

CIVIL RIGHTS IN EDUCATION (CRE) COMMITTEE

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Erika Jones, Recorder
Larry Allen, Board Liaison
Rowena Russo, Staff Consultant
Kenya Spearman, Staff Consultant
Seth Bramble, Legislative Advocate

MAJOR POLICY - Immediate Action (2/3rd vote required)

None

MAJOR POLICY – First Reading

None

MAJOR POLICY – Second Reading

- 1) Revise the section, “Suspension, Expulsion, Exclusion and Exemption”, page 206, to read:

CTA believes ~~in the concept~~ that any decision to suspend, expel, exclude, or exempt students from school should be based upon the Education Code. This decision should be used only as a last resort and only when psychological, emotional or physical safety is compromised. School and district policies should be consistent with sound educational philosophy. Legislation which diminishes the rights of a ~~classroom~~ teacher to remove disruptive students from the ~~school~~ classroom environment when deemed necessary by the teacher should be opposed.

Rationale:

This policy will position the organization well for legislative conversations that seek to address the disproportionate suspension and expulsion of African-American and Latino students, while preserving a teacher’s right to suspend a disruptive child from the classroom. Once a child has been suspended from the classroom, the intent of this policy is to encourage districts to find alternatives to suspension and expulsion from school when possible; districts will benefit from the additional funds, and students will benefit from remaining in school and receiving support rather than harm. CTA has helped us identify how our unconscious bias might impact our work as educators, and this effort to combat inequity is central to some of CTA’s core beliefs: (1) to ensure that the human dignity and civil rights of all children and youth are protected and (2) to secure a more just, equitable, and democratic society.

2) Add new section, page 312, "School Closures", to read:

CTA believes that school closures are disruptive and detrimental to the education of students, and to the communities in which they are found.

CTA also believes that, in certain circumstances, school closures may be necessary. However, if the school closures are considered by school districts, then all stakeholders must be engaged in the process, which must include a school district advisory committee, as outlined in the California Education Code and the decision should not be made unilaterally by the school districts.

Rationale:

In California, the use of a district advisory committee in determining school closures is optional, not mandatory. Currently, there are instances in which districts have made decisions unilaterally, without community input or the use of said committees. Typically, the closures have disproportionately impacted students of color and those who are economically disadvantaged.

If the closing of a school is considered, the process should be transparent, and should use a process (as outlined in the California Department of Education document "Closing a School Best Practices Guide") that includes a cross-section of community members, teachers, and other community organizations. The decision must not be made unilaterally or without stakeholder input.

OTHER ITEMS FOR IMMEDIATE ACTION

None

REFERRALS TO THE BOARD OF DIRECTORS

None

MATTERS PENDING

- Counselor ratios
- School reform/parent trigger law policy language
- Teachers, parents and students' rights surrounding parent trigger law
- Peace and Social Justice Issues newsletter

INFORMATIONAL ITEMS

1. CRE took the following positions on assigned legislation:

AB 420	Approve (Additional information is attached)
AB 1359	Watch
ACR 53	Approve

2. Harris Kight-Moore, Liaison to CTA/NEA-Retired, reported the following:
 - a. The Officers and Executive Board of the CTA/NEA-Retired approved eleven (11) goals for 2013-14 including:
 - i. increase membership by 10%
 - ii. reach out into all our areas we represent to engage retired members politically
 - iii. support CTA member engagement program by enhanced communication via regular postings to Facebook, an updated web page, and via our bi-monthly advocate newsletter
 - b. The Executive Board approved a by-law amendment expanding the duties of the Ethnic Minority Director related to CRE and EMAC
 - c. A bill to remedy the inequities to government (public service) workers of GPO/WEP has been represented in the House of Representatives. We need to contact own representatives to support it. See the CTA website.
3. Tony Diaz, Fair Employment and Housing Commission Liaison, announced that Governor Brown has appointed six (6) new members to the Fair Employment and Housing Council.
4. Margaret Hoyos, CTA Staff, spoke to CRE about the parent trigger law (see attached Powerpoint presentation).
5. The CRE Peace and Social Justice Issues Subcommittee shared a newsletter regarding civil rights issues in Honduras (see attached).
6. Congratulations to the new CRE officers:

Chair: Gilda Bloom-Leiva
Vice Chair: Cecily Myart-Cruz
Recorder: Erica Jones

AB 420 (Dickinson) Information

Summary: Limits the ability to suspend a child from school for willful defiance to grades 6 to 12 and only on or after a 3rd offense in a school year; eliminates the ability to expel a student for willful defiance; encourages schools to use alternative means of correction such as participation in a restorative justice program or a positive behavior support system with tiered interventions; and preserves a teacher's right to suspend a student from their classroom for willful defiance.

