No School Left Behind: Oakland Unified School District Discipline Reform and Policy Implementation Case Study

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Thesis submitted to the faculty of the Virginia Polytechnic Institute and State University in partial fulfillment of the requirements for the degree of Master of Arts in Political Science

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May 9, 2023
Blacksburg, Virginia

Keywords: policy implementation, education reform, disciplinary reform, out-of-school suspension, school-to-prison pipeline
This paper critically evaluates school discipline reform policy and implementation by California in the Oakland Unified School District after the U.S. Department of Education, Office for Civil Rights investigation. It demonstrates that policy implementation at the school level is equally as important as policy building and reform at the state-and district level. The Oakland Unified School district was subject to many reforms at the district level through change in state-wide legislation, and school board reform after the investigation concluded with several recommendations for the district. This provides a unique opportunity to study policy implementation at the school-level to understand how school environment and discretion may affect reform implementation. As research surrounding the effects of punitive school discipline continue to support alternative discipline practices, many states and school-districts have begun to implement its own reform. However, school discretion on how these policies are implemented call for researchers to focus on the school-level of policy implementation. This thesis is motivated to create an understanding in how policy implementation at the state and district level will differ across schools in the same district, focusing on school environment can influence implementation.
This paper evaluates policy implementation in a California School District as a school-level. In 2012, the Department of Education Office for Civil Rights conducted an investigation in California’s Oakland Unified School District on reports of the district subjugating students of minority status to harsher punitive punishment than those of their white peers. The Office for Civil Rights found evidence to support this claim and suggested many disciplines policy and practices reform to the district, which the district began to implement throughout its schools. This paper focuses on reviewing state-wide and district-wide discipline reform by comparing two high schools who experienced a difference in suspensions after reform was implemented. I offer insight into policy implementation by focusing on school environment through mission and vision statements. I perform my analysis through a comparative case study analysis of the two schools as well as content analysis of the state policy and district level policies and practices discussing school discipline. This paper emphasizes that school policy reform at the state and district level is important, however; policy implementation at the school-level ultimately creates change and is affected by school environment.
Dedication

For my mother and father, who sacrificed everything to come to the United States to give me all the opportunities they never had. Everything that I am and everything I will become is thanks to you, los amo.
Acknowledgements

I would like first to thank my family; my mother, father, sister and brother. My parents taught us that education was a privilege that not all people had access to, as such we should not take it for granted. I am grateful for them and this lesson as it has inspired this project and shaped my professional goals. Thank you to my brother and sister, who were academic and personal role models growing up, I always aspire to make you proud. Further, I would like to thank my abuelita, Bertulfa Villada. My abuelita only finished primary school, she has always been a source of strength, determination, and kindness in my life. She is the light of my life; I am forever thankful for her support and constant reassurance that I can do anything I have set my mind to. Finally, thank you to my aunts, uncles, and cousins; you all bring joy and support into my life. Without all of you, none of this would be possible.

I would like to thank my high school English teacher, Mrs. Beth Anderson, and my middle school counselor, Mrs. Beth Graney. Not only were you the first people who supported and grew my love for literature, writing and activism, but I would not be the student I am today without you. Some teachers plant seeds and grow students into beautiful plants; I can proudly say you were the gardeners who planted the seeds for my future, thank you.

Lastly, I would like to thank the Virginia Tech Political Science faculty and staff. Specifically, my chair, Dr. Mauro Caraccioli, and my committee members Dr. Karin Kitchens and Dr. Desiree Poets. Your guidance, insight and support throughout this project have been invaluable. I could not have done this without you. Virginia Tech has been my home throughout the last five years, and I am forever grateful to Hokie nation.
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Chapter One

“The safest communities are not the ones with the most police, prisons or electronic monitors, but the ones with quality schools, health care, housing, plentiful jobs and strong social networks that allow families not merely to survive but to thrive”

-- Michelle Alexander, The New Jim Crow

Introduction to Project

A life of crime does not begin out of nowhere. Studies indicate that for juveniles that enter the criminal justice system, the likelihood of high school completion decreases while the likelihood of incarceration increases. A life of juvenile crime may indicate further violence as an adult, as rehabilitation efforts are not supported by institutions who attempt to lock people up, control and not rehabilitate. Therefore, understanding the situations and circumstances that put juveniles at risk for a life of crime is extremely beneficial in designing ways to further deter them from a life of violence. Support for after school programs, community programs, rehabilitation and mentoring programs, healthcare and childcare can all contribute to supporting juveniles before they are put into situations where criminality occurs. Yet, these programs are rarely employed in states of all kinds.

In this project, I will be focusing on how state and district level policy implementation at a school-level affects suspension rates of racial minority groups such as African American and Latin(x) students. Specifically, my research focuses on the Oakland Unified School District (OUSD) in California from 2000 to the present day. My research question is how do differences in implementation at the school-level of state and district reform policies and practices regarding

in-school discipline affect suspension rates of ethnic and racial minority student groups? My hypothesis is that schools that openly discuss discipline reform policies and practices while implementing them into school environment experience lower suspension rates of students. I argue that while reform at the state and district level is critical, differences in school-level implementation and discourse ultimately affects suspension rates of students. This project reviews California state legislation that focuses on school discipline and recent school discipline reform in OUSD to review how policy is applied in schools and affect suspension rates. I focus on the 2015-16 and 2021-22 school years as this was before and after school discipline reform took place in this district. Through this research, I aim to understand how policy implementation and practices regarding school discipline affects school environment and suspension rates of minority students.

**Background: The School-to-Prison Pipeline**

According to the American Civil Liberties Union, as of 2021, on any given day there are approximately 60,000 juveniles incarcerated in prisons and jails across the United States; this does not include juveniles that are under the criminal justice systems “after care”, or form of juvenile probation. This statistic also does not account for juveniles that are living in heavily policed communities, who are often subject to officer searches, punitive punishment and a lack of supportive resources.

While there are 60,000 juveniles incarcerated, there are 2.2 million adults incarcerated and 6.6 million adults on parole as of 2021. Further, this statistic does not encompass the

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juveniles that are tried in court as adults and placed into incarceration facilities. Mass incarceration is understood as a major problem within the United States and is proven to have deep ties in historical systemic racism.\textsuperscript{4} Mass incarceration is thought to have many contributors, including but not limited to harsh drug sentencing laws, minimum sentencing laws, racial bias in the criminal justice system, and the school-to-prison pipeline. The systematic and institutionalized punitive practices in schools and communities that push minority and low-income juveniles out of educational facilities and into the criminal justice system is a significant contributor to mass incarceration of juveniles within the United States. Specifically, there has been significant research to suggest racial discrepancies in juvenile incarceration rates. For example, as of 2021 Latin(x) youth are 42\% more likely than their white peers to be incarcerated; while Black youth are five times more likely nationwide to be incarcerated.\textsuperscript{5} These disparities are not only found in incarceration rates, but also in harsher enforcement and punishment reprimanded onto minority youths in the school system. Within studies of the school-to-prison pipeline, community culture, transportation, childcare support, health care access, educational facilities punitive punishment practices and many other factors have an impact on which communities are susceptible to the pipeline.

In studying the school-to-prison pipeline, it is important to take all these situational factors into consideration to understand why the state continues to incarcerate juveniles, and how to best support juveniles to stay away from the criminal justice system. However, many abolitionist and social research studies have been done in the assumption of the white and black

binary, often leaving groups such as Latin(x) communities, biracial communities or Native American communities out of the conversation.\(^6\) While the impact of mass incarceration on the Black community and the state’s obsession with controlling this community is extremely significant and should not be overlooked, the state’s need to control and incarcerate other minorities, as well as the impact it has had upon communities is equally important. By considering race and ethnicity as primary factors in progressive movements, we can best understand the situation each community is in and how different institutions, policies and legislations were built to target specific demographic groups.

Abolitionist scholars such as Ruth Wilson Gilmore ask us to consider the situation of the crime before criminality occurs; that is, to think of the systemic failures that led to the situation of the crime and what could have been done to prevent the situation from the beginning.\(^7\) Further, the experiences of Native American or Latin(x) students differ through the school-to-prison pipeline as they are subjugated to other obstacles such as language barriers, immigration procedures, identity crises, and other situating factors.\(^8\) In practically understanding the issue of the school-to-prison pipeline, movements must take into consideration the specific needs of each community when implementing and attempting solutions; each narrative is distinct and important.

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Out-of-school suspension has been linked to lower graduation rates in students. The disproportionate rate of students in poverty and minority students who are suspended from school mean that these student demographics also have lower graduation rates. Failure to graduate from high school has been linked in research to a higher probability of a life of poverty and a higher probability of criminalization as an adult. Therefore, focusing on out-of-school suspensions and discipline practices can increase graduation rates which decreases probability of future incarceration. Policies such as zero-tolerance, in-school resource officers, and officer referrals not only criminalize students and increase suspensions, but also do not take into consideration situational factors that cause misbehavior, nor do they address the misbehavior itself. Therefore, in studying the school-to-prison pipeline, a focus on out-of-school suspension is necessary to understand how to reform punitive and exclusionary practices to keep students in schools and support academic success.

**Dominant Paradigms and Questions**

Out-of-school suspension is one of the most used disciplinary actions in United States public schools; over the past twenty years, research demonstrates that around 5% of students received at least one out-of-school suspension each year. Out-of-school suspensions are associated with poor academic performance, higher probability of school drop-out, crime and

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delinquency. In addition, the overuse of suspensions has disproportionately affected students from minorities demographic and socioeconomic groups. Studies indicate that minority students are more likely to be suspended for the same offenses than their White counterparts, suggesting that potential biases in the use of suspension could disproportionately harm students, widening the existing racial achievement gap. Still, with abundant research supporting the disparate harm and failures of out-of-school suspension as a form of discipline, it continues to be used as a form of punishment in United States public schools.

This project focuses upon how difference in policy implementation is affected and affects the school environment and how this can affect suspension rates in racially minority students. School environment is characterized by its facilities, classroom practices, school-based supports and disciplinary policies and practices that set the stage for external factors that affect students. Studies conducted have demonstrated that the rise of zero-tolerance policies and the coinciding rise of suspensions and expulsions lead to an unhealthy learning environment. Further, out-of-school suspension does not address student misbehavior, leading students to become repeat offenders and lose time in classrooms. Further, studies demonstrate that punitive disciplinary strategies may lead to punitive school environments where students do not feel safe or included,

15 Gopalan & Nelson (2019)
limiting their potential. Sociologists have argued that the rise of punitive punishment measures, such as zero-tolerance policies, police presence, police drug sweeps, law enforcement referrals, etc., not only lead to student criminalization, but associate students with criminalization, affecting them long-term and their learning environment. Such studies have demonstrated that such punitive policies and practices create a culture of criminality within schools, treating student populations as quasi-criminals. Schools' tendency to use excessive punishment results in problems such as school failure, drop out, future arrest, and even increased forms of misbehavior; all contributing to an unhealthy learning environment.

