Executive Summary

This report is analyzing the role of the criminal legal system and police in the Salem-Keizer School District. We will outline how the criminal legal system impacts students in the district and the state at large with a particular focus on students of color and students with disabilities. This report will also discuss the policies and budget of the school district and how they impact students. Lastly, we will discuss potential recommendations that could further the mission of Latinos Unidos Siempre (LUS) by engaging with school and district wide policies, practices within schools, and funding allocation within the district.

Disciplinary Overview

Data from the U.S. Department of Education Office for Civil Rights (OCR) during the 2015-2016 school year shows the disproportionate impact of the Salem-Keizer school district’s disciplinary actions.\(^1\) Black and Latinx students face punitive measures at approximately the equivalent or double their rate of enrollment as displayed in the table below. This difference particularly stands out when looking at expulsions. Black and Latinx students were expelled at rates that vastly exceeded their enrollment rate. For example:

- **Latinx** students composed 38.2 percent of the student body but accounted for 49.1 percent of all expulsions, leading to an over-representation of 10.90 percent.\(^2\)
- **Black** students only make up 1.2 percent of the student body but received 3.6 percent of expulsions.
- **Native Hawaiian/Pacific Islander** students were 2.2 percent of the student body but made up 4.8 percent of expulsions.

<table>
<thead>
<tr>
<th>Race/Ethnicity of Students Receiving Disciplinary Actions</th>
<th>Enrollment</th>
<th>In-school Suspension</th>
<th>Out of School Suspension</th>
<th>Expulsion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Am Ind/AK Nat</td>
<td>1.0%</td>
<td>1.9%</td>
<td>2.5%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Black</td>
<td>1.2%</td>
<td>2.7%</td>
<td>3.5%</td>
<td>3.6%</td>
</tr>
<tr>
<td>Nat Hi/Pac Isl</td>
<td>2.2%</td>
<td>4.3%</td>
<td>3.2%</td>
<td>4.8%</td>
</tr>
<tr>
<td>White</td>
<td>50.4%</td>
<td>42.6%</td>
<td>43.0%</td>
<td>31.5%</td>
</tr>
<tr>
<td>Asian</td>
<td>2.0%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>38.2%</td>
<td>41.8%</td>
<td>40.2%</td>
<td>49.1%</td>
</tr>
<tr>
<td>Multi</td>
<td>5.1%</td>
<td>5.9%</td>
<td>6.8%</td>
<td>8.5%</td>
</tr>
</tbody>
</table>

Source: Oregon Department of Education Office of Civil Rights

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1 Easy Access to the Census of Juveniles in Residential Placement. Office of Juvenile Justice and Delinquency Prevention
https://www.ojjdp.gov/ojstatbb/ezacjrp/

2 When discussing the hispanic population in the tables, we will be using the term Latinx
When narrowing the scope to students with disabilities, the disparity between white students and students of color is even more alarming. All non-white students faced punitive discipline that greatly surpassed their rate of enrollment.

- **Latinx students with disabilities** were 38.4 percent of the student body but made up 62.5 percent of expulsions, almost double the enrollment.

- **Black students with disabilities** are only 0.2 percent, however 5.7 percent of students who received suspensions were Black.

<table>
<thead>
<tr>
<th>Race/Ethnicity of Students with Disabilities Receiving Disciplinary Actions</th>
<th>Enrollment</th>
<th>In school Suspension</th>
<th>Out of School Suspension</th>
<th>Expulsion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Am Ind/AK Nat</td>
<td>0.6%</td>
<td>2.9%</td>
<td>2.7%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Black</td>
<td>0.2%</td>
<td>2.7%</td>
<td>3.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nat Hi/Pac Isl</td>
<td>0.2%</td>
<td>1.9%</td>
<td>1.7%</td>
<td>0.0%</td>
</tr>
<tr>
<td>White</td>
<td>55.2%</td>
<td>50.9%</td>
<td>49.0%</td>
<td>25.0%</td>
</tr>
<tr>
<td>Asian</td>
<td>0.3%</td>
<td>0.5%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>38.4%</td>
<td>33.9%</td>
<td>33.7%</td>
<td>62.5%</td>
</tr>
<tr>
<td>Multi</td>
<td>5.1%</td>
<td>7.2%</td>
<td>10.0%</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

