3rd Annual
COMMUNITY ACCOUNTABILITY REPORT CARD
Toward Ending the School-to-Jail Track in Denver Public Schools 2012-2013

BY PADRES & JÓVENES UNIDOS
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About the authors

The lead organizers of our End the School-to-Jail Track Campaign are Ricardo Martinez and Daniel Kim.

Rooted in the historic Chicano movement of the Southwest, Padres Unidos began organizing over two decades ago to demand school reforms to end the drop-out/push-out crisis and racial inequities in student achievement in Denver’s public schools.

Through a network of chapters at local public schools, our organizers work with students and parents to identify problems, their impacts and root causes, and to resolve them by conducting primary research, analyzing data and policies, and organizing grassroots campaigns that win concrete changes to institutional policies and practices.

Having identified racially discriminatory “zero tolerance” school discipline as one of the most important factors alienating and pushing out youth of color from school, Jóvenes Unidos, the youth initiative of Padres Unidos, has taken the lead in the organization’s signature campaign to end the school-to-prison pipeline by eliminating racial discrimination in school discipline and by limiting the role of police in schools.

A founder and leader in the national movement to end the school-to-prison pipeline


2005 Implementing restorative justice in Denver schools. Worked with Denver Public Schools (DPS) to secure funding to pilot Restorative Justice programs at 6 schools. Since then, 17 DPS schools have implemented restorative justice programs.

2006-2008 Rewriting Denver’s school discipline policy into one of the most progressive in the country (Policy JK / JK-R).

2010-2012 Passing the Colorado Smart School Discipline Law, one of the first and most comprehensive state bills to reform school discipline.

2011-2013 Forging a landmark police Intergovernmental Agreement (IGA) between DPS and the Denver Police Department to restrict the role of police in school discipline and promote restorative justice.

Acknowledgments

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Our thanks and appreciation to the Advancement Project, our partner in this work from the beginning.
With its groundbreaking package of community-driven discipline policy reforms, Denver Public Schools (DPS) is looked to nationally as a beacon for ending the school-to-prison pipeline and transforming the punitive, exclusionary, discriminatory discipline culture of traditional public schools.

- In 2008, DPS rewrote its discipline code (JK, JK-R) with Padres & Jóvenes Unidos to end punitive, exclusionary and discriminatory zero tolerance discipline.
- In 2012, DPS became subject to the statewide Smart School Discipline Law, led by Padres & Jóvenes Unidos, which mandated increased use of supportive disciplinary approaches such as restorative justice.
- In 2013, in response to Padres & Jóvenes Unidos, DPS renegotiated its contract (Intergovernmental Agreement—IQA) with the Denver Police Department. Jóvenes Unidos demanded that their voice be included in the negotiating process. As a result, the new IGA restricts the involvement of school police in school discipline and calls for decriminalizing student misbehavior.

This landmark package of policy reforms is widely recognized as one of the most powerful in the country. Yet policy changes without implementation are empty, unfulfilled promises. Faithful implementation—making these reforms real in every classroom and every school, not just on paper—continues to be the most important and difficult challenge we have with DPS today. Padres & Jóvenes Unidos recognizes that winning policy changes is the first part of our struggle. Getting laws and policy wins implemented is more difficult and requires innovative approaches to implementation and accountability.

That is why we appreciate the central office of Denver Public Schools, particularly Superintendent Boasberg and the Division of Student Services, as well as local school leaders for demonstrating over the years their commitment to change. Though there is much work to be done, their partnership with Padres & Jóvenes Unidos to achieve greater fidelity to the Denver discipline policy (JK, JK-R) gets us closer to ending the School-to-Jail Track for Denver’s students and families.
COMMUNITY ACCOUNTABILITY REPORT CARD, 2012-2013

For Denver Public Schools
Toward ending the school-to-jail track

This report examines DPS’ accomplishments over the last school year (2012-2013) with respect to implementation of the 2008 discipline policy and, most importantly, articulates what remains to be done in order to make DPS the district its students and families deserve. The information in this report comes from publicly available data and the stories and voices of youth from across the city. It was shaped by members of Jóvenes Unidos who care deeply about the future of their education and who feel that district employees must take more responsibility to fully implement the 2008 discipline policy and new state law. Based on the evidence gathered, we have provided DPS with its own annual report card on the implementation effort.

by Padres & Jóvenes Unidos

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CUMULATIVE GRADE | C
Denver continues to make steady progress reducing the use of out-of-school suspensions. In 2012-2013, suspensions came down 14% from the year before. Over the past decade since our campaign began in 2003, district-wide suspensions are down 60%.