In January 2014, the U.S. Department of Justice and Department of Education released a joint ‘Dear Colleagues’ letter addressing the problem of excessive school punishment and racial disproportionality in school suspension and arrests across the United States. This letter led to many policy changes across the United States. Many states, such as California, responded to this letter by enacting policy at the state level that urged school districts to find alternatives to punitive school punishment that supported student success. While many studies have focused on the decrease of suspensions in districts and at the state-wide level, many scholars have found that some schools are not benefiting from reformation policies enacted. School climate, administration and policy implementation at the school-level must be researched to understand why certain student populations are not demonstrating the same results as other schools in the

21 Hirschfield P. J., Celinska K. (2011)
same district. While policy reform at the national, state, and district level is important, analyzing policy implementation at the school level contextualizes suspension and expulsion rates. Schools are where policies are implemented, therefore understanding the conversation surrounding implementation, and practices lead to an understanding of how policy may affect different populations.

**Research Methods and Design**

This project follows a mixed methods case study design. It combines reviewing scholarly literature and legal documents such as state legislation and school board policies with descriptive statistical data. These documents are available to the public, made available by the California state government and the OUSD School Board. Further, data on suspension rates is made widely available to the public by OUSD, as they have allocated funds and specific data specialist to make this data public and accessible. In the present chapter, I employ a qualitative research method that focuses on reviewing state and district legislation and policies that refer to punitive school discipline. This will first begin with a literature review, focused on scholarly research that has been conducted in California to contextualize school discipline reform in the state and district level. This also situates the project within the scholarly research in school environment and discipline reform, aiming to add to the literature by focusing on reform policy implementation at the school level. Further, I will utilize California’s Department of Education to analyze and review legislation, policies, and practices that have been implemented at the state and school district level. The second chapter specifically focuses on reviewing scholarly research, state legislation and school board policies to analyze school discipline practices, and how they have been reformed throughout the early 2000 to the current day. My overall hypothesis is that while reform at the state and district level is critical, differences in school-level
implementation and discourse ultimately affects suspension rates of students; therefore schools
that openly discuss discipline reform policies and practices while implementing them into school
environment experience lower suspension rates of students. Differences in policy
implementation include language surrounding practices and policy, accessibility to students and
families on policy information, openness to discuss policy, implementing practices into school
culture through classroom procedures, school mission and vision statements may all affect
overall implementation of policy.

The third chapter of this project follows a comparative case study design to explore
school discipline reform in OUSD from the Office of Civil Rights Investigation in 2012-2018 to
current day. In reviewing suspension data from the OUSD state dashboard, as well as OCR
findings, this approach contextualizes shifts in suspension rates in high school students focusing
on race and ethnicity of student populations. This chapter will focus on two OUSD high schools
that have experienced a difference in overall suspension rates as well as a difference in
suspension rates for their students of minority status throughout the 2015-16 and 2021-22 school
years. The focus on out-of-school suspension rates is because out-of-school suspension has been
linked to lower graduation rates and a higher probability of incarceration in the future. As these
schools are in the same district, analyzing school suspension rates alongside school policies and
implementation of reform will be useful in understanding how school environment influences the
success of intervention and how to better tailor reformatory interventions to specific schools to
achieve lower suspension rates overall and address racial disparities.

Case Selection

The case of California’s Oakland Unified School District was selected for multiple reasons. First, California is one of the leading states engaged in statewide school discipline reform, conducting extensive research within its school districts and focusing on how to best reform practices and policies to ensure student academic success. Within OUSD, there has been vast quantitative and qualitative research conducted concerning minorities and school discipline reform. The Department of Education’s Office of Civil Rights (OCR) investigation in 2012 through 2018 also provides a unique opportunity for scholars to research the implementation and impact, or lack thereof, of state-wide and district level school discipline reform. Further, OUSD is one of five districts in California that has eliminated the use of out-of-school suspensions for willful defiance, as suggested by the OCR after their investigation. This was a unanimous decision on the part of the school board in 2015, where it was decided to instead focus on restorative justice practices to support student success and address racial disparities in punitive punishment. For these reasons, OUSD has been chosen as the focus of this project.

**Alternative Viewpoints and Audience**

Alternative viewpoints to the school-to-prison pipeline include community environment, housing, food security, neighborhood structural issues and family relations. Scholars such as Victor Rios have demonstrated that heavily policed neighborhoods tend to criminalize youth at a higher rate for minor infractions. Further, criminalization of such youth affects their social and educational lives, exposing them to the criminal justice system at a young age and increasing their chances of being incarcerated later in life. As educational facilities are a part of communities, other researchers have connected community and neighborhood structural issues to

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school environment and student performance.\textsuperscript{24} It is difficult to separate neighborhood issues such as discriminatory red lining and school segregation from the effects they cause one another, therefore this has also been considered to be an alternative cause of the school-to-prison pipeline.

A study conducted in 2002 in Charlotte-Mecklenburg Schools (CMS) in North Carolina demonstrated the long-term effects of strict discipline in schools. The investigation estimates the net impact of school discipline on student academic achievement and adult criminal activity in CMS. CMS had sudden and large school boundary changes, changing the school demographic and communities. Through this case study, it was found that schools with higher suspension rates have substantial negative long-term impacts on students.\textsuperscript{25} However, the study also found that suspension rates remained highly correlated through the school year before and after boundary changes.\textsuperscript{26} Further, the study found that school effects on suspensions were unrelated to other measures such as school quality, achievement growth, teacher turnover and peer characteristics.\textsuperscript{27} Therefore, research such as the CMS 2002 case study demonstrates that while suspension rates may lead to a higher probability of criminalization, use of suspensions are heavily dependent upon administrative discretion.\textsuperscript{28}

In identifying a target audience, I would like to appeal to the broader academic and policy making professionals. Specifically, I would like to urge education policy makers to consider how race and ethnicity play a role in punitive punishment in educational systems, the school-to-prison pipeline and the experiences of out-of-school suspensions and its impacts. This is done with the

\textsuperscript{26} Bacher-Hicks, A., Billings, S., & Deming, D. (2019).
\textsuperscript{27} Bacher-Hicks, A., Billings, S., & Deming, D. (2019).
goal of educating and informing public policy to aid specific communities in the manner they require, treating reform and policy implementation to be tailored to the specific community. While this case study focuses on a specific school district with unique community issues and demographics, considering policy implementation at a school-level will aid policy makers when implementing reform in their own communities. By targeting policy makers and academics who study education, I aim to inform scholarly-legislative efforts to support inclusive school environments and to keep students in schools and away from the criminal justice system.

**Chapter Outline**

This first chapter overviews the hypothesis, research questions, and research methods of this project. The second chapter will focus on reviewing scholarly research as well as legislation from 2000 onward in California that pertains to school discipline, noting trends and changes in how school discipline is addressed and discussed at the state and local level. In doing so, my research question for the chapter will be; how have federal, state and district-level policies addressing school discipline practices evolved since the early 2000’s? This chapter will focus on legislation, policies and practices surrounding public school discipline at the national, state and local level. Specifically focusing on the state of California and OUSD, I aim to provide substantial background on school discipline practices within the United States and a timeline on school discipline reform in OUSD.

The third chapter focuses on reviewing suspension rates of high schools in OUSD by ethnicity. Specifically focusing on the 2015-16 and 2021-22 school years, I aim to find discrepancies in policy implementation across the OUSD high schools. The research question for this chapter will be, how are district wide reforms of school discipline practices and policy vary in implementation across high schools in the same district? This is done to draw attention to the
implementation of reform policies at the school level to understand the mitigating factors, success and failures of reform policies. Finally, the conclusion will tie together legislation, policy and its effects on different communities.
Chapter Two

“When children attend schools that place a greater value on discipline and security than on knowledge and intellectual development, they are attending prep schools for prison.”

-- Angela Davis, Education not Incarceration

Introduction to Chapter

California has been at the forefront of public-school discipline reform. From enacting legislation to fund and support alternatives to punitive punishment to including suspension rates of schools and districts in their yearly report card review, California has begun to model the future of school discipline in the United States. With these progressive legislations and actions in mind, this chapter focuses on the legislations in California that have effectively lowered suspension rates across the state. While California is a model state for lowering suspensions and expulsions, there are still demographic disparities that require attention. This chapter will review scholarly research done in California that addresses disparities and implementation in school discipline reform, as well as analyze school discipline laws and practices that have been implemented in the last thirty years. The research question for the chapter will be: how have federal, state and district-level policies addressing school discipline practices evolved since the early 2000’s?

Literature Review

The school-to-prison pipeline is thought to be a significant contributor of mass incarceration within the United States. It specifically refers to the pattern of students being forced out of education institutions by punitive punishment and exclusionary measures and into the criminal justice system. Researchers have increased attention over the past decade to the school-to-prison pipeline, noting how school punishment and security affects school
environment and ultimately student success. Further research has also demonstrated the disproportionate racial and socioeconomic dimensions of school punitive punishment, affecting students of minority status more than their white peers. This literature review will focus on school environment and climate to situate this project within current literature focused upon differences in policy implementation at the school-level.

Concerns about school safety resulted in an increase of zero-tolerance policies through the late 1990s and early 2000s, as well as an increase of the use of punitive punishments and practices within U.S. schools. This has changed how school discipline is addressed throughout the U.S. with many scholars noting the contemporary patterns of school security and punishment advance student criminalization. The use of punitive punishment and police officer presence in schools has dramatically changed the school environment. A study done in 2004 in Kentucky middle schools demonstrated that schools with high suspension rates had a similar environment to that of criminal institutional environments. Further, the study also found a positive relationship between school characteristics and suspension rates, such as socioeconomic background of students, ethnic make-up of student population, and number of student rule violations. School characteristics such as quality of education, attendance rate, and academic achievement were found to be negatively correlated to suspension rates. Through interviews with teachers and staff, the 2004 study also reported a significant difference in how students are

29 Hirschfield P. J., Celinska K. (2011)
motivated. In low suspension reporting schools, for instance, schoolteachers consistently discussed challenging their students academically by having high expectations for them inside and outside of classrooms, while also facilitating success through consistent student support.\(^{34}\) Therefore, school characteristics such as classroom environment, emphasis on academic achievement, and student support may decrease overall suspensions of students.

