

File No. 091160

Committee Item No. \_\_\_\_\_

Board Item No. 24

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date November 12, 2009

Board of Supervisors Meeting Date November 24, 2009

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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#### OTHER

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| <input type="checkbox"/>   | <input checked="" type="checkbox"/> | "Travants Can Be Joyful Learners, Too..." Grand Juris Report |
| * <input type="checkbox"/> | <input checked="" type="checkbox"/> | Report Appendices  |
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Completed by: Alisa Somera Date November 6, 2009

Completed by: Alisa Somera Date November 16, 2009

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file and the online version.

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1 [Board response to the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE  
2 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness  
3 Prevent Future Progress"]

4 **Resolution responding to the Presiding Judge of the Superior Court on the findings  
5 and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled  
6 "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or  
7 Systematic Ineffectiveness Prevent Future Progress," and urging the San Francisco  
8 Unified School District (SFUSD) to develop a comprehensive truancy reduction plan for  
9 use throughout the school district.**

10  
11 WHEREAS, Under California Penal Code Section 933 et seq., the Board of  
12 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
13 Court on the findings and recommendations contained in Civil Grand Jury reports; and

14 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or  
15 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a  
16 county agency or a department headed by an elected officer, the agency or department head  
17 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the  
18 response of the Board of Supervisors shall address only budgetary or personnel matters over  
19 which it has some decision making authority; and

20 WHEREAS, The 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE  
21 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness  
22 Prevent Future Progress" is on file with the Clerk of the Board of Supervisors in File No.  
23 090920, which is hereby declared to be a part of this resolution as if set forth fully herein; and

1           WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond  
2 to Finding Nos. 1, 2, 3, 4 and 5 as well as Recommendation Nos. 1, 2, 3 (A through D) and 4  
3 contained in the subject Civil Grand Jury report; and

4           WHEREAS, Finding No. 1 states: "Excessive truancy causes many problems for the  
5 City including, less money for the school district, less literacy and more dropouts- which  
6 means more crime, lower wages (and thus, fewer tax revenues), and a host of serious  
7 societal problems;" and

8           WHEREAS, Finding No. 2 states: "SFUSD employs talented persons whose interests,  
9 for whatever reason(s), do not lie in marshaling the district's resources to ensure that every  
10 child gets to school;" and

11           WHEREAS, Finding No. 3 states: "Collection of reliable data and proper distribution of  
12 such data is a prerequisite for understanding the true nature and extent of the truancy crisis.  
13 SFUSD is not collecting nor distributing to appropriate SFUSD personnel and outside  
14 agencies data from which it can be determined the reasons for truancy, the demographic  
15 information, the interventions attempted and the outcomes of such interventions. Using  
16 aggregate data does not violate student privacy;" and

17           WHEREAS, Finding No. 4 states: "Parents primarily are responsible to get their kids to  
18 school. When parents fail to do so, the school district, with assistance of other agencies, has  
19 the ability and the responsibility to take corrective action. SFUSD is not using the tools  
20 available to it and is not providing in a timely fashion to other agencies the information  
21 necessary for them to intervene;" and

22           WHEREAS, Finding No. 5 states: "Despite the efforts of the Mayor, the District Attorney  
23 and the Superintendent of Schools, neither the Board of Supervisors nor the Board of  
24 Education have determined which of them will take the lead in creating and implementing a  
25 truancy reduction policy;" and

1           WHEREAS, Recommendations No. 1 states: "The Board of Supervisors should resolve  
2 the stakes are high enough and the evidence strong enough to warrant greater involvement  
3 by the Board of Supervisors in the fight against truancy;" and

4           WHEREAS, Recommendation No. 2 states: "The Board of Supervisors should require  
5 performance measurement data on a semester basis from the City-funded positions: Learning  
6 Support Professionals and Stay-In-School Coordinator;" and

7           WHEREAS, Recommendation No. 3 (A through D) states: "The Board of Supervisors  
8 should use its considerable influence, including its power of the purse, to encourage SFUSD  
9 to:

- 10           A. Create a truancy policy- preferably one that provides there is a zero tolerance for  
11           chronic truancy in the elementary grades.
- 12           B. Appoint a person at a managerial level whose sole responsibility it will be to enforce  
13           attendance laws and coordinate all efforts for truancy.
- 14           C. Develop and implement a plan to correct truancy earlier in the year. This should  
15           include augmenting the computer system (including the Truancy Module or School  
16           Loop or whatever comes next) to find out who is truant early in the year, contacting  
17           parents earlier in the year, getting feedback from teachers earlier in the year,  
18           streamlining the process from SST [Student Success Team] to SARB [Student  
19           Attendance Review Board], and making more and earlier referrals to the District  
20           Attorney.
- 21           D. Develop, maintain, interpret and share reliable statistics regarding the reasons for  
22           truancy, the demographics of the problem, the interventions undertaken by the  
23           district and the outcomes of such interventions. Use these data;" and  
24  
25

1           WHEREAS, Recommendations No. 4 states: "The Board of Supervisors should direct  
2 the Joint City and School District Select Committee to ensure Recommendation Numbers 2  
3 and 3 (above) are implemented;" and

4           WHEREAS, In accordance with Penal Code Section 933.05(c), the Board of  
5 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
6 Court on Finding Nos. 1, 2, 3, 4 and 5 as well as Recommendation Nos. 1, 2, 3 (A through D)  
7 and 4 contained in the subject Civil Grand Jury report; now, therefore, be it

8           RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the  
9 Superior Court that it agrees with Finding No. 1 of the 2008-2009 Civil Grand Jury report  
10 entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or  
11 Systematic Ineffectiveness Prevent Future Progress;" and, be it

12           FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with  
13 Finding Nos. 2, 3 and 4 because (respectively) the Board believes that most SFUSD  
14 employees seek to abate truancy, the SFUSD collects truancy-related data, although it is  
15 unclear whether that data is distributed to appropriate district personnel and outside agencies,  
16 and the SFUSD deploys a range of interventions to combat truancy, although it is unclear  
17 whether those interventions are effective; and, be it

