

DAVIS POLK
LEADERSHIP INITIATIVE

CASE STUDIES ON LAWYER-LEADERSHIP

Community-Based
Policymaking: Effecting
Policy Change Through
Lawyer-Leadership



Columbia
Law School

INTRODUCTION

Two years out of law school and equipped with Columbia Law School’s Lowenstein Fellowship,¹ which supported her pursuit of a public interest career, Gabriella Barbosa (CC ’08, CLS ’13) began working as a Policy Director at Los Angeles Unified School District (LAUSD) in District 5.² Upon joining, Gabriella and her supervisor formed a parent engagement committee of parent representatives, grassroots organizations, and district leaders to identify and address concerns about the schools in District 5 through systemic policy reform.

During an early meeting of the Committee, participants from one of the grassroots organizations in attendance, Parent Organization Network (PON), raised the issue of Disruptive Person Letters (DPLs), which some LAUSD schools used to bar recipient parents or guardians from entering school grounds or communicating with school staff without permission. Despite the letters’ extreme effects, no written policy governed their use—and their use seemed to be concentrated in low-income communities of color. Gabriella and her team took up the issue. Two years later, after significant coalition building and community-centered problem solving, the LAUSD School Board unanimously passed a resolution reforming the use of DPLs and adopting a new, more collaborative approach to addressing school-family conflicts.

¹ More information on Columbia Law School’s Lowenstein Fellowship is available at: <https://www.law.columbia.edu/sites/default/files/2021-03/2021%20Enhanced%20LRAP%20Application.pdf>.

² Board District 5 covers Northeast L.A. from East Hollywood to Highland Park and extends down through El Sereno and City Terrace to include much of Southeast L.A. from Vernon to South Gate and also part of South LA. More information is available at: <https://jackielausd.com/our-district/>.

BACKGROUND

DPLs, also referred to as Stay Away or Limited Access Letters, developed at the school level in LAUSD. Principals used DPLs to limit parents' and guardians' involvement with their children's schools and teachers either permanently or for unspecified periods of time. Typically citing disruptive behavior on the part of the recipient as the rationale, schools issued DPLs without offering recipients any factual explanation of their basis or any way to challenge or have them lifted over time. In practice, this meant that a parent issued a DPL would, for example, indefinitely not be allowed to attend her child's school play or participate in parent-teacher conferences on the school's campus.

Gabriella's legal training exposed obvious due process problems with DPLs. It took a broader strategic and policy lens, however, to develop an approach to the problem consistent with Gabriella's responsibilities not only to the aggrieved families in District 5, but also to its schools, their educators and leaders, and to students and families throughout LAUSD.

LAWYER-LEADERSHIP IN ACTION

Part One: Coalition Building

Upon starting her position in District 5, Gabriella utilized a community-based problem-solving framework she learned as a student in Columbia Law School's Center for Public Research and Leadership (CPRL)'s Public Education Policy Lab. Gabriella and her supervisor developed the Committee as a space for families and grassroots organizations to participate in the creation of educational policy affecting their children. Gabriella included as participants on the Committee parent leaders from the District's pre-existing English Language Learners, Parent Advisory, and Community Advisory Committees; she also included representatives from grassroots organizations and district leaders charged with implementing policy.

When the Committee met, Gabriella and her supervisor sat them on the same dais where the LAUSD Board typically sat—they wanted the Committee to have a feeling of formality and weight. The meetings themselves were highly structured, and Gabriella and her supervisor engaged in a great deal of relationship-building before and between the formal meetings. They sought to work with Committee members—in particular parent representatives and grassroots organizations—to identify issues of concern and to co-create agendas and plans for the meetings.

At the launch of the Committee, its members settled upon five guiding principles to govern their work together: racial justice and equity, democracy, participation, communication, and inclusion. Gabriella supported the group with content-neutral problem-solving protocols adapted from her work in CPRL's Public Education Policy Lab. Their work proceeded from problem identification and prioritization to causal analysis, solutions identification, rapid testing, adjustment, and implementation at scale. It was during the problem identification phase, as participants were airing issues and concerns, that Committee parents leaders and PON raised the issue of schools' accelerating use of DPLs. Committee members agreed that the issue deserved priority.

Part Two: Problem Solving

On the Committee's behalf, and drawing on her legal background, Gabriella conducted initial research on the issue of DPLs. From what Gabriella could tell, the practice developed organically at the school level, which meant no central body collected data on their use across LAUSD's 1,000+ schools. Gabriella used laws governing access to public records to eventually obtain information from the LAUSD on the DPLs; Gabriella's persistence and legal know-how pushed LAUSD to go to the individual schools and ask them to provide information about when, why, and to whom they were issuing DPLs.