Supporting these findings, several studies since have indicated that punitive discipline practices such as zero-tolerance policies, surveillance cameras, drug sniffing dogs, and presence of police officers on campuses have negative effects for students.\(^{35}\) These negatives not only affect academic achievement, but also overall school environment. A study conducted in 2009 demonstrated that punitive punishment and exclusionary discipline practices used in schools are often perceived as unevenly or unfairly distributed across student populations and can lead to a higher rate of bullying within schools.\(^{36}\) Bullying greatly impacts school environment, creating an unhealthy learning climate for students which ultimately affects academic success and mental health. Growing literature demonstrates how punitive policing in schools and high suspension rates erodes students' perceptions of fairness, affecting overall school environment.\(^{37}\)

Further research has demonstrated that student's perception of fairness in discipline not only affects school environment, but also the effectiveness of discipline within schools, with inconsistent and excessively punitive punishment enforcement being counterproductive to school

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safety.\textsuperscript{38} The discrepancy in implementing punitive school discipline and the use of suspensions is thought to be heavily related to overall school climate. The 2004 Kentucky middle school study previously mentioned reports that use of suspension is strongly influenced by attitudes of school’s governance and leadership; ultimately affecting student success.\textsuperscript{39} Supporting these findings, a 2020 study focused on how the socialization of schools affected student future misbehavior and amplified antisocial behavior.\textsuperscript{40} This study also reported that exclusionary disciplinary practices not only affect learning environment and academic achievement, but they also affect and prevent students from maintaining prosocial relationships with school personnel and peers, which can further facilitate the formation of deviant relationships and behaviors.\textsuperscript{41} There is sufficient research that demonstrates exclusionary disciplinary practices have negative effects on students, school climate, and academic success, though these are still widely implemented in the United States.


Disruptive behavior in public schools is not a new issue in public education; teachers and administrators have reported behavior problems since the beginning of the public school system. The behaviors exhibited by students have been addressed through school mandated


consequences including verbal reprimands, corporal punishment, after-school detention, in and out of school suspension and expulsion.\textsuperscript{42}

School administrators have used out-of-school suspensions as a method of reducing misbehavior beginning in the 1960s and have continued to do so since that time. For many years since, researchers began to address concerns over the removal of students from general education classrooms and student populations as it promoted more misbehavior and did not address student misbehavior at all.\textsuperscript{43} Studies demonstrate that students who were suspended from school were more likely to become repeat offenders, receiving additional suspensions as well as leading to a higher chance of expulsion overtime.\textsuperscript{44} Despite multiple research findings concluding that out-of-school suspensions do not work, they continued to be used as a modern disciplinary practice.

Throughout the late 1990s to the early 2000s, researchers noticed that out-of-school suspensions were being used to address minor offenses, including verbal misbehavior and willful defiance.\textsuperscript{45} Since then, there has been a rise in debate over school suspension programs, researchers and advocates have also begun to address the issue of students being left unsupervised throughout the school day due to out-of-school suspensions.\textsuperscript{46} In addition to researchers addressing such issues in school discipline, these issues have also been brought to the attention of federal and state government bodies. Specifically, \textit{Dixon v. Alabama} (1961) and \textit{Goss v. Lopez} (1975) challenged students’ right to due process based off the fourth and fifth

\textsuperscript{45} Allman and Slate (2011), page 2
amendment.\textsuperscript{47} These cases ultimately led to the Supreme Court of the United States ruling that students, even though they attend school by law, do not connotational rights when in school.\textsuperscript{48} The Supreme Court's conclusion was that students have protected interests in public education, and therefore these rights could not be taken away from that education without the safeguarded procedures granted by the due process clause.\textsuperscript{49}

After the court’s decision, federal and state legislators also began to address school safety and discipline. In 1990, the U.S. Congress passed the Federal Gun-Free Schools Act (GSFA) which was enacted in response to school shootings and the surge of adolescent violence.\textsuperscript{50} This act mandated that every state passed a law requiring school districts to expel students for at least one year for being in possession of a firearm on school property; it also mandated that these students be reported to local law enforcement. This act established precedent to validate zero-tolerance policies for student infractions without considering the situation or mitigating circumstances. This legislation implemented a new disciplinary mindset throughout the nation that mirrored that of zero-tolerance drug laws enacted during the War on Drugs. The GSFA also successfully blurred the lines between educational institutions and criminal justice institutions, mandating that administrators follow specific disciplinary consequences for certain behavior. These zero-tolerance policies now extend beyond weapons and apply to transgressions including the possession of drugs, tobacco, alcohol, share objects, over the counter medications, school

\textsuperscript{47} Allman and Slate (2011), page 3
\textsuperscript{49} \textit{Goss v. Lopez} (1975)
code violations, tardiness, truancy, fighting, etc. The parameters that were established for zero-tolerance policies were extremely vague, and therefore have set forth a wide range of precedents and have criminalized misbehaviors that were earlier thought to be a part of youth behavioral development.

Since the passage of the GSFA, many schools across the country implemented zero-tolerance laws, specifically urban schools began to require disturbance to be managed by law enforcement officials, pushing youth out into the justice system. Many disruptive behaviors, such as acting out in class, that were once handled by administrators were now being put into the hands of law enforcement. Rather than investing in educating teachers on how to deal with disruptive or difficult students, policies were established that allow educators to remove students from the classroom with the power of an officer of the law. The implementation of the No Child Left Behind Act (NCLB) in 2001 also supported the continuation of zero-tolerance policy and punitive policy development. According to the National Association of School Psychologists, the NCLB required states to adopt a zero-tolerance policy that “empowers teachers to remove violent or persistently disruptive students from the classroom.” The intention of the policy was to uphold school districts accountability; however, it fails to set specific guidelines for the development of zero-tolerance policies and therefore sets forth a wide array of precedent for schools to implement zero-tolerance policies for non-serious offenses.

51 Heise, Michael, and Jason P. Nance. “‘Defund the (School) Police’? Bringing Data to Key School-To-Prison Pipeline Claims.” *Journal of Criminal Law & Criminology* 111, no. 3 (Summer 2021): 717–72.
54 Allman and Slate (2011), page 3
The educational system thus became a source of criminalization for students, by formalizing school punishment with punitive zero-tolerance policies, out-of-school suspensions, stripping administrators and teachers of their discretion with student conduct and utilizing the criminal justice system to punish misconduct of student. In lieu of keeping students safe, punitive measures such as zero-tolerance policies have shown to not improve school safety. Instead of improving school safety, punitive measures enacted by state and federal legislation have pushed students out of schools and have led to unsafe learning environments.

Zero-tolerance policies

In the late 1990s and early 2000s, the United States public school system saw a rise of zero-tolerance policies when addressing school disruption and violence. The development of zero-tolerance policies throughout the United States has been thought to be one of the main causes for the increase of out-of-school disciplinary consequences. Zero-tolerance policies grew out of drug enforcement policies established through the 1980s to address the War on Drugs at the federal and state level. Zero-tolerance policies are thought to be the most severe form of school discipline, imposing strict predetermined punishments without consideration of the circumstances or the student. Further, zero-tolerance policies do not distinguish between serious and non-serious offenses, failing to adjudicate between intentional misbehavior or mental health and behavioral disorders. According to a 2004 study, Chicago public schools reported a 51% increase in out-of-school and in-school suspensions after adopting zero-tolerance disciplinary policies. Further, where studies have demonstrated that schools that have employed zero-

55 Skiba (2000)
56 Skiba and Peterson (1999)
tolerance policies leading to high suspension and expulsion rates, these schools also had less satisfactory ratings in overall school climate.\textsuperscript{58} Zero-tolerance policies do not support a healthy learning environment and increasingly keep adolescents out of school, causing more problems in education and behavior.

There is ample evidence to suggest that zero-tolerance policies do not reduce misconduct, as school suspension rates appear to be a high future predictor of misbehavior and resuspension.\textsuperscript{59} Instead of addressing the root of misbehavior, zero-tolerance policies seek to immediately punish and criminalize students. Zero-tolerance policies have also been thought to contribute to the already high drop-out rate of juveniles, specifically students of color and students living in poverty. Historically, students from disadvantaged minority groups have a little over 55\% chance of achieving a high school diploma.\textsuperscript{60} Reprimanding students by suspending or expelling them from school not only hurts them academically, as they miss out on assignments and instruction that may greatly affect their academic performance, but also makes it difficult for students to maintain high grades in an unhealthy learning environment. Zero-tolerance policies that predetermine sanctions such as out-of-school suspensions and expulsions are unsuccessful in safety measures and unsuccessful in deterring behavioral misconduct. These policies effectively criminalize students at a high and disproportionate rate, often introducing them into the criminal justice system through law enforcement referrals.

\textsuperscript{60} Heitzeg, Nancy A. “Education or Incarceration: Zero Tolerance Policies and the School to Prison Pipeline.” \textit{Forum on Public Policy Online} 2009, no. 2 (2009).
Student Resource Officers and Law Enforcement Affiliation in Public Schools

Policing has become institutionalized within the public education system in the United States. Over the last thirty years, the use of Student Resource Officers (SROs) and referrals to local law enforcement agencies are policing techniques in schools that have become widely popular. Police are an active presence within public schools, with a government survey suggesting there are at least 20,000 police officers working in the public school system. SROs are meant to serve a variety of purposes for schools and their students, including protecting the school from threats and educating students about safety. SROs may also engage in daily school discipline practices and issues, administrating punishment to students. This ultimately limits the discretion of teachers and school administrators that were educated and trained to work with students. Supporters of SROs advocate that the presence of law enforcement is critical for establishing a safe school environment for all members of the community, however, many believe that the increase in SROs has led to an increase in harsh disciplinary policies.

In a 2019 case study, researchers found that federal grants that increase police presence in school resulted in an increase of 6% in middle school discipline. Additionally, the same study found that the rise of discipline was driven by low-level offenses or school code of conduct violations. Rather than making schools a safe learning environment, SROs are effectively

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64 Weisburst (2019)
discipling students for low-level offenses that were once considered part of normal juvenile development. These low-level offenses are being addressed by school SROs or police officers influences the school’s student discipline reporting practices and policies. Policies and the practice of law enforcement referrals by public schools are thought to add fuel to the school-to-prison pipeline. A recent study conduct by Heise and Nance in 2021 claimed that SRO / police presence increased the likelihood of referrals to outside law enforcement agencies. The findings from this study suggest that a school’s reliance on SROs and police presence corresponds with an increased likelihood that the school will also report student incidents to law enforcement agencies, introducing students to the criminal justice system. By criminalizing low-level misconduct, school discipline practices have become increasingly institutionalized through the use of SRO’s, active police presence and referrals to law enforcement.

Policy Implementation

While there are some national policies concerning in-school discipline, most of these national policies allow for state and local legislatures to apply school discipline policies and practices as they see fit. Scholars have argued that the motivation of policy making officials is affected by their biases and social conceptions of certain demographic groups, leading to policies targeting specific populations based on the perception of what the population needs. This has sparked a conversation about the importance of representation of underrepresented communities in local legislatures and listening to local community’s needs before implementing policies. Research conducted from a sample of Georgia public schools examined how racial and ethnic

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65 Heise, Michael, and Jason P. Nance. “‘Defund the (School) Police’? Bringing Data to Key School-To-prison Pipeline Claims.” Journal of Criminal Law & Criminology 111, no. 3 (Summer 2021): 717–72.
66 Heise and Nance (2021)
representations in populations influence tools that public officials use while designating policy.\textsuperscript{67} Findings from this study suggested that schools with balanced racial and ethnic populations were more likely to have learning-oriented discipline policies, unlike imbalanced student populations that were found to be more likely to implement punitive policies.\textsuperscript{68} Therefore, some student populations were being targeted with punitive policies more than others, disproportionately criminalizing students.