18           FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge  
19 of the Superior Court that regarding Finding No. 5 and Recommendation Nos. 1, 2, 3 (A  
20 through D) and 4, the SFUSD is a state agency that is governed by the San Francisco Board  
21 of Education. Decisions about truancy fall under the purview of the SFUSD, not the Board of  
22 Supervisors; however, the Board of Supervisors asks the SFUSD to develop a comprehensive  
23 plan to correct truancy across the school district and to forward such plan to the Board of  
24 Supervisors' Government Audit and Oversight Committee within three (3) months from the  
25 date of passage of this resolution for review and feedback. This plan should include

1 demographic information about truants (i.e., grade-level, race, gender, etc.), the specific  
2 interventions to be undertaken by the SFUSD, and the expected truancy reduction goals of  
3 such interventions over time (i.e., daily, monthly, yearly, etc.), expressed as both whole  
4 numbers of students and percentages of the entire district population.

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# **TRUANTS CAN BE "JOYFUL LEARNERS," TOO:**

## **Unless Racism, Classism and/or Systemic Ineffectiveness Prevent Future Progress**

If nothing changes, about 20% of our children will continue to drop out of school. Our Black children will continue to be at risk of dropping out at twice the rate of their peers. The waste of human potential that will result is staggering and predictable. The hundreds of millions of dollars that the school district will never receive and that the city will spend because of truancy/dropout rates is staggering and predictable. The resulting increase in crime, welfare expenditures and lost wages that we all will experience is staggering and predictable.

It is time for the Board of Supervisors to join the Mayor and the District Attorney in recognizing its role in taking on one major aspect of this issue: truancy. The San Francisco Unified School District is hampered by structural issues so basal that attempts to take a different approach in addressing truancy would amount to only incremental adjustments. Real change, if it will happen, must come from the City becoming more involved.



### The Purpose of the Civil Grand Jury

The Civil Grand Jury is a government watchdog made up of volunteers who serve for one year. The Civil Grand Jury reports with findings and recommendations resulting from its investigations. The investigated agencies, departments or officials are required by the California Penal Code to respond publicly within at most 90 days.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply.

More information can be found at: [http://www.sfgov.org/site/courts\\_page.asp?id=3680](http://www.sfgov.org/site/courts_page.asp?id=3680), or by contacting the Civil Grand Jury at 400 McAllister Street, Room 008, San Francisco, CA 94102

### State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. For each finding of the Civil Grand Jury, the response must either (1) agree with the finding, (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either that (1) the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05).

In a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity – it is a pre-requisite. . . . [E]very American will need to get more than a high school diploma. And dropping out of high school is no longer an option. It's not just quitting on yourself, it's quitting on your country – and this country needs and values the talents of every American.

Remarks of President Barack Obama –  
As Prepared for Delivery  
Address to Joint Session of Congress  
Tuesday, February 24th, 2009

## The Scope and Severity of the Problem

Truancy<sup>1</sup> persists<sup>2</sup> within the San Francisco Unified School District (SFUSD) at unacceptable levels.<sup>3</sup> The effects are devastating.<sup>4</sup> The tools to fix San Francisco's truancy problems are available<sup>5</sup> but six years after the last Civil Grand Jury report on this subject<sup>6</sup>, SFUSD slowly has taken only tentative steps toward changing the status quo.<sup>7</sup>

Excessive truancy leads to a high dropout rate. In SFUSD, 18% of our children are dropping out of school.<sup>8</sup> Almost every fifth child. The dropout rate for Black children is twice that of their counterparts. In most any other enterprise, losing one fifth of the materials before completing the product would warrant fundamental change in the way the materials are handled. Where the materials are nothing less than the hearts, minds and lives of our children, this incomprehensible dropout rate does not generate the sort of institutional change or public outrage it deserves— and truancy persists.

On the surface, the problem appears to be that reducing truancy rates is complex<sup>9</sup> and expensive.<sup>10</sup> On the surface, SFUSD appears to be working with unimpressive but acceptable diligence.<sup>11</sup> On the surface, SFUSD appears to be working with other agencies within acceptable parameters of cooperation.<sup>12</sup> On the surface, it even appears some recent progress has been made.<sup>13</sup>

Under the surface is undisputable evidence of fundamental problems. The problem is not just that

- SFUSD commits insufficient resources of its own to truancy reduction<sup>14</sup>;
- reports of progress rely on questionable evidence<sup>15</sup> and, in any event, attribute the progress to persons outside of SFUSD<sup>16</sup>;
- SFUSD's administration appears negligent by
  - A. refusing to establish (or adequately publish) a truancy policy;
  - B. failing to appoint a person who will be responsible and held accountable to reduce truancy;
  - C. keeping truancy efforts so decentralized that various components working on the issue are incapable of coordinating efforts and are often unaware what other components are doing;
  - D. failing to develop, maintain, interpret and share reliable statistics regarding the reasons for truancy, the demographics of the problem, the interventions undertaken by SFUSD and the outcomes of such interventions (see Appendix 2, "Data Collection and Truancy at the San Francisco Unified School District");
  - E. failing to sufficiently monitor and evaluate programs that have been instituted before dismantling or replacing them with new programs;
  - F. failing decisively to address elementary school truancy so as to address the problem (1) before the causes are intransigent and (2) when

interventions can be more proactive, more effective and less expensive; and

- G. failing to consider truancy reduction sufficiently important to warrant specific objectives and measures in SFUSD's Strategic Plan.<sup>17</sup>

More troubling than all this is the general sense that the numbers are, by and large, acceptable. There is no imperative and no sense of urgency to change the results immediately and dramatically. Recent reports of some progress in some grades as a result of the District Attorney's program have not triggered San Franciscans to ask basic questions such as: "How much truancy is too much?" and "How could we have been allowing so many kids to be truant and, ultimately, to drop out?"

