

# All Kids Are Ours - Ensuring Positive School Climate For All Students.

Measuring Effects And Best Practices To Address Education's Dilemma Around Post-Election Anxiety in Schools

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# Objectives

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- 1. To review how School Climate and Pupil Engagement have been impacted by post-election challenges in K-12 schools nationally.
- 2. To describe legal principals to address problematic School Climate factors.
- 3. To highlight best practices that have had a positive effect on recent School Climate challenges.

# Overview

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- First, a global to specific perspective review of national data from law enforcement, anecdotal data from school communities and a media survey of school climate challenges.
- Second, two legal principles educators, administrators, board members should be aware of in addressing these school climate challenges, or in checking their public comments on recent developments.
- Third, to highlight Best Practices developed by school districts and County Offices of Education to promote positive School Climate for all.

# What is the post-election effect on school climate?

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- A November 2016 survey with 25,000 respondents reported a significant number of educators hypothesize the post-election hate incidents, anxiety and fear are a new factor in education. Educators at schools not reporting intergroup issues or derogatory language nevertheless express fear and anxiety about the future.
- California State Superintendent Tom Torlakson urged California districts to join the hundreds of school districts nationally that have passed “Safe Haven” resolutions.
- “The rapidly changing political environment has affected the fragile school cultures.”
- Intergroup, inter-religious, anti-immigrant bias in schools, while present before the election, has been documented by educators in surveys, the media and social media.

# Reports of Hate crimes & Racist Acts have increased nationally

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- Hate crimes in nine U.S. metropolitan areas rose more than 23 percent in 2016 fueled by inflamed passions during the presidential campaign and more willingness for victims to step forward.
- There is no data based that can tell us whether hate crimes have surged on a *national level* in the short span of time *between the election and today*. The government is simply not set up to collect and distribute that amount of information on a weekly basis.
- Local governments and police departments, unlike the federal government and national advocacy groups, can track these kinds of trends in real time. As of the week of November 26, 2016, in New York City, for example, there were 31% more hate crimes in 2016 than during the same time period in 2015.

# General Overview Nationally of Hate Crimes 2014-2015

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- FBI statistics show 67% increase in hate crimes against Muslim Americans in 2015.
- Overall in 2015, hate crimes spiked 6%, but the number could be higher because many incidents go unreported.
- In California, the State Attorney General reported a 10.4 percent from 758 in 2014 to 837 in 2015.
- • Hate crime events involving a religious bias increased 49.6 percent from 127 in 2014 to 190 in 2015.
  - Anti-Islamic (Muslim) bias events went from 18 in 2014 to 40 in 2015.
  - Anti-Jewish bias events went from 80 in 2014 to 97 in 2015.

“What troubles us is that no game official, an official at the game, school officials, nobody stood up to put an end to this.”

## Media Accounts of Bigotry in K-12

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- On Nov. 9<sup>th</sup>, students at Michigan’s Royal Oak Middle School started chanting in cafeteria: “Build the wall! Build the wall!” – viewed millions of times on social media. They stopped when a student told them they were being videotaped.
- When Latino female students at Fort Hancock High School, El Paso played at a volleyball tournament in Archer City, they had to contend with fans holding Trump signs and “Build the Wall” signs and making ethnically charged verbal slurs from the stands during the tournament.
- Maple Grove High School in Minnesota found “#Go back to Africa” and “Make America great again” scrawled in a bathroom. “This is the first time I honestly felt like crying at school,” reported the student who found the graffiti.
- A student at Shasta High School in Redding posted a video on Twitter of himself handing letters with the word “deportation” written across the top half to select students of various ethnicities. He thought it was funny.
- Muslim women have been particularly targeted: in one of the first reported examples of Muslim women being assaulted, an LAUSD student had her religious head covering pulled off shortly after the election.

