

NAACP

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STATE CONFERENCE



*Boulder County
Branch #40-AB*
P.O. Box 19982
Boulder CO 80308

Board of Education
Boulder Valley School District
May 25, 2020

Dear Dr. Anderson and Members of the Board of Education,

Thank you for the opportunity to provide feedback on the district's new bullying policy as well as the proposed revisions to student discipline and conduct policies. We are very grateful for the new bullying policy, as the bullying of students of color has been a repeated concern for our organization. We appreciate that our regular interaction with the school district administration has impacted the district's views on student treatment and outcomes, especially for students of color. We appreciate that the district recognizes the current disparate treatment of students of color and is prepared to make changes to reduce disproportionate discipline in BVSD schools. As an organization that shares the district's goals of reducing bullying and disproportionate discipline of students of color, we offer you our feedback on how these new policies can be improved to increase their likelihood of success.

Bullying Policy

You are aware of our longstanding concerns about the bullying of students of color in BVSD schools. With regard to the proposed bullying policy, we urge you to consider the following additions:

1. Ensure episodes of bullying based on race, color, national origin, or other discriminatory basis are prioritized and expedited in their resolution, with specified time frames.
2. Create a process to make sure all cases of bullying are actually resolved.
 - a. In the drafted proposal, there is an implication that building principals will resolve all cases of bullying. As we have repeatedly shared with you, a bullying policy that stops at the building level is insufficient.
 - b. Add a delineated process for students/families to follow beyond the building if they do not find resolution at the building level.

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3. Commit to including people of color (students, families, community members) in the selection and design of anti-bullying programs, and consider anti-racism and anti-bias programs to fill these needs.
 4. Commit to tracking bullying data and resolutions/outcomes in a consistent and meaningful way.
 5. Share discipline and bullying data transparently and regularly (e.g., annually).
 - a. Data collection on bullying must go beyond climate surveys to include consistent documentation of every episode of bullying.
 6. Explicitly invite feedback from advocacy groups who might support students who have faced discriminatory bullying (eg, OutBoulder, CAPL, ELPASO, NAACP, POCC, and others).
 7. The proposed policies implicitly assume that school bullying only happens between students and do not address adult bullying of students at all. Children have even less power to resolve negative behavior directed at them by adults in the school setting. The most powerful adult bullying comes from school staff--teachers, administrators, and others. It may even provoke the kind of behavior from students which the other policies under revision are trying to prevent. This is a huge blind spot in the policies, and it absolutely must be addressed. A powerful way to prevent this inequitable power and behavior from staff is to give them a toolbox (training) for building appropriate classroom climate, behavior, and relationships, including deescalating difficult situations. We urge you to consider the perspectives and information in this *Teaching Tolerance* article: <https://www.tolerance.org/magazine/fall-2014/abuse-of-power>

