

Many schools of discipline

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DAVE YODER / SFC

Steven Shay said his "skinhead" look may have added to his troubles at his San Bernardino County high school. Chronicle photo by Dave Yoder

IMAGES



When an Oakland elementary student brought a carving knife to school, the Board of Education decided not to expel him. But in San Diego, the board voted to remove a seventh-grader who was caught with a small pocket knife.

In Los Angeles, a high school student expelled for having fireworks was sent to a program the principal likens to a small private school. But a student from Alameda caught with fireworks was placed in a high-security school where teachers carry walkie-talkies in case they are in need of help.

The cases highlight the striking disparities in how discipline is handled in this era of zero tolerance for bad behavior in California public schools. Students who commit similar offenses often receive different punishments and land in far different educational settings.

Records and interviews show that the fate of roughly 20,000 students expelled each year depends on more than the students' backgrounds and the facts of each case. The outcomes also are shaped by local district policies and philosophies about discipline and the availability of alternative schools.

After several school shootings, statewide zero-tolerance rules for serious offenses were developed to improve campus safety -- and to help ensure uniformity in how the standards of conduct are enforced.

"It's absolutely a problem that it is so different from district to district," said Abigail Trillen, a lawyer with Legal Services for Children in San Francisco. "Some districts come down much harder than others."

Consistency is important, children's advocates and attorneys say, because expulsions can have a profound effect on students' lives, potentially damaging college and career prospects.

But local school administrators have great latitude in deciding when to expel students and where to place them.

"We trust that local school districts will do what's right for them," said Laura Jeffries of the Association of California School Administrators. "What they do reflects what their communities want."

Expulsion numbers reported to the state Department of Education, and obtained by researchers from the University of California at Berkeley Graduate School of Journalism, show that the most common problems are defiant or disruptive behavior. In addition, 1999-2000 data from the 25 largest districts show:

-- Some districts are far more likely to expel students. The Fresno Unified School District recommended students for expulsion at a rate nearly four times higher than Oakland Unified.

-- Almost half the districts wound up suspending a majority of the expulsions they ordered. A "suspended expulsion" typically means that the student is put on probation and, often, transferred to another school. Los Angeles Unified ordered expulsions for 548 students, but suspended the order in 468 of those cases. San Francisco suspended only eight of 56 expulsions.

-- Districts place expelled students in a wide variety of alternative schools, ranging from small, well-equipped facilities with low student-teacher ratios to large facilities with probation officers.

Principals can refer students who commit serious offenses to district officials for expulsion hearings, similar to courtroom trials. A three-member panel then recommends to the school board whether the student should be expelled, or if an expulsion should be suspended.

The state Education Code lists four "zero tolerance" offenses for which principals are required to recommend expulsion: selling, possessing or furnishing firearms; brandishing knives; selling drugs; and committing or attempting sexual assault.

Some districts go beyond the so-called "big four." San Diego Unified lists a half-dozen additional offenses, including repeated fighting, that require a recommendation for expulsion. Oakland Unified, however, tells principals they must recommend expulsion for only the four main offenses and leaves other offenses to the discretion of principals.

The two cases involving students with knives demonstrate how the differences play out. In Oakland a few years ago, officials confiscated a carving knife that a boy brought to school in his backpack. He said someone had threatened him. The hearing panel recommended expulsion, but the school board disagreed because the student hadn't used the knife.

"They put him in another school and assigned counseling," said panel member Tonia Pleasanton Schulberg. "Our board goes out of their way to look for a reason to give the child a second chance."

In San Diego this spring, a girl was caught with a 2-inch pocket knife. The school board issued a suspended expulsion and transferred her to an alternative school for students with discipline problems.

"She had a clean record," said Maruta Gardener, who oversees district expulsion procedures, "but she did something that violated zero tolerance, and she needs to know that's not OK."

Administrators say their decisions usually are based on circumstances and a student's background.

Steven Shay, a Fontana (San Bernardino County) High School student, was questioned by school officials last October after a car was sprayed with graffiti. They found a note in his backpack threatening a teacher.

"I wrote some things. . . . 'I want to decapitate you,' " said the boy.