Assembly Bill 420 is authored by Assembly Member Roger Dickinson (D - Sacramento):

- Co-authored by Assembly Speaker John Perez and Senate Budget Chair Mark Leno
- Sponsored by Children Now, Public Counsel, ACLU, and others
- Supported by Gay-Straight Alliance Network, Labor Community Strategy Center, Legal Services for Children, Restorative Schools Vision Project, Violence Prevention Coalition, Youth and Education Law Project, Youth Leadership Institute, Youth Law Center, Western Center on Law and Poverty, Intercity Struggle, Community Coalition, Equality California, California State PTA, Peace Over Violence, Californians for Justice, MALDEF, California Black Health Network, The Children's Movement of California, PICO, Policy Link, and others

AB 420 eliminates ability to expel a student for willful defiance, but preserves other reasons like:

- **Threats, Violence, Robbery, Extortion**
- **Possession:** weapons, imitation guns, drugs & paraphernalia, alcohol, tobacco, stolen goods
- **Damaging school or private property**
- **Committed an obscene act**
- **Habitual profanity or vulgarity**
- **Attempted sexual assault**
- **Harassment, threats, intimidation of witness**
- **Bullying:** Cyber, Physical, Verbal, Burn Page

Reasons Civil Rights in Education Committee Recommends Approval:

- Out-of-school suspension and expulsion for such lower level conduct does not work. It does not improve student behavior and, in fact, can exacerbate the problem.
- Students who are subjected to out-of-school discipline not only lose important instructional time, they are far more likely to drop out of school and enter the juvenile delinquency system, at great cost to the state, than students whose problem behaviors are addressed proactively with research-based supports and interventions in school and with parents.
- **Students of color are disproportionately suspended and expelled for low level, subjective offenses like willful defiance, and this leads these students to have disproportionately worse educational outcomes than other student groups. In a 2012 data report issued by the U.S. Department of Education's Office for Civil Rights, African-American students in California were more than 3 times as likely to be suspended as white students.**

Student Discipline	Current Law	Changes Proposed in AB 420
Some Reasons to Suspend From School	Threats, Violence, Robbery, Extortion Possession: weapons, imitation guns, drugs & paraphernalia, alcohol, tobacco, stolen goods Damaging school or private property Committed an obscene act Habitual profanity or vulgarity Attempted sexual assault Harassment, threats, intimidation of witness Bullying: Cyber, Physical, Verbal, Burn Page	None
Some Reasons to Suspend From School	Disrupting School Activities Willful Defiance	Students disrupting school activities or being willfully defiant may only be suspended: <ol style="list-style-type: none"> 1. in grades 6-12. 2. on or after the 3rd offense in a school year, provided other means of correction were attempted before the recommendation to suspend. School district may document means of correction but is not required to do so.
Some Reasons to Expel	Threats, Violence, Robbery, Extortion Possession: weapons, imitation guns, drugs & paraphernalia, alcohol, tobacco, stolen goods Damaging school or private property Committed an obscene act Habitual profanity or vulgarity Attempted sexual assault Harassment, threats, intimidation of witness Bullying: Cyber, Physical, Verbal, Burn Page	No Change
Some Reasons to Expel	Disrupting School Activities Willful Defiance	No Longer Permitted

AB 420 (Dickinson) does not make any change to a teacher's Education Code right to suspend a child from their classroom, at any grade level, for willful defiance and classroom disruptions. The changes contemplated in the bill impact the administration's ability to send a student home, and encourage alternatives that will help children.

Questions & Answers: AB 420 (Dickinson), as amended May 24, 2013

Prepared by Seth Bramble, CTA Legislative Advocate

Q: What is AB 420 attempting to accomplish?

A: There has been research, as well as hearings at the Capitol and public attention, focused on the disproportionate suspension and expulsion of African-American and Latino students. AB 420 encourages schools to use alternative means of correction such as participation in a restorative justice program or a positive behavior support system with tiered interventions. Students of color are disproportionately suspended and expelled for low level, subjective offenses like willful defiance, and this leads these students to have disproportionately worse educational outcomes than other student groups. In a 2012 data report issued by the U.S. Department of Education's Office for Civil Rights, African-American students in California were more than 3 times as likely to be suspended as white students. Phrases like "classroom disruption" and "willful defiance" can be interpreted differently from classroom to classroom, which can result in inequity; They are also two of the most common reasons why students are sent home from school. AB 420 seeks to create a more equitable approach to student discipline.

