

RECOMMENDATIONS TO INCREASE RETENTION AND GRADUATION RATES OF ALL STUDENTS*

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The purpose of this memorandum is to provide recommendations to increase the retention and graduation rate of all students. Disproportionate suspension and expulsion numbers of Black and Latino students throughout the country directly contributes to the school-to-prison pipeline. States have unjustly kept students out of school through the use of willful defiance, insubordination, and misconduct policies. Statistics have shown these policies have forced students out of school while strength-based policies such as restorative and transformative justice keep students in the classroom and in school.

In order to achieve this goal, we believe ESEA policy should be strengthened to:

- Decrease the number of highly biased and opinionated suspensions (through the use of willful defiance, insubordination, misconduct, etc.) by ending this category of suspension and providing thorough parent conferences with prevention and intervention services and/or programs when disruption occurs.
- Incentivize transformative and restorative practices professional development for all teachers and administrators.
- Require states to add a restorative justice component to credentialing programs for all certificated school staff.



Setting the Stage

As two highly recognized educators and civic leaders, it is through not only overwhelming statistics, but also our personal experiences that have improved our practice and schools. Both of our schools serve a high percentage of Latino students. MAAC Community Charter School (MCCS) offers students a unique curriculum in which they learn traditional subjects in relation to real-world issues. MCCS was developed as the only local charter school to serve at-risk students who have not had success in the traditional system, and are in danger of not graduating for a variety of reasons. The community-based approach of MCCS is grounded in the theory of critical pedagogy

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and transformative justice that create an atmosphere in which academic progress is expected and diversity is celebrated in included in all aspects of the school. Chartered by Sweetwater Union High School District, M CCS is open to students 14–24 years old and provides the same core education classes offered at district high schools. Career pathway tracks provide students with baseline knowledge and skill set in the areas of multimedia and art. M CCS also has created a culturally and linguistically relevant and inclusive leadership development program. For these reasons M CCS was awarded the Charter School Dissemination Grant through the California Department of Education. The students at Academia Avance have continued to succeed by graduating at a high percentage of over 93% and those graduating have been accepted and enrolled at four-year institutions. In Avance’s 10-year existence no students have been expelled and a very strong parent organization have been established.

As of 2013, Latinos make up the majority of California’s public school students. Of all students in 2013, 52.7% were Latinos. As educators and educational leaders in inner-city Los Angeles and San Diego where our student population is over 95% Latino and more than 90% of all students receive free and reduced meals, we are focused on supporting our students who face abuse, neglect, and trauma. As a result, many of our students exhibit anti-social, unacceptable, or defiant behavior leading to them being pushed out of class and school. Statistics show that the majority of suspensions in many districts have been under willful defiance or equivalent category, disproportionately punishing Latino and Black students with the loss of instructional minutes and content. This suspendable category is highly subjective to opinion by the educator. Also, Latino and Black students are having disproportionate graduation rates throughout our nation. Statistics show, and we have experienced firsthand, that many prevention and intervention services and programs serve to increase retention and graduation rates.¹ One particular program proven to be effective and improve school culture is restorative or transformative justice.

The use of transformative or restorative practices has been proven to create an environment where students will have a chance to resolve interpersonal conflicts and through guidance be reintegrated into the school community without being suspended or expelled.² Also, these practices better teach our students to positively deal with conflict in the future, both in and out of school.

With the number of Latino students increasing in schools around the country, we are also seeing the numbers of Latino students being expelled and suspended from schools increasing at an alarming rate. In some of the larger districts in California, willful defiance has constituted for over 70% of all suspensions within a year framework.³

- **Latinos make up a significant part of the population.** Nearly one in four (23.9%) of all public school K–12 students are Latino as well as 16.5% of those enrolled in college, ages 18–24.⁴
- **Latinos are three times more likely to drop out of school than their White counterparts.** In 2010, 5% of White students and 8% of Black students did not enroll in school nor completed their requirements for a high school diploma compared to 15% Latinos.⁵
- **Students of color are disciplined more harshly than White students for “nonviolent, noncriminal, nondrug” incidents.** Black and Latino students received out of school suspensions almost twice as often as the received in-school suspension for minor incidents.⁶
- **Zero-tolerance policies have disproportionately targeted poor and minority students.** This holds true for Latino students, particularly students with a history of abuse and neglect, students with disabilities and English language learners. The “push-out” of these students has proven to further stigmatize students, enlarge the achievement and increase the dropout rate and recidivism.⁷

- **School expulsions and poverty help trigger gang involvement.** Of 80 people involved in gang activity in Multomah County, 83% were either expelled or suspended from school at some point. Most were kicked out for fighting according to the survey.⁸

Current Bipartisan Opportunities

There is a tremendous opportunity with reauthorization of ESEA and other bills and movements around school climate and culture to positively change the environment for marginalized youth. Senator Chris Murphy, a member of the U.S. Senate Health, Education Labor and Pensions Committee, and a number of other Senators introduced the Supportive School Climate Act of 2015.⁹ This bill would address the school-to-prison pipeline by reducing suspensions, expulsions, and other overly harsh school disciplinary actions to improve positive youth outcomes.

We believe that the federal government should be a partner in eradicating the school-to-prison pipeline in developing policies that would increase retention and graduation rates for all students in schools. Both federal and state governments stand to gain from creating a more educated society as well as a decrease in gang and criminal activity.

The National Council of La Raza is focused on keeping Latino students in school and decreasing the suspension and expulsion rates of Latino youth in schools, we are also focused on engaging Latino parents in their children's schooling. We agree with these bills, however as highly recognized educators, we understand the need to go further with improving the educational equity and lives for Latino and other minority students.

