

Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

SB 274 (Skinner) – As Amended July 3, 2023

**SENATE VOTE:** 36-3

**SUBJECT:** Suspensions and expulsions: willful defiance

**SUMMARY:** Extends the current permanent ban on suspending a student, or recommending for expulsion on the basis of willful defiance from kindergarten through 5th grade, to students in 6th through 12<sup>th</sup> grade, and prohibits a student from being suspended or expelled on the sole basis of being truant, tardy, or otherwise absent from school. Specifically, **this bill:**

- 1) Removes the sunset on the prohibition on suspending a student in any of grades 6 to 8 on the basis of willful defiance as of July 1, 2025.
- 2) Extends the permanent ban on suspending a student on the basis of having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel, from kindergarten through 5th grade, to students in 6th through 12<sup>th</sup> grade, and retains the prohibition on recommending a student for expulsion based upon willful defiance from kindergarten through 12<sup>th</sup> grade.
- 3) Extends the prohibition on suspension or a recommendation for expulsion of a student in a charter school on the basis of willful defiance to students in kindergarten through 12<sup>th</sup> grade.
- 4) Authorizes a certificated or classified employee of a school district or charter school to refer a student to school administrators, on the basis of willful defiance, for appropriate and timely in-school interventions or supports from the list of other means of correction, as specified.
- 5) Requires a school administrator, within 5 business days, to document the actions taken pursuant to (5) and place the documentation in the student's record to be available for access by the parent, as specified. Also requires the school administrator, by the end of the 5<sup>th</sup> day, to inform the referring employee, verbally or in writing, what actions were taken, and if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.
- 6) Prohibits the suspension or expulsion of a student in a school district based solely on the student being truant, tardy, or otherwise absent from school activities.

**EXISTING LAW:**

- 1) Prohibits a student from being suspended from school or recommended for expulsion, unless the superintendent of the school district, or the principal of the school, determines that the student has committed any of the following offenses:
  - a) Causing, attempting to cause, or threatening to cause physical injury to another person, or willfully using force or violence upon another person, except in self-defense;

- b) Possessing, selling, or otherwise furnishing a firearm, knife, explosive, or other dangerous object, unless the student had obtained prior written permission to possess the item;
- c) Unlawfully possessing, using, selling, or otherwise furnishing a controlled substance;
- d) Unlawfully offering, arranging, or negotiating to sell a controlled substance, alcoholic beverage, or an intoxicant of any kind;
- e) Committing or attempting to commit robbery or extortion;
- f) Causing or attempting to cause damage to school property or private property;
- g) Stealing or attempting to steal school property or private property;
- h) Possessing or using tobacco, or products containing tobacco or nicotine products;
- i) Committing an obscene act or engaging in habitual profanity or vulgarity;
- j) Unlawfully possessing or unlawfully offering, arranging or negotiating to sell drug paraphernalia;
- k) Disrupting school activities or otherwise willfully defying the authority of supervisors, teachers, administrators, school officials or other school personnel engaged in the performance of their duties. This subdivision does not apply to a student enrolled in kindergarten through grade 5; or to a student enrolled in grades 6 to 8 until July 1, 2025; and does not allow a student enrolled in grades kindergarten through 12<sup>th</sup> grade to be recommended for expulsion on this basis.
- l) Knowingly receiving stolen school property or private property;
- m) Possessing an imitation firearm;
- n) Committing or attempting to commit a sexual assault or sexual battery;
- o) Harassing, threatening, or intimidating a student who is a complaining witness or a witness in a school disciplinary proceeding in order to prevent the student from being a witness or retaliating against that student for being a witness, or both;
- p) Unlawfully offering, arranging to sell, or negotiating to sell the prescription drug Soma;
- q) Engaging in or attempting to engage in hazing;
- r) Engaging in the act of bullying, including bullying committed by means of an electronic act;
- s) Committing sexual harassment (grades 4 through 12 only);