In spite of its remarkable progress, in 2012-2013 Denver still had the 7th highest suspension rate among Colorado’s 20 largest school districts, showing there is still much more DPS can do to address the overuse of suspensions.

In Denver Public Schools, race matters in suspensions

Compared to a white student, a Black student in DPS is 6.1 times more likely to be suspended and a Latino student is 2.4 times more likely to be suspended.

Among the thousands of children still being suspended every year in DPS, racial disparities continue to be a serious problem.
In Denver Public Schools, race matters in expulsions

Compared to a white student, a Black student in DPS is 7.3 times more likely to be expelled and a Latino student is 1.7 times more likely to be expelled.

In spite of this progress, the most serious problem remains racial disparities in expulsions.
Compared to a white student, a Black student in DPS is 4.6 times more likely to be referred to law enforcement and a Latino student is 1.7 times more likely to be referred to law enforcement by their school.

In Denver Public Schools, race matters in law enforcement referrals.

In 2012-2013, law enforcement referrals increased by 35% compared to the year before. The number of referrals was the highest it has been since its peak in 2008-2009. The signing of the IGA between DPS and DPD at the end of the school year was a breakthrough and we will be watching to see it reflected in better data for 2013-2014.

Among Colorado’s 20 largest school districts, Denver was in the middle range for law enforcement referral rates in 2012-2013. Racial disparities remain central to the overuse of law enforcement in discipline.
Racial disparities continue to be the most significant failure of the district. Students of color have benefited meaningfully from the overall reductions of suspensions, expulsions, and referrals to law enforcement. But it is simply unacceptable that Denver still has the highest level of racial disparities in school discipline among the 20 largest school districts in Colorado.

A STUDENT OF COLOR IN DENVER PUBLIC SCHOOLS IS 189% MORE LIKELY THAN A WHITE STUDENT TO BE SUSPENDED, EXPELLED, OR REFERRED TO LAW ENFORCEMENT BY THEIR SCHOOL.

Under President Obama’s leadership, in January of this year the Departments of Justice and Education responded decisively to the grassroots advocacy of our national movement of the past decade by releasing a civil rights guidance on ending racial discrimination in school discipline. This new, explicit federal focus on civil rights enforcement and accountability raises the expectation that Denver will renew and redouble its efforts.

DPS’ new research partnership with the University of Denver only confirms the urgency. The DPS-DU partnership is beginning to produce findings that dispel the most common and deeply held myths about racism in school discipline. For example, there is a myth that the differences in discipline and punishment actually stem from poverty, not from racism. The findings show that even after accounting for a student’s disability and family income, students of color are punished more harshly and more often than white students for the very same behaviors.²

1 “Racial disparity index” refers to the ratio of suspensions, expulsions, and referral to law enforcement for students of color compared to white students. A rate of 1.0 indicates equality; greater than 1.0 indicates that students of color are more likely to receive these disciplinary punishments; 1.5 indicates that students of color are 50% more likely to receive such punishment, and so on.

2 Anyon, Y., McQueen, J., Jenson, J., Altschul, I., Farrar, J., Greer, E., Downing, B., & Simmons, J. (2013). Denver Public Schools accountability report: Disparities in school discipline outcomes. Denver, CO: Department of Mental Health and Assessment, Division of Student Services, Denver Public Schools.
Restorative Justice
DPS Grade: C+

DPS continues to slowly build the foundations for restorative justice throughout the district. It continues to provide a monthly 2-day training available to all schools through which it has built a substantial foundation for restorative practices: so far 85% of elementary schools have at least one teacher or staff members trained in the use of restorative justice.

