% of the student population in WCCUSD, but accounted for close to 40% of suspensions and expulsions; and

WHEREAS, in 2016-2017, Special Education students made up approximately 12% of the student population in WCCUSD, but accounted for 27% of suspensions and expulsions; and

WHEREAS, in 30 percent of all suspensions in WCCUSD for the 2016-17 school year, "willful defiance" [E.C. 48900(k)] is listed as the most serious offense; and

WHEREAS, WCCUSD remains concerned that in 2016-2017, overall African-American and Latino students make up 85% of all WCCUSD suspensions and 90% of all suspensions identified under the category of "willful defiance"; and

WHEREAS, WCCUSD recognizes that it is annually required to develop and adopt a three-year Local Control and Accountability Plan (LCAP), which shall include, for the district and each of its schools: (1) baseline data on the current suspension and expulsion rates disaggregated for all pupils and subgroups, (2) annual goals to reduce such rates, and (3) the specific actions and funding tied to improved services and supports to meet the goals; and

WHEREAS, the California School Dashboard now measures suspensions as part of the accountability system designed to assist in identifying strengths, weaknesses, and areas in need of improvement; and

WHEREAS, California Education Code Section 48900.5, effective January 1, 2013, reads that “Suspension, including supervised suspension, shall be imposed only when other means of correction fail to bring about proper conduct,” and “other means of correction include but are not limited to: (1) A conference between school personnel, the pupil’s parent or guardian, and the pupil, (2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling, (3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents, (4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, (5) Enrollment in a program for teaching pro-social behavior or anger management, (6) Participation in a restorative justice program, (7) A positive behavior support approach with tiered interventions that occur during the school day on campus, or (8) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups;” and

WHEREAS, the majority of out-of-classroom time is due to teacher referrals or classroom suspensions for non-compliance and amounts to thousands of incidents a year and must be addressed; and

WHEREAS, in order to effectively reduce the number of out-of-classroom referrals and suspensions now, it is imperative to provide targeted support that empowers teachers to employ effective instructional and classroom management tools that can be exhausted before referring a child out of the classroom; and

WHEREAS, WCCUSD recognizes that involvement in the delinquency system has a significant negative impact on its students, including a higher likelihood of dropping out and later involvement in the adult criminal system; and

WHEREAS, students in the delinquency system often struggle to reintegrate into their school communities and make academic progress after arrest and incarceration; and

WHEREAS, WCCUSD has made strides to limit the role of law enforcement in addressing minor school-related behavior and begun to focus more resources on effective evidence-based supports; and

WHEREAS, WCCUSD considers referral of students to law enforcement a last resort; and

WHEREAS, funding for law enforcement should be re-directed towards the reduction of class sizes and total class loads to support restorative justice practices; and

WHEREAS, the implementation of Restorative Justice practices should be supported by Restorative Justice coordinators to directly provide professional development, and mentorship to each family of schools.

NOW, THEREFORE BE IT RESOLVED, that the West Contra Costa Unified School District Board of Education directs the Superintendent establish a District policy and an implementation plan, hereafter known as the Positive School Climate Policy, to reduce all exclusionary disciplinary processes, deepen and extend positive tiered behavioral interventions and alternatives to suspension, increase instructional time, and reduce racial disparities as follows:

Full Implementation of Restorative Practices (RP) and School-Wide Positive Behavior Interventions and Supports (SWPBIS) at All Schools:

- Develop a policy and implementation plan for the roll out of Restorative Practices (RP) and a schoolwide Positive Behavior Plan at all schools over the next three years.
 - The plan shall:
 - Ensure that RP/PBIS supports, including training and professional development, are available to all teachers and educators throughout the district;
 - Identify resources and staffing needed to move towards full implementation, including identifying the roles and responsibilities of staff in the District office who are helping to implement alternatives to suspension;
 - Integrate RP and SWPBIS with Response to Intervention (RTI), and work towards addressing significant disproportionality in special education to ensure collaboration, unified efforts, and avoid inefficiencies;
 - Include steps to ensure that positive behavior and restorative practices are embraced, modeled and reinforced at all levels of the District, including by District office staff, principals and school leaders;
 - Include trauma-informed practices and behavior de-escalation support.
 - Develop a team (new or existing) at each school to self-assess current practices and to define actions and a timeline for implementing a site-designed SWPBIS plan and to guide and monitor the implementation efforts;
 - Establish simple, objective behavior expectations and a clear set of positive behavior rewards and a positive behavior system that includes both extrinsic and intrinsic motivators;
 - Create a structure for providing training and support about trauma-informed practices, the need for behavior de-escalation and implicit bias and stereotype, and Lesbian, Gay Bisexual, Transgender, Queer sensitivity, and other cultural competency training in order to help all staff more effectively respond to and prevent behavior issues from escalating; Set measurable outcomes and benchmarks for decreasing the number of students for each subgroup that are referred to the office, suspended, involuntarily transferred, or expelled.
 - For Restorative Practices, the plan shall include, but not be limited to the following:-