Q: What does AB 420 do?

A: AB 420 does two things: (1) the bill limits the ability to suspend a child from school for willful defiance to grades 6 to 12 and only on or after a 3rd offense in a school year, and (2) eliminates the ability to expel a student for willful defiance. The changes made at to Education Code 48900.

Q: Does this mean we can't suspend a 3rd grader who swears at the teacher?

A: That depends. AB 420 only limits one of a number of reasons that a child could be suspended from school; no changes are proposed to current ability to suspend a child from school who uses "habitual profanity." The bill makes no changes to other reasons a child could be suspended from school either, which include threats, violence, robbery, extortion, damaging school or private property, committed an obscene act, vulgarity, attempted sexual assault, intimidation of a witness, cyber-bullying, physical or verbal bullying, making "burn pages," or possession of weapons, imitation guns, drugs and paraphernalia, alcohol, tobacco, or stolen goods. However, this bill does suggest that if a 3rd grader swears at the teacher one time, we should seek alternatives and not send that child home.

Q: Why do we need AB 420?

A: Out-of-school suspension and expulsion for such lower level conduct does not work. It does not improve student behavior and can exacerbate problems. Students who are subjected to out-of-school discipline not only lose instructional time, they are far more likely to drop out of school and enter the juvenile delinquency system, at great cost to the state, than students whose problem behaviors are addressed proactively with research-based supports and interventions in school and with parents.

Q: Who is behind AB 420?

A: AB 420 is sponsored by Children Now, Public Counsel, ACLU, and others. The bill is supported by a large coalition which includes the Gay-Straight Alliance Network, Labor Community Strategy Center, Western Center on Law and Poverty, Community Coalition, Equality California, California State PTA, Californians for Justice, MALDEF, PICO, and Policy Link.

Q: What does CTA support about this proposal?

A: Once a child has been suspended from the classroom, we should encourage districts to find alternatives to suspension and expulsion from school when possible; districts will benefit from the additional funds, and students will benefit from remaining in school and receiving support rather than harm. A decision to suspend or expel a student should be used only as a last resort and only when psychological, emotional, or physical safety is compromised. CTA has helped us identify how our unconscious bias might impact our work as educators, and this effort to combat inequity is central to some of CTA's core beliefs: (1) to ensure that the human dignity and civil rights of all children and youth are protected (2) and to secure a more just, equitable, and democratic society. As the last issue of the California Educator pointed out, 40% of the 778,084 suspensions in 2009-10 were for "defiance" and other minor infractions. Some CTA members are helping kids stay in school by finding alternatives to suspension while keeping safety as the first priority. Additionally, CTA has received a grant from The California Endowment to address closing achievement gaps through positive disciplinary strategies and offering alternatives to traditional suspension and expulsion strategies. This grant helps CTA work with school districts to align discipline policies, implement restorative justice, and develop best practices for use in the classroom. Additionally, the grant promotes trainings both externally and internally.

Q: What concerns has CTA raised about this proposal?

A: One of our biggest concerns was based on a bill that was signed into law last year, AB 1729 (Ammiano). When this bill became law, some school districts erroneously interpreted the new law to mean that a teacher could no longer suspend a student from their classroom, and we did not want the same misinterpretation to occur with AB 420 (Dickinson). As a result, we worked with the CTA Legal Department to successfully negotiate an amendment to preserve a teacher's right to suspend a student from their classroom for willful defiance. There were also concerns raised about added paperwork to document corrective actions that were taken, and concerns about the grade span initially proposed in the bill. Amendments were taken by the author to satisfy our concerns.

Q: What alternatives to suspension and expulsion are outlined in current law?

A: Paraphrasing EC48900.5 ~ other means of correction include, not limited to (1) a conference with parents and student (2) referrals to the school counselor, psychologist, social worker, etc. (3) study teams, guidance teams, resource panel teams, etc. (4) referral for a comprehensive psychosocial or psycho educational assessment, including for purposes of creating an IEP or 504 plan (5) Enrollment in a program for teaching pro-social behavior or anger management (6) participation in a restorative justice program (7) positive behavior support approach with tiered interventions that occur during the school day on campus (8) after-school programs (9) community service.

