

CLIENT NEWS BRIEF

Settlement Addresses Discriminatory Treatment of Minority Students and Students with Disabilities

A settlement agreement was recently reached between the California Department of Justice (DOJ) and the Stockton Unified School District (District) to address discriminatory treatment of minority students and students with disabilities. The agreement resolves a comprehensive investigation conducted by the DOJ, which found that the District's policies and practices with respect to law enforcement referrals discriminated against African-American and Latino students as well as students with disabilities.

According to the investigation, it identified certain practices by the District which led to students being criminalized for minor misconduct. These practices included:

- Using law enforcement for minor disciplinary infractions that are more appropriately the responsibility of school administrators and teachers;
- Operating a canine inspection program where canines were brought to school sites on a random and suspicionless basis and students were directed to leave their belongings in the classroom without their consent to be sniffed by canines. Though the District's Board Policy included that students could not be required to leave their belongings, the investigation by the DOJ found that in practice, students had no choice;
- School administrators conducting classroom-wide random, suspicionless pat-down searches of students' persons;
- Having law enforcement cite or book students for truancy or disturbing the peace violations;
- School administrators not being properly trained in and utilizing de-escalation techniques for preventing student behavior that may lead to the use of physical restraints; and
- Failing to ensure effective communication in the context of law enforcement investigations for students who are hard-of-hearing or deaf.

To address these concerns by the DOJ, the parties worked cooperatively to agree on an extensive five-year plan memorialized in a stipulated judgment that requires the District to create clear policies and procedures with respect to how and when school administrators refer students to law enforcement as well as a formal diversion program to address minor school-based criminal offenses which will minimize arrests, citations and bookings. A copy of the proposed judgment can be viewed [here](#). The agreement also calls for the revision of policies and procedures relating to the treatment of students with disabilities in order to prevent discrimination, including hiring a disability coordinator at the police department that will ensure compliance with disability laws and creating a protocol for school site administrators to refer students who exhibit mental health indicators to services rather than to law enforcement. Additionally, the District agreed to train all officers (in this case, the officers were employees of the District's Police Department) on crisis-intervention as well as provide extensive training on the constitutional and civil rights of all students. Lastly, the District agreed to track and analyze all arrests and referrals of students to

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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law enforcement, and create a community advisory committee for oversight. The takeaways from this agreement can be summarized as follows:

- Districts should review their policies with respect to how and when school site administrators refer students to law enforcement and consider creating a diversion program for minor, school-based criminal offenses;
- Districts should review their policies and procedures relating to the treatment of students with disabilities in order to prevent discrimination, and may consider hiring a trained disability coordinator to ensure compliance with disability laws;
- Districts should review their current search and seizure policies to make sure they conform with current laws and constitutional standards.

For more content related to school safety and School Resource Officers, check out this episode of [Lozano Smith's podcast](#).

If you have any questions regarding this settlement agreement or student rights issues in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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