### Delving Into the Causes

Since the Jury addressed truancy in 2002, SFUSD has made changes in the way it handles the issue. It has not, however, attempted to address some of the root causes of truancy and it has not identified the institutional problems that prevent SFUSD from being effective in addressing the most prevalent symptoms. The truancy rate is the same now as it was in 2002.

SFUSD is steeped in a culture of territorialism. That culture converts its employees' efforts into negative institutional responses. To persons within SFUSD, each department operates as an insular unit making it difficult to obtain and share basic information, ideas and resources. To persons outside SFUSD, it appears the school district is actively obstructing the efforts of the District Attorney<sup>18</sup>; the Mayor<sup>19</sup>; the Department of Children, Youth and Families<sup>20</sup> (DCYF); and others<sup>21</sup>, including this Grand Jury.<sup>22</sup> The consistency with which SFUSD's "partners" remarked about the difficulties they have dealing with the insular bureaucracy was impressive. The most common refrain is that SFUSD is unnecessarily protective with its money, access, and information. Even working with the District on common goals can quickly resemble struggling against a Byzantine bureaucracy.

Further observations expose troubling systemic issues. Members of the Board of Education quietly acknowledge they do not have control of the administration. Board members explain they have no independent staff and therefore must rely entirely upon district administrators for everything from information to action. Board members are unpaid and part time. The result is that Board members cannot risk stepping on the toes of administrators for fear of jeopardizing their access to critical information and cooperation.

This, in and of itself, would not be a serious problem except that many of the administrators clearly have forgotten they serve the elected Board. In the words of one Board member, "we have to pick our battles [with administrators]" lest the Board member be rendered entirely impotent. Add to this the potential for Board members to use staff against each other on wedge issues and the result is a powerful disincentive to risk disagreements with administrators— at least with respect to non-critical issues. The amount of energy and political capital necessary for a Board member to accomplish even small changes limits the number of battles any Board member is willing to wage.<sup>23</sup>

But the problem goes even deeper than that. A majority of the Board of Education has not recognized truancy reduction as an important battle worth waging. A majority of the Board has not committed themselves— their own political capital— to making the structural and personnel changes necessary to accomplish an effective change in policy with swift results.<sup>24</sup> In fact, most Board members have unapologetically made clear their belief that the City, and not the Board of Education, must take the primary role in truancy reduction.<sup>25</sup> This approach is rooted in their beliefs that 1) only the City agencies have access to the information that might expose the underlying causes for a student's truancy and 2) only the City has the money to pay for implementation of most proposed solutions.

SFUSD therefore will not internally generate the urgency or sense of imperative to change the status quo. To SFUSD, the true problem lies with forces outside its own jurisdiction. The administrators are unable to share their knowledge and resources in effective ways (internally or with outside agencies) without risking losing their political relevance. There is no incentive for the leadership to transfer resources or point out failures, ineptitude and inefficiencies. In the absence of public outrage and pressure, it will remain SFUSD's position that there is no truancy crisis at all, only a manageable problem.

#### **Insufficient Help from the Supervisors**

The Board of Supervisors is complicit in the decision to allow the truancy crisis to fester. Specifically, the Supervisors have not recognized why, to what extent and in what respects truancy is their own problem.<sup>26</sup> And so the failure of SFUSD to make any significant changes remains unchallenged by the Board.

There are reasons the Supervisors should be involved. On the short list is the following: First, the welfare of the students and their families who are citizens of San Francisco. Second, truancy effects the City's budget. Third, some of the underlying causes of truancy can only be addressed by engaging in outreach that only the City can authorize, organize, fund and staff. Fourth, dealing with truancy early is far more cost-effective than dealing with the consequences later. Fifth, if the Supervisors do not aggressively deal with the problem, no one else will.

Still, the Board has failed to accept a significant role in addressing truancy reduction, even in the areas where SFUSD has abdicated its role.<sup>27</sup> When interviewed, some Board members did so unwittingly:

- Most Supervisors were unaware school board members believed they handed over to the City responsibility for reducing truancy.<sup>28</sup> The result is that the Board of Education and the Board of Supervisors each point their fingers at the other while explaining that truancy is "not our problem."
- The Supervisors generally are unaware of the amount of money they themselves authorize for key SFUSD personnel to combat truancy, the amount the Supervisors authorize for SFUSD's truancy programs and the extent to which

truancy reduction efforts rely on City services.<sup>29</sup> Thus, the City does not demand accountability for its own expenditures—allowing ineffective personnel and programs to survive.

- The Supervisors generally were not aware that elementary school truancy is as severe as high school truancy, that failing to deal with truancy in elementary school is allowing complex and intractable problems to develop and that the effect of failing to reduce elementary school truancy is to create severe problems that will cost the City millions more dollars in the future.

Some Supervisors reject on philosophical grounds the notion that they must take a leading role in truancy reduction— even after familiarizing themselves with SFUSD's track record and acknowledging SFUSD likely will not change. For these Supervisors, it is not persuasive that 1) the City already is paying millions of dollars per year for truancy programs without any accountability, 2) effective truancy reduction could not be achieved without City agencies whether or not SFUSD continues to abdicate its role, 3) the Mayor, the District Attorney, DCYF and numerous non-governmental organizations already have stepped up to the plate in combating truancy and 4) as severe as the immediate consequences are, the long-term consequences of truancy, especially elementary school truancy, are significantly much greater than would be dealing with the problem today.

The sheer amount of lost human potential should be enough to motivate the Board of Supervisors to take a more aggressive role in addressing truancy. Alternatively, the lost human potential, at a minimum, should goad the Board to use its influence to demand better results from SFUSD. It is clear, however, that the loss of human potential, and of our youth, is not enough. Thus, the Jury points to the amount of money being thrown away without any accountability, the economics behind dealing with truancy early and the fact that, as a practical matter, only the City has the ability to address truancy particularly in light of the SFUSD's abdication, as arguments in support of the principle that the Supervisors should become more involved with this problem.