Upon receiving information from LAUSD on the DPLs, Gabriella shared the data with PON,

LAWYER-LEADERSHIP IN ACTION

Part Two: Problem Solving (cont.)

which analyzed the data. PON also conducted a series of interviews with affected parents. While the picture was still not full or comprehensive, it illustrated that DPLs were concentrated in lower-income communities of color and seemed to target families who had raised concerns about schools' failure to satisfy the requirements of their children's Individualized Education Plans (IEPs).³

Armed with the data and PON's analysis, Committee members worked to develop a clearer articulation of the problem, conduct causal analysis, and generate potential solutions. The Committee initially determined that if DPLs continued, there needed to be a way to understand their basis and challenge them. They realized they could challenge and perhaps alter DPL practices based on the requirement of due process. Additional causal analysis revealed a deeper problem: schools resorted to DPLs for lack of a better way of handling family-school conflicts over students' education.

A search for solutions to this deeper understanding of the problem led Committee members to borrow from a restorative justice framework LAUSD already used for student discipline.⁴ Committee members set about adapting that framework to family-school conflicts with the goal of limiting the use of DPLs in the first place, while also enhancing the due process protections that existed where DPLs were still used.

Part Three: Advocating for Change

As the Committee sought to advocate for change, it called upon Gabriella and her team. At first, Gabriella and her team encountered resistance. The LAUSD General Counsel's office indicated that LAUSD had no legal obligation to provide more or different processes; LAUSD board members voiced concerns about undermining principals' authority; and, principals raised concerns about potential violence on school grounds.

Applying the same protocols as before, the Committee treated the General Counsel's, board

³ The Individuals with Disabilities Education Act (IDEA) establishes a substantive right to a "free appropriate public education" for children with special needs. 20 U.S.C. § 1412. States are required to ensure that children with disabilities receive such education by means of an Individualized Education Plan (IEP), which must detail a child's performance, annual goals, and the services that will be provided to achieve those goals. 20 U.S.C. § 1414. Substantial research documents the difficulties families can face when seeking to enforce and/or improve the children's IEPs. See, e.g., Eloise Pasachoff, "Special Education, Poverty, and the Limits of Private Enforcement," 86 Notre Dame L. Rev. 1413 (2011); Lydia Turnage, "Out of Sight, Out of Mind: Rural Special Education and the Limitations of the IDEA," 54 Colum. J. L. & Soc. Probs. (forthcoming).

⁴ Restorative justice seeks "equity of voice amongst all members of the school community where everyone is valued and everyone is heard; sets high expectations while offering support; and builds systems that address misconduct and harm in a way that strengthens relationships and focuses on the positive outcomes rather than only rule breaking." Motions/Resolutions Presented to the Los Angeles Board of Education for Consideration, <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/domain/737/resolutions/IncreasingCommunicationStrengtheningRelationships2017.pdf> (February 14, 2017); see also "The Practice of Restorative Justice and Mindful Listening," (May 4, 2021) available at https://columbiauniversity.zoom.us/rec/share/zRDFnVZdLN_1N98_MHykSLHMNtIQDsuhYurNLnpP18OQ7Aob6LTSazlgzNY9xOvC.GtRwFFS18Bp6invO.

LAWYER-LEADERSHIP IN ACTION

Part Three: Advocating for Change (cont.)

members', and principals' concerns as the next set of problems to be solved. To the General Counsel's office, Gabriella pointed out that the Committee believed LAUSD was increasing its liability risk by issuing DPLs, given parents' right to participate in their children's education and ability to bring court challenges for lack of notice, explanations, and a right to be heard. To both LAUSD board members and principals, Gabriella argued on behalf of the Committee that providing substantive mechanisms for resolving family-school conflicts before matters matured into a DPL standoff would strengthen trust between parents and their children's schools, reduce conflict, build stronger school-community relationships, and ultimately, improve the educational experiences of students in District 5.

To inform and support these efforts, Gabriella and the Committee gathered instances and testimony from parents who had been issued DPLs, as well as from community organizations discussing the valid and unresolved educational issues underlying parents' concerns, the harms DPLs caused, and potential alternatives.

Part Four: The Outcome

In 2016, LAUSD implemented an appeals process for parents receiving DPLs. The next year, the LAUSD board unanimously adopted a resolution (drafted in part by the Committee) to develop a community-oriented plan for mediation between parents and schools based upon restorative justice principles.

The policy change has led to a drastic drop in the number of DPLs. Parents' rights to due process and to participate in their children's education have been strengthened, and restorative justice principles are being used throughout LAUSD to turn potential conflicts into a way to surface information and develop strategies needed to improve student learning collaboratively—leaving DPLs as a rare last resort.

