

TUSD Report: December 28, 2015

Topic: Discipline and school climate issues

Dear supporters and correspondents,

The *Star*'s lead story on December 14 summarized the findings of an internal TUSD study of the disciplinary climate at Secrist Middle School. They were alarming: "... students were heard hurling racial slurs at one another, using profanity toward teachers, threatening peers and teachers alike, and demonstrating high levels of aggression..." I attached the *Star* article to the email.

Two days later I attended a tense PTA meeting at Secrist, where an administrator from Central announced changes in the school's leadership and changes in practices intended to improve the school climate. I give him credit for speaking calmly and courteously to an angry group.

Though Secrist was the unfortunate subject of the headline, many (not all) TUSD schools have serious climate problems. Going into this year (i.e., in the transition from 2014-15 to 2015-16) *TUSD lost over 450 teachers, 19% of the total, in one year.* Some of those departures were terminations and retirements, but the majority were resignations. Several TUSD schools lost more than half of their teachers this year. I am sure that many of those resignations were related to school climate.

The one-time Arizona Working Conditions of Teachers survey, conducted in 2007, asked teachers to choose among 14 factors that would determine whether they would stay in teaching. The most important factor, statewide, was "adequate support from school leadership": among five response options, 60% of respondents said that was "extremely important" and another 20% called it "important." Here are the fractions of respondents who said that various factors were either "extremely important" or "important":

Adequate support from school leadership	80%
Salary	74%
Empowerment to make decisions	73%
Student behavior	60%
Adequate facilities and/or resources	58%
Emphasis on testing and accountability	35%

That survey is dated, but I am confident that this conclusion is as true now as it was in 2007: giving teachers tools and support to maintain healthy classroom environments is a critical part of keeping them in teaching.

This letter first discusses the meeting at Secrist and then the larger issues. As usual, I speak only for myself, not the board as a whole.

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Secrist Middle School

Summary: A PTA meeting on December 16 revealed the depth of the anger and frustration of Secrist's parents, teachers, and students, about the school's discipline issues. The students read a moving statement of their concerns. TUSD used the meeting to announce a midyear change in the school's leadership and a dozen changes in how the school would operate; but almost none of the changes tighten disciplinary standards.

Complaints about Secrist's climate have circulated for awhile, and this probably contributed to the initiation of the internal study that the *Star* described. Central's planned response to the study did not originally include changing Secrist's leadership, but something – perhaps the *Star*'s story – changed that plan.

The Secrist meeting was well-attended. The anger felt by teachers, parents, and students filled the room, especially toward the end. One of the frustrated and unhappy students read a page of prepared remarks, which I attached to the email. By the end of the meeting many students were crying. I wish there were a video recording of the meeting because it would express, better than I can write, the depth of TUSD's student discipline problems.

The students' remarks say, in part:

The amount of disrespect is unimaginable; we are honored to have so many teachers still here... We don't have enough time to learn everything we need to with all of the disruptions going on."

I encourage you to read their full remarks in the attachment.

Not all TUSD schools have these problems. The best principals and teachers can maintain effective learning environments even under adverse conditions, but the schools as a whole need more support from Central. The success of the district should not depend on finding thousands of persons with superhuman talents – especially at our salaries.

Through a slightly confusing combination of two different presentations, at the meeting, Central announced about a dozen proposed changes in Secrist's practices. These include, for example, tightened hall pass procedures, behavioral norms that will be posted in every classroom, and more institutional supports for substitutes. (Secrist has had many substitutes.) Such decisions would normally be made at the school.

Most of the ideas made sense to me, but I think the audience mainly wanted to hear that there would be more consequences for bad behavior, such as suspensions and expulsions. Only one of the dozen ideas pointed toward harsher consequences (and not much harsher): teachers will have greater authority to assign lunch detention. A disconnection between what was hoped and what was offered may help to explain the skepticism that remained after the meeting.

The administrator from Central claimed during the presentations that the climate at Secrist had already improved, but some of the attendees disagreed vigorously.

Someone in the audience asked whether throwing a heavy object at someone, without hitting them, would qualify as an “assault,” which could allow an immediate suspension according to TUSD’s Guideline for Students Rights and Responsibilities (GSRR). Central’s representative said “No,” which was upsetting to some in the audience, but I think that answer was wrong. Such an incident should qualify as an “assault,” by both the standard legal and the GSRR’s definitions.

