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Ending the School-to-Prison Pipeline

A Case Study of Community-led Disciplinary Reform in Kern County

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Introduction

In December 2012, Carmen Ramirez, a student at Arvin High School in Kern County, California, was reassigned to an alternative school 30 miles from her home, after being found with marijuana. The paperwork shared with her father, Mario, to explain the suspension and transfer were in English; however, Mario speaks mostly Spanish and allegedly gave consent without being fully informed.

That same semester, Gabriel Elder, a Latino student at Kern Valley High School, was suspended for “talking back,” “engaging in profanity,” and other minor offenses. Elder had recently been diagnosed with major depression and was exposed to domestic violence, but his mother’s requests to have the school provide counseling and special education services for Elder reportedly were refused.

Two years later, Jerry Reagor, an African American student who was attending Foothill High School in Kern County reported being harassed, threatened, and assaulted by gang members on his way to school. His mother raised the issue with administrators and school police, yet the school district allegedly did not take action. Instead, staff claimed that Reagor was the aggressor. KHSD later transferred him to another school, citing Reagor’s supposed “gang affiliations.”¹

These are just a few of the many allegations that appear in a 2014 lawsuit that a group of parents, students, and advocates brought against the Kern High School District, which, data revealed, was suspending and expelling its students of color at higher rates than its White students. The lawsuit referred to this as “systematic discrimination” and said that it had created a “racially hostile educational environment.”²

“The science really is clear: The more you send a kid away, the worse they get, not better,” said Dr. Jeffrey Sprague, a professor of special education at the University of Oregon who, in the late 1990s, helped pioneer Positive Behavioral Interventions and Supports (PBIS), a proactive approach to behavioral issues, which works to establish socially and emotionally supportive school climates. “For the students most at risk in our communities,” he added, “simply sending them away essentially trains them to become prisoners ... it’s called the school-to-prison pipeline.”

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Dr. Jeffrey Sprague

In July 2017, advocates succeeded in disrupting that pipeline. After three years of public pressure and mounting legal expenses, Kern High School District settled the lawsuit. Under the terms of the settlement, local schools are required to implement disciplinary reforms aimed at helping kids stay in school, rather than pushing them out.

“We consider it a landmark civil rights victory for Kern County,” said Dr. Gerald Cantu, benefits and policy director for the Dolores Huerta Foundation and a member of the Kern Education Justice Collaborative (KEJC), which was instrumental in making the reforms happen.

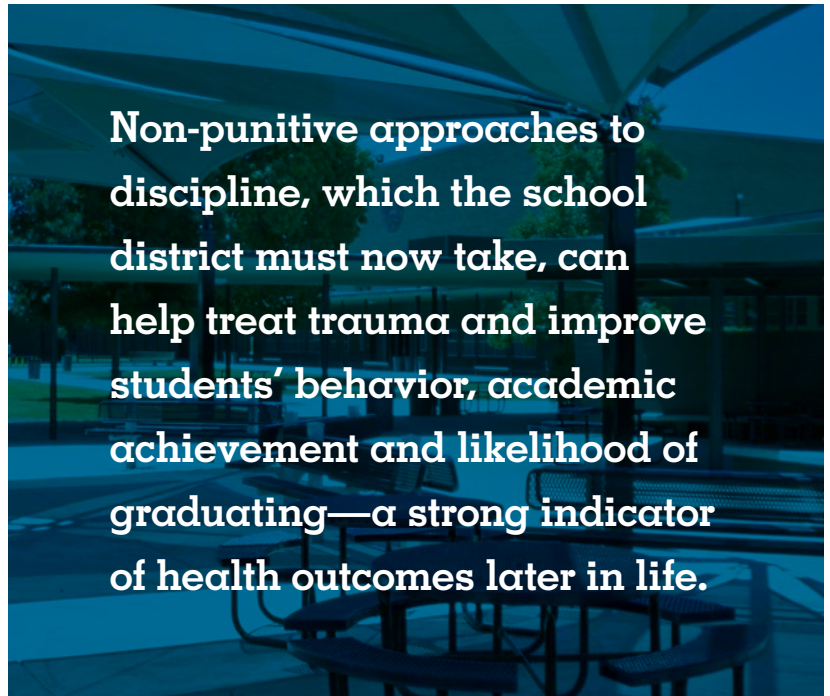
The settlement is also a triumph for health. Getting suspended or expelled can exacerbate hidden forms of trauma, such as hunger or violence, that students may be experiencing at home. “If this trauma isn’t treated, it’s giving rise to these behavioral issues,” Dr. Cantu said. “It’s going to pile on additional trauma ... and it’s not going to address the root causes of the behavioral issues.”

By contrast, non-punitive approaches to discipline, which the school district must now take, can help treat trauma and improve students’ behavior, academic achievement, and likelihood of graduating—a strong indicator of health outcomes later in life. These approaches include restorative practices, which empower students to resolve their own conflicts by bringing offenders and victims together to discuss the harms that occurred and possible solutions.

This is the story of how KEJC—the collaborative that drove the lawsuit forward—developed a vision for simultaneously improving health and social justice in their community and, in David-versus-Goliath fashion, toppled the barriers that stood in their way. KEJC’s process speaks to how difficult it can be to address forms of systemic racism in environments like Kern County, California, which is socially and politically conservative. Yet, it also underscores the power of collaboration. Local organizers worked with parents, students, faith leaders, educators, and others and realized a common goal.

Although the focus is on a single school district, this case study highlights the challenges, lessons, and ingredients for change that could help advocates in other locations achieve similar reforms.

“When we talk about drivers of change—partnership, people power, narrative change—the work of the BHC’s KEJC encompasses all of that,” said Annalisa Robles, senior program manager for The California Endowment’s Building Healthy Communities (BHC) South Kern, which helps support KEJC. “Each factor on its own is not enough.”





A Picture of Inequality Emerges

Kern County is a place of great assets but also great barriers. It is home to a robust farm worker population and has a strong tradition of community organizing. Fittingly, civil rights activist Cesar Chavez, who was a farm worker before becoming a labor icon and cofounding the United Farm Workers union in Kern, is buried in Keene, an unincorporated community in the county located at the southern end of the San Joaquin Valley.

Bakersfield, the county seat, is growing rapidly and becoming more cosmopolitan; however, the outlying rural communities continue to face many challenges, including geographical isolation, low educational attainment, and high rates of unemployment and poverty. Weedpatch, one of the poorest communities in Kern County is featured in Pulitzer Prize-winning author John Steinbeck's novel *The Grapes of Wrath*, which captured the struggles of tenant farmers driven from their homes during the Great Depression.

