

Review of School Crime Reporting

LEGISLATIVE ANALYST'S OFFICE

May 15, 2002



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Provision 3 of Item 6110-004-0001 of the *2001-02 Budget Act* requires the Legislative Analyst to review the school crime reporting validation methodology used by the State Department of Education (SDE) and report to the Legislature on the appropriateness of the methodology and any associated recommendations.

Background

Since 1984, all public schools in the state have been required to report on the type and frequency of crimes occurring on school campuses. Beginning with the 2001-02 fiscal year, schools also must report "hate motivated incidents or hate crimes" involving hostility toward a person because of his or her "real or perceived race, religion, disability, gender, nationality or sexual orientation." The SDE collects and validates the reported data. Since the 1995-96 fiscal year, the department has published an annual report called the California Safe Schools Assessment (CSSA). The report is based on a more detailed and standardized set of requirements on local school agencies prompted by Chapter 410, Statutes of 1995 (SB 822, Dills). The CSSA analyzes trends in school crime and reports "crime rates" for each school district with an enrollment of 1,000 or more pupils, as well as numbers of incidents at each school district regardless of size. In enacting the law for the reporting of school crime, the Legislature stated its intent that "schools, school districts, local government and the Legislature have sufficient data and information about the type and frequency of crime. . . on school campuses to permit development of effective programs and techniques to combat crime on school campuses."

The *2002-03 Budget Bill* provides \$9.1 million (Proposition 98) for reimbursement of local costs of complying with school crime reporting mandates. The annual budget also provides \$1.5 million from the General Fund (non-Proposition 98) for SDE's costs of administering the school crime report requirements, including \$857,000 for services provided under contract by the Butte County Office of Education.

Validation Methodology. The state's school crime reporting form designates 20 types of crimes or incidents, grouped into the following four categories:

- Drug and alcohol offenses.
- Crimes against persons—including battery, assault with a deadly weapon, and robbery.
- Property crimes—including vandalism, burglary, and theft.
- Other crimes—including weapon possession, bomb threats, and trespassing.

The department generally requires that all incidents that fit any of the 20 described offenses be reported, regardless of the age of the suspected offender and regardless of

whether the incident is reported to law enforcement authorities. In other words, reported incidents are to cover crimes and certain “noncrimes.”

In order to validate the reliability and accuracy of the submitted reports, the department relies heavily on reports of pupil suspensions, on its assumption that generally there should be a one-to-one correspondence between the suspension of a pupil and a reportable offense. (We evaluate this questionable assumption below.) For most incident categories, the department “screens” submitted data from the districts to determine whether reported numbers of incidents fall outside a range of 90 percent to 110 percent of separately reported suspensions for the relevant offense. Where this occurs, the department seeks either a correction of the submitted crime report or an explanation from the school district for the discrepancies in reported numbers.

The final phase of validation involves audit visits by CSSA staff to local education agencies (LEAs). Of the 100 LEAs visited in the 2000-01 fiscal year, 44 were selected for failing to submit requested suspension reports, 50 were selected for inadequate explanations of suspension-to-incident report discrepancies, and six were selected at random.

According to the 2000-01 CSSA report, the 100 LEAs receiving validation visits ended up reporting over 5,000 more incidents than in the prior year (after correcting their reports). By comparison, the other 938 LEAs accounted for a year-to-year increase of less than 3,000 incidents. According to the department, this shows that the validation visits were reaching agencies that previously had been under-reporting crime incidents. (Since the CSSA does not break out these LEAs by student size, the department’s conclusion is not necessarily warranted.)

Some school districts, however, believe the current reporting and validation system results in fundamentally flawed data that mislead the Legislature and the public regarding the overall crime “picture” in the public schools and the comparative safety of campuses in different school districts. In response to this controversy, the Legislature asked our office to review the school crime reporting methodology and make appropriate recommendations.

Analysis and Recommendations

In reviewing the school crime reporting system, LAO staff attended training sessions for school staff held by the department, attended validation site visits, and held multiple discussions with CSSA staff and staff of various school districts. We found that the department and its contracting partner, the Butte County Office of Education, do a conscientious job in collecting crime report data and trying to assure its reliability and accuracy. Our review indicates, however, that the reliance of the department’s validation approach on an assumed correspondence between reported suspensions and reported “crimes” and “crime incidents” is fundamentally flawed. The heart of the problem is that suspension policies and their enforcement vary significantly from school district to school district. Behavior that results in almost-assured suspension at a district with an aggressive approach to student discipline may routinely be tolerated at a district with a less aggressive approach (and thus not reported either as a suspension or an incident).