- t) Causing or attempting to cause, threatening to cause, or participating in, an act of hate violence (grades 4 through 12 only);
  - u) Engaging in harassment, threats, or intimidation against school district personnel or students that have the effect of disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment (grades 4 through 12 only); and,
  - v) Making a terroristic threat against school officials, school property, or both. (Education Code (EC) Sections 48900, 48900.2, 48900.3, 48900.4, 48900.7)
- 2) Includes the prohibition on suspension and expulsions on the basis of willful defiance in (1)(k) above to students in charter schools. (EC 48901.1)
- 3) Requires the principal or superintendent of schools to recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless it is determined that the expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
- a) Causing serious physical injury to another person, except in self-defense;
  - b) Possession of any knife or other dangerous object of no reasonable use to the student;
  - c) Unlawful possession of any controlled substance, as specified;
  - d) Robbery or extortion; and
  - e) Assault or battery, as defined, upon any school employee. (EC 48915)
- 4) Requires that a suspension only be imposed when other means of correction fail to bring about proper conduct. Specifies that other means of correction may include, but are not limited to, the following:
- a) A conference between school personnel, the student's parent or guardian, and the student;
  - b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support personnel for case management and counseling;
  - c) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, develop and implement individualized plans to address the behavior in partnership with the student and his or her parents;
  - d) Referral for a comprehensive psychosocial or psychoeducational assessment;
  - e) Enrollment in a program for teaching prosocial behavior or anger management;
  - f) Participation in a restorative justice program;

- g) A positive behavior support approach with tiered interventions that occur during the schoolday on campus; and,
  - h) After school programs that address specific behavioral issues or expose students to positive activities and behaviors. (EC 48900.5)
- 5) Authorizes a teacher to suspend any student from class for specified acts for the day of the suspension and the day following, and send the student to the principal for appropriate action. Prohibits the student being suspended from class from being placed in another regular class during the period of the suspension, if the student is assigned to more than one class per day this provision only applies to other regular classes scheduled at the same time. If the suspension requires the continued presence of the student at the schoolsite, the student must be under appropriate supervision. Requires the teacher, as soon as possible, to ask the parent or guardian of the student to attend a parent-teacher conference regarding the suspension. The conference may include a school counselor or school psychologist and must include a school administrator, if requested by the parent, guardian, or teacher. (EC 48910)

**FISCAL EFFECT:** This bill has been keyed non-fiscal by the Office of Legislative Counsel.

**COMMENTS:**

***Purpose of this bill.*** This bill would extend the current permanent prohibition on the suspension of kindergarten through 5<sup>th</sup> grade students, to 6th through 12th grade students, on the basis of willful defiance, and would retain the ban on recommendations for expulsion on this basis for students from kindergarten through twelfth grade. These provisions would apply to charter schools, as well as to schools operated by school districts.

The bill would not alter the authority of a teacher to suspend a student of any age from that particular classroom for the current day and the following day. Existing law also authorizes the suspension or expulsion of a pupil in grades four through twelve if the pupil has intentionally engaged in harassment, threats, or intimidation directed against school personnel or other pupils, that is sufficiently severe or pervasive to have the effect of materially disrupting classwork, created substantial disorder, or invaded the rights of school personnel or pupils by creating a hostile educational environment.

***Need for the bill.*** According to the author, “SB 274 is based on a simple premise: Students belong in school. Suspending youth for low-level behavior issues leads to significant harm, including learning loss and a higher likelihood that affected students will drop out of school completely. SB 274 puts the needs of students first. Instead of kicking them out of school, we owe it to students to figure out what’s causing them to act out and help them fix it. The punishment for missing school should not be to miss more school. Students, especially those with behavioral issues, need to be in school where teachers and counselors can help them succeed.”

***Rates of suspension/expulsion have dropped dramatically.*** According to CDE data on discipline in California public schools, over the ten-year period from 2011-12 to 2021-22:

- Total suspensions for all offenses dropped 58%, from 709,702 to 292,423;
- Total expulsions for all offenses dropped 57%, from 9,758 to 4,191;

- Total suspensions for willful defiance dropped 94%, from 335,079 suspensions to 21,465; and
- Total expulsions for willful defiance dropped 98%, from 512 to 8.