Residents in unincorporated areas lack a voice in decision-making and access to public services, and the county's institutions and leaders are not representative of the population. For example, until recently, only one of the Kern County Board of Supervisors' five districts had a Latino majority, even though the county's overall Latino population exceeds 50 percent. Following a lawsuit and voting rights challenge brought by the Mexican American Legal Defense and Educational Fund, a federal judge has since approved new district boundaries, creating two Latino-majority districts and increasing voters' political power.³

A politically and socially conservative area with a tough-on-crime mentality, Kern County also has a legacy of zero tolerance in school discipline. That legacy was reflected in a 2010 report from the U.S. Department of Education Office of Civil Rights, which revealed that Kern County had the highest suspension and expulsion rates in the state.⁴ In the 2009-2010 school year, Kern County schools expelled more than 2,200 of the school district's 173,365 students. School data reported to the California Department of Education and analyzed by The Center for Public Integrity put this number into perspective: Kern County schools during that time frame comprised fewer than 3 percent of the state's students but were responsible for 14 percent of the state's total expulsions.⁵

IN KERN HIGH SCHOOL DISTRICT, OVER A FIVE-YEAR PERIOD:

- Latino students—**55%** of enrollment; **60%** of expulsions
- African American students—**8%** of enrollment; **15%** of expulsions
- White students—**32%** of enrollment; **22%** of expulsions

What's more, the data showed that students of color were the most impacted, with their expulsion rates far out of proportion to their enrollment. In its analysis of school data, The Center for Public Integrity found that in the Kern High School District, over a five-year period, Latino students were 55 percent of district enrollment but 60 percent of expulsions; African American students were 8 percent of enrollment but 15 percent of those expelled; and White students formed 32 percent of the student body but accounted for only 22 percent of expulsions.⁶

Additionally, 4 percent of African American students and 4 percent of Latino students were removed from their local school and relocated to alternative schools with fewer academic and extracurricular activities; this is compared to just 2 percent of White students who were transferred.⁷ Kern County's African American and Latino students also have disproportionately higher dropout rates and lower graduation rates,⁸ both of which are linked to negative health outcomes later in life.

Further complicating matters, school leaders do not reflect the area's demographics. Data show that although more than two-thirds of the district's student body is Latino, approximately two-thirds of education staff and three-quarters of administrators are White. And, the Kern High School District Trustees include four White males and only one Latino. After the threat of a lawsuit, the trustees agreed to begin redistricting, and advocates are demanding that they create a second Latino-majority district.

Another obstacle confronting students in Kern County is a lack of mental health services. According to The Center for Public Integrity, fiscal challenges have limited Kern school officials' ability to help students who need extra social supports. In 2011, the Kern High School District had only 10 school psychologists for the entire student body—close to 38,000 students—and those psychologists were dedicated mostly to the district's special education students' needs.⁹

Like many other school districts throughout the nation, Kern County has high rates of bullying. This issue, along with a range of other socio-economic factors that drive trauma, underlines the need for strong mental health and social supports. In March 2017, a group of local lawyers with the Immigration Justice Collaborative that works to educate immigrant families about their rights sent a letter to principals at more than 200 schools in Kern County, stating that they had received reports of bullying and harassment in schools—mostly targeted at Latino and Muslim students—and reminding school districts of their legal obligations to protect students.¹⁰

Although this collaborative is separate from KEJC, the two groups share a goal of ensuring students' well-being and providing safe and inclusive school environments.



How KEJC Formed

This is the backdrop against which the Kern Education Justice Collaborative operates. Although the group now functions like a well-oiled machine, with monthly meetings, clear agendas, and policy objectives, forming the collaborative took vision and persistence.

The makings of it began in 2010, the year The California Endowment launched Building Healthy Communities (BHC), a 10-year initiative focused on improving health outcomes in 14 of the state's communities that experience significant health inequities. That year, as adult and youth residents, community groups, local advocates, and systems leaders came together to collectively identify priorities for South Kern, education topped the list.

Given the area's low graduation rates and high rates of poverty, TCE's Robles said the finding was no surprise.

"Education can be a pathway out of poverty," Robles said. At the same time, she noted, education can either inhibit or fuel incarceration rates, depending on the school climate around discipline. The San Joaquin Valley, where Kern County is located, is often referred to as the prison capital of the state—a title the community is eager to shed.

After their initial gathering, community members and TCE staff continued to meet over several months to set goals and discuss options for achieving them. Residents had a strong desire to improve school wellness related to school meals and beverages and to expand educational opportunities, and suggested advocating for a Bakersfield College satellite campus. But they were also highly concerned about suspension and expulsion rates.

Then, in 2010, once the BHC initiative was officially underway, the U.S. Department of Education's Office of Civil Rights released its report showing that Kern County had the highest suspension and expulsion rates in the state and that African American and Latino students were being disproportionately punished.¹¹ The following year, The Center for Public Integrity published its analysis of California Department of Education data, which yielded similar findings and pushed the issue in front of the public.¹²

The data validated the group’s desire to act—and to do so swiftly.

Still, they faced an immediate challenge: There were no local organizations that had the expertise to look at educational issues. Organizers in Kern County had roots in the labor movement, not education, so they had to “start from scratch,” Robles said. Many groups including the Dolores Huerta Foundation, California Rural Legal Assistance, and Greater Bakersfield Legal Assistance, wanted to take on the issue of disproportionate discipline, but they needed help framing the issue and understanding viable solutions. So, they sought the expertise of a BHC South Los Angeles partner, CADRE (Community Asset Development Redefining Education). The L.A.-based community organizing group collaborates with parents and uses a human rights framework to advance education reforms and end the school-to-prison pipeline in the Los Angeles Unified School District and at the state level.

CADRE helped Kern organizers build their capacity, engage local parents and students, and figure out what model to use to address the problem. Local advocates then came together to form the Kern Education Justice Collaborative, which they launched in 2011.

Core KEJC member organizations include California Rural Legal Assistance, the Dolores Huerta Foundation (DHF), Faith in the Valley-Kern (formerly Faith in Action Kern County), Greater Bakersfield Legal Assistance, and the National Brotherhood Association.

In many ways, the group’s formation was well-timed. The same year that KEJC formed, then-U.S. Attorney General Eric Holder and then-U.S. Secretary of Education Arne Duncan launched the Supportive School Discipline Initiative, a collaboration between the Department of Justice and Department of Education that was created to identify and reform schools with overly punitive disciplinary practices. This initiative thrust the school-to-prison pipeline into the national news spotlight, with groups like the American Civil Liberties Union immediately hailing the initiative.

“Maintaining a positive school climate is a critical responsibility of schools,” Deborah J. Vagins, ACLU senior legislative counsel, said in a statement. “Relying on exclusionary discipline practices, such as suspension, expulsion, and arrest have not been found to make schools safer or more productive. Improper school discipline undermines the educational mission of our nation’s schools.”¹³

This gave advocates in Kern County and across the country the opportunity to piggyback off of the national conversation to bring attention to local issues.

