

Fairfield-Suisun Unified School District
Student Discipline
2007-2008 Solano County Grand Jury

Reason for Investigation

Under the authority of California Penal Code section 925, the Grand Jury elected to investigate on-campus student discipline at the middle and high schools within the Fairfield-Suisun Unified School District in Solano County.

Grand Jury Actions

- Interviewed the Interim Superintendent of Schools for the Fairfield-Suisun Unified School District
- Interviewed the Director of Secondary Schools for the Fairfield-Suisun Unified School District
- Interviewed Fairfield Police Department Resource Officers
- Reviewed the 2007-2008 Fairfield-Suisun Unified School District Parent/Student Handbook
- Reviewed 2006-2007 middle and high school enrollment, expulsion and suspension data
- Reviewed the Ad-Hoc School Safety meeting minutes from September 2007 through January 2008
- Attended Fairfield-Suisun Unified School District's District Student Intervention Committee meeting in March 2008
- Reviewed the Settlement Agreement dated June 5, 2007 between the City of Fairfield and Parents of students attending Rodriguez High School
- Reviewed a Memorandum dated June 5, 2007 from the City of Fairfield Police Department to the Rodriguez High School Community

Background/History

California's public schools are governed by a combination of laws, which includes the Education Code, Penal Code and the Health and Safety Code. School districts create Board Policies and Administrative Regulations consistent with the laws and rules prescribed by the State Board of Education.

Fairfield-Suisun Unified School District (District) consists of the public schools located in Fairfield, the City of Suisun City and in portions of the unincorporated areas of Solano County. In the 2006-2007 school year, the District had 24,434 K-12 students. The District is comprised of 31 schools, including five high schools, five middle schools, 20 elementary schools and one adult school.

Education Code section 48980 requires that notice of the rights and responsibilities of a parent or guardian of a minor student within the district be provided to the parent or guardian for signature within the first semester or quarter of the regular school term.

The District gives notice to a parent or guardian in a Parent/Student Handbook, available in English and Spanish. The handbook consists of the rules and procedures to include school discipline, conduct of students, student rights, rules regarding suspension or expulsion, student dress, firearms or other dangerous weapon possession, comprehensive school safety plan requirements, emergency procedures, complaint procedures, special education student requirements and requirements for students with disabilities.

To determine the impact of disciplinary actions within the District, the Grand Jury reviewed statistical data, interviewed Police Department School Resource Officers (Resource Officers) and District staff concerning gang violence, incidents of assault or battery, dangerous objects on campus and other disciplinary issues. Resource Officers are assigned full-time or part-time to the middle and high schools to curb potential delinquent activities by students.

The District has created a District Student Intervention Committee, formerly named “Ad-Hoc Safety Committee,” to address safety concerns within the schools. This Committee consists of members of the Police Department, teachers, District staff, parents and other interested parties. The Committee has been meeting for almost two years to discuss topics such as student discipline and gang issues. The goal of these meetings is to create discussion about ways to measure and monitor methods to reduce the need for student discipline, increase attendance and academic performance.

Expulsions

Expulsion refers to the permanent removal of a student from school. In the 2006-2007 school year, the majority of expulsions in all grade levels were due to assault or battery. Drugs and alcohol were the next highest cause for expulsion followed by the possession of weapons or dangerous objects. More expulsions occurred at the ninth, tenth and eleventh grade levels than any other grade level. High school seniors showed a marked decrease in expulsions over the past three years.

Expulsions are costly to the District as well as to the students’ education. The total cost to the District for expulsion hearings in school year 2006-2007 was \$29,293.03 for 367 cases, which is the highest in the past five years.

Suspensions

Suspension refers to the temporary removal of a student from school for a period of time. In the 2006-2007 school year, the total number of students in the District was 24,434. There were 11,195 days of suspensions issued to students with some students receiving multiple suspensions. The majority of suspensions were caused by disruption or defiance and fighting. Elementary school suspensions were fewer than the middle and high schools. However, the number of elementary school suspension incidents and days suspended continue to increase. The middle and high school suspensions in days showed a decrease in the 2006-2007 school year, but the number of incidents of suspension increased.

The loss of revenue to the District in the 2006-2007 school year Average Daily Attendance due to suspensions was \$364,175.58. Financial reimbursements by the State are based upon the Average Daily Attendance within the District. This loss would be higher if the District did not use In-House suspension and other interventions. Students are not considered “absent” from school during an In-House suspension.

Interventions

The District began using intervention classes during the 2002-2003 school year. Some examples of intervention classes for students who display certain behaviors are:

- Anger Management Classes for students caught fighting
- Tobacco Education Classes for students found in possession of tobacco
- A six-day substance abuse education class for students found in possession of drugs

Parental Complaint

In 2007, this Grand Jury learned that an incident in March 2007 involving Rodriguez High School (Rodriguez) students resulted in a parental complaint against the City of Fairfield. The incident at the school prompted a review of the Fairfield Police Department Resource Officers interactions with students while on-campus relating to school safety.

As a result of the complaint, the Fairfield City Manager and some parents of Rodriguez High School students signed a Settlement Agreement (Agreement) on June 5, 2007. The general scope of the Agreement outlines the Fairfield Police Department's (Fairfield Police) interactions with students while on school property during school hours and other school-sanctioned activities. All provisions of this Agreement apply to members of the Fairfield Police. The term of this Agreement is for four years from June 5, 2007.