Shortly before the meeting, Secrist’s boys’ volleyball team won the city championships! That lifted everyone’s spirits somewhat.

TUSD’s general discipline issues

Summary: TUSD has serious discipline problems at many (not all) schools, and Central seems to be in a state of denial about the seriousness of the issue. Central cannot even see the full scope of the problem, because violations are under-reported. Some of the restrictions on discipline come from the court-ordered USP, but the main problem lies in the administrative philosophy at Central, including the current governing board. Students and teachers, who live through the problems every day, seem to understand them better than educational administrators.

It is common to blame the court-ordered Unitary Status Plan (USP), or indeed anyone but TUSD, for many of TUSD’s problems. In some areas the USP’s language has indeed hampered TUSD’s planning, but in others the USP is merely a convenient bogeyman to deflect accountability from wherever it actually belongs.

In the case of discipline, the USP did force a big change: it requires positive interventions (e.g. “restorative circles”) before suspending a student, unless there is a concern for student safety. This rule can have bizarre implications, as I illustrate below through an example. Nonetheless, many other problems in the GSRR have been created by district leadership and not forced by the USP. The GSRR is, in general, surprisingly out of alignment with both the USP and state statute, as well as other TUSD policies. Another section of this letter discusses these inconsistencies.

Rising above the details of Secrist, the GSRR, and the USP, two general points have become clear.

1) TUSD’s school climate issues are serious (at some schools).

I get a steady stream of complaints about discipline problems. Here are excerpts from a typical complaint, which arrived shortly before the Secrist meeting. I have omitted the name of the elementary school.

“My grandson... 1st grade has had a problem being BULLIED for an entire year. Last year he was bullied by other children and again this year the same problem happens almost daily.... was punched in the eye again today, he had to go to the nurse and the last time he was punched in the stomach, mouth (I saw blood) and eye. I have absolutely had it with these kids at this school and the way things are SWEPT under the rug... We are now considering suing the School district and the parents of these boys too.”

I rarely have any way to assess the accuracy or completeness of a specific complaint. I typically pass it on to staff, if they do not already have it. But there are so many similar complaints, some from persons I already know, that they cannot all be wrong.

Therefore, while not every school in TUSD has a climate problem, I am convinced that the district as a whole has a serious problem. Striking the right balance between the interests of perpetrators and victims is always a challenge, but the current balance tilts too far away from the interests of victims, who include not only the direct targets of aggressive behavior but every student and teacher who suffers from a chaotic educational environment.

I am also convinced that this is the biggest single reason that TUSD loses students. TUSD operates in a competitive market, and too many of its schools are not providing the safe and productive educational environment that the customers want. If the district insists on giving academic theories about discipline (which are often based on weak empirical research) a higher priority than the needs of the families who consume its services, then they will get disgusted and leave. Trying to force families to endure lax disciplinary policies is self-defeating, because TUSD loses all control of the educational process when they flee to other schools that provide what they believe is a healthier school climate.

“Restorative” disciplinary models have had some successes, and Central is proud of the decline in reported incidents at some schools, but it fails to recognize the gaps in disciplinary reports. It is an open secret that disciplinary incidents (including gun incidents) are under-reported at some schools, because there is so much to lose by reporting everything. Secrist proves the point. According to the *Star* article, it attracted an investigation partly because it self-reported so many disciplinary problems. The removal of its leadership, whether or not justified, provides an unintended lesson to every other principal.

When I have discussed the problem of under-reporting with staff, the disconnected response has been simply to refer to the reported data.

2) *The current board cannot solve the problem.*

I think that TUSD’s current board, and many of its administrators, are neither philosophically nor temperamentally capable of addressing TUSD’s school climate problems. In this area, perhaps more than in other, they “do not get it.” No one condones students’ bad behavior, but they do not realize how their policies and practices encourage and perpetuate such behavior.

Teachers and students and parents all know that Central is detached from reality on this issue, but unfortunately I see no signs of reattachment. When the board discusses discipline, the focus is consistently on moving further and further *away* from disciplinary consequences and instead providing more and more support and intervention for the bullies who make everyone else’s lives miserable. The board sees this as severing the “school-to-prison pipeline” (an admirable goal), not realizing that they are instead filling the pipeline out of TUSD and into neighboring districts and charter schools.