### **Restatement of the Problem**

SFUSD's culture of territorialism when combined with the overall lack of other government commitment yields devastating results for truancy rates, dropout rates, crime rates and San Francisco's welfare. Truancy and dropout statistics are not properly obtained, validated, analyzed and distributed. The Board of Supervisors and SFUSD rely on the same questionable evidence of progress without inquiring into the collection, monitoring and validating of numbers. Until the next reorganization of SFUSD staff, only the Superintendent of Schools—who is busy with other projects—appears to have the ability both to direct efforts to obtain valid data and to make use of the data collected. Interventions are not timely. Staff cannot be assigned relevant tasks for which they are held accountable. A cohesive strategy under a single budgetary line item cannot be established, maintained and adjusted as the policy failures and successes are realized. The Board of Supervisors continues to view the problem as one of education and, therefore, not within their jurisdiction. The Supervisors will not consider the implications of truancy reduction on crime reduction, work force enhancement and

accountability for its substantial expenditures. SFUSD continues to receive City funds with no incentive to hold persons accountable. In sum, truancy cannot be attacked in a strategic and meaningful way.<sup>30</sup> According to SFUSD and the Board of Supervisors, the results must be deemed acceptable and, absent leadership from them, our resources will continue to be used in the same wasteful way.

Where is the outrage?!

As further evidence the system simply is not working:

- Of the thousands of habitual and chronic truants, only one student made it all the way through SFUSD's process and was referred to the District Attorney before the last months of the school year. A frantic push to hold Student Attendance Review Board (SARB) hearings at the end of the year produced another 17 referrals as the school year ended. SARBs at the end of the year are not effective and, if it were, the student already has lost an entire year of education.<sup>31</sup>
- Numerous schools view referral to the District Attorney as too punitive and therefore do not process truancy information. Thus, the schools refuse to follow the law and/or district policy.
- The SARBs are underutilized at the beginning of the year and overwhelmed when the referrals finally reach them.
- No one can say how effective the various levels of interventions (from Student Success Teams to Student Attendance Review Teams) have been since those records are neither compiled nor analyzed.
- No one knows the percentage of students that are not counted as truant because they (or someone in their family) provided a note suggesting the absence is "excused."
- For the past two years SFUSD's own analysts have had to retrieve attendance data from the state, rather than internally; a comparison between SFUSD documents and statistics on the state website suggests there are serious concerns regarding the accuracy of the dropout status of hundreds of students.

### Why Is This Permitted to Persist?

The reasons no voices have appeared to decry our institutions' failures— even with the amount at stake— are not clear. Only four reasons have come to light when the Jury inquired into how the government possibly could be so completely dysfunctional:

- First, some members of the Board of Supervisors have stated that the answer lies in some combination of racism and classism.<sup>32</sup>

- Second, some persons have suggested that SFUSD, as an institution, believes it is better off without the students attending class; some teachers and/or parents would rather not risk classroom disruptions and some schools would rather not risk lower standardized testing scores.<sup>33</sup>
- Third, some SFUSD personnel<sup>34</sup> claim the issues around truancy would be resolved if sufficient money were allocated to the problem.<sup>35</sup>
- Fourth, there is some evidence the inaction is the result of a combination of (1) the weak structure of the Board of Education (as discussed above) (2) the fact that none of the members of the Board of Education feel particularly accountable to the communities that are most affected by truancy, i.e., the Black and Hispanic communities and (3) the public is not knowledgeable enough to generate the sort of outrage that would provide incentive for a member of the Board of Supervisors or the Board of Education to become willing, able and knowledgeable enough to take on the issue.

Whatever the cause, the result is clear. SFUSD is poised to argue truancy is being reduced, no one else understands the problem, additional programs are on the way, the Strategic Plan will make "Joyful Learners" of all, and we should just trust them and wait for further information next year. We will continue to receive these assurances notwithstanding the absence of reliable information-gathering, the obvious inadequacy of the statistics used to demonstrate progress, the absence of anyone to hold accountable without real change and the fact that evidence of a working system is amply refuted by a simple stroll down the street corners and alleyways where truants openly and commonly hang out.

Meanwhile, the Board of Supervisors remains convinced it can do no more than fund a program or two in hopes of saving a few children. The Board of Supervisors will continue to deny that only it can marshal the resources, direct the personnel and demand accountability for results when parents and then the SFUSD fail to meet their obligations. This refusal to step in will occur despite the fact that year after year, the school district fails to use its resources to adequately address truancy and only the Board of Supervisors has the means of picking up the pieces before the problems become dramatically more expensive, complex and intractable.

At bottom, whether because of racism, classism, systemic problems or simply gross negligence, the evidence strongly suggests San Francisco will retain an underperforming government that will do no better for the next generation of youth than it did for the last. If change is to come, it will come from a decision by members of the Board of Supervisors to address the problem with significantly more urgency. Alternatively, the Board of Education must begin to take steps toward resolving some of its institutional shortcomings so that truancy can be dealt with more effectively in the future.



## Findings

1. Excessive truancy causes many problems for the City including, less money for the school district, less literacy and more dropouts– which means more crime, lower wages (and thus, fewer tax revenues), and a host of serious societal problems.
2. SFUSD employs talented persons whose interests, for whatever reason(s), do not lie in marshaling the district's resources to ensure that every child gets to school.
3. Collection of reliable data and proper distribution of such data is a prerequisite for understanding the true nature and extent of the truancy crisis. SFUSD is not collecting nor distributing to appropriate SFUSD personnel and outside agencies data from which it can be determined the reasons for truancy, the demographic information, the interventions attempted and the outcomes of such interventions. Using aggregate data does not violate student privacy.
4. Parents primarily are responsible to get their kids to school. When parents fail to do so, the school district, with the assistance of other agencies, has the ability and the responsibility to take corrective action. SFUSD is not using the tools available to it and is not providing in a timely fashion to other agencies the information necessary for them to intervene.
5. Despite the efforts of the Mayor, the District Attorney and the Superintendent of Schools, neither the Board of Supervisors nor the Board of Education have determined which of them will take the lead in creating and implementing a truancy reduction policy.