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Building People Power and Creating a Roadmap for Change

Although KEJC would later implement a strategic multimedia campaign, they first had to figure out their asks and develop a broad base of allies by building people power through engagement with parents, youth, and other community members.

KEJC members knew they wanted to prevent students from being typecast as willfully defiant for minor reasons and to shed light on issues like hunger, domestic violence, and other hidden health issues or forms of trauma that can cause youth to exhibit behavioral problems at school. KEJC wanted not only to help repair damage already done, but also to provide wraparound social and emotional supports to students who would benefit from improved access to mentors or mental health practitioners.



With those ideas in mind, KEJC members developed a set of recommendations for the Kern High School District. These included applying restorative justice practices to disciplinary procedures; implementing Positive Behavioral Interventions and Supports (PBIS); creating resource centers for parents and ensuring those centers are staffed with people who are culturally competent and bilingual; and changing how dollars are spent so that education funds would not go toward increasing campus police or other security personnel.

KEJC also wanted to track the KHSD’s suspension and expulsion rates to keep their data current, so they began requesting additional data from the school district. However, members of the collaborative said that the school district stonewalled them.

“There was no cooperation at all at the beginning with the district,” said Camila Chávez, a member of KEJC and the executive director of the Dolores Huerta Foundation.

Although California state law requires school districts both to report total numbers of expulsions and suspensions and to break down the data by students’ race/ethnicity and the nature of the offense, KEJC members said that KHSD failed to do so for the 2011-2012 year. Then, the following school year, the district reported a dramatic decline in suspensions and expulsions; however, members of the collaborative said those numbers did not appear to match any changes in the district’s discipline policies and questioned whether the district was changing how it counted expulsions.

For three years, KEJC members urged the school district to address its issues with suspension and expulsion rates. They met with school board members to try to get a commitment to change and a timeline for when policies would be implemented.



Meanwhile, KEJC began to conduct outreach to parents, both to learn about their children’s experiences within the school district and to help them better understand their rights and become involved in advocating for change. To recruit them, the collaborative used a combination of door-to-door canvassing, recruitment at events, and social media.

Staff from the Dolores Huerta Foundation, which is heavily involved in KEJC, then started recruiting parents to begin holding house meetings, with each host inviting seven to 10 friends to attend. Once they made enough contacts, they began holding larger community meetings and creating subcommittees for specific purposes, like education and civic engagement. At each of these events, parents and other community members received “a lot of training,” according to Dr. Cantu.

“[We] worked closely with the parents, and we started pushing them,” Dr. Cantu said. “The organizer is supposed to be pushing them, not on being the lead advocates, but encouraging them to become leaders themselves and go to board meetings or council meetings and advocate for various issues.”

Leticia Prado, a mother of six who is originally from Mexico and now lives in Weedpatch, is a prime example of one of the area’s many parents-turned-advocates. She got involved in community organizing after her husband began volunteering in the community and was introduced to the Dolores Huerta Foundation during a house meeting in Weedpatch.

“At the time, we didn’t know much about how systems worked, but little by little, we started learning,” Prado said, through a translator. “I narrowed in on the education system because, as a parent, I wanted to know about my children’s schools.”

In 2012, she joined a parents’ group that was organized in her community, which proved to be a big eye-opener: “We found discriminatory practices at our local high school,” Prado said. “We saw violations. There were disciplinary measures that amounted to zero tolerance. There was no information in Spanish available to parents.”

Prado and her husband then became part of the collaborative effort that would later result in changes to the school’s disciplinary policy. Yet, the following year, as parents like Prado were busy organizing, advocates experienced a setback: The Kern High School District’s superintendent retired, and KEJC asked the board to do an open search to look for a new superintendent outside of the district. They wanted to find someone who wasn’t so entrenched in the status quo and would embrace PBIS and restorative practices. They organized a petition and held a news conference to apply pressure; however, the board decided to hire from within the district.

Despite that setback, advocates gained other opportunities in 2013 due to legal changes at the state level. California enacted the Local Control Funding Formula (LCFF), which changed the way the state’s schools are financed and gave school districts more authority over how funds are spent. Under the new finance rules, schools must develop Local Control and Accountability Plans (LCAP), which require schools to engage parents and community members in decision-making. Seeing an opportunity, KEJC and parents began advocating for discipline reforms through LCAP.

KEJC member organizations like the Dolores Huerta Foundation, Greater Bakersfield Legal Assistance, and California Rural Legal Assistance held trainings to inform parents about school funding and provide them with questions to ask their districts during the LCAP process. Through the trainings, parents learned about the requirements that California school districts must meet when developing their budget strategies, what the implications are for high-need groups like low-income and English Learners, and opportunities for engagement.

For example, the Dolores Huerta Foundation encourages parents to sit on decision-making bodies like school site councils and school wellness committees. Through participation in these groups, parents are able to provide input on how LCAP dollars should be spent and can help hold their children’s district accountable for spending the funds as intended.

Prado, who attends parent meetings with her husband every Wednesday, said that one of their goals moving forward is to help to build greater parent involvement in the LCAP.

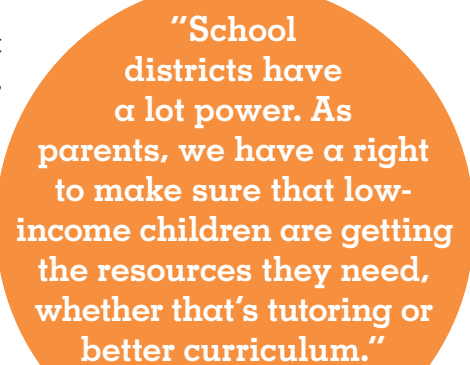
“School districts have a lot power,” Prado said. “As parents, we have a right to make sure that low-income children are getting the resources they need, whether that’s tutoring or better curriculum.”

Still, Prado said that many parents are afraid to speak up because of their immigration status and fear of authorities.

“Because these farm laborer parents are afraid to complain and stay quiet, the administration thinks that we as parents don’t care—and with the current political environment, parents more than ever are afraid to complain,” she said. “But many of us come from countries where we didn’t have opportunities to attain a high educational level. So, we will do whatever we can to give our kids a better education, a better life. You can’t imagine how difficult that is for some parents—to fight the fear, to find the time to attend meetings after working in the fields all day, to understand a completely foreign and complicated school funding system. That’s the challenge before us.”