Findings from the Georgia public school study suggest that representation is an important influence in policy design, which further has social and political consequences on targeted populations. Differences in disciplinary policies and practices, as well as differences in school codes of conduct, affect and influence student suspension and expulsion rates. Further, communities that have high crime rates are found to have harsher punitive punishment within the public school system.\textsuperscript{69} Rather than educate students away from violence, punitive measures push students out of school and into unsupervised situations. Policies vary from school district and state, potentially targeting or disproportionately affecting certain populations with punitive discipline instead of a learning-based approach. This could disproportionately affect students’ lives and chances of being criminalized based on the population they belong to.

Punitive policies such as zero-tolerance or SRO and law enforcement referrals have increased the rate of student discipline and have disproportionately affected certain student populations. Suspensions and expulsions effectively keep students out of school, hindering their

\textsuperscript{67} Navarro, Christine H. Roch David W. Pitts Ignacio. “Representative Bureaucracy and Policy Tools: Ethnicity, Student Discipline, and Representation in Public Schools.” \textit{Administration & Society} 42, no. 1 (2010): 38–65. \url{http://dx.doi.org/10.1177/0095399709349695}.

\textsuperscript{68} Navarro (2010)

\textsuperscript{69} Vera Sanches (2011)
academic success. Since there is research to suggest that punitive measures hurt adolescents’ ability to succeed in school, it would follow that these institutions, that are made for academic success, would no longer use punitive measures regularly. There is sufficient research to suggest that zero tolerance policies do not effectively lower student misbehavior or keep schools safe. Likewise, SRO and police referrals in public schools lack research showing the benefits to school safety or student education. However, even without sufficient evidence for benefits, these policies were and are still widely implemented at schools for the purpose of student safety. In the next section of this chapter, I review California state school discipline laws as well as Oakland Unified School Districts school discipline practices and policies.

California and Oakland Unifies County School Discipline Policies, Practices and Reform

California, like most states, was affected by federal legislations, Supreme Court rulings and punitive discipline trends that swept the nation through the late 1990s and early 2000s. California has enacted school discipline reform, beginning in the early 2000s, to address the disproportionate number of students who were suspended or expelled. This section reviews California school discipline legislation and policies, as well as OUSD discipline practices, focusing on reform throughout the state and district. The table below reviews California state codes that will be discussed throughout the rest of the chapter:

<table>
<thead>
<tr>
<th>Education Code</th>
<th>Code Focus</th>
<th>Implementation date</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Education Code Section 48900</td>
<td>Enumerates misconducts that subjects' students to suspension or expulsion</td>
<td>Implemented in 2008, amended in 2009</td>
</tr>
<tr>
<td>California Education Code Section 48901</td>
<td>Grants teachers the authority to remove any student from class for any misconducts enumerated in EDC 48900</td>
<td>Implemented 2008</td>
</tr>
<tr>
<td>Assembly Bill 420</td>
<td>“Prohibited suspensions based on willful defiance or disruption for students in grades kindergarten to grade three</td>
<td>2013</td>
</tr>
<tr>
<td>Bill Title</td>
<td>Description</td>
<td>Year</td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>Senate Bill 419</td>
<td>Amended Bill 420 to include students from grades four through eight”</td>
<td>2019</td>
</tr>
<tr>
<td>Assembly Bill 982</td>
<td>An act to add section Sections 477606.2 and 48913.5 to the education code which additionally requires on request of the parent or guardian to provide pupils with homework and assignments if suspended for two or more days</td>
<td>2019</td>
</tr>
<tr>
<td>California Education Code Section 48900(w)(1)</td>
<td>An added amendment to section 48900: State that it is the intent of the state legislature that alternatives to suspension or expulsion be imposed against students who are truant, tardy or otherwise absent from school activities</td>
<td></td>
</tr>
<tr>
<td>California Education Code Section 48900(v)</td>
<td>An added amendment to section 48900: “Provides that superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework that are age-appropriate and designed to correct and address misbehavior”</td>
<td></td>
</tr>
<tr>
<td>California Education code 489000(w)(2)</td>
<td>An added amendment to section 48900: Adds the Multi-Tiered Systems of Support “may be used to help students gain social and emotional skills as well as receive support to address trauma related responses” that may cause misbehavior</td>
<td></td>
</tr>
<tr>
<td>California Education Code 48900.5</td>
<td>An added amendment to section 48900 States that except for specific exceptions, suspensions,</td>
<td></td>
</tr>
</tbody>
</table>
As demonstrated by the table, some implementation years are unavailable because they were added to the policy later as amendments. Education code 48900 and 48901 were the original implementation codes that were amended in later years. These are important codes to keep track of, as they are specifically referencing misbehaviors that grants removal from classrooms as well as teachers rights to remove students.

**Background: Teacher Authority to Remove Students from Classrooms**

California State Education Code 48910 grants teachers the authority to remove any student from class for any misconducts that are enumerated in California State Education code 48900.\(^70\) Originally enacted in 2008 and amended in 2009, CA Education Code 48900 outlines inappropriate behavior by students that may subject them to suspension or expulsion while attending school or after school activities. Behaviors include violent offenses such as attempting to cause or causing physical injury, engaging in hazing, or engaging in harassing behaviors.\(^71\) The code also outlines suspension behaviors that are nonviolent, such as possession of tobacco, disruptive behavior, and possession of any controlled substance or intoxicant of any kind.\(^72\) EDC 48901 also states that teachers should immediately report suspensions from class to the principal of the school and send that student to the principal for appropriate action. Further, this section states that the teacher should ask the parent or guardian of the pupil to attend a parent-teacher

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\(^71\) California state education code 48900

\(^72\) California State Education Code 48900
conference in regard to the suspension. This policy gives a certain amount of discretion to teachers, principals and superintendents to decide if a student should be suspended, expelled or disciplined in an alternative way. It should also be noted that while EDC 48900 has many behaviors listed that could be punished by suspension or removal of students from classrooms, it is not a zero-tolerance policy.

*California Suspension Reform*

California has made many strides in its state legislation to prevent students from losing learning opportunities for disciplinary reasons. In 2013, the state legislature approved Assembly Bill 420 which prohibited suspensions based on “willful defiance or disruption for students in grades kindergarten to grade three.” According to the California Department of Education (CDE), “suspensions for willful defiance significantly decreased” throughout the state after passage of Bill 420. In 2019, Governor Gavin Newsome extended this bill to apply to students in grades four through eight through the passage of Senate Bill 419. This was done in response to research done by the CDE, that demonstrated that students of color, “students with disabilities and students who identify within the LGBTQIA+ community are more likely to be suspended for low-level subjective offenses such as willful defiance” and classroom disruption. The bill also included state-wide and county-wide support for policies and practices addressing students

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facing social-emotion and academic struggles.\textsuperscript{77} To further support academic efforts of students, Assembly Bill 982, enacted in 2019, requires local educational agencies to provide students who are suspended for two or more days with their schoolwork assignments, on request of the student, parent or guardian.\textsuperscript{78}

California has also implemented efforts to provide alternatives to suspensions and limit the use of suspensions through amending section 48900. EC Section 48900(w)(1) is intended to minimize suspension for attendance related issues. This amendment states that it is the intent of the California State legislature that alternatives to suspensions and/or expulsions be used to discipline students for reoccurring tardiness or absences.\textsuperscript{79} Likewise, EC Section 48900(v) states that superintendence of school districts or principals are encouraged to provide alternatives to suspension and expulsion, utilizing research-based framework with strategies that have been proved to improve behavioral and academic outcomes.\textsuperscript{80} This revision also states that strategies should depend upon the student’s age, as well as addressing and correcting the specific misconduct of the student.\textsuperscript{81} EC Section 48900(w)(2) elaborates on 48900(v) adding that multi-tiered systems of support (MTSS) that include “restorative justice practices, trauma-informed practices, social and emotional learning programs, and schoolwide positive behavior intervention and support may be used to help students gain critical social and emotional skills.”\textsuperscript{82}

\textsuperscript{77} S.B. 419, 2019, Chapter 279. (CA 2019). 
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB419
\textsuperscript{78} A.B. 982, 2019, Chapter 779. (CA 2019). 
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB419
\textsuperscript{79} California State Education Code 48900(w)(1)
\textsuperscript{80} California State Education Code 48900(v)
\textsuperscript{81} California Education Code 48900 (v)
\textsuperscript{82} California Education Code 48900(w)(2)
According to the state legislature, the aim of this amendment is to help students gain critical and emotional skills, as well as to receive support to help transform trauma-related responses to a meaningful understanding of the impact of their misconduct.\textsuperscript{83} Finally, EC Section 48900 provides that, except for specific exceptions, in-school and out-of-school suspensions should be imposed only as the last resort if earlier attempts to correct behavior have not been successful.\textsuperscript{84} California has amended earlier set state policies and added legislative bills to ensure that students are not removed from classes or limited in educational opportunities due to non-serious offenses. The CDE’s research on student academic success demonstrates the need to replace punitive discipline practices with targeted student support that addresses the root of misconduct and keeps students in school. Further, California's reforms focus on the importance of student circumstances as well as school board discretion in addressing disciplinary action.

\textit{Oakland Unified School District School Discipline Policies and Reform}

As stated earlier, Oakland Unified School District (OUSD) in California has been the subject of many studies in the area of school discipline. In 2012, the United States Department of Education, Office for Civil Rights (OCR) initiated a compliance review of OUSD under Title VI of the Civil Rights Act of 1964.\textsuperscript{85} OCR conducted its examination to determine whether the district subjects’ African American students to discrimination on the basis of race by disciplining them at a higher rate using more punitive practices than their white peers.\textsuperscript{86} The district agreed and entered into an agreement with OCR which committed the district to specific actions to

\textsuperscript{83} California Education Code 48900(w)(2)
\textsuperscript{84} California State Code 48900.5
\textsuperscript{86} Department of Education, Office of Civil Rights Report (2018)
address issues under review; such actions include implementing preventative strategies and interventions prior to suspending students, as well as expanding its efforts to utilize restorative justice practices, positive behavior interventions and other alternative strategies based upon the investigation's findings. The agreement entered by OCR and OUSD also required the district to revise and update discipline policies, addressing the effectiveness of School Security Officer programs and collect data to track disciplinary referrals and outcomes that would be added to a yearly school climate report. The investigation concluded in 2018 and provided evidence for the disparate practices in OUSD that affected minority students. While the implementation of alternative practices to suspension and expulsion will take time, the effect of the district wide reform policies should be seen overtime through suspension and expulsion rates, as well as graduation rates.