Source: Oregon Department of Education Office of Civil Rights

Youth incarceration rates throughout the state follow a similar pattern. The data from the Office of Juvenile Justice and Delinquency Prevention showed a very high level of policing of all young people, but significantly higher rates for young people of color.\(^3\) The rates of youth incarceration are the highest among American Indian and Black young people.\(^4\) Latinx young people also face disproportionately high rates of incarceration.

In comparison to their white peers, young people of color experience higher rates of incarceration on average:

- **Black** young people are **four times more likely** to become incarcerated.
- **American Indian** young people are **three times more likely** to become incarcerated.
- **Latinx** young people are **1.25 times more likely** to become incarcerated.

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Rates of Youth Incarceration by Race/Ethnicity in Oregon (1999-2017)

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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Am Indian</td>
<td>Rate per 100,000</td>
<td>890</td>
<td>861</td>
<td>808</td>
<td>924</td>
<td>773</td>
<td>568</td>
<td>755</td>
<td>935</td>
<td>778</td>
<td>1,084</td>
</tr>
<tr>
<td>Asian</td>
<td>Rate per 100,000</td>
<td>268</td>
<td>148</td>
<td>180</td>
<td>54</td>
<td>104</td>
<td>79</td>
<td>108</td>
<td>119</td>
<td>55</td>
<td>52</td>
</tr>
<tr>
<td>Black</td>
<td>Rate per 100,000</td>
<td>1,516</td>
<td>1,272</td>
<td>1,107</td>
<td>1,081</td>
<td>1,015</td>
<td>1,214</td>
<td>894</td>
<td>910</td>
<td>1,091</td>
<td>905</td>
</tr>
<tr>
<td>Hispanic</td>
<td>Rate per 100,000</td>
<td>445</td>
<td>352</td>
<td>300</td>
<td>296</td>
<td>332</td>
<td>358</td>
<td>359</td>
<td>339</td>
<td>331</td>
<td>228</td>
</tr>
<tr>
<td>White</td>
<td>Rate per 100,000</td>
<td>354</td>
<td>358</td>
<td>291</td>
<td>282</td>
<td>297</td>
<td>275</td>
<td>231</td>
<td>230</td>
<td>228</td>
<td>190</td>
</tr>
</tbody>
</table>

Source: Oregon Department of Education Office of Civil Rights

Figure: Rates of Youth Incarcerated by Race and Ethnicity in Oregon from 1999 to 2017

*Figure shows that the rate of incarceration for particularly Black and American Indian students is unparalleled in comparison to their white and Asian peers.

Policy/Legal Context

Zero tolerance policies were first implemented to make schools safer. Instead, zero tolerance policies have increased criminalization of young people for decades, unfairly targeting Black and Latinx youth. This rampant criminalization of Black and Latinx young people has continued to fuel the school-to-prison-pipeline in Oregon. OCR data showed that schools with zero tolerance policies had higher rates of suspension and expulsions, which led to low academic performance and increased risk of dropping out, and future entanglement in the criminal legal system. Suspensions are not only ineffective at behavior modification, but denying students time in school causes them to fall behind academically. Research from Johns Hopkins University shows there is a link between suspensions and graduation rates: a ninth grade student suspended even once is twice more likely to drop out of school. This pattern can also be seen in Oregon. In 2017, Oregon’s high school graduation rate of 77 percent was ranked second worst in the country, just surpassing New Mexico.

