

ALLEGED VIOLATION OF EDUCATION CODE BY FILLMORE UNIFIED SCHOOL DISTRICT

INTRODUCTION

A citizen's complaint alleged that the Fillmore Unified School District's disciplining of students and a teacher for activities during a political rally was racially or ethnically motivated and violated the California Education Code. The complaint concerned a political rally in late September in Fillmore by the Jack Kemp Vice Presidential campaign, which students were permitted to attend. The event's plans were to have the Kemps arrive by train during the lunch hour and stop at the new Fillmore City Hall. The rally theme was a birthday party for Mrs. Kemp who grew up in Fillmore and was a graduate of Fillmore High School.

INQUIRY

The Grand Jury reviewed pertinent sections of the California Education Code, (sections 7054, 48,907, 48,950 and 51,521), and the California Code of Regulations, Title 5. The Education Code does address the limits of potential political activity by teachers, and provides some protection for free expression by students. The Opinions of the Attorney General of California (93 Ops. Cal. Atty. Gen. 1201, 3/17/94)) provided further clarification on teacher political activities.

School officials were interviewed and all documents relating to the "Kemp rally" were studied; local and national news items were noted. The Grand Jury viewed two amateur videotapes taken during the rally.

FINDINGS

- A Fillmore public official requested that the Fillmore Unified School District Superintendent permit students to attend the Kemp rally. There were assurances that the event would be "nonpolitical." The Superintendent agreed and also permitted participation by the high school band. He then addressed a note to parents indicating that students could be released from school if a parent came and checked a student out, or if a student went with a teacher who had organized a class walking trip. The notice to parents was published in the local newspaper.
- The high school officials felt the Superintendent's instructions were inadequate. Some students participated in afternoon work experience and seniors were permitted to leave the school campus during the lunch hour. Thus, some students could attend the rally on their "own time."
- The high school principal asked for a meeting of the students that were interested in attending the rally and instructed them to seek excuses from the third, fourth, fifth, and possibly the sixth periods. At that meeting and a subsequent faculty meeting it was emphasized that no classes were to be dismissed for the event. In addition, those attending would have to join a teacher or staff supervised group.
- Kemp campaign staffers made repeated requests for student assistance, including making posters and providing an escort for the Kemps from the train to the steps of City Hall. Students were informed of these requests but participation was voluntary.

- The Latino Studies teacher excused his class and all but three went with him to the rally. The teacher apparently based his action on an inquiry by the attendance office asking if he was going to take his class to the rally. This action appears to be in direct opposition to earlier instructions.
- At the place where the train was to stop, several Latino Studies students joined with another Latino (Chicano) group of what appeared to be college students. They started a loud protest, primarily taking issue with the civil rights initiatives in Propositions 187 and 209. Prompt intervention by the principal and the Latino Studies teacher induced the group to move down the railroad tracks to continue their protest as the train passed.
- After the train arrived, but before the event was over, the Latino Studies teacher asked his students to return to school. Three students joined him but the others refused to do so. It is unclear how the request to return was made. Subsequently, six students were disciplined: one for hitting someone with a sign and the others for refusing to return to school. The disciplinary action was not based on the students' political activities. The Latino Studies teacher was disciplined for insubordination and abandonment of his class. A grievance was filed protesting the disciplinary action. At the time of this investigation the case was in arbitration.
- Some city officials and the local newspaper expressed their opinion that Fillmore had been embarrassed by the Latino protests. There were pressures on school officials from those favoring strong disciplinary action and those opposed to any discipline.

CONCLUSIONS

Fillmore school officials failed to understand the aggressiveness with which national political events are staged to attract media attention. They and the students appear to have been manipulated and diverted from their educational objectives.

School officials resisted community pressure to discipline students for offensive behavior. They properly addressed students' actions on narrow, more objective grounds. The results do not appear to be racially or ethnically motivated and were not unreasonable.

School officials have disciplined the teacher and that matter is under review in accordance with the teachers' union contract.

RECOMMENDATIONS

1. The Ventura County Superintendent of Schools should adopt county-wide guidelines relative to political activity by students and teachers.
2. The Fillmore Unified School District should strive for better management coordination on matters relating to student and teacher off-campus activities and establish appropriate rules.
3. School officials need to be better informed about the political campaigning process and the use of staged media events.

4. School officials should be well focused on their educational objectives when responding to requests for student class time participation in community activities.

RESPONSE REQUIRED

Ventura County Superintendent of Schools

Fillmore Unified School District Superintendent