The OCR investigation identified that within OUSD, African American students were disproportionately represented in out-of-school suspensions and other exclusionary disciplinary practices. For example, the OCR investigation found that from 1999 to 2012 the risk ratio for African American students receiving out-of-school suspensions significantly increased from 1.42 to 1.98. In response to this, OCR recommended implementing programs that focused on support services for African American students and revising district policies. After

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89 Department of Education, Office for Civil Rights Report (2018)
91 Okilwa, N.S. & Robert, C. (2022)
implementation, researchers began tracking suspension rates to see if recommended strategies and programs effectively decreased African American student suspension rate. The total number of student suspensions in OUSD decreased from 3,567 suspensions in 2012-13 to 1,936 suspensions in 2016-17. While this is a significant decrease in school suspensions, African American students were still being disproportionately suspended and expelled. In 2011-12 African American students composed for 31.8% of enrolled students, yet they accounted for 63% of students who were suspended and 61% of students who were expelled. Further, OCR also found that students with disabilities fared far worse, representing 32% of students who received suspensions in 2016-17; 64% of these students receiving special education serves were African American.

OUSD has taken many of the recommended actions outlined by the findings of the OCR investigation. These actions have been documented in annual school climate reports outlined by the district school board, maintaining transparency with the public. Among these actions included the implementation of the Universal Referral Form across the district. The URF is used to accurately record and track disciplinary incidents throughout schools in the districts, requiring teachers and administrators to be trained in the online system. As of 2015, the OUSD school board policy requires schools to report the number of office referrals, teacher sanctioned suspensions, in-school and out-of-school suspensions, involuntary transgressions, expulsion referrals, expulsion citations, school-based arrests, graduation and drop-out rates disaggregated by demographic groups including race, gender, ethnicity, English Language Learner statuses,

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92 Okilwa, N. S. & Robert, C. (2022)
93 Okilwa, N. S. & Robert, C. (2022)
94 Okilwa, N. S. & Robert, C. (2022)
95 Okilwa, N. S. & Robert, C. (2022)
socio-economic status, foster and homeless youth and disability status by offense for the district and by each school.\textsuperscript{96}

In addition to monitoring the use of suspensions and expulsions, there have been significant changes to OUSD Board Policy 5144, which outlines the due process procedures of suspension and expulsions of students. In the board policy, it clearly states that the district is not supportive of a zero-tolerance approach to discipline, stating that it recognizes the importance of positive school support that keeps students in the classroom and furthers academic success.\textsuperscript{97} The school board policy also details alternative disciplinary sanctions that must be attempted first instead of suspension or expulsion, imposing punitive measures only when other means of correction fail, or students cause a present danger to others.\textsuperscript{98} The school board requires teachers of any class in which a student has been suspended from to ensure the student is to complete any assignments or tests during the time of suspension, mandating support from the school to the student to address any additional educational needs that may arise due to loss of instruction time.\textsuperscript{99} While the strategies and tools implemented in response to the OCR investigation have proven useful, there is still a disproportionate rate of minority students accounting for the rate of students who are suspended or expelled.\textsuperscript{100}

\textit{Conclusion}

While the federal level has affected and set the tone for school discipline policies and practices throughout history, state and local legislation and policies detail specific disciplinary practices that affect students’ daily lives. California and OUSD demonstrate that reform at the

\textsuperscript{99} Okilwa, N. S. & Robert, C. (2022)
\textsuperscript{100} Okilwa, N. S. & Robert, C. (2022)
state and local school board level is possible and can be done through the assistance of scholarly research and funding. While California state law and OUSD policies have enacted reforms in school discipline, there are still disproportionalities that remain between different demographic groups. In the next chapter, I discuss the disproportionate differences between demographic groups by conducting a comparative case study of two high schools in OUSD, focusing on the implementation of reform policy.
Chapter Three

“There is a way to transform punishment, to generate creative means of social control, which provides viable rehabilitation for delinquent youths, and which does not spill over and affect young people who have yet to commit a crime. It will take imagination and the courage to adopt successful models that attempt to transform the punitive way in which young people are treated in marginalized communities. Maybe the new generation of former gang members and delinquents will read names from an old refrigerator and celebrate multiple high school graduations and college.”

-- Victor Rios, *Punished: Policing the Lives of Black and Latino Boys*

Introduction to Chapter

Chapter Two reviewed scholarly research on school environment as well as national, state and local legislation concerning punitive practices in public schools. With the past review of legislation in mind, this chapter focuses on the descriptive data provided by Oakland Unified School Districts suspension data before and after the Office of Civil Rights recommendations were implemented. Until recently, most studies conduct in OUSD have focused on the disproportionate rate of suspensions between Black and White students. In this chapter, however, I will focus on out-of-school suspensions of high school students from all ethnic and racial backgrounds. By demonstrating the differences in suspensions in ethnicity and races across all backgrounds, I aim to demonstrate disparities in a variety of minority student populations.

I begin by reviewing data from OUSD at a district level from publicly funded high schools, comparing two high schools that have had different outcomes in suspensions since OCR recommendations were implemented. This is done because the school level is where reform and policies are implemented, therefore an understanding of suspension rates at a school level is integral for understanding effects of implementation, or lack thereof. This can also reveal other mitigating factors in school environments that may affect suspension rates.
Research Methods and Data

This chapter follows a comparative case study design to explore the specific context of implementation of school discipline reform at the school-level in OUSD high schools. In reviewing suspension data from the OUSD state dashboard as well as reviewing OCR findings, this approach contextualizes shifts in suspension rates in high school students focusing on ethnicity and race of student populations. This chapter compares two OUSD high schools, Fremont High School and Madison Park Academy, focusing on grades 9 through 12. These schools were chosen because of the difference in suspension rates over time, as well as the difference in suspension rates for their students of ethnic minority status. As they are in the same district and subject to the same school board policies, analyzing school-level policies and implementation of reform will be useful in understanding how school environment influences the success of intervention and how to better tailor reformatory policies to specific school environments and communities to achieve lower suspension rates overall and address racial disparities.

Data

In order to analyze descriptive statistics made public by the OUSD dashboard, I will be utilizing data from the 2015-16 and 2021-22 school years and comparing school level suspensions. These years were chosen for multiple reasons. First, the OCTR investigation of OUSD did not conclude until 2018, therefore practices and reforms were not widely initiated during the 2015-16 school year. Further, in May 2015 the school board decided to eliminate the use of out-of-school suspensions for reasons of willful defiance, though it is unclear if each school implemented this change the following year. The 2021-22 school year was chosen because the data is less likely to be affected by the COVID-19 pandemic as California’s
Department of Public Health (CPDH) issues guidance on safe returns for state-wide return to in-person instruction beginning in May 2020. The two high school suspension rates within these two years, as well as reviewing high school’s student handbook, mission statement, and website will be my focus, including also data from the 2015-16 and 2021-22 school year at a district level to contextualize OUSD suspension rates throughout the district.

Limitations of Data

The decision to consider two school years during the investigation and after the investigation increases the likelihood of mitigating factors to affect suspension rates. The comparison case study design seeks to give a comprehensive picture of the difference in suspension rates across schools in the same districts to better understand how context influences reform. Further, the data is supplied by the OUSD school dashboard, so the raw data is not available for analysis. There are also issues caused by the COVID-19 pandemic that may affect the suspension rates of schools, including adjustment times and policy implementation differences. As I rely heavily on data provided by the OUSD dashboard and school reporting to measure the impact and analyze the difference in implementation of school discipline reform at the school level, further research should focus on interviews with students, teachers and administrators to gauge school environment issues and changes. This will provide greater context of the school district environment beyond what data can demonstrate.

Suspension Data of Oakland Unified School District

In 2012, the U.S. Department of Education, Office of Civil Rights (OCR) initiated a compliance review of OUSD under Title VI of the Civil Rights Act of 1964. OCR’s investigation was focused on determining whether the district subjects’ African American students to discrimination on the basis of race by disciplining them with punitive measures at a higher rate than their white peers. Before commencing, the district entered into an agreement with the OCR that committed to addressing issues and implementing preventative strategies based on the findings of the investigation. The investigation concluded in 2018 and provided evidence of the disparate practices in OUSD that affected minority students. This section reviews the suspension of high school students by ethnic and racial groups in the 2015-16 and 2021-22 school years to determine whether school discipline reforms have been successful thus far in addressing disparities between minority groups. This analysis leaves out students who did not identify their ethnicity, as the focus is on minority student suspension rates as well as students who attended charter schools.

Demographic of Oakland Unified School District High Schools

OUSD has a diverse student population. In the 2015 to 2016 school year, 41.2% of students (n=3,783) identified as Latin(x) and 32.5% of students (n=2,984) identified as African American. These are the two largest demographic groups for the district in this school year, making up 73.7% of the high school student population (n=6,767). The next largest demographic group are Asians, accounting for 14.7% of high school students (n=1,350). Students who identify

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as White accounted for 8.1% (n=742) while Native American, Pacific Islander and Multiple Ethnicity high school students accounted for a slim 3.5% of the student populations.

Similarly, Latin(x) and African American students accounted for the majority of the student population in the 2021 to 2022 school year. With 54.3% (n=7,923) of students identifying as Latin(x) and 22.2% (n=3,238) of students identifying as African American. The next largest demographic group were Asians, accounting for 10.8% (n=1,573) of the high school student population. The rate of students who identified as White decreased since the 2015-16 school year, accounting for 7.5% (n=1,101) of the high school students. Finally, Native American, Pacific Islander and Multiple Ethnicity groups accounted for 5.2% of the high school student population, an increase of 1.7 percentage points from the 2015-16 school year.

*Oakland Unified School District High Schools Suspension Rate Overview*

Table Two demonstrates the suspension rate of high school students by race and ethnicity in OUSD during the 2015-16 and the 2021-22 school year.

<table>
<thead>
<tr>
<th>Group</th>
<th>Suspensions 2015-16</th>
<th>Suspensions 2021-22</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>11.8% (n=384)</td>
<td>12.6% (n=321)</td>
<td>+0.8 percentage points</td>
</tr>
<tr>
<td>Asian</td>
<td>1.6% (n=22)</td>
<td>1.0% (n=11)</td>
<td>-0.6 percentage points</td>
</tr>
<tr>
<td>Filipino</td>
<td>3.0% (n=3)</td>
<td>2.6% (n=2)</td>
<td>-0.4 percentage points</td>
</tr>
<tr>
<td>Latino</td>
<td>4.7% (n=197)</td>
<td>3.5% (n=178)</td>
<td>-1.2% percentage points</td>
</tr>
<tr>
<td>Multiple Ethnicity</td>
<td>2.4% (n=4)</td>
<td>5.6% (n=26)</td>
<td>+3.2 percentage points</td>
</tr>
<tr>
<td>Native American</td>
<td>6.7% (n=2)</td>
<td>3.2% (n=1)</td>
<td>-3.5 percentage points</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>7.2% (n=10)</td>
<td>5.6% (n=6)</td>
<td>-1.6 percentage points</td>
</tr>
<tr>
<td>White</td>
<td>1.0% (n=8)</td>
<td>1.6% (n=14)</td>
<td>+0.6 percentage points</td>
</tr>
</tbody>
</table>

Table Two: Percentages of high school students suspended in 2015-16 and 2021-22 school years by race and ethnicity in Oakland Unified School District.\(^{103}\)

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\(^{103}\) *Snapshot of Students Receiving Suspensions*. Workbook: Suspended OSS students. (n.d.). Retrieved April 19, 2023, from
As depicted by the table, students who identified as African American, Multiple Ethnicity, or White experiences an increase a suspension percentage points from the 2015-16 school year as compared to the 2021-22 school year as compared to the 2021-22 school year across the district. However, the number of students suspended from each demographic group did decrease apart from White students. The following section will focus on different high schools and their corresponding suspension rates to give a more comprehensive view on suspension rates across the district.