The Oregon public school system and in particular the Salem-Keizer school district has a long history of student disciplinary practices involving law enforcement (called school resource officers or SROs). Salem-Keizer school district is widely recognized for the creation of the Salem-Keizer Threat Assessment Model, which is used by hundreds of school districts across the country for more than 20 years. This model trains school teachers/employees to identify warning signs of potential acts of violence and assesses concerns that were reported to them (Level 1 protocol). If an evaluation concluded there was perceived high risk, the district’s Office of Safety and Risk Management (school’s law enforcement agency) would step in. These assessment protocols involve school officials, law enforcement, mental health professionals, and the judiciary and juvenile corrections, who make up the “Threat Assessment Team” (Level 2 protocol).

Proponents of behavioral threat assessment believe the process of distinguishing threats - whether it is transient or serious - does not rely so much on whether a student has made a threat,

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but that the student poses as one. Opponents argue, however, that the process hinges on how school administrators define threatening behavior. Furthermore, the response to threats is not unique or individualized, especially for students with behavioral disabilities, who are more likely to be referred for such assessment. In 2018, Portland school district began a Salem-Keizer threat assessment of a 16-year-old Parkland high school student on the autism spectrum simply based on his dress code, demeanor and interest in guns, even though he never communicated a threat to anyone else. He did not fit the profile that warranted a threat assessment - the Threat Assessment Team failed to take his behavioral disability into consideration - and the SRO even noted in the assessment report that his isolation and absence of friends raised additional concerns. In these instances, the more logical approach to handle this perceived “threat” would be by means of mediation and counseling.

It is important to recognize that the involvement of the Threat Assessment Team depends on the implementation of the Salem-Keizer Public School Discipline Code and the Student Code of Conduct. For each offense, a list of progressive consequences follows from contact with parent, in-school suspension, suspension up to 10 school days, expulsion, mental health evaluation, referral to law enforcement, etc. While the discipline code attempts to take into consideration the student’s age and past behavior, it does not take into consideration the administrator’s own unconscious bias and stereotypes. The severity of the consequence students face is completely reliant upon the decisions made by the administrator, and students are left to accept those consequences, no matter the severity of the infraction. Research shows discriminatory and disproportionate school discipline practices have led to suspensions and expulsions for minor infractions. Tony Villaneda, a Latinx student from Salem-Keizer, was suspended in the third grade for bringing a nail file to school.

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12 What Schools Need to Know About Threat Assessment Techniques
13 What Schools Need to Know About Threat Assessment Techniques
14 Targeted: A Family and the Quest to Stop the Next School Shooter
https://www.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html
15 Targeted: A Family and the Quest to Stop the Next School Shooter
https://www.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html
16 Young Latino Artists Highlight School-to-Prison Pipeline in Graffiti Exhibition
## OFFENSE

<table>
<thead>
<tr>
<th>Offense</th>
<th>Progressive Sequence of Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assault, Physical</strong> - To intentionally, knowingly, or recklessly cause physical injury and/or cause substantial pain to another person.</td>
<td>- A student who physically assaults another person will not be returned to the classroom until his/her assigned consequence has been completed and may be reassigned to another class, classroom, or school.</td>
</tr>
<tr>
<td><strong>Aggressive Behavior</strong> - Physical behaviors directed toward another person, including, but not limited to, kicking, hitting, biting, showing, tripping, slapping, or attempting to injure.</td>
<td>- Contact with parent.</td>
</tr>
<tr>
<td></td>
<td>- Suspension for up to 10 school days.</td>
</tr>
<tr>
<td></td>
<td>- Restitution.</td>
</tr>
<tr>
<td></td>
<td>- Referral to law enforcement.</td>
</tr>
<tr>
<td></td>
<td>- Continuing suspension and recommendation for expulsion.</td>
</tr>
<tr>
<td></td>
<td>- Evaluation (mental health, counseling) at parent’s expense.</td>
</tr>
</tbody>
</table>

**Insubordinate Behavior** - Behaviors which are defined as insubordinate may include, but are not limited to: disobeying or defying the authority of district personnel; verbal, physical, and/or profane or rude behaviors; disrupting any classroom, school or district sponsored activity; behavior that constitutes a safety risk to the student or others and/or multiple referrals for insubordinate behaviors.

