

March 29, 2017

Superintendent Matthew Duffy  
1108 Bissell Ave.  
Richmond, CA 94801

*Via email only*

Dear Superintendent Duffy:

We write on behalf of RYSE Center, BlackBoard, and Public Counsel to request your partnership in continuing systems change that will benefit the families, teachers, and staff in this district. As a follow up to our requests below, we would like to meet with you in April at your earliest convenience.

First, we want to thank you for your leadership and acknowledge the school climate work of district staff, school site administrators, and teachers throughout the years, as well as recent efforts to support African American youth and parents. While this work has set a solid foundation, we want to support further implementation of the supports and services that have reduced student removals, reduced conflict, and improved relationships at school sites. We also recognize that practices like restorative justice, PBIS, social emotional learning, and implicit bias training are not silver bullets, but are successful only when embraced by all members of a school community, including all teachers and school site staff, and this can take years of critical conversations and reflection to achieve.

In line with continuous community stakeholder feedback, we believe the district should ensure all members of the school community feel included, respected, and connected at their schools, but the need to ensure this for the district's black students is urgent. In 2014-2015, black students were suspended at five times the rate of white students; **school administrators issued 29 suspensions per 100 black students versus 6 suspensions per 100 white students.**<sup>1</sup> Thirty-three percent (547) of the suspensions given to black students were for *willful defiance* alone.<sup>2</sup> While district efforts to address racial disparities have made substantial gains, it has not yet closed the gap on suspensions, and in turn, academic achievement.<sup>3</sup>

Suspensions lead not only to fewer attendance days – which means fewer dollars for the district – they also lead to lower proficiency and lower graduation rates, including for the student groups least impacted by suspensions to begin with. While black and Latino students have been removed from class at much higher rates than their peers, the entire student population has suffered in terms of academic

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<sup>1</sup> CDE: 2016.

<sup>2</sup> *Id.*

<sup>3</sup> The suspension rate for black and Latino students district-wide is disproportionately high (14.2% and 5.7% compared to just 3.2% for white students) and is correspondingly low in academic proficiency (72 and 58 points below level 3 for reading and 102 and 83 points below level 3 in math). CDE Dashboard, 2014-2015 data.

performance. Ample research shows higher suspension rates predict lower achievement across all race and ethnic groups at an individual school site, even when controlling for poverty.<sup>4</sup>

After San Rafael City Unified implemented restorative justice and peer courts at Davidson Middle School between 2008 and 2012, they witnessed a 65 point increase on the Academic Performance Index for all students and closed the achievement gap at the same time. The school saw an uptick of 81 points for Latino students, 85 points for English learners, 63 points for African American youth (calculated using API from 2010), 75 points for low income youth, and a 37 point increase for white students, who were already the least impacted by suspensions prior to the climate shift.<sup>5</sup>

As you may know, schools in Oakland that had implemented restorative practices as of 2014 saw a significant increase in reading (+60%), math (+128%), attendance (-24% in chronic absenteeism), and graduation rates (-56% in dropout rates) as averaged across all student groups.<sup>6</sup> Teacher satisfaction improved, as well: **90 percent of teachers felt restorative practices was helpful in managing difficult student behaviors in the classroom**, and the majority of teachers felt it helped improve social and emotional skills of students, improved the way students resolve conflict with adults, and improved the way adults at our school conflict with students.<sup>7</sup>

Lastly, suspensions are also a key predictor of dropout throughout the state. The UCLA Civil Rights Project estimates that **in West Contra Costa, 210 students who have been suspended drop out of the district every year**. This costs \$37,000,000 in fiscal costs to taxpayers and \$122,000,000 in social costs due to lost human capital over these students' lifetimes.<sup>8</sup>

While some positive school climate work has begun at DeJean Middle School, Pinole Middle School, and Richmond High School – e.g., mental health and individual/group counseling services through the school based health centers, restorative justice coordinators, and some staff training on restorative practices – we would like to see these supports and services implemented to the fullest extent so that student needs are met and teachers can focus on instruction. For example, we have heard from teachers that one part-time restorative justice coordinator at Dejean is not enough. We also want school administrators to have the tools they need to support their teachers in this climate work.

Below are the actions and services we encourage the district to adopt to further its school climate efforts:

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<sup>4</sup> Skiba, R. J. (2015). *Interventions to address racial/ethnic disparities in school discipline: Can systems reform be race-neutral?* in R. Bangs & L. E. Davis (Eds.), *Race and social problems* (pp. 107-124). New York: Springer. Losen, D. (2015) *Are we closing the school discipline gap?* Los Angeles, CA: The Center for Civil Rights Remedies at the Civil Rights Project of the University of California at Los Angeles.