Finding		1	2	3	4	5
Response	Board of Supervisors	X	X *	X	X	X

## Recommendations

The Board of Supervisors should:

1. Resolve the stakes are high enough and the evidence strong enough to warrant greater involvement by the Board of Supervisors in the fight against truancy.
2. Require performance measurement data on a semester basis from the City-funded positions: Learning Support Professionals and the Stay-in-School Coordinator.
3. Use its considerable influence, including its power of the purse, to encourage SFUSD to:
  - A. Create a truancy policy— preferably one that provides there is a zero tolerance for chronic truancy in the elementary grades.
  - B. Appoint a person at a managerial level whose sole responsibility it will be to enforce attendance laws and coordinate all efforts for truancy.
  - C. Develop and implement a plan to correct truancy earlier in the year. This should include augmenting the computer system (including the Truancy Module or School Loop or whatever comes next) to find out who is truant early in the year, contacting parents earlier in the year, getting feedback from teachers earlier in the year, streamlining the process from SST to SARB, and making more and earlier referrals to the District Attorney.
  - D. Develop, maintain, interpret and share reliable statistics regarding the reasons for truancy, the demographics of the problem, the interventions undertaken by the district and the outcomes of such interventions. Use these data.
4. Direct the Joint City and School District Select Committee to ensure Recommendation Numbers 2 and 3 (above) are implemented.

Recommendation		1	2	3(A)	3(B)	3(C)	3(D)	4
Response	Board of Supervisors	X	X	X	X	X	X	X

## Endnotes

1. Three categories of truants should be defined. First, Education Code § 48260 defines **truant** as “one who is absent from full day or continuation school without valid excuse for three days in one school year or tardy or absent without valid excuse for more than any 30-minute period during the school day on three occasions in one school year or any combination thereof.” A minor who meets either criterion must be reported to the school district. Second, Education Code § 48262 allows for a student to be declared an **habitual truant** if two conditions are met: (1) the child must first have been reported by the district as a truant three or more times within a school year and (2) the school district must have made a conscientious effort to hold a conference with a parent and the student after the required truancy letters have been sent. SFUSD defines habitual truant as any student that has 10-19 unexcused absences in a single school year. Third, SFUSD defines **chronic truant** as a student with 20 or more unexcused absences in a single school year.

Additionally, SFUSD personnel who work with truancy issues are careful to point out the following when discussing truancy:

- A. SFUSD does not use “truancy rates.” The term is commonly used in the press but is not a statistic SFUSD uses to measure student attendance or school performance. Instead, SFUSD uses attendance rates (which does not account reasons of absences) or seat time combined with other data to determine the extent of truancy problems.
- B. Legally, truancy requires that a student’s absence be unexcused. This often depends on no more than whether the student or the parent is capable of providing documentation. For this reason reported “truancy rates” are probably understated.
- C. Truancies can only be measured to the extent that teachers and schools record them. Teachers do not always accurately record truancies (either because they make mistakes, or because they are hoping to protect the students or because they do not want the student to return to class).
- D. SFUSD personnel acknowledge that some schools have been reluctant to record all truancies because they fear the District Attorney’s policies are too punitive. Schools that do not enforce attendance rules will only be corrected to the extent that either (a) the state audits them or (b) they receive adequate oversight from other sources (typically, from assistant superintendents).

2. The 2008-2009 Grand Jury’s investigation began as a review of the progress the SFUSD made since the 2002-2003 Civil Grand Jury investigated truancy. See 2002-2003 Civil Grand Jury, *Tolerating Truancy- Inviting Failure: The San Francisco Unified School District Fails To Enforce School Attendance* (released June 11, 2003) (Attached as Appendix A). The investigation evolved into an examination of the institutional dysfunction on the part of the SFUSD and the City and County of San Francisco that has prevented additional progress on this crucial issue.

In 2003, the Grand Jury found the SFUSD was not in compliance with state truancy laws. The 2003 Report also included findings that excessive truancy contributed to an unreasonable drop-out rate and a loss of more than \$10,000,000 per year in state funding. The 2003 Jury's principal recommendation was that the SFUSD should take specific steps toward streamlining the process for enforcing truancy laws.

In 2004, the Grand Jury reported that SFUSD's Pupil Services Department reported that a process "will be implemented shortly to ensure that the District will mail its truancy notices on time and thereby reduce its truancy rate . . . ."

In 2005, the Grand Jury concluded SFUSD "conducted a comprehensive overhaul in its process of monitoring and addressing truancy in San Francisco." The Jury reported no information on the results of this overhaul.

In 2006, the Grand Jury noted the 2005 Jury's conclusion and stated, "SFUSD is doing its role in combating what is a serious national problem— truancy. An investigation at this time is unwarranted. An investigation into declining enrollment in the SFUSD may be a matter of interest for a future [Civil Grand Jury]."

In 2009, SFUSD's end of the year report states that high school truancy numbers remain seriously high with 9th grade constituting 21% of all habitual and chronic truants in district.

3. According to SFUSD documents, "high school truancy numbers remain seriously high." According to State of California data, five SFUSD elementary schools have a truancy rate of greater than 75%.

4. Truancy is the most powerful predictor of delinquent behavior. Students with the highest truancy rates have the lowest achievement scores and highest dropout rates. Regardless of grade or age, truancy has been linked to criminal activity, unemployment, substance use and mental health issues. It has been reported that the State of California projects the future need for prison space in part on the basis of third grade reading levels. While these reports are questionable, the statistics demonstrate that the correlation is not a mathematically unfair one to make.