Prado has embraced that challenge in many ways, including by running for—and, ultimately, being elected to—her local Vineland School Board in 2016. When asked what motivates her to continue working on behalf of her community, Prado was quick to respond: “We live in a rural area that is mostly Hispanic. Many are undocumented and work in the labor camps. I know that we don’t have political representation and equality that other communities have. I know now what local control funding is, and that our children aren’t getting their fair share. We want and deserve the same quality education for our children that other school districts with more money receive.”

Prado said her own children also motivate her continued involvement in the school system, and she, in turn, has motivated her children to pursue higher education. Her oldest daughter is currently attending Mills College in Oakland.



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Leticia Prado, parent



Applying Legal Pressure

Knowing that systems-level changes would not come easily, the collaborative had to shift its strategy. Fed up with the district's lack of action, in October 2014, a group of parents, students, and community groups, including the Equal Justice Society and some members of the Kern Education Justice Collaborative, such as California Rural Legal Assistance and the Dolores Huerta Foundation, decided to take legal action. Together, they sued the school district for systematic discrimination and alleged that the district had created a "racially hostile educational environment."¹⁴

The lawsuit stated that the district's discriminatory policies and practices had the effect of creating a "school-to-prison pipeline." The petitioners also cited the school district's racially disproportionate practice of transferring students of color to alternative schools and noted that although students who are transferred do not end up in prison or jail, they end up in a "school-to-nowhere" pipeline because they are more likely to become unemployed, underemployed, or work in low-paying jobs, which stunts their overall ability to flourish.¹⁵

Around the same time that the lawsuit was filed, KEJC started becoming much more strategic with its messaging, and the collaborative was able to keep the school district "on their toes," said KEJC member Erika M. Brooks, who is also a former education program manager for the Dolores Huerta Foundation.

After two years of pressure, advocates began seeing some signs of progress: The group succeeded in diverting \$2.59 million away from law enforcement and toward school climate. Another \$1.18 million in LCAP funding was designated for parent engagement, and eight new parent centers have been created in the district.

Members of the collaborative said these changes occurred only because of pressure from the lawsuit. KEJC member Kevin McNeill noted that the opposition was surprised by the group's persistence: "If you have been entrenched in power and had your way for so long, when people start to push back, it's alarming."

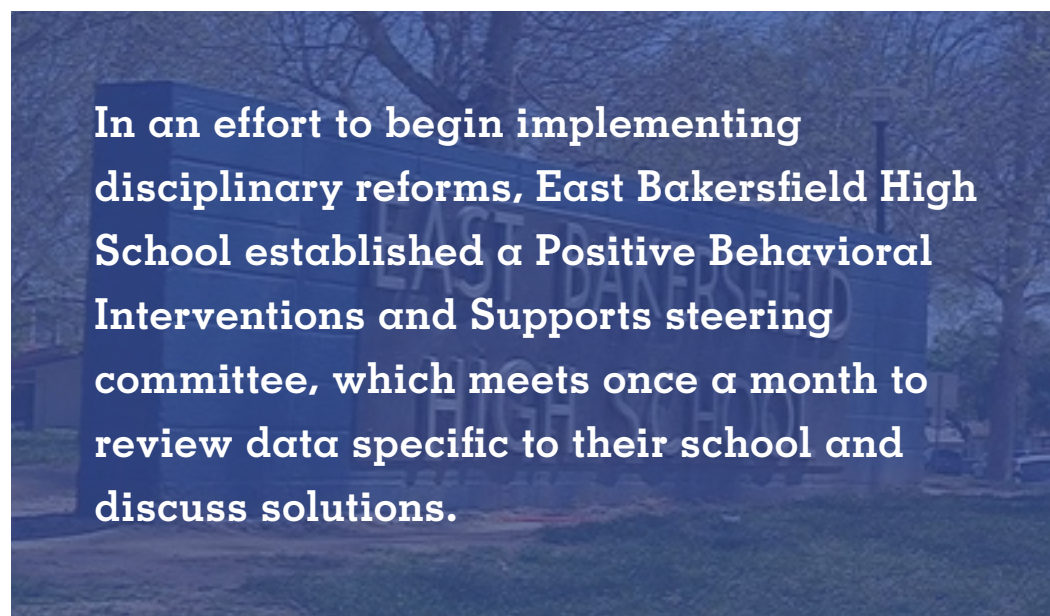
Using LCAP funds, the school district promised to start implementing disciplinary reforms. For example, East Bakersfield High School established a Positive Behavioral Interventions and Supports steering committee, which meets once a month to review data specific to their school and discuss solutions. They receive guidance from a consultant that the district hired to do a third-party analysis of state Department of Education data. (The data, released in 2015, corroborated the state’s findings about racially disproportionate expulsion and suspension rates.)

“This person helps us figure out where our next step should be ... [and] keeps us on track in the process of implementing PBIS,” explained steering committee member Jesse Aguilar, who is also involved in KEJC.

During this process, East Bakersfield High found not only disparities in suspension rates but also with the number of Hispanic and African American students enrolled in Advanced Placement (AP) courses, which help prepare students for college. Unlike the school district, which KEJC members described as “defensive,” the administration at East High has been “pretty open,” according to Aguilar.

“It’s accepted that we need to change,” Aguilar said.

On a parallel but related track, the broader BHC collaborative, including members of the KEJC, advocated and organized for more than five years to bring a college center to the City of Arvin, whose geographical isolation had been a barrier to accessing education opportunities and the benefits that come from higher ed. Through a multimedia communications strategy, letter-writing campaign, and other forms of community engagement, including in-person testimonies from parents and youth, the Kern County Community College Board of Trustees agreed to include \$25 million for the college center on a larger infrastructure bond measure in November 2016. The bond measure passed, and the transfer of land by the city to the College District has already occurred.



A Landmark Legal Victory

Rather than leading to complacency, these incremental wins fueled advocates to maintain their momentum. Despite the progress happening at schools like East Bakersfield High, the Kern High School District's rollout of disciplinary reforms was "slow going" and "piecemeal," Dr. Cantu said. So, KEJC continued to pressure the district to improve.

In July 2017, nearly three years after the lawsuit was filed, that pressure paid off, and the district settled the lawsuit. Now, changes like those happening at East Bakersfield High School will become standard throughout the district and potentially elsewhere.

"For the children who were subjected to these unfair policies, the harm has been done," Prado said. "But it was still a great victory for now and for our future school children."

The settlement shows that the school district acknowledged its history of African American and Latino students being suspended at higher rates than their White peers. District officials also agreed to create new discipline policies, with guidance from experts on implicit bias,¹⁶ or unconscious stereotypes that influence people's thoughts, decisions, and practices.

"We did this lawsuit so that your voices can be heard, and the district can take action to respond to the concerns that you raise," Cynthia Rice, an attorney with California Rural Legal Assistance, told parents and other residents at a community meeting following the settlement. "The settlement agreement provides a platform for you to do that in a number of ways."