Steven had had previous disciplinary problems, and this time, he received a suspended expulsion and was transferred to an alternative school. He and his mother said his appearance may have contributed to his problems. With his shaved head, cutoffs and calf-high boots, he fits the look of a skinhead.

"He's never done anything bad to anyone physically," his mother said, "but his looks get him into trouble."

Dennis Barnett, a hearing officer for the district, said Shay was treated fairly.

"Our issue isn't how you dress but how you behave," he said.

Steven's grades improved this year, and he expects to return to Fontana High this fall.

For decades, school districts had no obligation to educate expelled students. Some enrolled in private schools, hired tutors or entered continuation high schools. Many simply dropped out. But five years ago, AB922 made it a requirement for all districts to educate expelled students.

The cases of the two students caught with M-80 fireworks show how different the placements can be, however. In Los Angeles, school administrators handed a sophomore a suspended expulsion and transferred him to Metropolitan High School, a district continuation school where the principal says 80 percent of graduates go to college.

The student, who remains anonymous at his parents' request, was lucky. Although he had failing grades at his original school, the new one suited him.

"Now I get A's, B's, C's, and I'm on track to graduate," said the 17-year-old. "It's much better. It's easier. There's not as much distraction."

Cornelius Bullock Jr., an Alameda High School student, did not fare so well after he and a friend were expelled for trying to set off M-80s last year. They were sent to Rock La Fleche, a county-run school in Oakland. In the morning, vans driven by probation officers drop off the students, some previously convicted of juvenile court offenses.

"I look at it as a school for criminals," said Cornelius, now 16.

He spent almost a year there, which his language arts teacher says will set him back in applying to college.

"He needs every normal day of instruction he can get," said M. "Bob" Benson.

But Cornelius' mother, Donna Moten, said, "I tell him he's an achiever, a success, that this will not detour your life if you don't let it."

Deciding students' fate is no simple task / Complex cases can put schools to the test

A day after the slayings of two students last March at Santana High School in San Diego County, a teacher at James Lick Middle School in San Francisco attempted to turn the tragedy into a classroom exercise.

One 13-year-old student, who had been a target of taunting, said he understood how an outcast could strike out violently. During discussions, other students laughed at him.

"Andrew got up and told students that if he were to start blowing away people, then they would not be laughing," his teacher later told police.

After students expressed fears about Andrew to parents, police searched his home and arrested him for "terrorist threats." The school recommended an expulsion hearing.

"They had to make Andrew the bogeyman, or else they would be responsible for the situation," his father said.

The case underscores the complexities that school districts often face in expulsion cases.

Andrew, whose last name was withheld at his family's request, has artistic talent and had won a poetry award. But he previously was transferred from another school for being caught with a box cutter, and last year he was caught with a knife, which he said he brought to school to carve a model boat for his father.

Then on March 6 and 7, after the Santana High shootings, he made what his teacher, Jose Montano, called inflammatory statements.

However, Montano also told police, "I honestly believe things have been blown out of proportion and that Andrew would not take such drastic actions."

The principal wrote parents, assuring them that Andrew would not return to class.

The letter was sent almost three weeks before Andrew's disciplinary hearing, which his attorney, David Uthman, says was a violation of his due-process rights. Principal Joyce Daniels said she was motivated by safety concerns, including the possibility of retaliation against Andrew.

Andrew's attorney says he wasn't provided police reports and other material needed to mount a defense until the day of Andrew's hearing. Instead of expelling Andrew, the hearing panel transferred him to one of the city's best middle schools. Officials said they wanted to nurture the boy's artistic talents rather than punish him.

"They basically did a lot of damage control," Uthman said.

"ZERO-TOLERANCE OFFENSES"

The state Education Code lists these four offenses that require a principal to recommend expulsion, although many school districts go beyond them in determining grounds for expulsion. --Selling, possessing or providing a firearm --Brandishing a knife --Selling drugs --Committing or attempting sexual assault

Archana Pyati, Haley W. Nolde, Jeff St. John and Margarita Duran developed this story as part of an investigative reporting class at the University of California at Berkeley Graduate School of Journalism. The story was edited by The Chronicle.

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