★ California's Parent Trigger Law

What Every Parent, Educator, Educational Support Staff and Community Must Know

★

Presented By
Margaret Hoyos
Community Outreach Staff

★

May 2013 State Council

In 2010, the California Legislature Passed the Parent Empowerment Act.....

- **Also Known as the "Parent Trigger Law"**
The law was written by Ben Austin, a lawyer who co-founded Green Dot charter schools and now heads Parent Revolution. Gloria Romero, at the time a termed-out Senator looking for her next gig, introduced the bill and convinced a skeptical California legislature that it was the only way California could get Race to the Top money (RTT).
- **Both Austin and Romero represent people and companies who profit financially from implementation of the bill**
- **California didn't even get the RTT money**

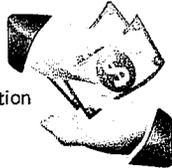
**California Parent Empowerment Act
Ed Code 53300-53303**

Problems with the law:

- Parent Revolution has no record of success anywhere and has never run a school.
- No evidence that the reform options in the law improve student achievement.
- The petition process is secretive and confusing for parents. Petitioners have lied to parents to get them to sign the petition.
- Parents lose control of the process once they sign the petition.
- Most parents do not have the skills or knowledge to drive effective school reform
- A California Superior court ruling determined parents may not rescind their signatures from a petition – even if they claim they were misled or lied to.

Who Thinks Parent Trigger is a Great Idea?

- American Legislative Exchange Committee (ALEC)
- The Broad Foundation
- Hewlett-Packard Foundation
- Bill and Melinda Gates Foundation
- Wal-Mart Family Foundation
- The California Charter School Association
- The Bradley Foundation
- Koch Brothers
- Dell Foundation
- Venture Capitalists



What Is It?

"They call it Parent Trigger? It feels more like a drive-by."

Lori Yuan
Parent Who Fought the Parent Trigger, at
Desert Trails School in Adelanto, California

California Parent Empowerment Act

- Passed in 2010 by one vote in the Assembly and one vote in the Senate
- First Parent Trigger law in the country
- Gives the parents at the school, the power to petition for dramatic changes at the school – including converting it to a charter school.
- Teachers and school staff have no voice in the transformation
- Targets teacher contracts, especially evaluations, seniority, job security and public oversight

Teachers and School Staff

Once triggered, teachers and school staff at the site cannot talk to parents about the petition, the petitioners or criticize the Parent Trigger Law.

School Eligibility At A Glance

- Limited to 75 schools statewide that:
- Are not on the persistently lowest-achieving schools (PLAS) list
- In corrective action under ESEA
- Continue to fail to make adequate yearly progress after being in corrective action for one year
- Have an API of less than 800

Parent Trigger at a Glance

- In a qualified school, regardless of improvement, 50% of parents and guardians can petition the school district to FORCE one of 5 interventions:
1. Turnaround (Replace principal and up to 50% of teachers)
 2. Restart (Charter – all staff are fired, existing collective bargaining agreement cancelled)
 3. Closure (students go to higher achieving district school)
 4. Transformation (replace principal and provide professional development to teachers)
 5. Alternative Governance (major restructure of school governance, including staffing and assignments)

The Transformation Model

- The principal is replaced
- A teacher evaluation system based significantly on student achievement is implemented
- Revamped professional development
- Merit pay
- Other strategies for increasing student achievement

Parent Trigger Petition

- One parent per pupil may sign the petition
- Signature gatherers have to disclose if they are being paid
- Signature gatherers cannot make false statements or hide the true purpose of a petition
- Signature gatherers cannot offer money or gifts for signatures

Who Has Been Triggered

- Compton – McKinley Elementary
- Adelanto – Desert Trails K-6
- LAUSD – Elementary Schools
- LAUSD school board passed a resolution to “partner” with Parent Revolution
- Trigger activity has been spotted in Lynwood, Lennox and Santa Maria in Region 3, Oakland in Region 1, Salinas in Region 1 and Fresno in Region 2

Prevention Begins Now

- Determine the sites in the district that meet the Parent Trigger criteria (CTA staff in the regions)
- Assess the Superintendent's position on the law – meet with him or her as they may not be aware
- Parent Revolution moves quickly once a petition is being circulated – keep all sites informed about the law and any let the union know of any possible activity
- Educate all chapter members and ESP about the law and how it is implemented

How Do We Get in Front of This

- Be engaged in identifying/implementing programs and practices that lead to improvement
- Monitor and train School Site Councils, site committees and advisory groups
- Highlight your schools successes and academic progress to parents and students
- Work with your CTA staff to develop a local plan to address student achievement

Early Signs of Trigger Activity

- Parents who are argumentative and angry. Parents who have aligned with Parent Revolution do not want to work on solutions. Their strategy is to ask for, but reject, any collaboration so they can claim teachers wouldn't work with them.
- Investigate thoroughly new people who are running for the Board of Education, especially those that appear to be well-funded.
- Ask members to contact the union as soon as they think there might be parent trigger activity at their site. Not when they are sure of it!!