- Removal from classroom or any district activity.
- Contact and conference with parent.
- Detention, in-school suspension.
- Suspension for up to 10 school days, with a special project or in-school suspension with a special project. For students in grade 5 or below, refer to section 3.3.3 of Discipline: Students INS-P028.
- Continuing suspension and a recommendation for expulsion.

Source: 2019-2020 Salem-Keizer Public Schools Student Discipline Policy

In 2013, the Oregon legislature passed a bill to remove zero tolerance policies (mandatory expulsion) from the state statutes in an attempt to reduce disciplinary school exclusion - to shift from punishment to education. The bill’s passage was a long overdue step in the right direction. In the 2013-14 school year alone, almost 8,000 K-5 students were suspended or expelled from Oregon’s public schools. More than 70 percent of these suspensions were caused by behavior labeled as “disruptive” (which is not necessarily violent behavior). An additional legislation passed in 2015, which limited suspensions and expulsions for students in the fifth grade or lower, to only three circumstances. It was intended to reduce the impact of the teachers’ unconscious bias toward Black and Latinx students, who were statistically more likely to be suspended and expelled than white students, no matter their age. However, little progress has been made, with Oregon public school students still experiencing systemic racial discrimination. Hate speech and microaggressions in schools are far too common. In Portland’s Robert Gray Middle School, students were seen playing a “game” in the playground, pretending to sell Black students into slavery.

Under Every Student Succeeds Act (ESSA), states were required to develop a plan to ensure all students have access to quality, well-rounded education, equal educational opportunities and academic success, regardless of their race or socioeconomic status. In 2014, Oregon’s Higher Education Coordinating Commission (HECC) adopted the Equity Lens Policy in an effort to

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17 Bill To Curb 'school-to-prison Pipeline' Passes Oregon Senate  
https://www.oregonlive.com/education/2015/04/bill_to_curb_school-to-prison.html

18 Bill To Curb 'school-to-prison Pipeline' Passes Oregon Senate  
https://www.oregonlive.com/education/2015/04/bill_to_curb_school-to-prison.html

19 As School Hate Incidents Continue, Portland Public Schools Has A Plan  
narrow the persistent educational disparities between Black and Latinx communities and the more affluent white communities through equitable distribution of resources, support systems and program development for all students. However, many believe the equity lens has not been upheld by the school board. In 2019, Salem-Keizer received a $620 million capital construction bond to address overcrowding and better balance educational opportunities/resources allocation between the district’s six high schools by redistricting their boundaries.\textsuperscript{20} Despite many vocal opponents, the Boundary Review Task Force failed to observe the needs of the schools located in marginalized, low-income communities. These economically challenged and racially diverse communities were left out, with schools remaining overcrowded and resource depleted (by lack of teachers/staff, classrooms, educational materials/opportunities). This is particularly troubling since over 70 percent of students in Salem-Keizer district are considered to be economically disadvantaged.\textsuperscript{21} The newer, more affluent West Salem and Sprague High Schools will receive infrastructure and classroom improvements with no additional student enrollment. High-poverty South Salem and McNary High Schools will remain the same, lacking much needed school improvements while gaining additional students.\textsuperscript{22}

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|}
\hline
High school & Year built & 2017 student enrollment & 2022 with projected enrollment* & Percent of capacity by 2022 \\
\hline
McKay & 1978 & 2,576 & 2,209 & 98.3 \\
McNary & 1964 & 2,068 & 2,270 & 103.2 \\
North & 1936 & 1,778 & 2,154 & 95.8 \\
South & 1954 & 1,727 & 2,331 & 103.7 \\
Sprague & 1972 & 1,762 & 1,984 & 88.3 \\
West & 2002 & 1,685 & 1,737 & 92.7 \\
\hline
\end{tabular}
\caption{Salem-Keizer high schools}
\end{table}

\textit{Source: Salem-Keizer Public Schools}
\textit{*Projected enrollment totals if the proposed boundary changes pass}