<sup>5</sup> CDE: 2013.

<sup>6</sup> OUSD, *Restorative Justice in Oakland Schools: Implementation and Impacts* (2014), available at <http://www.ousd.org/cms/lib07/CA01001176/Centricity/Domain/134/OUSD-RJ%20Report%20revised%20Final.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> Rumberger, R. & Losen, D. (2017) *The Hidden Cost of California's Harsh School Discipline*, available at <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/the-hidden-cost-of-californias-harsh-discipline>.

1. Apply for up to \$200,000 in state funding for school climate training, staffing, and other implementation.

In late March or early April, the California Department of Education will be releasing a Request for Applications (RFA) that will grant districts approximately \$200,000 over three years to use towards implementing evidence-based supports and interventions to reduce suspensions and chronic absenteeism. Grant recipients must provide a match of cash or in kind contributions of at least 20 percent of the total grant award sought.

We recommend the district focus on training, staffing, data collection (e.g., to track how and when interventions are used as an alternative to removal and the outcomes), and other efforts at the schools with the highest rates of suspension and highest rates of disproportionality among student groups. To read more about the future RFA, see the most recent Children Now Fact Sheet and Ed Trust West Recommendations: <https://www.childrennow.org/files/6714/7749/8728/Safe-Neighborhoods-online.pdf>; and <https://west.edtrust.org/wp-content/uploads/sites/3/2015/11/ETW-Memo-Ensuring-Prop-47-Fulfills-Its-Goal-1.pdf>. We will be sure to notify you as soon as the RFA is open.

2. For the long-term: phase out campus security officers (CSO's) and contracts with local law enforcement agencies for school resource officers (SRO's). For the short-term: shift funding for CSO's from supplemental and concentration funds to base funds, and eliminate one SRO each from DeJean Middle School, Pinole Middle School, and Richmond High School.
  - a. Replace CSO's with supportive adult roles that match the district's core values and beliefs related to climate.

Over the years, students and their families have complained both formally and informally to the district about CSO's interacting with children in harmful ways: physically handling and restraining students, unfairly accusing them of wrongdoing, and otherwise making students feel like they were being constantly surveilled. We strongly believe that the presence of CSO's has contributed directly to the number of office discipline referrals and to the district's high rate of in-school and out-of-school suspensions, especially for those students (i.e., low-income, foster youth, African American, and Latino) the LCFF was intended to help.

The defined role of CSO's is incompatible with the culture shift the district has worked toward over the last decade. These officers are trained to *react* to conflict and discipline students with punitive consequences that do not address the underlying behavior or help prevent it from happening again.

We want to acknowledge that some CSO's do provide positive role modelling and have positive relationships with students, but there is no reason for them to do so with the title and specification of a CSO. Positive adult supports are necessary on a school campus; restorative justice coordinators, counselors, mediators, and intervention workers can serve students more effectively by helping them foster positive communication and trusting relationships with both adults and other students. Therefore, we ask you to commit to phasing out CSO's and replacing them with positive supports that will do far more to address underlying student needs and support staff in maintaining this culture.

**For the 2017-2020 LCAP, we ask you to take the minimal first step of paying for CSO's out of base funding, instead of supplemental and concentration funding because of the lack of benefit to high-need students.**

- b. Phase out SRO's and use the savings to hire restorative justice coordinators, social work and mental health practitioners, and train all staff at the highest-need schools on trauma-informed practices and implicit bias.

The district spends well over \$5,000,000 on Campus Safety Officers and School Resource Officers and just \$670,000 on the implementation of restorative justice, PBIS, social emotional learning, and mindfulness outside of services provided by full service community schools or school-based health centers.

Based on 2014-2015 data, Dejean Middle School, Pinole Middle School, and Richmond High School had the highest suspension rates within the district that had also increased from the prior year.<sup>9</sup> All three schools also had high suspension rates for African American students, Latino students, low-income students, English learners, and students with disabilities across the board. At Dejean, there were almost twice the number of suspensions as there were black students enrolled at the school in 2014-2015 (189 suspensions for 153 enrolled students). **Sixty percent of the suspensions issued to black students were for willful defiance alone.** The same was true for Latino students: 59% of suspensions issued to Latino students were for willful defiance alone.