However, disproportionality continues to be an issue for suspensions and expulsions on the basis of willful defiance, particularly for African American students and Hispanic students, as shown in the tables below:

Race/ethnicity	% of cumulative enrollment in 2011-12	% of total suspensions for willful defiance 2011-12	% of total expulsions for willful defiance 2011-12
African American	6.8%	18.5%	13.7%
Hispanic	50.6%	55.1%	59.6%
White	25.7%	18.8%	18.4%
<b>Total</b>	<b>6,285,600</b>	<b>335,079</b>	<b>512</b>

Race/ethnicity	% of cumulative enrollment in 2021-22	% of total suspensions for willful defiance 2021-22	% of total expulsions for willful defiance 2021-22
African American	5.2%	13.8%	12.5%
Hispanic	55.8%	59.6%	50.0%
White	21.0%	18.4%	25.0%
<b>Total</b>	<b>6,064,658</b>	<b>21,465</b>	<b>8</b>

Source: CDE Dataquest

**Disparities in the rate of school suspensions.** The disproportionate incidence of suspensions and expulsions among certain populations of students, including African American students, has gained nationwide attention in recent years. A 2018 report by the U.S. Government Accountability Office (GAO), *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities*, found that black students, boys, and students with disabilities were disproportionately disciplined in K-12 schools, based upon an analysis of Civil Rights Data Collection (CRDC) data.

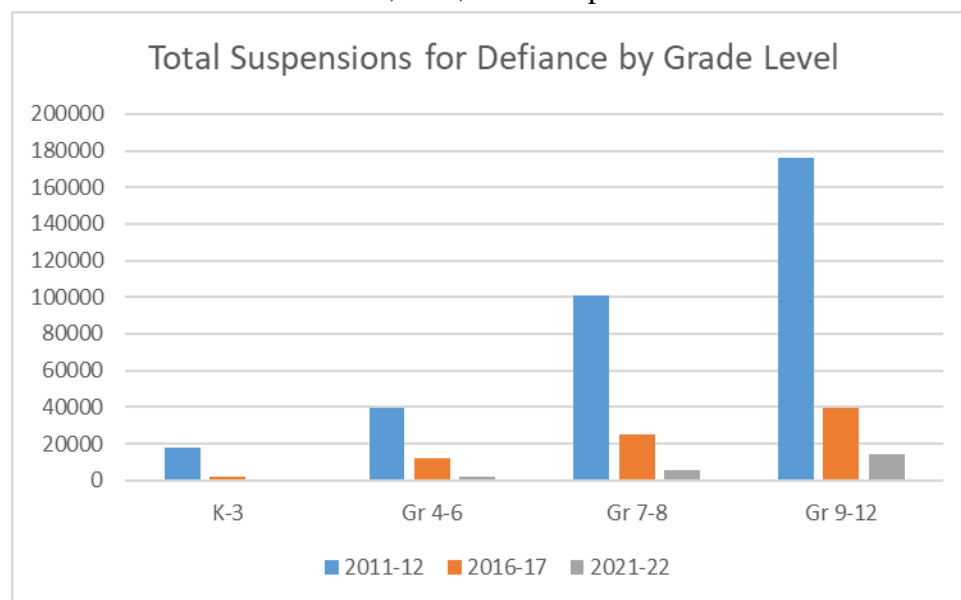
CRDC data show that there was an overall 2% decline in the use of exclusionary discipline practices in public schools in the U.S. from the 2015-16 school year to the 2017-18 school year. However, there was an increase during this period of school-related arrests, expulsions with

educational services, and referrals to law enforcement. The data also shows a continued disproportionality in exclusionary practices during the 2017-18 school year:

- Black students accounted for 15.1% of total student enrollment in the U.S. and received 38.8% of expulsions with educational services and 33.3% of expulsions without educational services;
- Students with disabilities represented 13.2% of enrollment and received 23.3% of expulsions with educational services and 14.8% of expulsions without educational services;
- Boys accounted for 51.4% of enrollment and received 69.5% of in-school suspensions and 70.5% of out-of-school suspensions;
- 31.4% of Black students received 1 or more in-school suspensions and 38.2% received 1 or more out-of-school suspensions;
- 20.5% of students with disabilities received 1 or more in-school suspensions and 24.5% received 1 or more out-of-school suspensions;
- Black students with disabilities represent 2.3% of student enrollment, but 6.2% received 1 or more in-school suspensions and 8.8% received 1 or more out-of-school suspensions; and
- Black students accounted for 28.7% of all students referred to law enforcement and 31.6% of all students arrested at school or during a school-related activity.

A GAO report on the topic of disproportionate disciplinary actions suggest that “implicit bias on the part of teachers and staff may cause them to judge students’ behaviors differently based on the students’ race and sex. Teachers and staff sometimes have discretion to make case-by-case decisions about whether to discipline, and the form of discipline to impose in response to student behaviors, such as disobedience, defiance, and classroom disruption.”