- Implement principles and processes throughout the school community that emphasize the importance of positive relationships as central to building community and restoring relationships when harm has occurred;
- Consistently spend time building trusting relationships among students, staff, and family communities both schoolwide and within the classroom.
- **Data-Based and Data-Driven Decision Making:** The implementation plan shall include regularly collecting and analyzing discipline data and sharing it with the school community to inform disciplinary practices and procedures.
- **School Community Appeal for Redress:** A mechanism shall be created for students and parents, including the School Site Council, to appeal to the District for redress if Restorative Practices and/or SWPBIS have not been made available or implemented on the school site after the third year.

Tiers of Intervention and Alternatives to School Suspension:

- **Tiered Behavioral Discipline Matrix at All Schools:**
 - In partnership with educators, union representatives, parents, students, and other key stakeholders establish a tiered behavioral discipline matrix, aligned with Response to Intervention, Restorative Practices, and Trauma-Informed Practices, that:
 1. Includes which positive and supportive interventions at a minimum shall be utilized for all students in a consistent and age-appropriate manner, which may include the “other means of correction” listed under Section 48900.5 of the California Education Code;
 2. Establishes in policy that suspension, including supervised suspension at school, may only be utilized as the appropriate intervention in the most extreme circumstances when the appropriate identified interventions in the behavioral discipline matrix have been exhausted and documented in the District data system, or the principal determines that there has been a violation of California Education Code Section 48900(a)-(e) or there is a danger to persons, as required by California Education Code Section 48900.5;
 3. Provides that any student who makes a request for the use of restorative practices as an alternative to suspension shall receive this alternative, unless the principal determines that an exception applies as outlined in California Education Code Section 48900.5.
- **Update District policy to reflect:**
 - Alternatives to suspension shall be exhausted as described in No. 2 above and documented in the District data system;
 - Every student who is suspended from school shall receive a reentry conference and an intervention plan to be developed with the student and guardian/parent(s) that shall include clear documented behavioral and academic expectations for the student, and any additional services or support that school staff will provide to assist the student in meeting those expectations. A parent/guardian’s failure to participate shall not prevent the student from returning to school after the suspension, nor will it prevent the school and student from holding the conference or developing the intervention plan.
- **Specify positive interventions for suspended students:**
 - Ensure that if a teacher suspends pursuant to California Education Code Section 48910, consistent in-school options are available with appropriately credentialed intensive supervision, behavioral counseling, and completion of schoolwork as required by

Education Code 48911.1, is provided for the duration of the suspension by teacher from class.

- For “out-of-school suspension,” to the extent feasible, seek out alternative locations and providers for the suspension so a student is not left to stay at home.
- Develop strategies to ensure students serving suspensions have the tools to remain current with assignments and classroom lessons.

Alternatives to Suspensions for Disruption/Willful Defiance:

- Ensure that proactive, data-informed and evidence-based alternative interventions are in place for incidents involving “defiance” or “disruption.”
- Alternatives to suspension shall reflect evidence-based interventions for differing levels of defiant or disruptive behavior, and shall include behavior de-escalation support and trauma sensitive practices.
- Beginning in the fall of 2018, update District policy to provide that no student in Grades TK-6 shall receive a suspension or recommendation for expulsion/be expelled solely on the basis of “disruption/willful defiance” [Section 48900(k)].
- Beginning in the fall of 2019, update District policy to provide that no student in Grades TK-12 shall receive a suspension or recommendation for expulsion/be expelled solely on the basis of “disruption/willful defiance” [Section 48900(k)].