The settlement, which Rice emphasized is comprehensive, focuses on four main areas: community engagement, data collection, mandatory training for school personnel, and sustainability.

First, Rice explained, the district will hold two community forums every year for the next three years. During these gatherings, district leaders will report back to the community on rates of suspensions, expulsions, and student transfers, as well as hiring decisions aimed at increasing diversity so that teachers are more representative of the student population.

"There will be a lot more transparency and disclosure because of the lawsuit," Dr. Cantu said.

A new data system created because of the settlement will also benefit teachers and administrators by allowing them to track discipline data in real time. The system will provide them with information not only on individual students, but also on any patterns so that they are better able to determine whether their policies and practices are affecting one group of students more than another.



“Schools have been accountable for academics for many years through state testing and things like that, and I think we’re finally at a point, I believe, where we can help schools be smarter around behavior and understand the relationship between misbehavior, academic achievement, and teacher behavior,” said Dr. Jeffrey Sprague, a member of the expert team helping to implement the terms of the settlement.

Teachers, administrators, and staff, including security officers, will receive comprehensive training on the new data systems. They also will receive education on implicit bias and will be coached on restorative—rather than punitive—approaches to discipline.

Additionally, the settlement will require the district to change disciplinary policies so that there is more engagement with parents. If a student receives disciplinary action, the district will now translate any related documents into the primary language of that student and his or her parent.

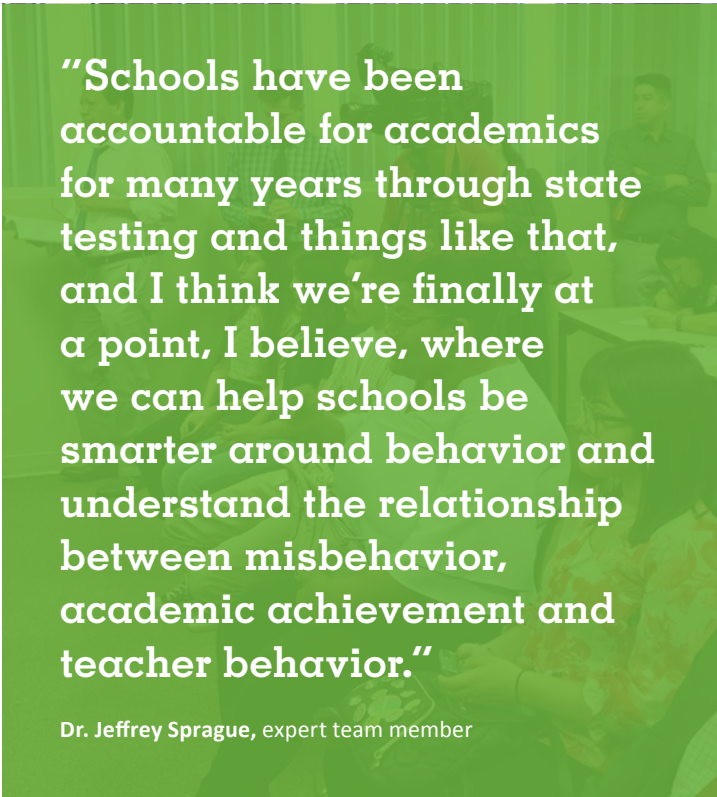
“There should never be a time again when a Spanish-speaking parent is asked to sign a document in English that will affect their students,” Rice said. “The district has committed to that.”

Finally, the settlement aims to ensure that this work is sustained over the long term.

“We don’t want this to be something [where] we’re there for three years, or however long that is, and then we’re gone and everything falls and it’s not kind of normalized,” said Dr. Jon Eyler, another member of the district’s implementation team and the founder of Collaborative Learning Solutions, an educational consulting firm.

One goal of having an expert team to guide the school district’s reform process is to ensure that every student “feels supported” and “every family member feels like the schools are there for them and their children,” said Rachel Godsil, a member of the implementation team who is also a professor at Rutgers Law School and the cofounder of the Perception Institute, a consortium of researchers with expertise on implicit bias and how people can overcome it.

Other members of the expert team include Dr. Nancy Dome of Epoch Education and Dr. Edward Fergus, an assistant professor of policy, organizational, and leadership studies at Temple University and an adviser to the Center for Equity and Achievement at NYU Steinhardt. Dr. Fergus will be leading school site teams in looking at data on advanced placement, discipline, and participation in special education; he will help teams do problem-solving regarding the disparities they see.



“Schools have been accountable for academics for many years through state testing and things like that, and I think we’re finally at a point, I believe, where we can help schools be smarter around behavior and understand the relationship between misbehavior, academic achievement and teacher behavior.”

Dr. Jeffrey Sprague, expert team member

“We’re talking about a dream team of discipline reform,” KEJC’s Cantu said, referring to the group’s deep expertise around education, racial bias, and approaches to discipline.


While the expert team will be issuing guidance to the district, they will also be receiving guidance from others. For example, Professor Godsil is working with an educator of color and longtime school principal from Brooklyn, New York, who understands schools’ daily operations, has experience creating equitable practices within segregated school systems, and has raised her own children within those systems. The idea is to make sure that the efforts in Kern County are grounded both in science and in real-world experience. Additionally, the expert team will seek community input throughout the process.

“The features that are being put forth here [in the settlement] are really important, they’re really solid, they represent the best that we know,” Dr. Sprague said. “We also have a long way to go in terms of learning so ... we’re trying to be inclusive here.”

At the meeting, the expert team encouraged community members to share stories about what harms they and their children have experienced, as well as any progress they’ve observed. Meeting participants were also provided cards with a website¹⁷ that provides additional settlement details and a toll-free number that people can call to raise any ongoing or future issues related to discipline and racial injustice in the district.

“We have been at war for three years,” said Eva Paterson, president and founder of the Equal Justice Society, and part of the team that brought the lawsuit against the district. “Some of you have been at war with the district for longer. Peace has been declared, so take a deep breath.”

“The district is here trying to do the right thing. ... If they don’t, they know we’ll be back,” Paterson added.



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The Special Role of Strategic Communication

Although legal pressure was critical to advocates' victory in Kern County, a multimedia strategic communications campaign, including social media, billboards, radio and print ads, played a vital role throughout the process.

When the lawsuit against the district began in 2014, the community initially reacted with surprise and confusion. According to Aguilar, many residents did not understand the need for disciplinary reform. Their first response was, "Discipline's important; [students] need it," he said. "It's more of a law-and-order kind of reaction."

That response was also common among teachers who, Dr. Cantu said, viewed KEJC as "being responsible for putting handcuffs on them or preventing them from disciplining students."