**High Schools Suspension Rates in Oakland Unified School District**

Table Three demonstrates the suspension rate of each high school within OUSD in the 2015-16 and 2021-22 school year. For reference, in the 2015-16 school year 6.3% of students were suspended, resulting in an average of 5.1 days out of school. In the 2021-22 school year, 5.4% of students were suspended, resulting in an average of 3.4 days out of school.104

<table>
<thead>
<tr>
<th>High School</th>
<th>Suspensions 2015-16</th>
<th>Suspensions 2021-22</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castlemont</td>
<td>6.7% (n=57)</td>
<td>6.9% (n=64)</td>
<td>+0.2 percentage points</td>
</tr>
<tr>
<td>Coliseum College Prep</td>
<td>1.1% (n=3)</td>
<td>1.7% (n=5)</td>
<td>+0.5 percentage points</td>
</tr>
<tr>
<td>Dewy</td>
<td>1.4% (n=6)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Former OUSD School(s)</td>
<td>15.0% (n=6)</td>
<td>33.3% (n=6)</td>
<td>+18.3 percentage points</td>
</tr>
<tr>
<td>Fremont</td>
<td>15.2% (n=136)</td>
<td>8.1% (n=89)</td>
<td>-7.1 percentage points</td>
</tr>
</tbody>
</table>

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104 [Snapshot of Students Receiving Suspensions](https://dashboards.ousd.org/views/SuspendedOSSStudents_0/Snapshot?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no#1). Workbook: Suspended OSS students. (n.d.). Retrieved April 19, 2023, from [Dashboard](https://dashboards.ousd.org/views/SuspendedOSSStudents_0/Snapshot?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no#1).
<table>
<thead>
<tr>
<th>School</th>
<th>2015-16 (%) (n)</th>
<th>2021-22 (%) (n)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life 6-12</td>
<td>4.1% (n=12)</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>Madison Park Academy (Upper)</td>
<td>2.5% (n=8)</td>
<td>9.2% (n=43)</td>
<td>+6.7 percentage points</td>
</tr>
<tr>
<td>McClymonds</td>
<td>16.8% (n=61)</td>
<td>17.3% (n=71)</td>
<td>+0.5 percentage points</td>
</tr>
<tr>
<td>MetWest</td>
<td>1.8% (n=3)</td>
<td>1.7% (n=5)</td>
<td>+0.1 percentage points</td>
</tr>
<tr>
<td>Oakland High</td>
<td>4.8% (n=83)</td>
<td>4.4% (n=75)</td>
<td>-0.3 percentage points</td>
</tr>
<tr>
<td>Oakland Intl</td>
<td>3.1% (n=14)</td>
<td>1.5% (n=7)</td>
<td>-1.6 percentage points</td>
</tr>
<tr>
<td>Oakland Tech</td>
<td>2.3% (n=48)</td>
<td>4.7% (n=92)</td>
<td>+2.4 percentage points</td>
</tr>
<tr>
<td>Rudsdale</td>
<td>5.3% (n=13)</td>
<td>2.5% (n=5)</td>
<td>-2.8 percentage points</td>
</tr>
<tr>
<td>Skyline</td>
<td>10.1% (n=203)</td>
<td>6.1% (n=104)</td>
<td>-4 percentage points</td>
</tr>
</tbody>
</table>

Table Three: Oakland Unified School District High School Suspension Rates in 2015-16 and 2021-22 school years.

As demonstrated by the table, seven high schools saw a rise in percentage points from the 2015-16 school year to the 2021-22 school year. There is a wide variety in suspension different between schools. For example, Fremont High School experienced a decrease of 7.1 percentage points, while Madison Park Academies high school experienced an increase of 6.7 percentage points. Further, the school categorized as Former OUSD school(s) experienced an increase of 18.3 percentage points, the highest of the schools listed. It is unclear what these schools may have been or if they were closed or merged with other schools in the district. While the district

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105 Snapshot of Students Receiving Suspensions. Workbook: Suspended OSS students. (n.d.). Retrieved April 19, 2023, from https://dashboards.ousd.org/views/SuspendedOSSStudents_0/Snapshot?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no#1
reported overall suspension rates for these schools, it did not include the demographic breakdown that the other schools did.

Appendix A demonstrates the suspension rate for each high school for the same school years, adding the breakdown of suspension by demographic groups. Appendix A also shows the wide variety of change in suspensions by high school and ethnicity and race of students. Notably, some schools saw an increase in suspension rates for demographic groups while others saw a dramatic decrease. For example, Dewy High School reported non suspension for students in grades 9 through 12 in the 2021-22 school year. Due to the wide range of increasing and decreasing suspension rates across high schools and demographic groups, the following analysis will focus on suspension rates across high schools and demographic groups, the following analysis will focus on Fremont High School and Madison Park Academy. The table below details the same information as Appendix A but focuses on comparing Fremont High School and Madison Park Academy’s suspension rates.

<table>
<thead>
<tr>
<th>School</th>
<th>Ethnicity / Race</th>
<th>Number of students 2015-16</th>
<th>Suspension rate 2015-16</th>
<th>Number of students 2021-22</th>
<th>Suspension rate 2021-22</th>
<th>Difference in suspension rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fremont</td>
<td>African American</td>
<td>420</td>
<td>34.5% (n=83)</td>
<td>220</td>
<td>20.9% (n=46)</td>
<td>-13.6 percentage points</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>40</td>
<td>7.5% (n=3)</td>
<td>29</td>
<td>6.9% (n=2)</td>
<td>-0.6 percentage points</td>
</tr>
<tr>
<td></td>
<td>Latino</td>
<td>541</td>
<td>8.1% (n=44)</td>
<td>737</td>
<td>5.0% (n=37)</td>
<td>-3.1 percentage points</td>
</tr>
<tr>
<td></td>
<td>Not Reported</td>
<td>12</td>
<td>25% (n=3)</td>
<td>15</td>
<td>6.7% (n=1)</td>
<td>-18.3 percentage points</td>
</tr>
<tr>
<td></td>
<td>Pacific Islander</td>
<td>3</td>
<td>8.3% (n=3)</td>
<td>30</td>
<td>3.3% (n=1)</td>
<td>-5.0 percentage points</td>
</tr>
<tr>
<td></td>
<td>White</td>
<td>18</td>
<td>0</td>
<td>58</td>
<td>1.7% (n=1)</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td><strong>Madison Park Academy</strong></td>
<td>African American</td>
<td>47</td>
<td>2.1% (n=1)</td>
<td>79</td>
<td>17.4% (n=12)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Latino</td>
<td>261</td>
<td>2.3% (n=6)</td>
<td>29</td>
<td>7.6% (n=29)</td>
<td></td>
</tr>
</tbody>
</table>

Table Four: Fremont High School and Madison Park Academy Suspension Rates for grades 9-12 in 2015-16 and 2021-22 school years by race / ethnicity

Focusing on Fremont High School, each demographic group saw a decrease in suspension rates except for white students. In 2015-16 there were a total of 240 African American students attending Fremont, in 2021-22 there was a total of 220 students who identified as African American students attending. African American students saw the greatest decrease in suspension rate, from 34.5% of African American students experiencing suspensions in the 2015-16 school year to 20.9% of African American students receiving suspension rates in 2021-22 school year, a difference of 13.6 percentage points. Further, in 2015-16 there were 541 students who attended Fremont who identified as Latin(x), in 2021-22 there were 737 students in Fremont who identified as Latin(x). Latin(x) students also saw a decrease in suspensions despite the population rise throughout the years; with 8.1% of Latin(x) experienced suspension in 2015-16, in 2021-22 5% of Latin(x) students received suspensions; a difference of 3.1 percentage points. Students who identified as Pacific Islander also experienced a decrease in suspension

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106 *Snapshot of Students Receiving Suspensions*. Workbook: Suspended OSS students. (n.d.). Retrieved April 19, 2023, from [https://dashboards.ousd.org/views/SuspendedOSSStudents_0/Snapshot?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no#1](https://dashboards.ousd.org/views/SuspendedOSSStudents_0/Snapshot?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no#1)
rates. In 2015-16, 36 students identified as Pacific Islander, 8.3% of these students’ experienced suspension. In 2021-22, 30 students identified as Pacific Islander, with 3.3% of students’ experiencing suspension, a difference of 5 percentage points. In 2015-16, 18 students identified as white, none of these students’ received suspension. In 2021-22, 58 students identified as white, 1.7% of these students’ received suspensions.

In contrast to Fremont’s overall decrease in suspension, Madison Park Academy’s suspension rates for grades 9 through 12 increased. In 2015-16 there were 47 students that identified as African American who attended Madison Park Academy in grades 9 through 12, 2.1% of these students' experienced suspension. In 2021-22, 69 students identified as African American, 17.4% of these students were suspended. Similarly, Latin(x) students also saw an increase in suspensions. In 2015-16, 261 students who attended Madison Park Academy in grades 9 through 12 identified as Latin(x), 2.3% of these students’ experienced suspension. In 2021-22, 381 students identified as Latin(x), 7.6% of these students experienced; an increase of 5.3 percentage points. With these differences in mind, the following section will focus on Fremont High School and Madison Park Academy’s mission statements, vision statements, website and language surrounding discipline reform policies.

**School-level Comparative Analysis and Discussion**

**School Mission and Vision Statements**

School mission and vision statements are a relatively new form of analysis. Beyond comparing graduation rates, test scores, drop-out rates, suspension and expulsion rates, school mission and vision statements allow researchers to analyze the overall purpose of the school that otherwise may have seemed homogenous based on test scores or graduation rates. Research has
demonstrated that mission statements can be a reliable way to gauge overall school theme, as well as the focus and priorities of principals and administrators.107

Fremont High School’s mission and vision statement can be found under the “about us” tab on the school’s website.