*“I have seen open racism, spoken,  
for the first time in 23 years of teaching.”*

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Number of educators who mentioned  
they had seen or heard the following:

|                   |     |                       |     |
|-------------------|-----|-----------------------|-----|
|                   |     | Nazi                  | 13  |
| Swastikas         | 54  | The N-Word            | 117 |
| Confederate flags | 31  | Pussy                 | 18  |
| The KKK           | 40  | Lynching              | 7   |
| “Build the Wall”  | 476 | Noose                 | 4   |
| Deportation       | 672 | Africa (sent back to) | 89  |
|                   |     | Slavery (return to)   | 20  |

## *“This is Nothing Short of a Crisis”*

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- Swastika drawings have become a weekly phenomenon
- Teachers are not reporting “garden variety” transgressions. “It encompasses a set of offenses that form the strange war cry of a new strain of politics – popular among the young and disinhibited – committed in the name of upending so called PC culture.” Rolling Stone Magazine, March 31, 2017.
- Bullying has become more politicized. Many teachers say, this is new.
- Others believe racially charged, ethnic intimidation was always there, but the election empowered people who would not have acted in this way before.

# Effect on Classrooms

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- Nine out of ten educators responding to the SPLC survey have seen a negative impact on student's mood and behavior following the election
- Eight out of ten educators reported heightened anxiety on the part of marginalized students: immigrants, Muslims, African Americans and LGBTQI
- Over 2,500 of the 25,000 respondents described specific acts of bigotry that can be traced to pre-election rhetoric
- Half of the educators are hesitant to discuss the election in class

*“One of the greatest challenges we face on a daily basis is not what the students do to one another. In fact, sadly, it is what is said by some of my colleagues about the students.”*

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- A faculty member at Wesley Chapel High School, FL, is accused of telling a group of African American students standing in the hallway, “Don’t make me call Donald Trump to get you sent back to Africa.”
- “We’ll miss you!” a teacher was overheard telling an undocumented student, when she approached that teacher to confide her fears on election day.
- “Well. A day without immigrants....having my class size reduced by 50% all day long only served to SUPPORT Trump’s initiatives and prove how much better things might be without all this overcrowding.” Teacher’s FaceBook Post on March 6, 2017
- “Same here! Small classes, trouble makers were gone fantastic day!” Post, Same Day

# Two principles for teachers/educators to consider in developing proactive responses to School Climate challenges

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- Educators should take into account these two principles as they negotiate this new educational minefield.
- Both principles, defined by decades of court rulings, represent “bright lines” for pro-active approaches to ensuring safe, supportive school climates that promote education’s goals.
- Both also provide legal liability for educators who choose to ignore the core principles found here. They are:

- *In Loco Parentis*

**The First Amendment**

# Duty that educators owe their students:

## *In Loco Parentis*

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- In Loco Parentis – Latin for “*in the place of a parent*” confers the legal right to assume parental rights, duties and obligations of a parent. In a school setting it provides the right to discipline students AND a duty to protect those same students.
- School officials have responsibilities parents do not have. Educators must protect constitutional rights of students, while parents don't.
- But, school officials also hold more than parental power over students – the role of school authorities encompasses, but is not restricted to, the functions of parents.
- This concept defined by courts as “custodial and Tutelary” – custodial (keeper or guardian) and Tutelary (guardian or protector of a person...) )
- In loco parentis dictates that educators owe a duty to students, under tort principles of negligence, to anticipate foreseeable dangers and to take reasonable steps to protect those students from those dangers.

# Case Examples – Legal Liability?

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- Test is: *In Loco Parentis* provides a duty to protect students using a prudent parent test to anticipate foreseeable dangers and to take reasonable steps to protect those students from those dangers.
- When Latino female students at Fort Hancock High School, El Paso played at a volleyball tournament in Archer City, they had to contend with fans holding Trump signs and “Build the Wall” and heard ethnically charged verbal slurs from the stands during the tournament. No official stops the verbal slurs or asks fans to take down the signs. Were school officials following the prudent parent test?
- A faculty member at Wesley Chapel High School, FL, is accused of telling a group of African American students standing in the hallway, “Don’t make me call Donald Trump to get you sent back to Africa.” Was this educator following the prudent parent test?