Disproportionate Referral, Suspension, and Loss of Instructional Time for African-American Students:

- The Superintendent’s plan shall include policies and approaches aimed at ending the significant disproportionate referral, suspension, and expulsion rates of African-American students.
- For schools where the percentage of suspensions for African-American students is *significantly* greater than percentage of African-American students enrolled:
- Provide Priority and Deeper Site Support in:
 - a. Restorative principles and practices
 - b. School-wide Positive Behavior Interventions and Supports (SWPBIS)
 - c. Trauma-sensitive practices
 - d. Implicit/explicit bias
 - e. Recruitment and Retention of Effective Educators
- School site goal setting, with support and review by the Superintendent, for reducing suspensions/expulsions for African-American students at the beginning of each year.
- Significant Disproportionality: For the purposes of this section, significant disproportionality will be defined in the policy, with input from educators, parents, and community in a manner that is consistent with civil rights laws..
- Support for Students and Educators:
 - School principals will consult with the appropriate Associate Superintendent or Superintendent’s designee, who will identify and ensure that “other means of correction” under the behavioral discipline matrix have been exhausted for African- American students recommended for suspension, as required by California law under Education Code 48900.5 and District policy.

- The Associate Superintendent or Superintendent's designee shall work with the school site to identify available in-school and out-of-school supports for the African-American student recommended for suspension.
- If data reveals that a different subgroup of students is the most disproportionately-referred subgroup for discipline, such supports shall be provided to that sub-group.

Suspension Appeals:

- Update the suspension notification issued to parents/students/guardians to include clear information on the steps and timeline to initiate a suspension appeal, including that a suspension can be appealed for the failure to exhaust identified appropriate alternatives to suspension in the behavioral discipline matrix.

Create Clear Policy for Use of “Permitted Dismissals” and End Undocumented Suspensions

- Create a policy regarding the use of permitted dismissals and “permits to leave” (PTL), which shall include data collection, monitoring and reporting.
- As part of this policy, reiterate that “undocumented suspensions” are prohibited and unlawful.
- Develop a broader communication plan for implementation in the 2018-19 school year to inform students, parents, and school staff regarding policies relating to permitted dismissals and undocumented suspensions and ways to address to the issue if misuse occurs.

Establish a Clear Policy and Implementation Plan to Re-Evaluate the Roles, Duties, Functions and Practices of Law Enforcement in Our Schools:

By the end of the 2017-2018 academic year, implement a policy that includes the following standards that will also be incorporated into School Resource Officer contracts:

- Student discipline and ensuring students comply with school rules is the responsibility of school personnel and not of School Resource Officers. School Resource Officers should respond only to situations in which there is a serious and immediate threat to life or physical safety.
- Unless there is a serious and immediate threat to life or physical safety, school personnel shall utilize school-based interventions and shall not refer the incident to School Resource Officers or other law enforcement.
- For all violations that do pose a serious and immediate threat to life or physical safety, School Resource Officers should consider whether pre-arrest diversion would address the incident and prevent future harm. For all other violations, School Resource Officers shall refer students to the school site administrator.
- Law enforcement departments providing School Resource Officers will provide activity reports, including the number of calls for service, arrests, citations, and the use of alternatives (i.e., SRO referrals to school administrators and referrals for pre-arrest diversion) to principals, the Superintendent, and the District Culture and Climate Work Group on a monthly basis. The data in these reports will be disaggregated by each student's school, age, gender, and racial/ethnic background.

Regular and Accurate Data Reporting on Disciplinary Measures and Interventions:

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- Publish aggregate data on school discipline and behavioral interventions and disaggregate by all subgroups on the District's website bi-annually after each semester for the District and each school. Data shall include:
 - The aggregate number of referrals, teacher, supervised in-school, and out-of-school suspensions, voluntary and involuntary transfers, expulsion referrals, expulsions, and stipulated expulsions disaggregated by all subgroups, including race, ethnicity, ELL status, socioeconomic status, homeless, foster youth or probation status, and disability and by offense for the district and by school site.
 - The number of instructional days and ADA funding lost to suspensions, transfers, and expulsions.
 - Interventions and alternatives to suspension utilized by school sites, including restorative practices circles and conferences.
 - In reporting such data, the privacy of individual students and teachers shall be protected. Data will not be disaggregated in any manner that could reveal student identity to the public or to knowledgeable members of the school community.
 - The district will work with school sites to report accurate data around incidents of school discipline (traditional and/or restorative) without penalty.