In the *Star* article on Secrist, I was startled to read a TUSD administrator suggest that part of the problem at Secrist was removing students from classrooms *too frequently* rather than too rarely: “He indicated that ‘A large number of students were routinely sent to the office for low level offenses that should have been handled in class.’” That interpretation is completely detached from the reality that the students at the Secrist meeting were describing.

Students get it. Students (of all ethnicities) understand that students need boundaries, consequences, and high expectations. They are astonished when the adults running the school system do not understand that. They are astonished that adults allow a few students to ruin education for the rest.

Possible steps to improve school climate

Summary: This section provides some broad and simple suggestions for addressing TUSD's discipline issues.

After the *Star* article someone asked me, "What policies or practices are needed to help remedy these problems?" That is a hard question, and I am not prepared to provide complete answers. But here is a version of the answer I gave.

- (1) Central should state a clear commitment to comply with statute A.R.S. 15-841, to protect teachers' rights to remove disruptive students from the classroom. I think this issue remains murky in TUSD partly because clarifying it would expose a compliance problem.
- (2) The GSRR and TUSD's profusion of other disciplinary policies should be radically consolidated, shortened, and simplified, and the many inconsistencies and internal contradictions (discussed below) should be fixed. The GSRR should also come into tighter compliance with the USP and incorporate its language explicitly. After this radical revision, the board should stop revising the GSRR once or twice a year and let it rest. It is hard enough to understand the GSRR without constantly moving the target.
- (3) Central should develop new methods of monitoring school climate, beyond its current focus on reducing the number of reported disciplinary incidents and the number of suspensions, which create perverse incentives for principals. Staff members should have a confidential outside channel to report problems that might otherwise go unreported.
- (4) Teachers need more and better training in classroom management.
- (5) As in other areas, TUSD should do more research on other districts' best practices.
- (6) The governing board should support rather than deny principals' expulsion recommendations, when they come to the board.
- (7) The board should engage the plaintiffs and federal court directly and collaboratively on the issue of how TUSD can protect the safety of the staff and property at its schools, and comply with A.R.S. 15-841, within the limits set by the USP. This may require revising the USP to give the district latitude to take actions to protect staff and property.
- (8) The board should send consistent and conspicuous signals that it understands and cares about fixing the climate problems.

I am happy to get feedback on these suggestions, or to hear other ideas.

Inconsistencies among the USP, the GSRR, and other TUSD policies on discipline

Summary: TUSD's overlapping disciplinary policies and regulations are full of apparent inconsistencies and contradictions. In some ways they appear to be out of compliance with the USP, and in others they tie principals' and teachers' hands tighter than the USP requires. The USP and TUSD's policies both create situations in which principals' disciplinary options seem absurdly restricted.

TUSD's disciplinary practices rest on confusing foundations, because its policies are complex, scattered and unclear in how they incorporate the USP. Some statements in the 40-page GSRR contradict each other and other TUSD policies. This part of the letter summarizes some of the problems.

What the USP says

The discipline section of the USP spans seven pages, which I attached to the email, plus an eighth page of definitions. Most of that section concerns reporting, training, and other issues that do not directly affect the options for handling violations. Only a few passages significantly affect those options:

“In accordance with the Guidelines for Student Rights and Responsibilities, discussed below, and to the extent practicable based on the student behavior at issue, a variety of graduated positive behavior techniques shall be used with the aim of preventing students from being excluded for any amount of time from the classroom or school...”

“the District shall ... revise the Guidelines for Student Rights and Responsibilities to: (i) limit exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented the types of intervention(s) used in PBIS [Positive Behavioral Intervention and Support] and/or Restorative Practices, as appropriate...” [I refer to this below as the USP “rule.”]

“Exclusionary Discipline” refers to any disciplinary consequence that removes a student from classroom instruction, including, but not limited to, in-school suspension, out-of-school suspension, placement in an alternative setting or program, and expulsion.”

“Restorative Practices” includes methods such as a "Restorative Circle" or "Social Skills" group. The USP also says, however:

“None of these revisions shall prevent school personnel from protecting student safety as appropriate.”

The USP does *not* provide analogous exceptions for protecting staff safety, school property, or the educational environment. Therefore, a student could show extreme and unlimited disruptive behavior in the classroom, threaten staff, or destroy school property, and the USP would explicitly prohibit any kind of suspension until TUSD has attempted and documented restorative interventions.