It is important to recognize that post school redistricting, the more racially diverse and impoverished South Salem High and McNary High School in Keizer will eventually reach full

\textsuperscript{20} Salem-Keizer Community ‘Not Ready for Integration’ to Reach Equity in Schools  

\textsuperscript{21} Salem-Keizer Reports & Statistics  
https://salkeiz.k12.or.us/about-us/reports-statistics

\textsuperscript{22} Salem-Keizer Community ‘Not Ready for Integration’ to Reach Equity in Schools.  
school capacity. In comparison, West Salem High and Sprague High Schools, with significantly lower composition of Black, Latinx, and low-SES students, will remain well below full school capacity.  

Source: 2017-2018 Oregon Department of Education

*Graduation rates by student demographic in six Salem-Keizer district high schools

Source: Salem-Keizer Community ’Not Ready for Integration’ to Reach Equity in Schools

Policing Budgets within the Salem-Keizer school district

The Salem-Keizer school district is one of the most well-funded districts in the state, although that funding does not always lead to equitable outcomes across its schools.

The Salem-Keizer district received $7 million more than expected for the 2019-2020 school year budget, and allocated those funds toward additional counseling and behavior staff. By comparison, many other districts in Oregon like Portland and Beaverton have faced budget cuts. The Salem district is in a relatively healthy position and has been described as a "current service level model," meaning it covers the costs of existing programs and staffing.

This year, the School Superintendent Christy Perry proposed using the $7 million surplus to add one counselor to each of the district’s six high schools, and 18 classified staff to work in elementary schools on student behavior. Perry has repeatedly been an advocate of increasing student social services, and in the 2020-2021 school year, when the district is expected to receive $35 million through the Student Success Act, Perry intends to use those funds directly on mental health and counseling services. At this point, the counselor-student ratio is 450 to 1 and the national standard is 250 to 1.

Of note, the budget of the speech, hearing, and language program has more than doubled from 2018-2019 (School Budget, 55), to increase services for students for whom English is their second language. A recent $5 million addition from Measure 98 - the statewide grant program supporting career technical education and drop-out prevention programs, will fully fund new programs in the district.

While effects due to COVID are currently unclear, the $35 million the district expects to receive through the Student Success Act is at risk, since the funds primarily relied on business taxes.

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24 As other Oregon districts face budget cuts, Salem-Keizer will add counseling and behavior staff.


26 Mental health counselors first priority if Salem-Keizer gets extra schools funding

27 Back to School: How Oregon's Student Success Act money will be spent

28 Proposed school budget focuses on stability amid uncertain state funding

The school district houses its own Safety and Risk Management department, which hosts law enforcement officers within its schools. The total police staff budget is $20.4 million. In the 2019-2020 school year, the school district added an additional $500,000 for safety and security.\(^{30}\)

**Policing Budget**

The Salem police department is the 3rd largest in the state with a total budget of $46.94 million (City Budget, 92).\(^{31}\) The department’s officers per 1,000 population ratio is 8 percent less than it was ten years ago yet the demand for services has increased dramatically as complex criminal activity is now combined with response to increased social matters such as emotionally disturbed individuals and homeless issues. Between 2014 and 2018, the city population increased by 5.3 percent and crime rates increased 21.9 percent. The number of violent crimes in particular increased by 45 percent from 2014 to 2018, to a total of 731 annually.