# 1<sup>st</sup> Amendment – Teacher’s Free Speech Right To Bash Students Is Restricted

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- Educators or administrators who post or blog or publicly provide negative, caustic comments about students (and parents) are protected by First Amendment right of free speech. Correct?
- Courts use the Pickering v. Board of Education (1968) test to determine:
  - 1- The educators’ speech, as a public servant has a right to express opinions on matters of public concern. Do the posts constitute matters of public concern?
  - 2- Any First Amendment right is negated if the school district can show that speech/blog/post created a substantial disruption or caused tangible harm to the learning environment? \*

# 1<sup>st</sup> Amendment Case Notes

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- “Well. A day without immigrants....having my class size reduced by 50% all day long only served to SUPPORT Trump’s initiatives and prove how much better things might be without all this overcrowding.”
- “Same here! Small classes, trouble makers were gone fantastic day!”
- **On hearing about the posts Tuesday, students held an after-school campus rally on Friday. “They put it on social media thinking nobody would go off on them. I feel bad for the students because they are not troublemakers.” A freshman student. Parents pack the District’s Board meeting. The Board responds with a “Safe Haven” resolution.**
- A school board member, posts comments that praise slavery, support "a wall like the one in Israel to keep Muslims out," and advocates surgery to sterilize prisoners “so when they get out they can’t have kids. We don’t need kids with stupid genes.” **The board member says his Facebook account was hacked; that he is a target of retaliation for holding the rest of the board accountable; that he is a victim of fake news. Community members are calling for his resignation. Police are investigating his hacking claim.**
- A public servant commenting on matters of public concern. Sufficiently disruptive so as to diminish any legitimate interest in its expression?

# From School Discord To A Positive School Climate

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- LCAP Goals continue to require educators to promote positive school climate
- Be an ally for marginalized students by supporting them
- Ensure “walking wounded” receive needed social emotional supports
- Be visible – wear supportive stickers, pins
- Make your space visible as an inclusive space
- Seek out information on issues such as educational equity; cultural competency; resources on immigrant rights and make your administration aware these are a priority
- Consider forming an educator’s equity committee to gather allies, and work to promote teacher capacity on cultural competency, strategies for dealing with bias in school

# From School Discord To A Positive School Climate

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- Top Down Speaking Out – hallways, lunch rooms, staff conversations, parent conversations, administrators, teacher leaders should be working with colleagues, staff on the following:
  - Student safety and education are primary interests of the school
  - To remind students they are safe in school
  - Let them know, nothing will change overnight and no one person has the power to affect decisions that will impact this country
  - Listen to your students' fears. Show them how much you care by speaking out for them
  - Remind colleagues and staff it is their job to protect and care for all students and whether they agree or not, theirs is a special role with additional rights over students, and with certain responsibilities to those students

# Best Practices Reported In Post Election School Climate Challenges

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- Albany High School, No. California - is predominantly white (87%); has strong graduation rates; and is grappling with demographic change.
- On March 8<sup>th</sup>, parents received a letter informing them that seven students had been exchanging Nazi salutes in the hallways. The Vice Principal had called these students into the office, contacted parents “and took appropriate action.”
- Then the memes came to light. On March 20, students reported to teachers a series of racist memes were posted to an Instagram account. Three students were involved and several more had “liked” the images. They targeted 11 female students, all but one a person of color and the schools African American girls’ basketball coach.
- Over three hundred parents, students, community members formed a line around the high school on March 26, for an “Albany for All” rally to hear speakers supporting unity and inclusiveness. Two days later, a long line of speakers spoke at the Albany School Board demanding disciplinary action against the students involved.