SCHOOL	SUSPENSION RATE: Black students	SUSPENSIONS PER 100 STUDENTS: Black students	SUSPENSION RATE: Latino students	SUSPENSIONS PER 100 STUDENTS: Latino students
Dejean Middle	54%	189	28%	70
Pinole Middle	46%	94	16%	34
Richmond High	30%	57	18%	29

Also in 2014-2015, according to data obtained from each of the law enforcement agencies with which the district contracts, police officers made at least 120 school-based arrests in 2014-2015.<sup>10</sup> **Over half (51 percent) of these arrests were of black students, who make up just 18 percent of the student body.** These students miss school days, are now more likely to drop out before graduating from high school, spend time in detention, and spend time in prison or jail as an adult. Moreover, it appears the majority of arrests were for non-violent behaviors.<sup>11</sup>

**School-based Arrests 2014-2015**

Richmond PD	Pinole PD		El Cerrito PD		Hercules PD		San Pablo PD
All schools	Pinole Middle	Pinole Valley High	Portola/Korematsu Middle	El Cerrito High	Hercules Middle	Hercules High	Helms Middle
44	10	31	15	9	6	3	3

<sup>9</sup> CDE: 2016.

<sup>10</sup> Data from Hercules, El Cerrito, Pinole, Richmond, and San Pablo Police Departments in response to December 2015 Public Records Act request. Arrest data from the Contra Costa County Sheriff is not included.

<sup>11</sup> *Id.*

At Pinole Middle School, for instance, all 10 arrests were made for possession of marijuana. Both Oakland and Berkeley Unified have made formal policy to divert students to a behavioral counselor rather than refer the student to law enforcement; law enforcement is called simply to dispose of the contraband.

In alignment with the district's strategy to gradually phase out ineffectual spending, we strongly encourage the district to commit to a multi-year plan to phase out SRO's. **For the 2017-2020 LCAP, we ask you to eliminate one SRO each from DeJean Middle School, Pinole Middle School, and Richmond High School** and use the savings to hire staff who can more cost-effectively address the situations leading to student suspension and arrest. This may include: hiring counselors and mediators who can de-escalate conflict between students and address harassment or bullying that may lead a student to bring a weapon to school; hiring behavioral health counselors to address drug use; training for teachers to recognize signs of trauma to avoid misinterpretation of trauma as misbehavior; hiring licensed clinical social workers and mental health counselors to whom teachers can refer students in need of more intensive supports; and training on implicit bias and cultural competency to avoid applying much harsher standards to students of color and low-income youth.

The above numbers are from 2014-2015, but we ask the district to take a deeper look at 2015-2016 data and changes over the last academic year, including what has worked well and what hasn't worked well at specific school sites, to decide where to concentrate its efforts.

In addition, the district has informed us that it does not track referrals to law enforcement made by school district personnel nor does it track school-based arrests or citations – despite this being required by the U.S. Department of Education. This information is a first step towards gaining an accurate picture of how and why most students are arrested and sent to juvenile hall.<sup>12</sup>

3. Take a deeper look at classroom removals, including teacher suspensions and office discipline referrals. Track information on who, why, and when students are removed from the classroom, how much instruction time is lost, and determine other appropriate measures to address the underlying behavior and meet teacher needs.

Unfortunately, it is common for teachers in the district to remove students from class for behavior issues, resulting in them sitting in the front office for the class period with no solution to prevent the same situation from occurring again. This is a disservice to both teachers and students. Removals for the sake of temporarily excluding a child from class does little to address the issue that led to the removal.

It is unclear whether these removals are being tracked, the reasons for these removals, and how they are impacting instruction time. Rather than having no other choice than to remove a student from the classroom, teachers should feel supported in using behavioral interventions in the classroom or referring a student to a supportive adult or peer (e.g., culture keepers at El Cerrito High) who can meet with them and address what's going on. We ask that the district commit to tracking this kind of information so it can determine how often teachers and other adults are using interventions as an alternative to an office discipline referral, which interventions were tried, and what the outcomes were.

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<sup>12</sup> For tools to assess the effectiveness of schools' current safety practices, see the American Institutes for Research *California School Safety Toolkit* at <http://www.air.org/sites/default/files/downloads/report/California-School-Safety-Toolkit-First%20Edition-January-2017.pdf>.

Lastly, we ask you to set realistic, but ambitious, measurable outcomes for black and Latino students with respect to office discipline referrals, teacher suspensions, and in-school and out-of-school suspensions in the LCAP, and lay out the specific actions that will allow the district to meet these measurable outcomes.

Again, we respectfully request a meeting with you to discuss the proposals above. Thank you for your time and consideration. We look forward to hearing from you.

Sincerely,

Valerie Jameson  
**RYSE Youth Center**

Scottie Smith and Anna Blackman  
**BlackBoard**

Lilly Chen  
**Public Counsel**

CC: John Gioia, Contra Costa County Board of Supervisors  
Fatima Alleyne, Contra Costa Board of Education  
WCCUSD Board Members