_Fremont High School is a 9th–12th grade school dedicated to providing a rigorous inclusive and equitable education to our diverse student body. We strive to instill collaboration, critical thinking, and literacy, while developing students technological, social-emotional, and leadership skills. In addition to college and career readiness for all our students, we value civic engagement and empowering students to act as agents of change throughout our school and local communities._

_Our school is a welcoming place where all student, families and teachers feel their needs are met and their voices are heard. Our students graduate prepared for the colleges and careers of their choice through rigorous academic coursework and through equitable opportunities in career pathways, industry certifications work-based learning, early college and advisory._

As demonstrated by the school’s mission and vision statement, Fremont High school first mentions that it is dedicated to providing a rigorous and equitable learning experience in an inclusive and supportive learning environment for the diverse student body. Not only highlighting values of rigorous learning experiences but also placing value on diverse, inclusive and equitable learning. Fremont High School also highlights its diverse student body as a value. Further, beyond highlighting skills such as collaboration, critical thinking and literacy which are expected of most schools, Fremont also highlights developing students technological, social-emotional and leadership skills. It is interested that the school highlights social-emotional skills and learning as well, in chapter two when reviewing California state legislation there was a clear


emphasis on building social-emotional learning skills as an alternative to suspension was it addresses the root cause of misbehavior. Specifically, MTSS frameworks focus on supporting students gaining critical social and emotional skills through the support of schools, this is reiterated in Fremont’s school mission and vision. Fremont also highlights their commitment to creating engaged civic leaders and advocates by “empowering students to act as agents of change throughout our schools and local community.” This seems to be a focal point for Fremont High School, beyond preparing their students for college and careers the school focuses on creating engaged civic leaders in their communities.

Madison Park Academy’s mission and vision statement can be found on the bottom of the homepage, as well as under the about MPA tab.

*MPA’s vision is that our students graduate prepared for college as curious, innovative, creative problem-solvers who demonstrate character and strive to build a more just community for themselves and others.*

*Our mission is to know all of our students well, and in so doing, provide them with engaging opportunities for relevant, authentic, interdisciplinary, project-based learning situations, both within and beyond our walls.*

Madison Park Academy’s vision statement first focuses on preparing their students to be prepared for college and careers as “curious, innovative, creative problem solvers who demonstrate character.” Further, the vision statement also states that the school strives to build students who work toward creating a “more just” community for themselves and others. Madison Park’s vision statement first focuses on college and career readiness, and then character building as community advocates. The vision statement does not highlight the school environment; however, the mission statement does also highlight learning opportunities. Specifically, the

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mission statement highlights providing students with “engaging opportunities for relevant, authentic, interdisciplinary project-based learning situations,” this language is similar to that of the vision statement and goes hand-in-hand with career and college readiness. The focal point of Madison Park Academy’s vision and mission statement seem to be college and career preparedness through learning opportunities.

Discussion of School Mission and Vision Statements

The language in Fremont High School and Madison Park Academy’s vision and mission statements differ greatly. Fremont High School uses language such as “dedicated to” and “we value” whereas Madison Park Academy uses language such as “MPA’s vision” and “our mission” which clearly defines the vision statement versus the mission statement. Fremont’s statements are not as clearly defined which is which, instead utilizing broader language to tie the vision and mission statements together. Further, Fremont High School describes its learning experience as “rigorous, inclusive and equitable”, Madison Park Academy in contrast describes its learning experiences as “relevant, authentic, interdisciplinary, [and] project based.” The difference in language may draw attention to the schools’ values, as Fremont highlights inclusive and equitable education whereas Madison Park focuses on career and college readiness skills in education. Madison Park Academy’s focus seems to be in preparing students for college and careers while Fremont’s statement focuses on the school environment within education and equity of its students.

Fremont high schools mission statement also focuses on developing collaborative, critical thinking, and literacy skills while also developing students “technological, social-emotional and leadership skills.” In contrast, Madison Park Academy does not focus on skills such as leadership or social-emotional but instead focuses on creating “curious, innovative, creative problem
solvers” in its students. This language differs greatly, and skills stated by Madison Park are not stated as skills but instead character attributes, whereas Fremont’s statement focuses on creating and supporting students professional and personal skillsets. Both schools also mention building students who are community advocates beyond school walls, however language used in this topic between the schools also highlights different focuses. Madison Park Academy states that its vision is to graduate students who “strive to build a more just community for themselves and others.” This wording puts the focus of civil engagement of students after graduating from school, as well as focusing on building a ‘just’ community. The use of ‘just’ is of note as it can have multiple implications and meanings, it is also subject to interpretation. In contrast, Fremont High School states that it values “civic engagement and empowering students to act as agents of change throughout our school and local community.” This wording places civic engagement within the school’s values during the students’ time at school, not after graduation. Further, this language places value on empowering students to act as agents of change in both the school and local community.

In coding and defining school mission statements, PEW research center has defined categories that are most prominently found in school mission and vision statements. These categories include academic skills, future readiness, academic program and excellence, safe and healthy environment, diversity, equity and inclusion, parents and community involvement, student centered education, and mental health. Each category provided by PEW has outlined words that fall into each, as well as exclusionary words and phrases, this framework was utilized

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to categorize each high schools’ statements. Based upon these categories, I have categorized the language in both high schools' mission and vision statements to analyze; this is represented by the table below.

<table>
<thead>
<tr>
<th>Category</th>
<th>Fremont High School</th>
<th>Madison Park Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic skills</strong></td>
<td>Critical thinking</td>
<td>Creative problem-solvers</td>
</tr>
<tr>
<td></td>
<td>Literacy</td>
<td>innovative</td>
</tr>
<tr>
<td></td>
<td>Technological</td>
<td></td>
</tr>
<tr>
<td><strong>Future Readiness</strong></td>
<td>College and career readiness</td>
<td>Prepared for college and career</td>
</tr>
<tr>
<td></td>
<td>Civic engagement</td>
<td>Strive to build a more just community for themselves and others</td>
</tr>
<tr>
<td></td>
<td>Leadership skills</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Graduate prepared for colleges and careers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Career pathways, industry certification, work-based learning, early college</td>
<td></td>
</tr>
<tr>
<td><strong>Academic program and excellence</strong></td>
<td>Rigorous academic course work</td>
<td>Engaging opportunities</td>
</tr>
<tr>
<td><strong>Safe and Healthy Environment</strong></td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Diversity equity and inclusion</strong></td>
<td>Inclusive and equitable education to diverse student body</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Equitable opportunities</td>
<td></td>
</tr>
<tr>
<td><strong>Parent and Community involvement</strong></td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Student-centered learning</strong></td>
<td>Empowering students</td>
<td>To know all of our students well</td>
</tr>
<tr>
<td></td>
<td>Their needs are met, and their voices are heard</td>
<td>Relevant</td>
</tr>
<tr>
<td></td>
<td>Advisory</td>
<td>Authentic</td>
</tr>
<tr>
<td><strong>Mental Health</strong></td>
<td>Socio-emotional</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Table Five: categorizing language in school mission and vision statements
As demonstrated by Table Five, neither Fremont High School nor Madison Park Academy uses language that highlights safe and healthy environment or parent and community involvement in their mission and vision statements. Further, both schools utilize language that highlights academic skills, future readiness, academic program, and excellence as well as student-centered learning. It is made clear by the table that Madison Park Academy utilizes language that focuses more on student-centered learning and future readiness than Fremont High School. In contrast, Fremont High School utilizes language that focuses on diversity, equity and inclusion and mental health. Through this analysis, one can infer that Madison Park Academy and Fremont High School’s priorities in student building and school environment differ, but both focus on future preparation and building academic skills of its students.

School Website and Discussing Restorative Justice

Fremont High School’s home page has allocated section for announcement, school news, quick links, upcoming events, student reporting, a section that lists 18 OUSD resources for free bus passes for students, and the school’s contact information at the bottom of the page. While the school has an announcement and news section on the home page, there is a designated student reporting section that links to the student newsletter. This is a page written by students who attend Fremont High School, with topics include trading, school events, and a focus on gold sales. While the student reporting is highlighted on the home page, there is no explanation as to what this student reporting site plays in school environment or community.

Reviewing the main menu of Fremont's website, the directory includes an about us, academics and programs, counseling, staff, athletics, community, new students and sections

enroll with us. Under the About Us section, there are directories to the school mission and vision page, bell schedule, history, policies, Fremont facilities project, uniform complaint procedures, and activities calendar. In the About Us section, a school policies page is listed; this page highlights “The Fremont Way” that defines the “school community’s commitments to being safe, being respectful and being responsible.” While Fremont did not highlight school environment safety in its mission or vision statements, The Fremont Way highlights creating a safe, positive learning environment utilizing language such as “keeping each other safe”, “using positive communication” and “being our best selves”. Fremont also highlights the OUSD nondiscrimination policy, complain procedures and makes the OUSD student family handbook accessible on a variety of the policy pages.

The academics and programs made also has a drop-down directory that includes the school's academic programs, academics, scholarship and commitment to restorative justice. The restorative justice page details the importance of restorative justice and how it is integrated at Fremont.

Restorative Justice is a set of practices that challenge us to develop solutions from our authentic selves. In society, RJ approach opens up possibilities for addressing harm and wrongdoing that don’t involve criminalization. In educational settings, RJ provides alternatives to punitive discipline, which in turn promotes positive school culture including safety, emphasis on learning and creativity, respect and responsibility.

Along with this explanation of restorative justice, the page outlines how restorative justice is implemented at the school following a multi-tiered approach. Tier one, named Relate Circles, focuses on supporting students, teachers and staff to relate to one another in an effort to build

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community and practice empathy. Tier two, named Repair Circles, focuses on conversation and mediation addressing harm and conflict to recover and repair relationships moving forward. Finally, tier three, named Restore Circles, focuses on welcoming students who have been suspended or returning from juvenile detention or extended absences. Fremont’s restorative justice page also highlights Student Leader Circle-Keepers that design and run similar circles in classrooms, advisories and after school programs that may be tailored to their peers. These student leaders participate in regular restorative justice trainings to lead circles. The program also has a designated coordinator; the sole purpose of this position is to facilitate “peacemaking, healing and community circles”. Designating a coordinator within the school to focus on restorative justice demonstrated Fremont’s acceptance and commitment to alternative programs and building a positive school environment.

Madison Park Academy website’s home page has allocated section for announcements, quick links, about MPA (where the vision and mission statements can be found), upcoming events and school contact information. The quick link section includes links to enrollment, vaccine mandates, bell schedules, student and parent start pages, OUS District home page, the 2020-21 student handbook and immunization and registration information. Unlike Fremont, Madison Park Academy displays its mission and vision statements on the home page. The main menu has an about us, academic, athletics, services, resources, families, students, staff links and enroll with us sections.

Under the About Us section, the directory includes an about Madison Park Academy, MPA in the news, bell schedule, contact us and who we are pages. The about Madison Park Academy page details information about the school including student population, when the school was established, when the high school was established as well as graduation rates and
college acceptance rates. The school also has its vision statement listed again and the four p’s “pride, purpose, possibilities and perseverance”, the four p’s are also listed in Spanish. Under the resources tab, a restorative justice page is listed. This page details restorative justice efforts within the school and community.

At MPA, we utilize restorative justice framework to handle conflict and to repair harm. Circles are conducted in all classrooms, and we focus on restoring harm rather than punishment. Kyle McClerkins is the MPA restorative justice counselor, and he manages a set of interns to lead circles, deescalate conflicts, and facilitate conversations between students. Through this internship students learn how to problem solve, bring back the peace, develop a sense of patience, and how to manage their own emotions when things get tough. These skills are applicable to everyday life because they require mature individuals to talk about their problems and emotions and remain neutral in situations that normally inflict judgement. By talking things out and dealing with a host of different conflicts, students navigate conversations and utilize different strategies to reflect. Restorative Justice is important because it helps understand why conflict happens, it is an alternative to punishment, and it helps students recognize healthy ways to manage conflict.