Additionally, the BHC collaborative was focused on a range of other issues, such as protecting and defending bathroom rules for transgender students and advocating against policies that allow teachers to carry guns on campus. So, elevating school disciplinary reform without pitting it against or diminishing the importance of other issues took finesse and intentional coordination.

To garner support and to help parents, teachers, and other members of the public make sense of what was happening, KEJC made communication a top priority.

"The first step in all of this [was] to educate the community that there has been a series of generational missteps," said KEJC member Kevin McNeill, referring to the school district's racially biased policies and practices. "You know, we're not just talking a couple of weeks of bad decisions. We're talking generations of missteps."

One hurdle to informing the community members was the fact that many households in Bakersfield do not have kids in school. “Just starting off the bat right there, they’re not really necessarily plugged into the educational issues that are going on,” Aguilar said. It’s not until newspapers, radio, and TV stations pick up the story that it “hits their radar,” he said. “That’s when they start paying attention.”

So, KEJC leveraged local media outlets to raise the issue and get their message out. They began using a “schools not prisons” framework to garner support. According to Robles, they also asked, “How does Kern change its culture to start seeing young people as an asset, not a deficit? How [do we] put young people first and invest in education?”

With those questions and reflections guiding them, the group framed the issue as a matter of equity and tried to consistently make the connections among health, education, and equity clear.

For example, in June 2015, KEJC’s Erika Brooks authored an op-ed in *The Bakersfield Californian* on the community’s education crisis. In it, she highlighted data on racial disparities in school discipline and used the space to hold the Kern High School District to its promise to provide a safe learning environment for all its students. Specifically, she urged the district to make positive changes, such as using dollars from the Local Control Funding Formula to improve services to help kids stay in school and “become college and career ready.” She also encouraged them to implement restorative justice practices and Positive Behavioral Interventions and Supports; hire more counselors and reduce class sizes; and train school district employees on understanding implicit bias and its effects.¹⁸

She also sought to show how education and school discipline are issues that affect everyone in Kern County: “When a child is thrown out of school for a minor issue, we all suffer, because that young person isn’t in class and isn’t achieving,” Brooks wrote. “When our youngest residents are thriving and learning and receiving a quality education, it lifts the whole community—all of us.”

To complement local media outreach efforts, KEJC launched a full-scale communications strategy the following year, which included targeted billboards, social media, radio, and print ads. The strategy reinforced local messaging and elevated the tagline “Keep Them In, Don’t Kick Them Out—Hold Our Elected School Boards Accountable,” giving momentum to local advocacy and partners.

Additionally, KEJC maintains a Facebook page, which they use to amplify education-related news coverage, share criticism of and praise for school leaders’ actions, and highlight opportunities for parents and others in the community to get involved. In recent months, they have also posted links to stories that help connect the dots between local education issues and national programs such as Deferred Action for Childhood Arrivals, or DACA,



which has helped thousands of undocumented students attend college, but is being phased out under the Trump administration.¹⁹

Following the lawsuit settlement, members of the team that filed the lawsuit and the experts who are helping the Kern High School District implement restorative practices and PBIS held a news conference to frame the decision as a momentous win and to explain the terms of the settlement to the media.

During that news conference, several of the experts also took care to avoid “us versus them” framing. Instead, they focused on how people in the community want to do the right thing and how the new disciplinary practices will help people to better align their actions with their values. Rather than portraying the district’s disproportionate expulsions and suspensions as the result of malice, they focused on the positive changes happening and underscored the district’s role in being part of the solution.

“We’re at a very difficult time in our nation’s history where Black and Latino people are feeling under attack [and] racism is on the rise again. This settlement really constitutes a hopeful vision for how the country can be,” Paterson said. “The district has committed itself to hiring some of the best people in the country to figure out how to deal with the fact that lots of Black and Latino kids are getting expelled, but the teachers do not want to be racially biased. And you’ve got the best people in the country who can help them figure out how to change their attitudes and their policies so our kids stay in school.”

Continuing a focus on solutions, Professor Godsil added: “The research tells us that in order for institutions to succeed, teachers need to feel supported, administrators need to feel supported, and that will translate into families and children, of course, most importantly, feeling supported. So, the collaborative nature of this work and everyone coming together and looking in a positive way toward what the future can be for the schools and for the kids is what the research tells us will work. And, so, in some sense, everyone’s interests are aligned here.”

COMMUNITY VOICES

Get engaged to end pushout of students of color at KSHD

The Dolores Huerta Foundation and Dignity in Schools Campaign California joined forces this past week to call on schools across the nation to end the pushout of students of color. This year’s theme was “Education is a human right! We will not give up the fight!”

The week of action was timely. Very recently, the DHF, Faith in Kern, National Brotherhood Association and Kern High School District parents and students achieved a historic civil rights victory on behalf of students of color through the settlement of Sanders et al. v. KSHD (filed in 2014). Sanders charged KSHD with suspending and expelling black and Latino students at higher rates than their peers.

The suit’s baseline discipline data was school year 2009-2010, when Kern County schools, astonishingly, expelled 2,588 students (more than all of Los Angeles Unified School District, which is seven times larger). Only 10 percent of these expulsions were for serious offenses requiring mandatory expulsion. The remaining 90 percent were for non-serious discretionary offenses. Students of color were disproportionately expelled. In effect, Kern schools were pushing the equivalent of a whole cohort of high school youth out of schools and into the school-to-prison pipeline.

Although suspensions and expulsions have gradually gone down for all groups since 2009-10, there is more work to do. Racial inequities persist. At KSHD in 2016-17, the suspension rate among African-Americans was 22.4 percent as compared with 8.5 percent for whites. African-American youth represented 23 percent of all expulsions even though they only made up 5.9 percent of enrollment.

This data was presented by KSHD on Oct. 19 at its first-ever community forum on school climate, which represents an

important fact for two reasons: First, it is unprecedented to have discipline data so quickly after the school year. Community stakeholders usually have to wait one to two years to receive data from the California Department of Education.

Second, this meeting was held because the terms of Sanders’ settlement require

KSHD to produce this data at semi-annual community forums. These forums also allow the public to provide KSHD with input on the data and other discipline-related issues. (There are other settlement terms which provide powerful tools by which the community and advocates can ensure that KSHD will abide by their agreements. A copy of the settlement agreement can be downloaded at kernstudents.com.)

As mentioned, progress has been made on reducing overall suspensions and expulsions at KSHD. This was the result of years of grassroots organizing and pressure on KSHD from the community and advocates. After the baseline data of 2009-10 was reported by the U.S. Department Office of Civil Rights, the DHF began working with KSHD parents and students to change the punitive discipline policies and culture that were responsible for the school pushout, and neither the DHF nor the community has let up since.