Disproportionate Discipline

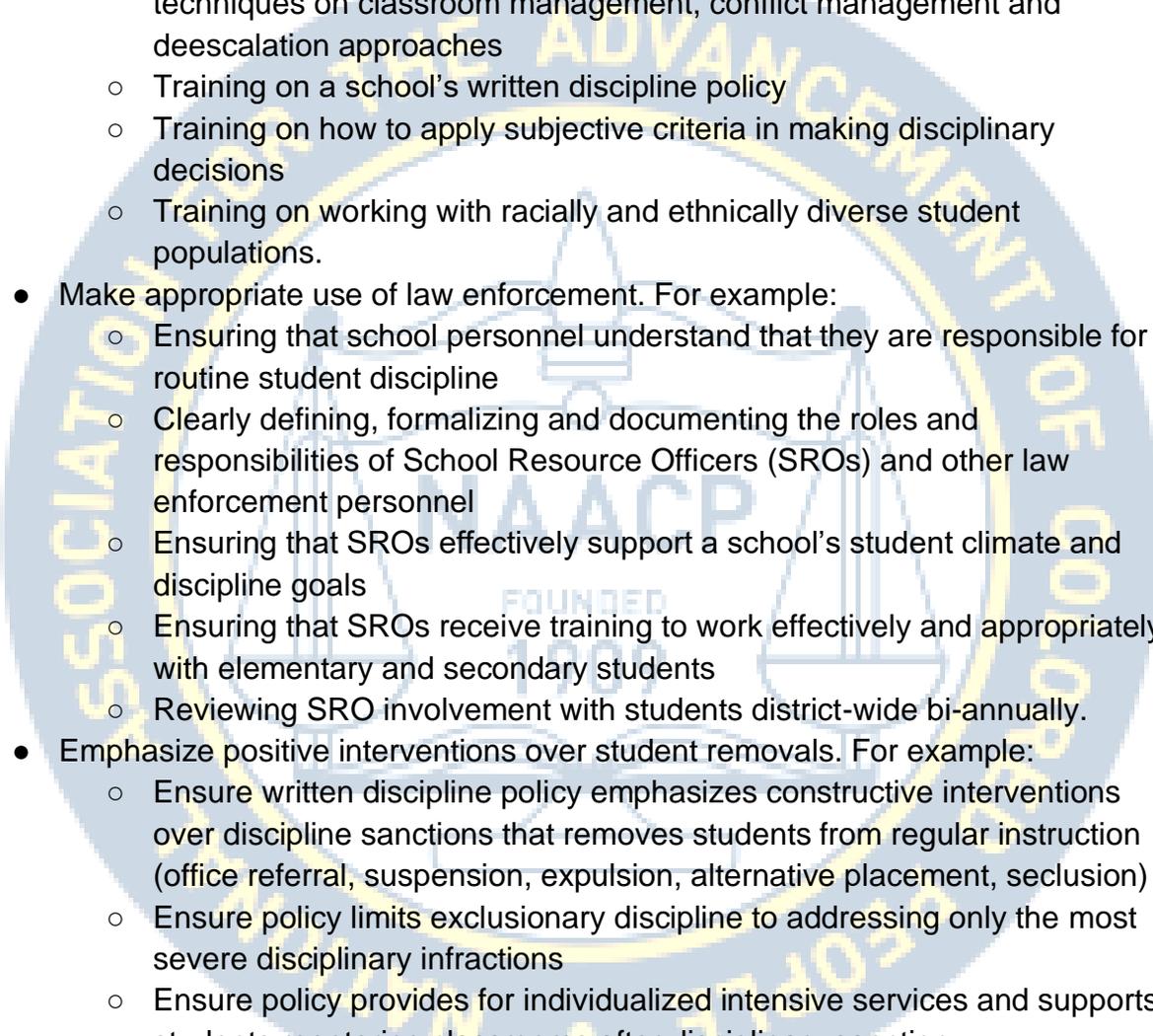
Research on schools across the United States finds that “students of certain racial groups tend to be disciplined more than their peers.” [US Dept of Ed OCR, 2014] We know from BVSD’s discipline data that BVSD schools are not exempt from this pattern: all BVSD schools discipline students of color at much higher rates than their white,

non-Latinx peers. We appreciate that BVSD recognizes the fact that “exclusionary discipline increases the likelihood of behavior problems, dropping out, substance abuse, and involvement with the juvenile justice system.” [US Dept of Ed OCR, 2014], and that policies regarding student conduct and discipline must be revised in order to close opportunity gaps for students of color in BVSD. The proposed revisions to the district’s disciplinary policies do move in the direction of more equitable practices, but they risk disparate impact discrimination (“facially neutral but factually discriminatory practices” [2019 NAACP Resolution]). We do not believe the proposed revisions go far enough to

ensure implemented discipline measures will avoid discrimination and will yield substantive changes to the currently discriminatory practices.

The "Dear Colleague" letter from the Obama Education Department's Office of Civil Rights offers valuable insights on reducing discrimination in discipline systems <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>. What stands out in this document is that in order to have "good discipline" and good outcomes for students of color, the emphasis must be in other areas: school climate and inclusivity, community building and deescalation, among others. The district's previous policies are not that different from the proposed changes. The key to reducing discriminatory practices will be in implementing better behavior and discipline systems. To that end, we ask you to consider the purpose of the code of conduct and discipline policy, and what you and the community hope to achieve. We all want safe schools and an end to negative behavior. Practices that emphasize changing concrete behaviors rather than punishing perceived attitudes or behaviors are key to successfully reducing disproportionate discipline. We are concerned with the lack of fundamental shift in the content and tone of the district's discipline policies. *A fundamental shift is required to effect change in current discipline practices.* While the new policies appear neutral on "paper," they are insufficient in their characterization and proposed implementation to prevent the same sort of disproportionate discipline already documented. We believe the district will make transformative and effective progress in reducing disproportionate discipline of students of color by committing to the following actions in its revised discipline policies (recommendations pulled from the "Dear Colleague" Letter as well as from the National Center on Safe Supportive Learning Environments, <https://safesupportivelearning.ed.gov>, Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide):