THE PRACTICE OF LAWYER-LEADERSHIP

Gabriella's facilitation of the Committee and the protocols it used in its successful campaign to improve DPLs and often replace their use with democratic, educationally affirmative, and restorative practices illustrate a number of lawyer-leadership dimensions and competencies.

Leading Self & Leading Others

In her dual role as school board employee and family advocate, Gabriella practiced empathy and cultural literacy as she endeavored to hear and understand the differing experiences and perspectives of parents and community organizations, and later, district and school leaders, each with their own firsthand experiences of the problem and ideas for how to solve it. In the process, Gabriella helped build that same competency among parents, advocates, and district and school leaders. Along the way, Gabriella's trusting relationships with parents and advocates enabled them to share their experiences, perspectives, and ideas with her, and those with LAUSD's General Counsel's Office, board members, and principals enabled her and the Committee to effectively advocate for change.

These practices served democratic, informational, educational, and equitable purposes, each successively supporting the next. Through the Committee, Gabriella provided a forum for parents to share their stories and experiences, a mechanism for amplifying their voices to district and school leaders, and a practice they used successfully and could employ in the future to participate directly in the making of district policy. All that, in turn, increased Gabriella's, and each of the various stakeholders', understanding of the problem as each drew on the others' diverse backgrounds and experience of the problem. Together that information generated solutions, which in a structural and ongoing way amplified and expanded information crucial to improving families' and educators' capacity to work together to promote student learning without—or at least through more productive—conflict. The result was greater equity, as disparities both in obstacles to parents' ability to participate in their children's education and in the success of that education diminished.

Management and teamwork competencies also figured prominently in Gabriella's work. She identified the relevant stakeholders and organized the Committee, offered a set of guiding principles for their work together, and facilitated a structured process for addressing problems the Committee identified.

Leading Change

The protocols Gabriella provided Committee members and the solution they offered LAUSD modeled and promoted problem solving.

THE PRACTICE OF LAWYER-LEADERSHIP

Leading Change (cont.)

Using a community-centered framework, Gabriella helped stakeholders come together, articulate needs, and develop policy proposals seeking systematic change. With Gabriella's guidance, Committee members approached the conflictual use of DPLs not as the result of parental bad behavior (as district and school leaders assumed) nor as a function of school leaders' malevolence or incompetence (as their actions prompted banned parents to think). Instead, DPLs reflected disagreements to be understood and resolved.

Then, through the causal analysis Gabriella facilitated, Committee members dug beneath DPLs' most obvious and troubling symptom (the absence of due process) to identify a deeper source of the problem (the absence of productive ways to resolve family-school conflicts over how best to educate children). Next, using Gabriella's structured approach to identifying solutions, Committee members themselves saw an analogy to the district's restorative justice approach to disciplinary issues.

Together, those steps prepared the Committee to respond to district and school leaders' initial resistance to the proposed solution as yet more problems to be solved. The solutions ultimately achieved improved the fairness of the adversarial procedures surrounding issuance of DPLs, then rendered resort to those procedures unnecessary in many cases through the adoption of a productive approach to resolving family-school disagreements about how to educate students.

At each step, Gabriella exercised management and teamwork in the context of effecting change. By inviting parents and grassroots organizations to participate in the Committee and the process of advocating for change, Gabriella effectively harnessed the strengths of a diverse group in addressing this challenge. Then by putting those views into productive conversation with the district's and principals' opposing viewpoints, Gabriella was able to guide a still more diverse group of stakeholders toward a solution that worked better for all.

ADDITIONAL INFORMATION

Columbia Law School's Center for Public Research and Leadership (CPRL),
<https://cpri.law.columbia.edu/>.

Parent Organization Network, "Issuance of 'Disruptive Person Letters' to LAUSD Parents," (Nov. 22, 2016), <http://laschoolboard.org/sites/default/files/11-22-16ECEPONDisruptivPersoneLetterReport.pdf>.

Parent Organization Network, "Removing Barriers: Disruptive Person Letters & Conflict Resolution," <https://www.parentnetwork-la.org/removing-barriers-1>.

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Mike Szymanski, "LAUSD Softens 'Disruptive Person' Letters, But Parents Are Still Angry," LA School Report (Nov. 22, 2016), <http://laschoolreport.com/laUSD-softens-disruptive-person-letters-but-parents-are-still-angry/>.

Lydia Turnage, "Out of Sight, Out of Mind: Rural Special Education and the Limitations of the IDEA," 54 Colum. J. L. & Soc. Probs. (forthcoming).

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FOR MORE INFORMATION

For more information on Columbia Law School's Davis Polk Leadership Initiative and the ways in which it seeks to equip students with what they need to be effective Lawyer-Leaders in their lives, in their careers, and in the world, visit <https://leadership-initiative.law.columbia.edu/>.

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