The following hypothetical example shows the absurdity of this:

Example 1: A student with a good disciplinary history becomes enraged at real or imagined unfair treatment by a teacher. He tells her to “watch out” and threatens to damage her portable classroom. That night he burns the portable, paints the teacher’s name with obscenities on school walls, and commits other extensive vandalism at the school. He is arrested for arson and released pending trial.

Problem: Unless this is a *student* safety issue (which seems doubtful), the USP says unequivocally that the principal cannot remove the student from classes, even for a day.

If TUSD suspended him anyway, and his parents or the desegregation plaintiffs took legal action, would TUSD prevail? This is a legal and risk management question, and I do not know the answer.

At least the USP’s statements on discipline are short and fairly clear, unlike the GSRR.

The GSRR's confusing guidance on suspensions and expulsions seems to violate the USP.

The GSRR's disciplinary rules are based on five tiers of violations, from Level 1 (the least serious) to Level 5. The rules concerning suspension and expulsion options, at these various levels, are confusingly scattered across pages 6, 17, and 21, which offer inconsistent guidance.

Remarkably, the GSRR never even mentions the USP. In the context of short-term suspensions, however, page 17 does paraphrase the key USP rule: "principals must limit exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented they types of intervention(s) used in PBIS and/or Restorative Practices".

Page 6, however, offers contradictory guidance for Levels 4 and 5, suggesting that the USP's rule can be ignored at those levels: "For all but the most severe offenses (Levels 4 and 5 ...), an Exclusionary Consequence ... must be limited to instances in which... student misbehavior is ongoing and escalating, and ... only after the District has first attempted and documented the types of intervention(s) used..." This year, for the first time, the table of disciplinary options on page 21 goes even further, listing long-term suspension as an option at Levels 4 and 5 without any qualifications.

Taken as a whole, the GSRR seems to be stating the bizarre position that, for a violation at Levels 4 or 5, a principal can impose a short-term suspension only if there is a record of prior interventions, but a long-term suspension is exempt from this requirement.

In 2014, unsurprisingly, the desegregation plaintiffs complained that the GSRR's guidance violates the USP. The district responded that violations at Levels 4 and 5 automatically present student safety issues, and so the GSRR can ignore the USP rule at those levels by implicitly making a blanket appeal to student safety. That position makes no sense to me. "Burglary" is a Level 4 violation, but why does it automatically present a student safety issue that qualifies it for the USP exception? Does burglary present a greater safety issue than "Fighting" or "Reckless Endangerment" at Level 3, for which the GSRR does not even admit the possibility of a student safety exception?

By adopting the current GSRR, which says that principals can suspend a student for burglary even if the student has no record of prior infractions, the board has apparently advised principals to violate a federal court order. The administrative regulations that add details about how to implement suspensions (JK-R1 and JK-R2) say nothing to modify that advice.

Ideally, I think that principals should have broad discretion to issue an immediate suspension (for instance in Example 1), but the law is not based on my opinion. Part of the general problem with TUSD's implementation of the USP is that district leadership tends to assert unilateral authority to interpret or almost to rewrite the court order, based on its own opinions of how TUSD should operate. It does not seem to appreciate (despite repeated rebukes from the court) the supremacy of federal law, the court's authority to interpret that law, and the court's deliberate deference to the court-appointed special master on educational issues. This approach to the desegregation case makes no sense, but that is the subject of a future letter.

Here is a summary of the GSRR’s table of suspension and expulsion options, from page 21, including examples of infractions at each level. Some of the violations assigned to Level 3 seem more serious than some assigned to Level 4. (Is drinking a beer worse than bullying, sexual harassment, and reckless endangerment?)

Level	Examples of Violations	Suspension or Expulsion options
1	Provocative language or gestures, unintentionally reckless acts	None
2	Swearing at students or staff, screaming or throwing objects in class, pushing, refusing to follow instructions, theft under \$100	None
3	Violent or seriously disruptive behavior, bullying of students, fighting, reckless endangerment of others (e.g. risk of death), intimidation, sexual harassment, vandalism, theft over \$100	1-10 day suspension is an option <i>after</i> ongoing or escalating behavior and documented interventions
4	Assault (e.g. intentionally causing injury or fear of injury), possession of large knives, burglary, arson, use of alcohol, inappropriate use of prescription drugs, indecent exposure	1-30 day suspension
5	Aggravated assault, possession of firearms, armed robbery, sale of alcohol or illicit drugs, bomb threat	1-180 day suspension; expulsion

The GSRR also contains an important *elevation rule*: Principals have the option to elevate discipline by one level (only one level) *after* obtaining written permission from Central. The GSRR is unclear about whether an elevation from Level 3 to Level 4 also eliminates the requirement to show ongoing behavior, etc.