# Albany High School Administrator Responds

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- 1. Students were invited to meet in restorative circles to discuss events
- 2. A school assembly was held to express school values of inclusion
- 3. A Nonprofit was invited in to work with staff to develop cultural competency
- 4. The school develops an Inclusion Committee, including students and faculty
- 5. An investigation by district and police continues to determine expulsion/criminal charges
- 6. Subsequent board meeting continues to draw overflow crowds

# Evaluating Effectiveness Of Your District Response - Where Is Your District?

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- On affirming inclusive values that are the foundation of education's culture in a variety of ways:
  - Assuring your Board approves Safe Zone/Haven/Sanctuary Districts
  - Providing facilitated conversations with community on core values of respect, inclusion
  - Posting statements on core values on posters throughout the school, classrooms at all schools in district.
  - Issuing letters, automated calls with positive messages from administration on a rapidly changing environment, expressing respect, inclusion, safety for students

# “All Kids Are Our Kids – Post Election Toolkit For Educators”

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CONTRA COSTA COUNTY  
**Office of Education**

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# Origins Of Toolkit – Post Election

- An increasing number of schools (particularly high schools) and school districts in Contra Costa County were being faced with things like student walk-outs/demonstration, student fears of family deportation and incidents of hate speech and graffiti.
- Growing tensions among students and adults
- Schools and districts seeing a need for resources to assist them in school-home communication, dealing with the media and tools for promoting safe school campuses.
- A work group was assembled comprised of school and district administrators, teachers, school psychologists, communication professionals and community members. Their self-imposed deadline to publish the toolkit was the presidential inauguration.

# Purpose of Toolkit

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- The purpose of this Post-Election Toolkit is to provide a destination for resources for schools and districts in Contra Costa County in dealing with some of the issues that have surfaced as a result of the 2016 election.
- The toolkit is not meant to be an endorsement of any political belief or viewpoint, but rather a helpful tool in communicating the message of compassion and support for students so that they know they are safe and can continue to learn, lead and achieve to the best of their abilities.

# Contents Of Toolkit

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- Strategies in dealing with potential student demonstrations;
- Tips for educators and parents to support students in stressful times;
- Examples of communications sent by teachers and administrators in the wake of the election;
- Policy-focused resources that address immigrant rights;
- Lesson plans and classroom resources;
- Resources pertaining to school safety and climate.

To access the Toolkit

**ALL KIDS ARE OUR KIDS**



<https://www.cccoe.k12.ca.us/supe/toolkit.html>

# L.A. County Response - A Call to Action

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The Los Angeles County Board of Supervisors recently passed a motion, introduced by Chair Hilda Solis, instructing various County departments to ensure the safety of its people amidst recent reported hate crimes.

Lieutenant Governor Gavin Newsome called on County Offices of Education to create a clearinghouse to report hate and bullying and send the signal that “there is simply no place for racism, hate or bullying on our campuses.”

In response to these calls for action, The Division of Student Support Services collaborated with the Divisions of Curriculum and Instructional Services and Communications to provide this resource document.

# Immigrant Students Resource Guide

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- <http://www.lacoe.edu/Home/ImmigrationIssues.aspx>

# Immigrant, Refugee & Newcomer Issues

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- Ensure these children are safe by:
- Not assuming that deportations aren't happening. They are. And word of mouth is the primary mode of communication in immigrant communities. It happens in Murrietta, immigrants in Chino know.
- Issue proactive statements from your Board/Superintendent protecting immigrant students
- Organize informational meetings for immigrant parents, including reaching out to agencies who are doing "guardianship" and ICE raid workshops.
- Ask for and distribute "Know your rights" information to students and parents.
- Identify someone at your school to be the immigration resource contact.
- Provide safe havens for students to wait for guardians if a parent or sibling is detained.
- Provide counseling for students who have had family members detained.

# Questions?

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