Building the presence of trained staff in each school is an important step. But restorative justice will remain an isolated, sporadic practice in schools without stronger structural measures. Restorative discipline has the potential to displace and transform the widespread use of punitive, exclusionary discipline but that cannot happen without hiring a full-time restorative justice coordinator in each high school and middle school, and developing mandatory protocols for using restorative approaches in common discipline scenarios, especially in the classroom. DPS is currently reporting full-time restorative justice coordinators present in only 7 schools, which is hardly progress from the 6 schools with coordinators when DPS first piloted restorative justice almost a decade ago.

The new DPS-DU data partnership shows potential to be an important tool in pushing restorative justice implementation forward. It recently found that restorative justice had a modest but measurable impact on reducing suspensions for all students.

DPS, however, has made not made adequate progress on developing training programs specifically to target its greatest shortcomings: racial disparities and overuse of police. It does train school teams and district staff on cultural competency, implicit bias and racial discrimination but the trainings are not mandatory. It does not have or offer any trainings or guidance on how to minimize and restrict law enforcement involvement in school discipline matters. These trainings must be developed and made mandatory.

Data Collection
Grade: C+

DPS has achieved a comprehensive level of data collection and availability for suspensions, expulsions and law enforcement referrals. Data disaggregated by race, gender and school are publicly available but only in a difficult, inaccessible format that cannot be effectively used to drive the necessary changes. DPS must begin to deploy and direct that data in order to be able to strategically direct resources to address the most urgent and persistent problems in the unnecessary and discriminatory use of zero tolerance discipline. The new data partnership with the University of Denver has strong potential to provide exactly the kinds of analytic tools needed to craft the more strategically targeted solutions needed.

The largest gaps in data collection remain the tracking of restorative justice data and law enforcement data. Law enforcement referrals are still a black box for DPS. The district still has no data on what happens after a school calls in the police: how many referrals actually result in tickets, in arrests and for what charges. This is

Training
Grade: C

DPS took an important step in 2012-2013 by making training on JK-R mandatory for principals and continuing to expand voluntary training and staff development opportunities for teachers, administrators and staff on DPS discipline policies.
unacceptable given that it was a clear goal of the 2008 policy to reduce student contact with the criminal justice system and that it has also been a year since the district signed the IGA with Denver Police to enable this data sharing.

### Community awareness, self-advocacy

**Grade: F**

Policies JK, JK-R and the DPS-DPD IGA contain some of the most powerful and progressive protections and rights in the country for upholding and defending students’, parents’ and communities’ educational and civil rights in school discipline. It is a clear expectation of the DPS’ policy that schools parents and guardians should be aware of these rights and protections:

> “The District shall post this policy on the District web site and in each school, in English and Spanish. Copies of this policy and school rules will be made available, upon request, to each student and parent/guardian, and, upon request, translated in a language that the parent/guardian can understand. Individual schools are encouraged to train their students on the contents of this policy and other school rules and Codes of Conduct they adopt.”

Policy JK-R, Section 1-7

Yet there is an extremely low level of awareness among students, parents and guardians, the very people who are the most directly impacted and harmed by unfair and discriminatory disciplinary practices. **IN OUR COMMUNITY OUTREACH, WE ARE SEEING THAT STUDENTS, PARENTS AND GUARDIANS ALMOST UNIVERSALLY DO NOT KNOW EVEN BASIC 5-YEAR-OLD RIGHTS, SUCH AS THE RIGHT TO APPEAL SUSPENSIONS OR TO HAVE MAKE-UP SCHOOL WORK DURING SUSPENSIONS.**

A whole new generation of students and families have come into DPS since the first awareness campaigns and “Know Your Rights” school-wide assemblies in 2009. There are also important new rights and protections that have been won since 2008. It is time for a renewed community awareness campaign.

Widespread student and parent awareness is also a critical component of district-wide policy implementation. The policy changes at stake in DPS are fundamentally about carrying out a culture change in every school, to move away not only from anachronistic disciplinary practices, but also the philosophies and attitudes underneath them. Ultimately, this kind of deep transformation cannot be fully realized across a district from the top down in a purely administrative way. While that leadership from the top is also absolutely essential, this change also needs conversations to unfold in every school, bringing together administrators, teachers, staff, students, parents and community members to get behind the numbers and data at what is working and not working in real-time in each school.
SOLUTIONS FOR ACCOUNTABILITY & IMPLEMENTATION

Awareness campaign for 2014-2015: “Students & Parents, Know Your Rights!”