At 19 schools, TUSD has recently added an “In School Intervention” (ISI) option at Level 3, which places students in a special classroom at the same school, in which they continue to receive the standard curriculum. It is unclear whether this would qualify as an “Exclusionary Consequence” by the USP’s definition (quoted above). If so, then this program is probably illegal. This is another example of the kind of question that TUSD should take to the court or the special master for clarification, if it has not already.

The TUSD regulations that explain how to implement the board policies on suspensions and expulsions (JK-R1, JK-R2, and JK-R3) show no greater respect for the USP than the GSRR and are written almost as if the USP did not exist. The recently-revised regulation for short-term suspensions (JK-R1) seems to contradict both the USP and the GSRR. It says:

“A student may be immediately removed from school without prior use of the due process procedures described above if the student's presence in school poses a continuing clear and present danger to persons or property or an ongoing threat of disrupting the academic process. Prior to any determination to suspend a student, the administrator shall first consider the use of appropriate alternatives to suspension, including, but not limited to: restorative conference, abeyance contract, or In-School Intervention.”

This language ignores the GSRR’s requirements for escalating behavior and documented interventions at Level 3. By allowing suspensions to protect *staff* or *property* or the *academic process*, the regulation bluntly asserts much broader exceptions than either the USP or GSRR allow. Such exceptions make sense in principle; the point is that TUSD’s current guidance on suspensions, through its policies and regulations, is not only illegal but internally incoherent.

*In other ways, the GSRR places restrictions on disciplinary options that **exceed** what the USP requires.*

The GSRR, while only partly complying with the USP's restrictions on suspensions and expulsions, simultaneously imposes other restrictions that go beyond what the USP requires. The other parties to the desegregation case have sometimes sought these restrictions, but district leadership rarely shows any resistance to incorporating them into policy. I also think that the plaintiffs' main concern has been the *equitable* application of discipline, and TUSD's leadership has too often taken the easy way out, by allowing this to evolve into progressively *less* discipline.

Here are the three main ways in which the GSRR limits suspensions and expulsions, beyond what the USP requires:

- 1) The GSRR nowhere incorporates the USP's key provision that student safety concerns can override other rules. Incorporating this language would give principals more flexibility in some cases. I have pressed to include that USP language in the GSRR, but without success.
- 2) The GSRR prohibits any suspensions at Levels 1 and 2 and limits Level 3 suspensions to 10 days. Nothing in the USP requires such limitations. In 2014 I successfully lobbied to add a short in-school suspension option to Level 2, but that change survived only a year: it was gone in the 2015-16 GSRR.
- 3) The GSRR states explicitly that discipline cannot be raised by more than one level, regardless of how often the student repeats the violation or what interventions the school has attempted. Nothing in the USP requires such a limitation.

The next three examples show how these GSRR rules can unreasonably tie principals' hands. None of these situations can be blamed on the USP.

Example 2: A student frequently swears at teachers and mocks their families, appearance, or disabilities. The school sends her to Restorative Circles, Social Skills classes, etc., documents all of those interventions, and her behavior just gets worse.

Problem: This verbal and nonthreatening behavior is at Level 2 in the GSRR and I do not see how to stretch it to Level 3. If Central gives written permission to elevate the discipline for the Level 2 behavior to Level 3, then the principal can impose at most a 10-day suspension. If the student comes back and repeats the behavior, then his harshest option is another 10-day suspension.... and again and again, one 10-day suspension after another. (The GSRR forbids any further elevation for repeat offenses.) According to regulation JK-R1, each suspension requires a new hearing. The repeated hearings are so much trouble and the repeated suspensions look so bad in the data that the principal may, realistically, feel pressure to do less. The student presumably knows that the principal's hands are tied and her behavior becomes an example for others.

Example 3: A group of students repeatedly bullies and intimidates a weaker group, damages and steals their property, harasses them with sexual comments, and sometimes scuffles with them (Level 3 fighting), but never threatens injury that rises to the level of Assault.