Establish an office/point person in the district by the start of the 2018-2019 school year to promote and support the implementation of expectations laid out in this policy over a two-year period including:

- A District Culture and Climate Team will be established to convene quarterly to review culture, climate and safety data at all schools in WCCUSD. This work group is charged with monitoring implementation and progress toward defined outcomes. This group will determine a set of trackable indicators to evaluate the climate and culture of each school.
- Strengthen or upgrade accountability strategies and systems.
- Review suspension and referral forms. Simplify reporting system for suspension.
- Inventory programs and services at sites. Develop policy recommendations to identify criteria for the selection of programs and services and/or required supports. (See comprehensive listing of services maintained by Community Engagement)
- Upgrade data systems to enable schools to better monitor and evaluate the effectiveness of behavior management and disciplinary practices and supports, track and identify students in need of early intervention as well as more intensive supports.
- Establish through Proposition 47 funding a new Climate Coordinator, consultants and community partners to:
 - i. Provide on-going training to address cultural competency, issues of race and implicit and explicit biases and support site needs assessments to investigate what professional development should be provided.
 - ii. Provide or intensify training of COST/CARE Teams on restorative and trauma informed practices to strengthen capacity to provide supportive and instructional responses to behavior.
 - iii. Provide training to school personnel to support the reentry and reintegration of students returning from suspension, expulsion or detention.
 - iv. Strengthen training and “onboarding” of new teachers with priority given to those working in high-need schools. High need schools are those schools with the highest percentage of disruption incidents.

Specific expectations for Year 1 include:

- Administer and complete a school-by-school needs assessment no later than March 31, 2018, that collects data in the following areas:
 1. SRO staffing levels
 2. Calls for service
 3. Arrests, by penal code section, school or law enforcement initiation and reason for initial call
 4. Alternative practices in place at the school
 - a. Disciplinary practices
 - b. Mental health staffing by FTE
 - c. Organizations on site to provide resources to students for mental health services or assist staff with disciplinary practices
- Results of the needs assessment will be used to inform SRO staffing levels for 2018-19.
- Focus on the creation or strengthening of school climate teams (Tier 1).
- Promote inclusion of students, parents, classified staff and non-profit partners on school climate teams. Increase opportunities for student and family participation on the climate teams, especially those who have been impacted by school climate challenges.
- Provide training on positive, restorative and trauma-informed practices for school personnel, including alternatives to involving law enforcement in student behavioral issues.
- Encourage or require creation of schoolwide behavior management and discipline plans that define schoolwide positive interventions and supports to be implemented, define “minor behaviors/infractions” and the behavioral interventions and supports to be used to correct and improve behavior, and define “major” (Tier 2 and 3) behaviors and the alternatives to suspension to be used prior to considering suspension.
- Ensure a restorative reentry conference is in place for any student returning from suspension.

Schoolwide behavior management plans identify specific behaviors and in doing so give specificity to “defiance.”

BE IT FURTHER RESOLVED, that the Superintendent shall:

1. Maintain the small working group established to develop this policy to monitor the planning and implementation of these strategies;
2. By the close of the 2017-2018 school year, present a proposal to update district policies, including the tiered behavioral intervention matrix, and an implementation plan to the Board of Education regarding how and when the district will implement all of the above including implications for staffing and support for school sites;
3. Develop a process to include input and participation from educators, including the United Teachers of Richmond, parents and students.

4. Establish a review and oversight process that includes involvement and recommendations by school staff and community, and bi-annual progress reports to the Board of Education.
5. Ensure that District-approved charter schools present a sound educational program which incorporates the spirit of this resolution and complies with all applicable provisions of law, including, the prohibition of discrimination under California Education Code section 235, through the charter school authorization and reauthorization processes.
6. By the close of the 2017-2018 school year, the Superintendent will present a set of recommendations regarding appropriate levels of security and police staffing.
7. The Board of Education and Superintendent shall take the necessary steps to significantly reduce willful defiance suspensions by 75 percent in the 2018-2019 school year in grades 7-12.

BE IT FURTHER RESOLVED, that the Board of Education directs the Superintendent to address this agreement with resources for teachers and other school staff including professional development for restorative practices, working with students impacted by trauma, de-escalation techniques, cultural competency, implicit bias, relationship-building, communication skills and working with students with special needs, and prioritizing schools with highest behavioral needs.

PASSED AND ADOPTED by the Board of Education of the West Contra Costa Unified School District on this XXXXX day of XXXXXX 2017, by the following vote:

AYE's NO's ABSENT ABSTAIN

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by the Board of Education of the West Contra Costa Unified School District, Contra Costa County, at a meeting of said Board on XXXXXX X, 2017.

President of the Board of Education of the
West Contra Costa Unified School District

Clerk of the Board Education of the
West Contra Costa Unified School District