If Your School Is At Risk, Prepare Now

- Tell chapter leadership you want this discussion to start as well as parent trigger training for your site
- Have the conversation about Parent Trigger with your colleagues- CTA members who have been through a trigger fight can come and talk to you
- Include all stakeholders in the conversation
- Identify and nurture relationships with parents who are supportive of you and the school
- Have meaningful conversations with parents about school reform efforts at your site

Communication Strategies

- Some parents may try to get you to debate parent trigger – keep the conversation about proven reforms and successes at your school
- Identify community leaders and listen to their concerns – Build a relationship, not your case.
- No discussion of the trigger with students or other children who could be impacted

How Does Parent Revolution Get Their Foot In the Door?

- Most parents are well-meaning
- PR identifies, isolates and trains vulnerable parents to view the process as “us and them”
- They hold non-public or unpublicized meetings with selected parents
- Encourage parents to publicly criticize and make up stories about teachers they don't like
- Provide t-shirts, buttons, caps and other paraphernalia to wear on campus

What Parent Trigger Activists Don't
Have.....

- A real parent organization – they are astro turf.
- Long-term presence in a given community
- Educator support
- Proven success – they have none anywhere

Honduras al Dia News

INTERNACIONAL

Las cifras del 14A | Elecciones 2013 | Ley del Trabajo | Cuentas en do'lares

Viernes, 3 de mayo de 2013

CRE Peace and Social Justice Issues Subcommittee

In June of 2009, I traveled to Venezuela as part of a delegation led by Lisa Sullivan, the Latin American coordinator for "SOA Watch", an organization whose mission is to shut down the School of the Americas (now called WHINSEC), a military base in Georgia which trains soldiers who aid in fomenting unrest in Central and South America. No sooner had I returned home than I received an urgent email from Lisa...the democratically - elected president of Honduras, Manuel Zelaya, had just been abducted from his home and forced out of the country. Lisa and others from SOA Watch immediately flew to Honduras to lend their support to the fast developing resistance movement.

I've since learned that Zelaya had been a strong advocate for unions, minimum wage laws, and land reform. Multinational corporations in Honduras, including Dole, Chiquita, and United Fruit, and large landowners who export palm oil and biodiesel fuel, opposed his efforts. Now, since the coup, the conditions for the poor and the children have deteriorated, and today only Haiti outmatches the poverty of Hondurans in the Western hemisphere. As for our professional colleagues, public school teachers' salaries have been slashed and their retirement funds confiscated by the new government, all part of "an all-out effort by the post-coup regime and international financial institutions to privatize Honduras' public education." (Task Force on the Americas Report, Spring 2011) In response, the resistance movement (FNRP) that Lisa Sullivan joined in 2009 continues strong. It includes a broad coalition uniting women's groups, trade unions (including the three powerful teachers' unions), campesinos, the LGBT community, indigenous organizations, and human rights groups.

There have been numerous assassinations of activists, including teachers, and thousands of illegal detentions.

What can we do to express our solidarity with and support for the Honduran resistance? A letter addressed to Hillary Clinton, decrying the human rights situation in Honduras, was released on March 12, 2012, by US Representative Jan Schakowsky (D-IL), and was signed by 94 members of the House of Representatives. Ten US labor unions, including the AFL-CIO and the American Federation of Teachers, have supported Schakowsky's letter. I think we should stand with our fellow union activists, wherever they reside, and do the same.

You may ask why the focus on Honduras. This coup was the first successful ousting of a democratically elected leader in many years. Since the writing of this article, millions of U.S. tax dollars have been given to the Honduran National Police, under the direct supervision of Director General Juan Carlos Bonilla, who has been accused of responsibility for extrajudicial killings for which he has never been investigated. Aid to police units under his control therefore violates U.S. law. You can urge the State Dept. to comply with the law and suspend all U.S. aid to the Honduran National Police by going to the address <http://www.justforeignpolicy.org/act/honduras-police-aid>.

This article was written by Kathleen Minck, the 2013 CTA Peace and Justice Human Rights award winner.