Along with this explanation of the importance of restorative justice and how it is utilized in Madison Park Academy, the page also details how the school is committed to restorative justice practices within its community. Describing how high school leaders have the opportunity to mentor elementary schools in restorative justice and provide support to their “little”. Additionally, the page details that these students also partnered with a local middle school to hold an interview panel to select potential students as middle school restorative justice facilitators, supporting the greater Oakland community. Finally, the restorative justice page has a section highlighting the restorative justice coordinator, with their contact information, schedule, and favorite “RJ quotes”. Designating an in-school coordinator for restorative justice

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demonstrates its importance and value placed upon it within the Madison Park Academy community.

Discussion: School Websites and Restorative Justice Language

Table Six visual compares website features of both schools

<table>
<thead>
<tr>
<th>Website feature</th>
<th>Fremont High School</th>
<th>Madison Park Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home page: resources for free bus passes</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>About us</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>OUSD discriminatory policy</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>School policies</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Scholarship opportunities</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Disciplinary policies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OUSD student and family handbook</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Restorative Justice page</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Yearly High School plan</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Staff directory</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

Table Six: comparing information featured on school websites

First, comparing the home pages of each school, they seem to be similar, however different priorities in the sections allocated on the home page may demonstrate school priorities.

Notably, Fremont’s homepage has a section that lists 18 OUSD schools with linked resources for free bus passes for students, stating that all students attending the schools that are listed are eligible for free bus passes. Madison Park Academy is not listed as one of the schools where students have access to free transit bus passes. Further, Fremont’s quick links section includes a 2022-23 high school plan as well as a student reporting website. The school plan for student achievement details the high schools' plan of actions to raise academic performance among its
students as well as funding provided by state and local programs. Madison Park Academy does not include this plan visibly on their website. Madison Park Academy does have their vision and mission statements displayed upon the home page, Fremont High School does not. Fremont high school’s homepage focuses on student news and resources, while Madison Park Academy’s homepage focuses upon vaccine mandates and upcoming school events. Both schools have multiple avenues of accessing the OUSD student and family handbook, however only Fremont addresses district nondiscrimination policies, school policies and complaint procedures on its website.

The restorative justice pages also differ between the two schools. Fremont’s restorative justice page focuses on how restorative justice principles and practices have been implemented in a MTSS design, while Madison Park Academy’s restorative justice page focuses on how restorative justice is used when handling conflict. Both schools detail the importance of restorative justice practices as an alternative to discipline; however, each school utilizes different language to do so. Fremont describes restorative justice as a “set of practices that challenge us to develop solutions from our authentic selves,” differentiating restorative justice in society and in educational settings. Madison Park Academy does not define what restorative justice is, but does state that it is utilized in the school “to handle conflict and to repair harm”, and focuses on “restoring harm rather than punishment.” Further, Fremont outlines the importance of restorative school justice as “an alternative to punitive discipline, which in turn promotes positive school culture including safety, emphasis on learning and creativity, respect and responsibility” which mirrors The Fremont Way discussed previously. Madison Park Academy’s discussion of the importance of restorative justice in school focuses on problem solving, managing conflict and
developing skills for students to “talk about their problems and emotions and remain neutral in situations that normally inflict judgment.”

Both schools provide opportunities for students to become leaders in restorative justice efforts, Fremont calls these students “student circle-keepers” while Madison Park Academy refers to them as “restorative justice interns”. Fremont’s approach and wording indicates the student leaders have a degree of independence and discretion when running their own circles, or restorative justice discussions. Madison’s reference to these students as interns, as well as referencing that they are “managed” by the school restorative justice coordinator can be understood as allowing students less discretion and managing and supervising the student run circles. Notably, a focal point of Fremont’s restorative justice page seems to be the MTSS system that the school has implemented into school culture and community, addressing different areas of restorative justice in each tier. Both schools allocate resources and space on the restorative justice page to highlight its in-school restorative justice coordinator; however, only Fremont details specifically what their coordinator strives to achieve in its community and what they are dedicated to working on.

Conclusion

As demonstrated throughout the chapter, school implementation of policy reform differs from schools throughout the same school district. While reform focused on lowering suspension and expulsion rates of students as well as addressing disparities in minority students is important, analyzing school mission statements, vision statements and school websites can demonstrate what is being focused on at the school level. Through this analysis, it can be inferred that school administration is more focused on student success, student support and restorative justice practices than discussing disciplinary policies. Based upon this analysis it can also be concluded
that differences in addressing restorative justice, diversity equity and inclusion as school values, and open discussion of policy may create a positive school environment, lowering overall suspension rates in ethnically and racially minority students. While the overall school environment cannot be gauged through this analysis, it does demonstrate priorities in schools and how this may affect school environment and suspension rates. In the conclusion, I will connect suspension rates, school district policy reform and implementation of reform to demonstrate that while overall policy reform at the state and district level is important, school-level implementation and discussion of disciplinary practices greatly affects student environment and therefore ultimately affects suspension rates.
Conclusion

Understanding differences in policy implementation can be an important political resource for reformers, but they must understand implementation happens at the ground level. This project examined one school district in California that was one of the ‘most likely’ cases to successfully implement policy reform within its public schools. Further, in conducting a comparative analysis of two high schools within the district, I aim to best understand how differences in policy implementation may affect the school environment, which ultimately affects suspension rates of students. However, as this was a comparative case study of language used by the schools there are limited conclusions that can be drawn; a more substantive study, for instance, would conduct ethnographic research to fully engage and observe school environments. Yet in these cases, understanding schools' discussion of policy reform such as restorative justice practices, commitment to nondiscriminatory district policies, mission statements and vision statements can inform priorities and values each school has, affecting its approach to discipline which contributes to the overall school environment.

The purpose of this study was to identify how school discipline reform is implemented at the school-level, specifying conditions that led to reform at the state and district level, and how these differences of implementation may affect school environment and suspension rates. While this project analyzed two cases in the Oakland Unified School District in California, the principal findings of this project – that school implementation of reform policies will differ within districts depending on the community and how it is implemented can be seen through language and discourse used by the school that will ultimately affects school environment and suspension rates– can be found throughout the United States. The OCR has investigated many school
districts within the United States, recommending policies that fit each district; how these reform policies are ultimately implemented is up to each school.

These changing legislation and practices for supporting alternative forms of school discipline echo similar dynamics occurring throughout the United States in a number of state legislatures and school districts. For example, the Virginia legislature in 2020 enacted the Student Behavior and Administrative Response Collection (SBARC) in response to reframing school discipline from that of punitive punishment and exclusionary practices to that of restorative and alternative practices beginning in 2021.\(^{116}\) The SBARC records responses to discipline such as rate of class removals, suspensions, expulsions, law enforcement referrals, and loss of privileges.\(^{117}\) The new Virginia code also details behavioral codes, disciplinary sections and training for local Virginia school districts. Similarly, Dallas Independent School District (DISD) in Texas went through major school discipline reform after Texas Education Agency (TEA) found significant disproportionality in minority students being subject to punitive school discipline. In 2021, DISD implemented a redesign of their discipline approach that focused upon deconstructing current punitive discipline practices, building a positive school climate and culture, and monitoring learning through qualitative and quantitative data to continue improvement in schools.

In these examples, state level investigation significantly demonstrated disparities and failures of punitive punishment across different demographics and school districts. Over time, school discipline reform across school districts in the United States has demonstrated positive results; however, without case studies focusing on the school-level implementation of reform.

\(^{116}\) Commonwealth of Virginia Code §22.1-279.3:1

\(^{117}\) Commonwealth of Virginia Code §22.1-279.3:1
disparities among schools will go unseen. These outcomes of reform reveal promising results for alternatives to school discipline across different demographic groups and different school districts; focusing on keeping students in school and developing necessary skills to combat the root cause of misbehavior will support students from all walks of life. As reform continues to be implemented throughout school districts, future studies should focus on the implementation of this reform at the ground level; noting how different communities respond and have different needs.

The school-to-prison pipeline has many contributors and mitigating factors. This project focuses on academic success of students, and how punitive and exclusionary measures harm student success. Finding alternatives to punitive and exclusionary measures is important in ensuring academic success and keeping students in schools; however, policy will only do so much. Policy implementation at the school-level will ultimately affect the lives of students and is left up to school discretion. Therefore, research analyzing how schools and communities implement reform and discussing school policies and discipline is imperative in understanding the effects of policy on specific communities. In this project, I stress that while state-wide and district-wide school disciplinary reform is important for addressing disparities, each community and school is different; it is not a one-size fits all solution.
Appendix A

OUSD High School Suspension Rates in 2015-16 and 2021-22 school years by race / ethnicity

<table>
<thead>
<tr>
<th>School</th>
<th>Ethnicity / Race</th>
<th>Suspension rate 2015-16</th>
<th>Suspension rate 2021-22</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2015-16</td>
<td>2021-22</td>
<td>percentage points</td>
</tr>
<tr>
<td>Castlemont</td>
<td>African American</td>
<td>14.5% (n=39)</td>
<td>15.4% (n=37)</td>
<td>-0.9</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>0</td>
<td>0</td>
<td>-0.6</td>
</tr>
<tr>
<td></td>
<td>Latino</td>
<td>2.7% (n=14)</td>
<td>3.3% (n=21)</td>
<td>-0.6</td>
</tr>
<tr>
<td></td>
<td>Pacific Islander</td>
<td>8.8% (n=3)</td>
<td>9.1% (n=1)</td>
<td>-0.3</td>
</tr>
<tr>
<td>Coliseum College Prep 6-12</td>
<td>African American</td>
<td>2.9% (n=1)</td>
<td>5.1% (n=2)</td>
<td>+2.2</td>
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<tr>
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<td>Latino</td>
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<td>1.3% (n=3)</td>
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<tr>
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<td>Asian</td>
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<td>-4.1</td>
</tr>
<tr>
<td></td>
<td>Latino</td>
<td>1.0% (n=2)</td>
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<td>-1</td>
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<tr>
<td>Former OUSD school(s)</td>
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<td>18.8% (n=3)</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Latino</td>
<td>15% (n=3)</td>
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</tr>
<tr>
<td>Fremont</td>
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<td>7.5% (n=3)</td>
<td>6.9% (n=2)</td>
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62
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<th>Latino</th>
<th>Not reported</th>
<th>Pacific Islander</th>
<th>White</th>
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<tr>
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<td>8.3% (n=3)</td>
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<tr>
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**Life 6-12**

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**Maddison Park Academy 6-12**

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</tr>
<tr>
<td>3.4% (n=1)</td>
<td>10.9% (n=5)</td>
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**McClymonds**

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