Settlement Agreement Provisions

The following topics are covered in the Agreement:

- Questioning Students on School Grounds
- Searches of Students on School Grounds
- Taking Photographs
- Gang Profiling and Obtaining Information for Field Identification Cards
- Prohibition on Racial Profiling
- Distinction Between Law Enforcement Duties and Enforcement of School Rules
- Records Relating to the March 2, 2007 Gang Intervention Meeting
- Distribution of Letter to Rodriguez High School
- Creation of Written Department Policies and Procedures
- Monitoring Process
- Trainings on New Policies and Procedures
- Material Breach
- Release of Liability

Settlement Agreement/District Impact

During the course of this investigation, the Grand Jury requested a copy of the Settlement Agreement from the District on March 25, 2008 and received an unsigned draft. In April 2008, District witnesses testified that they had no knowledge that this Agreement was signed nor that the provisions therein were effective as of June 5, 2007.

The Grand Jury first became aware of a signed Agreement between the City of Fairfield and parents of students from Rodriguez High School on April 22, 2008.

The Grand Jury also determined that the representatives from the District were present during the signing of the Agreement. Additionally, a letter signed by the Fairfield Chief of Police and the former principal of Rodriguez High School was distributed on behalf of the District to all students at the school on or before June 7, 2007. The District's 2007-2008 Parent/Student Handbook "Know Your Rights and Responsibilities" was distributed at the beginning of the school year. The policies and practices of the Agreement entered into on June 5, 2007 were not incorporated into the 2007-2008 Parent/Student Handbook.

Fairfield Police Department/Impact to Policies and Procedures

The impact of this Agreement does not directly affect all schools and police department Resource Officers within the District. The provisions specifically govern the interactions between members of the Fairfield Police Department and students enrolled in the high schools of the District and all other schools with a full-time Resource Officer.

The Fairfield Police agreed to comply with the following:

- Destroy all records created from or relating to the incident at Rodriguez High School within 10 days from the date of the Agreement
- Provide a signed Declaration from the Chief of Police stating that a good faith effort was made to destroy all records and that no information was entered into any gang-related databases maintained by other law enforcement agencies
- Create, revise or update written policies and procedures regarding the violation of any terms in the Agreement within 90 days from the date of the Agreement
- Provide police officers with periodic training on the policies and procedures described in the Agreement. The Resource Officers will receive specialized training on these policies. Youth Services Bureau members will receive annual training.

The Grand Jury was informed that the Fairfield Police are adhering to the terms and provisions of the Settlement Agreement.

Findings and Recommendations

Finding 1 - The number of incidents involving student suspensions has increased in the middle and high schools of the Fairfield-Suisun Unified School District.

Recommendation 1 - The Fairfield-Suisun Unified School District should work with the faculty, staff and parents to increase the number of intervention and support programs to prevent suspensions.

Finding 2 - A Settlement Agreement dated June 5, 2007 was entered into between the City of Fairfield and some Rodriguez High School parents. This Agreement governs interactions between the Fairfield Police Department and high school students. It also includes all other schools with full-time Resource Officers and students enrolled in the Fairfield-Suisun Unified School District.

Recommendation 2 - Expand the principles underlying the Settlement Agreement to include part-time school Resource Officers at all middle and other high schools within the Fairfield-Suisun Unified School District.

Finding 3 - The provisions of this Settlement Agreement apply to members of the Fairfield Police Department who interact with students within the Fairfield-Suisun Unified School District.

Recommendation 3 - The Fairfield-Suisun Unified School District should work with other law enforcement agencies within the District to inform them about the underlying principles of the Settlement Agreement.

Finding 4 - The 2007-2008 Fairfield-Suisun Unified School District Parent/Student Handbook does not include the specific provisions for the Fairfield Police Department and its interactions with students.

Recommendation 4 - The Fairfield-Suisun Unified School District should ensure that the 2008-2009 Parent/Student Handbook includes the underlying principles of the Settlement Agreement.

Finding 5 - The provisions of the Settlement Agreement affecting the interactions between the Fairfield Police Department and students is for a term of four years.

Recommendation 5 - The Fairfield-Suisun Unified School District should evaluate the underlying principles of the Settlement Agreement to determine those that should be permanently adopted.

Comments

The District Student Intervention Committee (formerly the Ad-Hoc Safety Committee) is a good forum for parents, law enforcement, District staff and faculty to address the challenges facing the schools. The 2007-2008 Grand Jury believes that although this is a good beginning, much more needs to be accomplished to provide a safer school environment. All participants must develop a sense of urgency in managing and improving safety within our schools. Parents, students, faculty and District representatives must have frequent and open dialogue and forums to address the root issues of safety on school campuses.

Parents can view the policies and regulations of the Fairfield-Suisun Unified School District online at <http://www.gamutonline.net> . The login id is “public” and the password is “fsusd.”

Affected Agencies

- Fairfield-Suisun Unified School District - Interim Superintendent of Schools
- Fairfield-Suisun Unified School District - Governing School Board
- Fairfield Police Department
- City of Fairfield - City Manager

Courtesy Copy

- Solano County Board of Supervisors
- City of Suisun City Police Department
- Solano County Sheriff's Department
- Rodriguez High School - Principal
- Fairfield High School - Principal
- Armijo High School - Principal
- Sem Yeto High School - Principal
- Mary Bird School - Principal
- Green Valley Middle School - Principal
- Sullivan Middle School - Principal
- Dover Middle School - Principal
- Grange Middle School - Principal
- Crystal Middle School – Principal