Evidence-Based Solutions

- ➔ **Recommendation 1:** Require states to reduce the number of suspensions, through eliminate the practice of suspensions under willful defiance, insubordination, and misconduct, and require all said offenses to conduct thorough parent conferences with proper prevention and/or intervention services or programs with proper documentation for interventions.

Willful defiance, insubordination, and misconduct accounts for more lost days of instruction than for any other reason in many states. This is a category of suspension we have personally seen be utilized to keep students out of school for such minor incidents as chewing gum, checking the time on a cell phone, to speaking out of turn. In California willful defiance was by far the primary reason students were suspended, accounting for 341,112 suspensions statewide. In some districts, willful defiance accounted for over 70% of all suspensions.¹⁰ As the title implies, willful defiance is highly subjected to opinion. Black and Latino youth are overwhelmingly disproportionately suspended under the guise of willful defiance. "Beginning at the preschool level (sic), students of color are suspended or expelled at nearly three times the rate of White students. The discrimination in application persists even once we account for differences in economic status. We now know that this unequal treatment at school meaningfully exacerbates the achievement gap and is often the initiating force in a vicious cycle of discipline, absenteeism, truancy, academic struggle, and eventual dropout."¹¹ On the other end of the suspension spectrum, for the past two years, Asian students, comprise about 9% of the population, White students 26%, accounted for only 2% and 20% of all willful defiance suspensions in both years, respectively. In some districts Black and Latino students are 10% and 23%, respectively, however comprised over 75% of all student suspensions and over 80% of all suspensions for willful defiance.¹² Students best learn and grow when they are permitted their constitutional right of being in school.

In California AB 420, elimination of willful defiance has set precedent to the need of decrease loss of instructional minutes. Some districts have broadened the bill to all K–12 levels. Willful defiance is disproportionately utilized to punish Latino and Black students, as well as students who have suffered trauma in the lives. The California Department of Education released statistics that showed defiance suspensions lowered by 24% in the year after AB420 was implemented. Proper interventions and supportive strength based programs ultimately lead to less acts of defiance, increases the students self-confidence, and attacks the core issue(s) affecting the students' behavior.¹³ When proper conferences include teachers, students, and parent/guardian, a deeper understanding of the child's needs become clear, and improves the practice of the educators. As such, we believe that states should:

- Eliminate this category as a suspendable offense, such as Los Angeles County has.
 - Provide list of interventions and supportive services to all faculty and staff.
 - Require a comprehensive parent conference with student and faculty/staff member responsible for the willful defiance offenses, with proper documentation.
- ⇒ **Recommendation 2:** Require states to include professional development for principals and teachers to effectively implement restorative justice programs and restorative justice circles, through pilot programs.

We need to dismantle the school-to-prison pipeline and empower schools, administrators, teachers, coaches, and counselors to promote policies that are fair and compassionate. Suspensions and

expulsions affect our most vulnerable students and keep them from graduating and becoming productive citizens. Restorative justice programs offer students restorative options to interpersonal conflicts, bullying, and suspension. It employs empathy and build responsibility in order to right wrongs, repair broken relationships, and, where punishment must be levied, reintegrate students back into the school community. The opportunity to resolve a conflict and fix the damage that has been done builds trust and strengthens relationships. Restorative practices have been proven to improve school climate and culture throughout the nation.

Restorative practices, when broadly and consistently implemented, will promote and strengthen positive school culture and enhance prosocial relationships within the school community. It is extremely effective if the whole school or district consistently uses these practices. The creation of pilot programs will ensure proper implementation through all schools.

- ⇒ **Recommendation 3:** Require states to add a restorative justice component to credentialing programs for all certificated school staff.

If all states require a restorative justice component in their credentialing programs, most new teachers entering the classrooms will be trained in the process of restorative justice.¹⁴ This will be advantageous for both the school, the teacher, and the students as it will positively affect the classroom management of the novice teacher. The new teacher will also enter the profession with a positive mindset regarding keeping students in class and in school. Restorative practices motivate students to rise to their potential of civic leaders, and ultimately improves school climate and culture.

Conclusion

We look forward to working with you on the ESEA reauthorization with inclusion of these highly needed recommendations. We applaud the work of the many legislators working to improve the equity and learning environment for the most marginalized students, and hope our recommendations are taken into consideration moving forward. While ESEA is a giant step in the right direction, there is still more need to lessen the damage many structures and procedures in place cause Latino and other students of color. Improve the retention (attendance) and graduation rates of all students through less unnecessary and unjust suspensions, increase in transformative/restorative justice practices, and the inclusion of transformative/restorative practices in all credentialing programs. We applaud you in your courage to take these difficult but necessary steps for the lives of our children, and for the future benefit to our nation. We thank you for taking the time to read our recommendations and look forward to your feedback. We welcome the opportunity to work with Congress to ensure that a reauthorized ESEA accomplishes our shared goals. Please contact us if you would like further information or to set up a meeting to continue the conversation.

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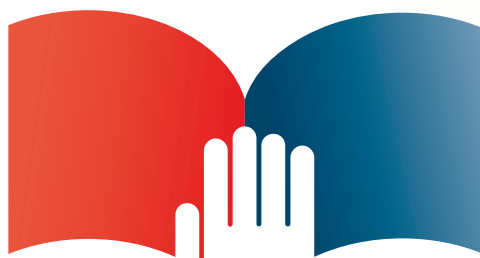
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Endnotes

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