Problem: If the principal gets written permission to discipline this Level 3 behavior at Level 4, then she can issue suspensions up to 30-days, but the bullied group naturally fears what will happen when the students return, or what their friends who are still in school may do. As in Example 2, the GSRR prohibits any further elevation that would allow long-term suspensions or expulsion, so the situation can continue indefinitely. Unlike the USP, the GSRR contains no escape clause that allows the principal to exceed the guidelines to protect student safety.

When I have presented similar examples to staff, the usual response is that principals get training in how to “interpret” the GSRR. For example, the excerpt from regulation JK-R1, quoted above, gives principals more latitude than the GSRR (though not in a way that changes Example 3). A staff-issued regulation cannot override either the USP or a board-adopted policy, but the meaning is apparently that Central will wink at bending the rules. This management culture (all too common in TUSD) sends mixed signals, puts principals in a conflicted position, and creates a risk management problem for the organization. A better way to fix these problems is simply to fix the policy.

The last example concerns behavior which is less extreme but still enough to make the school climate unpleasant, unpleasant enough for families to take their students outside TUSD.

Example 4: A student repeatedly engages in Level 1 rude behavior, including insulting remarks and vulgar language or gestures, directed at students and teachers, but it never rises to physical threats or Level 2 swearing.

Problem: If the behavior never rises above Level 1, then the GSRR prohibits the principal from ever suspending the student, even a 1-day in-school suspension.

The GSRR is out of alignment with other TUSD policies concerning student discipline.

The GSRR is confusing enough in itself, but TUSD has numerous other board-adopted policies concerning student discipline, which in some cases seem almost disconnected from the GSRR. These policies include:

- JJ: Students’ rights and responsibilities
- JICA: Dress code
- JICB: Care of school property by students
- JICG: Tobacco use
- JICI: Weapons in school
- JICK: Bullying and harassment
- JICL: Dating abuse
- JICJ: Electronic devices
- JK: Student discipline

Incredibly, the GSRR *does not even mention* policies, JICB, JICG, and JICI (the weapons policy!). Anyone relying on the GSRR to understand TUSD’s disciplinary rules would not even know that these policies exist.

In some cases the policies listed above differ from, or contradict, the GSRR. For example:

Policies JICG, JICI, and JICK all state that expulsion is a disciplinary option for various offenses (e.g. smoking, possession of a simulated weapon, submitting a false report) for which the GSRR prohibits expulsion, because they are only Level 2 or Level 3 offenses.

Policy JICK states that “Disciplinary action may result for bullying which occurs outside of the school and the school day when such bullying results in a substantial... negative effect on the victim,...when such act(s) interfere with the authority of the school system to maintain order.” The GSRR says that students are subject to disciplinary action when they “engage in any act of bullying while at school, at any school function, in connection to or with any District sponsored activity or event, or while en route to or from school.” JICK thus allows students to be disciplined for bullying other students off campus, long after school hours, but one would never know that from the GSRR.

Policy JICA contains numerous clothing restrictions that are not even mentioned in the GSRR, such as: no hats or caps except for health or religious reasons, no bandannas, and no leggings to be worn as pants. Anyone relying on the GSRR would not know that those items are prohibited.

The problem of compliance with A.R.S. 15-841

Summary: Even before the USP, TUSD showed little enthusiasm for honoring teachers' rights under state statute (A.R.S. 15-841), and the USP has made compliance more difficult.

State law, specifically A.R.S. 15-841, guarantees a teacher’s right to remove a disruptive student from the classroom. I am not sure whether TUSD seriously protected that right even before the USP, but the USP’s restrictions on suspensions make compliance more difficult. I think that TUSD should have addressed this issue directly with the court, during the negotiations that produced the USP. As far as I know, the federal court has never sought to override state statute or to inhibit compliance.

Instead, TUSD has for years simply avoided the issue. Neither the pre-USP nor the post-USP GSRR mention 15-841 or its guarantees. I have repeatedly but unsuccessfully asked for the simple step of stating, in the GSRR, TUSD’s commitment to compliance with A.R.S. 15-841.

When I publicly raised the issue of compliance with 15-841, at the August 25 board meeting, staff seemed uncomfortable. They would not acknowledge noncompliance but finally said that compliance (with this very old law) is still a work in progress.