DPS should support and actively encourage Padres & Jóvenes Unidos “Know Your Rights” (KYR) presentations and workshops at schools beginning this fall (2014-2015), including school-wide assemblies, homeroom/advisory presentations, and parent workshops. DPS should require schools to distribute KYR materials, for instance, together with other annually distributed material (student agendas, parent handbooks) and together with discipline related communications, such as a suspension notice.

Launch new community accountability process with Denver Police Department for the DPS-DPD Intergovernmental Agreement (IGA)

The use of school police as disciplinarians—giving children criminal records for non-violent school misconduct—is one of the most harmful forms of zero tolerance discipline. The 2013 IGA was a huge step and a deep commitment to ending this criminalization of student behavior, yet law enforcement referral levels and disparities remain unacceptably high. The logical next step to ensure that the IGA is being faithfully implemented is to bring the two agencies together with Padres & Jóvenes Unidos to review progress from the first school year since signing the IGA. The accountability process should include:

- reviewing data on arrests and case outcomes, disaggregated by race, gender, age, school, and offense type;
- reviewing data on school police (School Resource Officer—SRO) trainings, especially the number of trainings, who was trained, and the subjects of the trainings;
- updates on SRO meetings with community stakeholders and/or meetings with school administration;
- setting a plan for and commitment to continued accountability meetings

Institute regular purging of student discipline records, create a mechanism to petition removal

Currently, every DPS student has a discipline record that follows them from elementary school until they graduate. We have seen this record used to stigmatize a child as a “problem” or “bad” and become justification for unfair punishment and treatment. We have also become aware of ways in which this record has harmful impacts similar to a criminal record, where it can affect a student’s college admission or be used against them in court. DPS should:

- in alignment with expulsion policy (which makes expulsion decisions on the basis of behavior over 1 year), purge students’ disciplinary records annually;
- create and publicize a mechanism for parents to petition for removal of discipline records less than a year old (for example, before their child applies to college).
Develop new data analysis and reporting tools for racial disparities to drive targeted, strategic solutions

The district is in a different place now than it was 4 years ago. The overall reductions in suspensions and expulsions have been important gains but racial disparities have not improved. The challenge now is how to address the most persistent and entrenched forms of institutionalized racism. It is time for the district to develop and make publicly available new data analysis and reporting tools to drive targeted, strategic solutions. These include:

▷ school-by-school reports aligned with federal best practice guidelines issued in January: showing rates of suspensions, expulsions, law enforcement referrals, and racial/ethnic disproportionality and disparity data for each school
▷ analysis of suspension, expulsion, and referral data by offense and offense type on a school by school basis
▷ district level analysis of racial disparities as a function of regions, school types, and grade levels
▷ district-level analysis of racial disparities as a function of offense

This kind of data analysis would enable the district to design trainings tailored to, for example, the types of behavior which are receiving the highest levels of discriminatory punishment. It would enable the district to begin a long overdue process of conducting JK-R compliance reviews of school discipline codes of conduct starting with the schools that need it the most. We have been calling for school-by-school reports since the beginning in 2011. If the district is not going to provide these reports, it must provide support to the community and advocates to develop them.
Parent and Youth Leadership Development

Padres & Jóvenes Unidos: Building the Political Will

Padres & Jóvenes Unidos works to educate thousands of parents and youth in Denver to drive education reform.

For youth, our high school chapters are the movement building force behind our policy victories. Working with Padres & Jóvenes organizers, Jóvenes Unidos students lead weekly on-campus meetings where they organize—class presentations, petition drives, school wide assemblies, rallies and press events—to End the School-to-Jail Track, demand Immigrant Rights, and build Black & Brown Unity.

Our parent committees are the force behind our College Prep for All and Health Justice Campaigns, dedicated to ending racial discrimination in public education. Parent members lead the charge for middle school reform, extended learning time, curricula that prepare all students for college, eliminating transportation barriers to access high-performing schools, and closing the achievement gap for students of color. Parent leaders organize presentations, media work, petitioning, and community meetings to advance educational and health equity for all.

Learning how to integrate theory with practice, parents and youth leaders participate in summer institutes with intensive training on what our goals are within the movement and how to organize to achieve them.