In addition:

- Nationwide, 75% of all truants will eventually drop out of school. Dropouts are 3.5 times more likely than high school graduates to be incarcerated in their lifetime.
- Nationwide, students with highest truancy rates have lowest achievement rates.
- 75% of nation's incarcerated individuals were habitual truants.
- The San Francisco District Attorney reports that over 50% of detainees in San Francisco jails are functionally illiterate.
- The San Francisco District Attorney's data demonstrates that from 2003-2007, 94% of

San Francisco's homicide victims under 25 were high school drop outs.

Data indicates that increase of 10 percentage points in graduation rates would cut murders and assaults by 20 percent.

5. There are two kinds of truancy: elementary school truancy and non-elementary school truancy. For both, SFUSD personnel already point out that SFUSD is lacking in outreach programs to address truancy in the neighborhoods where the underlying problems exist. Thus, part of the answer lies in outreach to families before truancy becomes a problem.

In addition, examples of what to do next exist:

- In Houston, a successful program focuses on "recogniz[ing] the early signs of trouble and to develop[ing] proactive interventions." District officials there report that empowering youth and families is a critical part of this process. A combination of early intervention, family involvement, cooperation with the court, and frequent referrals to outside services are essential to a successful program. "When schools take proactive measures and police become involved, much good work can be done to curb truancy."
- In Los Angeles, a successful program focuses on 1) improving student attendance; 2) expanding educational options and alternatives; 3) ensuring student learning at all levels and within all sub-groups; 4) creating personalized, safe and healthy school environments; and 5) developing a comprehensive, district-wide student data tracking system.
- In Jacksonville, Florida, credit for turning around high truancy rates goes to a comprehensive truancy intervention program consisting of 1) meetings between school staff and parents to address a child's unexcused absences, 2) calling an Attendance Intervention Team (AIT) (much like SFUSD's Student Success Team); a non-judicial hearing held at the State Attorney's Office for parents and students, referral to the Truancy Arbitration Program (TAP); the creation of four truancy centers located across the city; and a diverse group of community stakeholders which was formed to increase public awareness.
- In Chicago, truancy was significantly reduced using an On Track Indicator that allows teachers and principals to see within 24 hours each student that receives a failing grade or 10 absences.

6. See Appendix 1.

7. In 2003, the Jury recommended that SFUSD commence truancy accounting which should include creating a computerized database. In May of 2004, SFUSD reported that it "replaced or updated equipment" and was able to provide information through the database. In 2006, SFUSD acknowledged the inadequacy of the computer system and began implementation of a new "Truancy Module." Now, SFUSD is in its second year of the "Truancy

Module." SFUSD has asserted that at least one person in each school is trained to use the system. Later, it became clear that 9 schools do not have trained staff. SFUSD also acknowledges the module is "sometimes ineffective." The module has poor hardware and there is poor understanding how best to use the program at any particular school site. Accordingly, SFUSD plans to conduct a survey next year. Meanwhile, just as this system gets off the ground, however, SFUSD also is planning to implement a new program modeled after the Chicago program allowing school administrators to know when a student reaches 10 or more absences. SFUSD also may roll out versions of "School Loop," "Data Director, or "On Track Indicator," programs that may change again the way that the district uses the Truancy Module.

In 2003, the Jury recommended that SFUSD hire a person to be in charge of attendance. In June 2005, SFUSD reported that it "Now has a Supervisor of Attendance (SOA) whose responsibility is to supervise and coordinate attendance enforcement. The SOA was never able to devote himself full time to attendance. Instead this was one of several titles given to one person. The Grand Jury was unable to receive from his office answers to some of the most basic questions involving truancy reduction. It has been reported that the SOA's contract expired and has not been renewed. Thus, it appears the position is vacant and it is not clear who, if anyone, will take on the responsibilities or if the person will be able to do so full time.

In 2003, the Jury recommended that SFUSD ensure that truancy notices get mailed in a timely fashion. The Jury emphasized the importance of having parents involved early in the process and the fact that notices allow SFUSD to collect money from the State of California. In June 2005, SFUSD reported that it is "aggressively seeking reimbursement from the State for Truancy notices sent to students." This Jury discovered that the performance of the schools in getting out the notices was extremely uneven. In some schools, most notices were sent in April. The school district reported that not all the schools had sufficient personnel trained in how to use the Truancy Module to ensure timely mailing of notices. This problem, the district reported, would be fixed over time.

In 2003, the Jury recommended that SFUSD make better use of School Attendance Review Teams (SART) and School Resource Officers (SROs). SARTs are school-based teams put together to address truancy issues at the school level. This year the Jury inquired as to the success rates of success of SARTs and which tools used by SARTs were most effective. SFUSD acknowledged that no statistics have been compiled so it is not clear how well the SARTs are doing. SROs are San Francisco Police Officers assigned to schools. Since 2003, it was clear that SROs need clear instructions regarding what to do when encountering a truant student. There currently is no program addressing how SROs should process a truant student.

In 2003, the Jury recommended that the SFUSD create a Student Attendance Review Board (SARB). In August 2003, SFUSD reported that it was on its way to establishing a SARB and that in the Fall of 2003, SFUSD would be considering who the members should be. By 2005, a SARB was in existence. Six referrals were made to the District Attorney in 2007. The first SARB meeting was held October 17, 2008. Through May of the 2008-2009 school year, one referral was made to the District Attorney. About 17 more referrals were made in June at the end of the school year.