Unlike the GSRR, TUSD’s policy JK does incorporate A.R.S. 15-841:

“Pursuant to A.R.S. 15-841, teachers may remove a pupil from the classroom if the teacher has documented that the pupil’s behavior is so unruly, disruptive or abusive, that the teacher is unable to communicate effectively with the other pupils in the classroom or that the other pupils are unable to learn as a result of the pupil’s conduct. If the teacher objects to the readmission of the pupil to the classroom, a placement review committee as set forth in Article Fourteen (14) of the Consensus Agreement shall convene to determine whether the pupil’s return to that classroom is the best or only practicable alternative.”

Recently, however, the staff attempted to remove this language from policy JK, without advising the board that this was happening. This was concerning, because the board relies heavily on the staff for correct information. When that information process breaks down, so does the entire process of governance.

A hidden attempt to revise policy JK to deemphasize teachers' rights

Summary: District staff brought to the board a proposal to weaken the policy language meant to ensure compliance with A.R.S. 15-841, and then misled the board about the proposed change. My request for corrected board material was ignored, but the agenda item was pulled without explanation, a few minutes before the board meeting, and has never reappeared.

On August 11, staff brought a revision of policy JK to the board, which removed the detailed language referring to 15-841 and replaced it with the following weaker language:

“A teacher may temporarily remove a student to the principal, or to a person designated by the school administrator, in accord with ... [the] conditions of A.R.S. 15-841, when applicable.”

This change may have had little practical significance, because TUSD's actual disciplinary practices hardly seem to notice policy JK, but I was concerned that staff *misled the board* about the proposed change. Specifically, the strike-out version of the policy revision, which supposedly showed all of the proposed changes to the policy, did not show the deletion of the language concerning 15-841. I attached to the email the current policy and the strikeout version, and you can see that the strikeout version simply vaporizes that language (and some other language, concerning special education students) without acknowledging that it was ever there. I noticed the change because I am fairly familiar with TUSD's policy structure, but I am not sure whether other board members noticed that the strikeout version of the proposal was wrong.

On September 8 the proposed revision to policy JK came back to the board for adoption. Several days before the meeting I asked staff to fix the incorrect strike-out document that was posted online. That request was ignored (the incorrect document is still posted with the September 8 agenda), but the agenda item was pulled without explanation a few minutes before the board meeting and never reappeared.

Reforming the GSRR

Summary: The district recently hired a consultant to rewrite the GSRR, though the public discussion of the project creates little confidence that the result will be an improvement. I voted against the \$35,000 contract (which passed 4-1) mainly because the work could be done by existing staff. This section offers three easy changes that would address many of the issues.

The board has revised the GSRR at least once a year since I joined the board, but it never gets shorter or clearer. Instead, the main effect of the frequent tinkering seems to be increased confusion about what the GSRR says. A more thorough revision, along the lines that I suggest on page 5, would however be helpful.

Last month the board approved staff's recommendation to pay a consultant up to \$35,000 to rewrite the GSRR. One of the stated goals was to make the GSRR clearer, and I agree with that. I did not, however, hear any discussion of resolving its inconsistencies with other policies and laws, and I am concerned that the substantive changes will continue to be in the direction of loosening disciplinary standards.

The superintendent introduced the item with these remarks:

“[The GSRR] is templated off of the penal code, and basically speaks to student disciplinary actions as a law enforcement officer would, and if we want to change the environment and the ambience around discipline from being something that's inherently negative to something that's more constructive, then we really needed to have a code of conduct that spoke to that...”

That does not sound like a process that is likely to lead to tighter disciplinary standards.

The vote was 4-1; I voted no partly because this process seems unlikely to produce the right kind of change, and partly because TUSD staff could in principle fix the problems themselves. Using a consultant does however fit TUSD's overall pattern of paying consultants millions of dollars to do what could be done internally. I would rather give that \$35,000 to the schools for educational programs.

Three fairly simple changes would address many of the issues in the GSRR:

- a) Replace much of the contradictory verbiage about suspension and expulsion options with the simpler and clearer language of the USP.
- b) Remove the prohibition against elevating discipline by more than one level.
- c) Cite *all* of TUSD's other disciplinary policies, or absorb them completely into the GSRR, and make the provisions of the GSRR fully consistent with those policies.

I hope that the consultant will do a good job, and I think that taking account of these suggestions would improve the final result.

I am sorry for the length of this letter, but the disciplinary problems in TUSD are profound and it seemed useful to provide some details about this complicated topic.

- Mark