There are about officers delegated to ‘Youth Services’ at an annual cost of $1,664,690 (City Budget, 107).\(^{32}\) The police department and school are directly intertwined. The former Salem Police Sgt. Cliff Carpentier was appointed to be head of the districts’ student safety department.\(^{33}\)

The city of Salem is currently in the process of building a $48 million police station, to be completed in early 2021, and costs have already risen $11 million above what taxpayers were told at the onset of the project.\(^{34}\)\(^{35}\)\(^{36}\)

**Evaluation of Salem-Keizer’s budget**

The school district spends about $20 million on policing within its schools annually, and the city has spent considerable funds on expanding its police department and improving police facilities. However, taking a full glance at the budget shows fairly significant investment in school services, counseling for students, ESL, and career training. Based on the data, we would recommend that a LUS campaign to ensure that school district funding is equitably spread

\(^{32}\) ibid.
\(^{33}\) Salem police sergeant will oversee Salem-Keizer risk management https://www.salemreporter.com/posts/1077/salem-police-sergeant-will-oversee-salem-keizer-risk-management
throughout the district, and that the amount being spent on policing be decreased and reinvested, particularly because COVID endangers the funding the school is likely to receive from the Student Success Act.

Next Steps and Policy Recommendations

- **Remove zero tolerance policies and allow only in-school suspensions by expanding the Oregon Revised Statute to address all K-12 students.** Through the Oregon Revised Statute, the use of out-of-school suspension is limited only for K-5 students. By expanding this statute, all K-12 students in the state may only be suspended in cases of non-accident serious physical harm to students or employees, conduct posing a threat to the health or safety of students or employees, and instances where suspension is required by law.

- **Implement a cap on out-of-school suspensions at the district level.** Schools should remove students from the classroom as a last resort, and only for appropriately serious infractions, like endangering the safety of other students, teachers, or themselves. LUS can push the Salem-Keizer school board to implement a limit on the number of times students can receive a 10 day suspension, and lower the number of sequential suspension days allowed from 10 to 5.

- **Push the Salem-Keiser district to fund restorative justice practices and culturally responsive training for within its schools, prioritizing its use for students with prior justice involvement.** Restorative justice practices are proven as one of the most effective ways for educators to help break the school-to-prison pipeline and for students to feel supported in their educational environment. Adopting these initiatives reduces the criminalization of students and counteracts unconscious biases associated with disparate discipline policies. One of most efficient and widely recognized frameworks to embed restorative justice is the Positive Behavioral Interventions and Supports (PBIS). It is a strategy that promotes positive and respectful relationship building, strengthening relationships between students and teachers/staff. The connection formed serves as the foundation for teachers to provide better support systems and insight into the students student behavior and academic outcomes.

Salem-Keizer is one of the most culturally diverse school districts in Oregon, with over 90 languages spoken by its students. White students make up roughly half of the student demographic and Latinx students make up 40 percent of the school population. Yet when it

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37 [https://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf](https://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf)
38 [Implicit Bias in the Era of Social Desirability: Understanding Antiblackness in Rehabilitative and Punitive School Discipline](https://doi.org/10.1007/s11256-019-00512-7)
39 [Freeing Schools from the School to Prison Pipeline](http://www.nea.org/home/64498.htm)
comes to teacher diversity, nine out of ten teachers are white (an overwhelming 88 percent).\textsuperscript{41} In order to encourage cultural awareness, Cultural Competency Training will be especially useful for the teachers/staff, because assessing one’s stereotypes and biases of various cultures will influence and impact behavior and decision making.\textsuperscript{42} Teachers from differing cultural and racial identities as students should be curious and be able to acknowledge and value these differences that exist between themselves and their students. It will pave the way to creating a positive school culture and provide a more equitable learning environment for Black and Latinx students.

- **Pursue local legislation that will limit the circumstances where students with disabilities can face suspension or expulsion.** This policy will be similar to state bill SB 553 that sanctioned conditions where elementary students could receive an out-of-school suspension or expulsion. The proposed policy will differ by focusing on all students with disabilities, regardless of grade level, and will include in-school suspension.

\textsuperscript{41} To Improve Teacher Diversity, Salem-Keizer Focusing on Training Its Own Students, Classroom Aides
\url{www.salemreporter.com/posts/384/to-improve-teacher-diversity-salem-keizer-focusing-on-training-its-own-students-classroom-aides}

\textsuperscript{42} What Is a Culturally Competent School? \url{www.kickboardsforschools.com/diversity-equity/what-is-a-culturally-competent-school/}