8. The data for districts in the State of California is available at [sfgate.com/ZEFD](http://sfgate.com/ZEFD).
9. Most analyses of the problem begin with the acknowledgment that truancy is a national problem and that a reasonable response to district-wide truancy will include consideration of addressing complex underlying causes. The Stay-in-School Coalition was formed because there was a consensus that chronic absenteeism and habitual and chronic truancy are community problems. The underlying causes of truancy were discussed in SFUSD's August 2003 Stay In School Coalition's Truancy Report.
10. Most administrators at SFUSD argue that they simply do not have the staff to follow-up on reports of missing students. Accordingly, they rely on automated telephone calls, computerized letter-writing and an eventual referral after the record establishes a student should be pronounced an habitual truant. Although SFUSD counts nine groups as those working with truant students (school counselors, learning support professionals, student advisors, attendance liaisons, parent liaisons, translators, nurses, after-school programs staff and wellness center staff) these personnel do not have sufficient opportunity to identify and address the problem until truancy becomes too serious.

SFUSD does not have a single department of truancy. SFUSD suggests the following funds should be considered "targeted" to reduce truancy, although it is not clear which funds are paid by the district:

SFUSD Targeted Resources

Attendance Liaisons	\$250,000
Drop out office	\$410,000
SB 65 Comprehensive Support and Attendance Programs at 15 schools	\$782,000
Secure Our School Program at 4 Schools	\$100,000
District Attorney Truancy Mediation Workshops	\$5,000
CBO/SFUSD Training Materials and Workshops	\$20,000
Coordinated Services Teams at each School (as % of time devoted to attendance)	\$20,000-25,000 per school

11. The District Superintendent's 2007 "Attendance Letter" states "The District's Stay in School Coalition has worked with city departments and community based agencies to successfully increase the overall attendance rate for the last two years. This year the Student Assistance Program (SAP) Teams and the School Attendance Review (SART) teams will be stepping up their efforts to work with you to ensure that students are in school, on time, every day."

12. The key city "players" are the District Attorney's office, the Human Services Agency (especially the Child Protective Services and CalWORKs divisions), the San Francisco Police Department's School Resource Officer program, the Health Department's Community Behavioral Services, the Juvenile Probation Department, and the Mayor's Office Initiative, which includes Communities of Opportunity and the Department of Children, Youth and Their Families, (who fund interrelated truancy prevention, case management and violence prevention agencies and coalitions).

13. See Tucker, Jill, San Francisco Chronicle, *Pressuring parents helps S.F. slash truancy 23%*, June 8, 2009, pg A1., available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/08/MN911832BT.DTL>. Recent statistics also make clear that 75% of the school sites have shown a .01 to 3.0 percentage increase in average daily attendance rates over the past three years. Also, the number of SARB hearings in elementary schools increased from 34 in the 2007-2008 school year to 110 in the 2008-2009 school year.

14. As noted in footnote 10 above, even SFUSD's Stay In School Coordinator is paid for by the City. Additional funds for truancy efforts that occur in SFUSD schools come from other agencies including The Department for Children, Youth and Their Families (DCYF):

**DCYF Targeted Resources**

Stay in School Coordinator and Elementary Truancy Project	\$370,000
Secure Our Schools Match	\$250,000
CBO Case Management with Main Emphasis truancy	\$350,000
Violence Prevention in Schools	\$500,000

In addition, the District Attorney maintains a hotline for reporting truants (\$20,000), DCYF pays SFUSD teachers to provide instruction in a truancy center and community-based organizations provide additional resources.

15. SFUSD's collection of truancy data has several problems. First, teachers still are using paper forms to record absences. These "strips" are later input by separate personnel into the computer system. In the best of possible worlds, mistakes will be made.



Second, it has been reported, and interviews with the administration confirm, that attendance is not taken with uniform care in all schools. In several schools, sometime around January teachers attempt to comply by getting old attendance slips in. They do so in order to meet State of California requirements and to avoid problems with possible audits. This too will cause problems.

Third, for the past two years, SFUSD has been using a "Truancy Module" to pull out of the computer system the data related to truancy. This new system is not subject to sufficient monitoring or validity checks. For example, the Information Technology personnel do not verify the data with information from either truancy personnel (who should be able to test the data against the real world) nor the Research, Planning and Accountability personnel (who should be able to monitor and test for validity). Neither the information technology staff nor the truancy staff have enough information to determine whether the data collected is making sense.

Fourth, SFUSD personnel acknowledge that certain teachers and certain schools are reluctant to report truanies because they believe the new efforts by the District Attorney are too punitive. These persons generally do not realize that the end result of the District Attorney's efforts is to provide more attention and services to the student and family.

Fifth, a SFUSD printout of the number of truanies by April 13, 2009, suggested that the truancy rates of most schools did not drop as of that date. It is not clear as of the publishing of this report what accounts for the alleged 23% reduction in elementary school truancy in the months April through June.

16. See "San Francisco Team Needed To Fight Truancy," Chronicle Editorials, September 15, 2008, praising Mayor Gavin Newsom for taking the fight against truancy to the doorsteps of unsuspecting parents; Tucker, Jill, San Francisco Chronicle, *Pressuring parents helps S.F. slash truancy 23%*, June 8, 2009, pg A1., available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/08/MN911832BT.DTL>, noting District Attorney Kamala Harris took on the issue and stated she will get families counseling through the court system:

17. SFUSD's 2008-2012 Strategic Plan "Beyond the Talk: Taking Action to Education Every Child Now" adopted May 27, 2008 makes only two truancy-related references:

- Under "Goal 2: Student Achievement- Engage high achieving and joyful learners" is "Objective 2.1 Ensuring Authentic Learning for Every Child." In this section, one measure "Number and percentage of students who drop out of school between grades 6-12."
- Under "Goal 3: Accountability-- Keep our promises to students and families" no measure identifies support services' interventions and outcomes as a way to evaluate and validate data on truancy reduction. In fact, the majority of measures are subjective, e.g. rating through surveys, not based on objective data. That is not true performance measurement. (See 2008-2009 Civil Grand Jury Report on performance measurement in the City.)