We would not expect differences in discipline approach to lead to inaccurate reporting of the most serious incidents. No school district, no matter its discipline policies, will fail to report a homicide on campus. It is the incidents at the opposite end of the spectrum where serious reporting error could be found in a system that expects reported incidents to correspond to reported suspensions. This is a significant concern because (1) the least severe incidents are the most prevalent and (2) the present CSSA approach reports crime rates for school districts in a manner that does not adequately distinguish between the severity of the reported crimes.

This problem probably is most apparent in the reporting of battery. The state's Penal Code defines battery as "any willful or unlawful use of force or violence upon the person of another." Of the 20 types of crimes reported under the CSSA, battery is the most prevalent single offense, accounting for 30 percent of the reported incidents of school districts statewide. Battery includes incidents covering a very wide range of severity, which can include a kindergartner pushing a classmate or a potentially deadly punch from a 200-pound high school senior. The Education Code recognizes this variation by permitting—not requiring—school officials to suspend pupils for willfully using force or violence upon another person. Also, although the Penal Code generally treats children under the age of 14 as incapable of committing a crime, the CSSA approach makes no distinction between "battery" committed by a five-year-old or battery committed by a teen or even an adult. Thus, the school district with the highest rate of battery in the state, according to the CSSA report, is an elementary school district reporting a rate of 49.43 incidents of battery per 1,000 enrolled pupils. This rate is almost nine times as high as the reported rate of the high school district for the area. The average rate of battery reported by elementary school districts statewide (4.30 per 1,000 enrolled pupils) is essentially identical to the reported rate of 4.31 for high school districts.

The great variation in reported incidents of battery leads to surprising, and almost certainly anomalous, results. For example, one of the more dangerous school districts in the state, according to the data in the CSSA, is Mill Valley Elementary District in Marin County, which has a battery rate 2.4 times higher than the statewide average. In addition, Mill Valley shows a large year-to-year variation in its battery rate—rate for 2000-01 was six times higher than its rate for the prior year. Many other districts show significant year-to-year variations.

All of this variation, and the statistical weight of nonsevere incidents, indicates that much of the data being reported to the Legislature and the public regarding crimes on school campuses is of questionable use for the development of effective policies for crime and thus is not serving the legislative intent behind the school crime reporting system.

There are alternative measures that could be used for reporting and validation purposes. For example, the reporting system could focus on those incidents that, under state law, school officials *must* report to local law enforcement authorities. Alternatively, the system could focus on those incidents that, under state law, generally *require* suspension or expulsion from school. Either of these approaches would focus on the more serious offenses, which presumably are the incidents of primary concern for developing

effective policies for crime. In addition, either approach would greatly reduce any reporting error that flows from differential approaches to discipline policy and enforcement.

In view of the above, we recommend that the Legislature take the following steps:

- Adopt language in the *2002-03 Budget Bill* directing the SDE to review and report to the Legislature on changes to the school crime reporting system that will improve its accuracy and usefulness to policymakers. The department should consider limiting the reporting of incidents either to those which (1) require suspension or expulsion from school or (2) must be reported to local law enforcement authorities. In conducting its review and report, the department should convene a new advisory committee reflecting expertise, a full range of local school district perspectives, and appropriate legislative input. The review also should take into account recent changes in federal law regarding federal funds for school crime reporting and school safety. (See Enclosure 1 for recommended budget bill language.)
- Suspend the school crime reporting mandates on local schools and districts while this review is conducted. This would free up \$9.1 million of Proposition 98 funds that could be reallocated to more direct educational or campus-safety purposes during 2002-03.
- Reduce the department's 2002-03 request for administration of the CSSA (\$1,524,000) to the level needed to conduct the review of system improvements. We estimate this would save the General Fund about \$1.2 million (non-Proposition 98) in the budget year.

Recommended Budget Bill Language

Department of Education—Item 6110 -004-0001

The Department of Education shall review changes that would improve the accuracy and usefulness of the California Safe Schools Assessment for the development of effective programs and techniques to combat crime on school campuses. The department shall consider limiting the reporting of incidents either to those which (1) require suspension or expulsion from school pursuant to the Education Code or (2) must be reported to local law enforcement authorities pursuant to Education Code Section 48902. In conducting its review, the department shall convene a new advisory panel that includes expertise in school discipline policy, antiviolenace counseling, and law enforcement; representatives from school districts, and representatives from legislative offices and the Department of Finance. In its review the department shall consider changes that are necessary or advisable due to federal law changes that affect school crime reporting or the receipt and expenditure of federal funds for school crime reporting or school safety. The department shall report to the Legislature by March 1, 2003, its recommend changes to the California Safe Schools Assessment, including any recommended changes to state law.