There is work yet to be done. The next step is to address the racial inequities that persist despite a decrease of discipline overall. With Sanders behind us and the implementation of the settlement before us, we are in position to create a school climate that prepares all youth for

college, careers and meaningful lives of opportunity.

KSHD is in the midst of systemic change. The cumulative effect of years of external community pressure, collaboration between stakeholders, and implementation of comprehensive solutions has led to substantial changes at multiple levels within the institution of KSHD. Changes in culture, training, policy, law, hiring and governing practices, etc., are what it takes to bring about systemic change. The implementation of the settlement has the potential to effect even more change.

However, this goal will not be realized unless the community remains engaged. Here are some of the following ways you can get involved to make a difference:

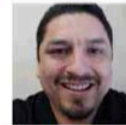
Attend KSHD’s semi-annual community forums on school climate as required by the settlement, and provide your feedback during the input session.

Attend your school district’s LCAP public hearings, and let officials know you want to see state funds earmarked for low-income students used to close the achievement gap.

Attend monthly district board meetings, and during public comment demand that your trustee, who represents you as an elected official, dismantle the school-to-prison pipeline.

Vote every two years to hold your district trustee accountable for their actions. Completing the work at KSHD and dismantling the school-to-prison pipeline once and for all requires your civic participation at all of these levels. So get involved and stand with the DHF and DCS-CA as we proclaimed: “Education is a human right! We will not give up the fight!”

Gerald Cantu, Ph.D., is education policy director at the Dolores Huerta Foundation.



GERALD CANTU

Challenges

KEJC has made extraordinary progress in a relatively short period of time. However, organizers faced many hurdles along the way, including logistical challenges (the Kern High School District includes 18 high schools and serves more than 38,000 students, making it the largest district for grades 9-12 in the state); an adversarial relationship with the Kern High School District; a socially and politically conservative population resistant to change; and a tough-on-crime perspective that persists, even after the legal victory.

That mindset has informed school district policies beyond school discipline alone. While KEJC members were applying legal pressure to get the Kern High School District to reform its discipline policy, they were simultaneously resisting a June 2016 Board of Trustees decision to allow teachers and certificated staff with concealed carry weapon permits to bring guns on campus. Such policy was possible because of a loophole in state law on firearms.

The policy would come back before the board for a final vote in November 2016. To stop the new campus carry policy from moving forward, KEJC organized a news conference, which included a student, school counselor, parents, and community activists who spoke against the policy, and started a petition, among other efforts. They gathered approximately 2,500 signatures for the petition, which they delivered to KHSD Trustees in the month leading up to the vote, that stated that allowing more guns on high school campuses would increase dangers for both students and staff members, and they emphasized that gun violence disproportionately affects students of color.

“The KHSD is a racially diverse school district with some campuses having ethnic minority populations of 89 percent or more,” stated the petition, which also noted that the policy would increase liability costs and potentially take general funds away from classroom instruction.

KEJC also pitched stories to news outlets, and their message got picked up by local radio, Spanish media, and print and online outlets at both the state and local levels. In an October 2016 op-ed,²⁰ published in *The Bakersfield Californian*, KEJC’s Aguilar rebutted the district’s claims that a concealed carry policy would improve safety and pointed out the irony of restricting other, arguably less harmful, items from school grounds, while still allowing guns.

DHF une fuerzas para eliminar la expulsión de estudiantes de color en las escuelas del KHSD



Dolores Huerta durante su discurso el miércoles pasado. A su lado aparece Jesse Aguilar, maestro de la preparatoria East (EHS). Foto: Raúl Camacho, Sr. / El Popular

ALFONSO SIERRA /
EL POPULAR

BAKERSFIELD, CA – En una ronda de prensa que se llevó a cabo el pasado miércoles, 25 de octubre en la sala de conferencias de la Fundación Dolores Huerta, ubicada en el 1527 de la calle 19. La Fundación Dolores Huerta junto con la Colaborativa de Justicia en la Educación de Kern y la Campaña de Dignidad en las Escuelas California (DCS-CA siglas en inglés) se unieron en fuerza durante la semana del 21 al 29 de octubre para llamar a las escuelas a través de la nación para poner un fin a la expulsión de estudiantes de color. Utilizando como su lema “¡La educación es un derecho humano! ¡No dejaremos de pelear!”.

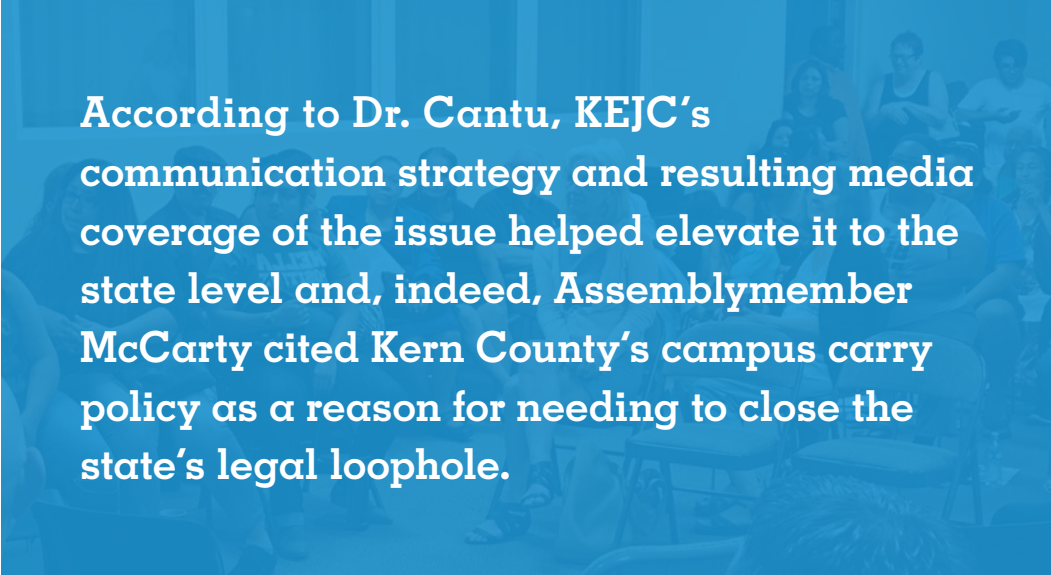
Aunque las suspensiones y expulsiones han bajado gradualmente en todos los grupos estudiantiles desde el ciclo escolar 2009-10, este trabajo no se ha acabado. Todavía persisten las inequidades raciales, dando por ejem-

plo el ciclo escolar 2016-17 del Distrito de Preparatorias de Kern donde la tasa de suspensión entre estudiantes de raza afroamericana fue del 22.4% comparada con el 8.5% de los estudiantes blancos. Es decir, que los estudiantes de raza negra representaron el 23% de todas las expulsiones, aunque solamente marcan el 5.9% del populacho estudiantil.