- Implement disciplinary and other systems which "support positive student behavior – thereby providing a range of options to prevent and address misconduct" [2014 Obama OCR "Dear Colleague" Letter].
- "Incorporate a wide range of strategies to reduce misbehavior and maintain a safe learning environment, including conflict resolution, restorative practices, counseling, and structured systems of positive interventions." [2014 Obama OCR "Dear Colleague" Letter]
- Follow restorative justice practices that commit to empowering children and adolescents to grow up to be happy, healthy members of society
- Provide a safe, inclusive, and positive school climate. For example:
 - Develop a comprehensive approach to classroom management
 - Positively reinforce student behavior
 - Encourage students to accept responsibility for behavior

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- Ensure there are sufficient school-based counselors, social workers, nurses, psychologists and other mental health providers.
 - Commit to the type and level of professional development for staff and teachers, that will be necessary for consistent, system-wide discipline changes to occur. Schools should provide training and professional development for all school personnel. For example:
 - Providing professional development and training in evidence-based techniques on classroom management, conflict management and deescalation approaches
 - Training on a school's written discipline policy
 - Training on how to apply subjective criteria in making disciplinary decisions
 - Training on working with racially and ethnically diverse student populations.
 - Make appropriate use of law enforcement. For example:
 - Ensuring that school personnel understand that they are responsible for routine student discipline
 - Clearly defining, formalizing and documenting the roles and responsibilities of School Resource Officers (SROs) and other law enforcement personnel
 - Ensuring that SROs effectively support a school's student climate and discipline goals
 - Ensuring that SROs receive training to work effectively and appropriately with elementary and secondary students
 - Reviewing SRO involvement with students district-wide bi-annually.
 - Emphasize positive interventions over student removals. For example:
 - Ensure written discipline policy emphasizes constructive interventions over discipline sanctions that removes students from regular instruction (office referral, suspension, expulsion, alternative placement, seclusion)
 - Ensure policy limits exclusionary discipline to addressing only the most severe disciplinary infractions
 - Ensure policy provides for individualized intensive services and supports students reentering classrooms after disciplinary sanction.
 - Monitor discipline policies and how they affect different groups of students. For example:
 - Develop policy of regular evaluation of each school's disciplinary policies to determine if they are affecting students of different racial groups differently;
 - Establish means for monitoring whether penalties imposed are consistent with penalties in discipline code;
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- Conduct periodic review of a sample of discipline referrals to ensure consistency in assignments.
 - Consistently collect and analyze data and plan responsive action. For example:
 - Collect multiple forms of data (school climate surveys, incident data, etc.) to track progress in creating safe, inclusive and positive environment
 - Collect data surrounding all discipline incidents, including incidents that do not result in sanctions
 - If disparities in discipline are uncovered, commit schools to plan to modify discipline approaches to resolve the cause of disparities.

Last but not least, we are concerned about the use of “informal” hearings between students and school administrators to initiate suspensions and expulsions. While we understand the need for timeliness in urgent situations, it also feels imperative that students be given the right to call upon some form of advocate, whether in the form of a family member, staff member, or other adult. We also encourage you to amplify and clarify the wording around “language and manner” in the suspension procedure to take into consideration English language development and child development. It is not clear if this indicates that age, ability, and/or English language proficiency (on the part of the student and/or parents) is considered and whether notice is to be delivered verbally, in writing, or both.

We would welcome further conversations as these discipline guidelines evolve. The community received these guidelines shortly before going to the board, which did not provide sufficient time for substantive feedback from impacted groups or the public. We appreciate the district’s attention to its disproportionate discipline, and are grateful the district is working to reduce inequities in its schools that negatively impact the success of students of color.

NAACP Boulder County Branch
Executive Committee and Education Committee