Also telling is the fact that SFUSD does not include truancy personnel as part of the persons who will be held accountable to numeric standards. Under "Percentage of 'stayers' and 'leavers' by ethnicity," the plan states that "SFUSD is designing and implementing a comprehensive system of performance management . . . so that all staff know and understand their role in supporting student achievement." There is no mention of the support service staff—counselors, learning support professionals, student advisors, outreach consultants and child welfare and attendance liaisons—in the Strategic Plan's scorecard, milestones or glossary sections. California, SFUSD and the City fund these positions to partially address the truancy issue.

18. There were over 5000 chronic and habitual truants in SFUSD last year. Through May, SFUSD was reporting only one resulted in a referral to the District Attorney. As noted above in footnote 7, a last-minute push resulted in 110 SARB hearings and an additional 16 referrals to the District Attorney at the end of the year. It is not clear when the referrals were made.

19. The Mayor has attempted to be involved with "Operation Stealth," a program in which he knocked on the doors of families with truant children.

20. DCYF attempted to work with the schools by giving them \$200,000 for work with middle schools. The project was rejected because it might have been duplicative. Ninth graders account for 21% of the truancy of the district.

21. The Jury interviewed over 40 witnesses. Most confirmed that the school district was territorial and hostile to offers of help. The Jury actually received requests that witnesses not be named for fear of having access to schools, children or information put at risk. One witness said explicitly that because that organization's efforts required access to students, it did not want to be seen as "bit[ing] the hand that feeds them."

22. In contrast to the experience the Jury had with numerous City agencies, the school district did not comply with requests for information, often did not make witnesses available unless multiple requests were made, and responded with such a lack of diligence that subpoenas had to be threatened or issued. It was the Jury's distinct impression that certain witnesses sought to delay responses in hopes that they would not be forced to respond before the term of the Jury expired. In such cases, the dilatory responses were part of a deliberate attempt to withhold information.

Some tension with the Jury, an investigative body, might be expected. More remarkable was the consistency of complaints by SFUSD's partners.

23. An example of the power available to administrators involves a Board inquiry into the number of safety-related incidents at SFUSD schools. The Jury obtained a copy of a report that set out the numbers of incidents in each school. When the Jury reviewed the actual documents upon which the report was compiled, it was clear there were more incidents than appeared in the report. Without loyal staff to check, there would be no way for a Board member to obtain this information and question the integrity of the report.

24. Instead, the Board members have taken an approach that is more palatable to the staff. This is best characterized as a "go slow" approach and slow change. While the public is

encouraged to wait for the next reorganization, the next program and the next set of statistics, the overall approach portends only minor or cosmetic adjustments and a continued lack of true accountability for truancy reduction.

This also results in poor policy development and analysis. For example, there is no administrator developing the statistics and reports to demonstrate the effectiveness and ineffectiveness of each program. Thus, while the vast majority of families who are referred by the SARB to the District Attorney end up, in the long run, simply receiving services and dramatically improving attendance, the Board of Education still is left with the impression that "prosecuting parents makes no sense" and "every dollar spent on making the schools more attractive is a dollar spent on truancy reduction."

25. One member of the Board of Education explains that "once you get the student through the door, we will teach them."

26. In interviews, the Supervisors point out that they are not, in the first instance, the body responsible to ensure truancy laws are enforced. Supervisors claim they lack the expertise and the jurisdictional mandate to address school-related issues such as truancy.

27. With one exception, no Supervisor embraced the idea of getting the Board further involved with truancy issues. Two Supervisors seemed tentatively open-minded, but warned that only a very limited amount of involvement would be appropriate. One Supervisor failed to make time to meet with the Grand Jury on this subject.

28. The Supervisors should have realized this from years of school board ineffectiveness, communications through the joint committee (in which both members of the Board of Education and the Board of Supervisors sit) and budgets from the Board for programs such as CARE which should carry with them some understanding of the district's commitment to the issue.

29. The City pays the salary of the Stay in School Coordinator, Learning Support Professionals, Beacon Centers and even the teachers to teach in the CARE program. Only the Supervisors can develop a coherent strategy by which to marshal the City's services, including the police, MUNI, DCYF, and others to mount a coordinated attack on truancy.

30. Still, the SFUSD will continue planning new initiatives including: School Loop, Data Director and the On Track Indicator. SFUSD apparently is planning a reorganization of certain staff who now should be exercising supervision over some truancy programs. In addition to these changes, during the last two years, the State of California has required SFUSD to use a new student identification system for state-wide tracking. As usual, there will be a sufficient amount of moving parts to demonstrate something is being done.

31. These hearings, however, occurred too late to allow the students any time to improve their attendance. Further, according to SFUSD, the standard SARB hearing would result in a contract for improvement that must occur within 30 days. It is unclear how many of the SARBs occurred while there still was thirty days left in the school year.

32. One Supervisor points to the statistics and notes that an overwhelming number of persons who are truant are Black and Hispanic. The supervisor asked the jurors to “just say the word, ‘racism.’ There, you feel better?” Similarly, in the SFUSD Strategic Plan section entitled Solution- Addressing the Root Causes, “the effects of persistent racism, classism and language bias are exacerbated by growing education inequalities leading to worsening economic conditions for some families and poorer family health.” It is not unreasonable to conclude SFUSD acknowledges racism, classism and language bias continue to play a role.

Another member of the Board of Supervisors stated, “If you look at it, they just don’t care about the kids, no matter what race they are. It is a class issue.” This sentiment was echoed by other members of the Board of Supervisors.

33. This argument theorizes that institutional pressure comes from many places and in different ways— take for example a teacher who delays reporting in order to avoid disruptions in class, a second teacher who does not want to involve the parents of a troubled student and a school that wants to protect its API scores. This theory does not appear to account for the decisions of administrators and the apparent lack of action by seemingly distant administrators.

34. Most provided no answer at all, saying, “We need to do better” and “I don’t know how we could improve.”

35. This explanation, however, tends to ignore the fact that so many aspects of the dysfunction are non-monetary.