El panel de oradores que estaban presentes incluía a Camila Chavez, directora ejecutiva de la Fundación Dolores Huerta; el señor Jesse Aguilar, maestro de la preparatoria del Este y a Dolores Huerta, presidente de la Fundación Dolores Huerta. El moderador fue el señor doctor Gerald Cantú, director de organización cívica de la DHF.

Durante su presentación el doctor Cantú indicó que se han encontrado a otro distrito escolar que tiene una tasa de expulsiones mucho más alta, el

VEA “ESCUELAS” página 3A



According to Dr. Cantu, KEJC’s communication strategy and resulting media coverage of the issue helped elevate it to the state level and, indeed, Assemblymember McCarty cited Kern County’s campus carry policy as a reason for needing to close the state’s legal loophole.

“The board fails to acknowledge that active shooter scenarios are rare but that accidental discharges are not,” Aguilar wrote. “One KHSD board member recounted a story to me of a meeting he attended where a CCW (Concealed Carry Weapon) permit holder got his gun caught in the back of a chair while standing up. The gun fell to the floor and discharged. What if that had been a classroom, a school library, a school cafeteria, or school auditorium?”

“The potential harm of inviting guns into densely populated schools greatly outweighs the improbable benefits,” he continued. “Board members seem to ignore the very real potential danger they would be placing over student and employee heads for the incredibly rare possibility that a single teacher will stand as the last line of defense. As a teacher, I’m not allowed to use cleanser to wash desks for the potential harm it may cause students, but guns are OK? It’s absurd.”

Despite these appeals, in November 2016, the board upheld its concealed carry policy. However, in October 2017, advocates got a boost when California Gov. Jerry Brown signed a law that will prevent school districts from allowing school employees with concealed weapon permits to bring guns onto campus.

“A safe learning environment is essential for our children to be successful in the classroom,” Assemblymember Kevin McCarty (D-Sacramento), the author of the bill, told news reporters. “That’s not possible if a school district allows armed civilians to roam California school campuses.”²¹

According to Dr. Cantu, KEJC’s communication strategy and resulting media coverage of the issue helped elevate it to the state level and, indeed, Assemblymember McCarty cited Kern County’s campus carry policy as a reason for needing to close the state’s legal loophole.



Lessons Learned

As KEJC members built their organizing capacity, crafted a legal strategy, and developed a media outreach and communication plan to create a healthier school climate in Kern County, they learned several lessons that may be useful to other advocates and community organizers working on public health and social justice issues:

SEEK HELP FROM OTHERS.

From the start, advocates in Kern County knew they would need assistance developing the capacity and strategy required to succeed in reshaping the picture of school discipline in Kern County. Instead of giving up, they sought help from advocates in another part of the state with expertise in organizing around educational issues. That initial step made all the ones that followed much easier and more effective.

BUILD PEOPLE POWER.

It takes time and investment to build community members' leadership for advocacy. However, without this, KEJC would not have gotten the results they did, nor would they now be in a position to monitor the reform process and hold school administrators accountable for making the changes that they promised. At every step of the process, it is important to engage residents; they know how to interpret data, provide testimony, and can sit on decision-making bodies where policy is crafted.

PUSH FOR EXTRA VICTORIES.

KEJC didn't walk away from the issue when they began experiencing early wins. Instead, they forged ahead and insisted that the school district do better. And now, even though the district agreed to significant changes through the settlement, KEJC remains vigilant, with its members monitoring the district for compliance and implementation.

DO NOT RELY ON A SINGLE STRATEGY, AND DON'T RULE OUT LEGAL ACTION.

KEJC used multiple strategies, including community engagement and strategic communication, to achieve their goals; however, the disciplinary reforms being implemented in Kern County may never have become standardized across the district without legal action. The pressure of a lawsuit—even years before it was settled—led to other victories for KEJC, with the creation of new parent centers and the reallocation of funds from sources, such as campus security, that could exacerbate suspension and expulsion disparities.

FAST PROGRESS IS POSSIBLE.


Significant social change often takes decades, but with laser-focused goals, robust collaboration, and tireless motivation, it can happen sooner. Only a few years passed from the release of the State Department of Education data on suspensions and expulsions to KEJC's early signs of progress, and within seven years, the school district settled the issue and agreed to concrete policy changes.

SUCCESS DOES NOT ALWAYS FOLLOW A STRAIGHT LINE.

As Barack Obama said many times during his presidency, social progress comes in fits and starts. It zigs and zags and can make it difficult to remain hopeful. KEJC experienced one of those zags when the Kern High School District Board of Trustees approved a policy to allow teachers to carry guns on campus. But instead of shrinking from future challenges, they pressed on and months later gained a major legal victory that will reshape school disciplinary practices for thousands of students.

DON'T UNDERESTIMATE THE UNDERDOG.

KEJC's story shows that a small group of advocates can start from nothing and build something remarkable. What they lacked in size, they made up for in strategy and tenacity.



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Next Steps and Vision for the Future

Asked what vision they are striving toward and what dreams they hope to realize for their community 15 or more years down the road, KEJC member Tim Douglas said he wants to see equity in access to a fair, quality education, as well as equity in discipline, opportunities, and outcomes.

“We want to see discriminatory discipline done away with—kids being treated fairly and being kept in school,” Douglas said.

Others said they want mental health addressed in a more focused way. “I think that’s another big [issue] that’s looming out there,” Dr. Cantu said. “I think there’s a lot of kids that are suffering from mental health issues that are not being served—not just this community, but in most communities.”

As the district moves forward with implementing the terms of the settlement, KEJC members would like to see the mental health services provided as part of the continuum of discipline practices. “These multitiered systems of support should include a community-schools model where a social worker, a resource specialist, is going to be connected with students so they can be screened for trauma and treated for trauma,” Dr. Cantu said.

To that end, KEJC is currently advocating, through LCAP funding, for increasing the number of social workers and nurses on school campuses. And youth, who the Dolores Huerta Foundation recruit through its equality program, have recently engaged in the LCAP process and advocated for LGBTQ-friendly policies and cultural competency training for district staff.

“Every kid has a right to a quality public education—every kid, regardless of who that kid is. Regardless of what zip code he lives in. Regardless of what kind of issues the kid is dealing with,” Dr. Cantu said.

KEJC members, as well as the attorneys who brought the lawsuit against Kern High School District, said that they hope the reforms agreed to in the settlement will eventually spill over into the rest of Kern County, the Central Valley, and beyond.

“My view,” lawyer Eva Paterson said, “is that this is a cutting-edge settlement, and if it works well, which we hope it will, it will be a model for other school districts around the country.”

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