Research on student behavior, race, and discipline has found no evidence that African American



over-representation in school suspension is due to higher rates of misbehavior. African American students were referred more often for behaviors that seem to require more subjective judgement on the part of the person making the referral (e.g. disrespect, excessive noise, threatening

behavior, and loitering). (Losen, 2011)

***High school students continue to be suspended for defiance.*** In 2011-12 prior to restrictions on suspensions for willful defiance, there were a total of 334,391 suspensions statewide across all grade levels. Of these, 52.7% were imposed on students in grades 9-12. As the restrictions on willful defiance in younger grades were imposed through legislation, beginning in 2013-14, the incidence of suspensions for this offense fell significantly overall, dropping by 76.6% from 2011-12 to 2016-17 and by 72.6% from 2016-17 to 2021-22. As of 2021-22, restrictions on suspensions for willful defiance applied to students in kindergarten through 8<sup>th</sup> grade, and 65% of total suspensions for willful defiance were for students in grades 9-12.

***Impacts of exclusionary discipline policies.*** Research suggests that harsh discipline practices and the over-policing of students of color that occurs in many schools has undermined the creation of safe and inclusive learning environments. Disproportionalities in suspension and expulsion rates between students of color and their white peers appear as early as preschool and continue through the K-12<sup>th</sup> grades. Black youth often receive harsher punishments for minor offenses and are more than twice as likely as white students to receive a referral to law enforcement or be subject to a school-related arrest. (Learning Policy Institute (LPI), March 2021).

One study, *Educational and Criminal Justice Outcomes 12 Years After School Suspension*, (Rosenbaum, 2018) notes that “school suspensions aim to obtain better behavior from the punished student and maintain school norms by removing students. Suspension removes disruptive students from schools temporarily and may improve school climate by reducing peer influences to engage in deviant behavior.” The study goes on to note that a body of research has found that suspended students are more likely to:

- Engage in antisocial behavior;
- Have involvement with the criminal justice system;
- Be arrested both during the month of suspension and within a year of suspension; and
- Use marijuana and tobacco.

The study also cites various longitudinal research findings, including:

- Youth suspended in ninth grade were less likely to graduate high school, graduate on time, and enroll in postsecondary education; and
- Twelve years after suspension, suspended youth were less likely to have earned degrees or high school diplomas, and were more likely to have been arrested or on probation.

Some researchers conclude that “suspensions may act more as a reinforcer than a punisher for inappropriate behavior. Other research raises doubts as to whether harsh school discipline has a deterrent value. Frequent use of suspension alone has no measureable positive deterrent or academic benefit to either the students who are suspended or to non-suspended students.” (Losen, 2011). The American Academy of Pediatrics states, “Without the services of trained professionals, such as pediatricians, mental health professionals, and school counselors, and without a parent at home during the day, students with out-of-school suspensions and expulsions are far more likely to commit crimes.”

Researchers have pointed out that “many suspended students find school to be challenging and experience suspension from school as a reward. Suspensions may be reinforcing and even incentivizing the very behavior they are meant to correct.” (Rumberger, 2017).

According to the U.S. Department of Education: “Teachers and students deserve school environments that are safe, supportive, and conducive to teaching and learning. Creating a supportive school climate—and decreasing suspensions and expulsions—requires close attention to the social, emotional, and behavioral needs of all students. Evidence does not show that discipline practices that remove students from instruction—such as suspensions and expulsions—help to improve either student behavior or school climate.”

***Holding schools accountable for suspension and expulsion rates.*** California’s Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP) requirements include school climate as one of the eight state priorities. All California school districts, COEs, and charter schools are required to report and examine student suspension and expulsion rates on their LCAP and annual updates. It has been suggested that this requirement to clearly report disciplinary actions, in the aggregate as well as by subgroup, increases the pressure on schools to employ alternatives to suspension and expulsion.

***Alternatives to suspension and expulsion include PBIS.*** Schoolwide strategies employed by school districts to improve school climate and reduce exclusionary discipline include Positive Behavior Interventions and Support (PBIS), which is a schoolwide approach to discipline that is intended to create safe, predictable, and positive school environments. When PBIS is implemented with fidelity, schools see fewer students with serious behavior problems and an overall improvement in school climate. The key PBIS practices include:

- Clearly defining behavioral expectations of the school community;
- Proactively teaching what those expected behaviors look like in various school settings, on a regular basis;
- Frequently recognizing students who comply with behavioral expectations;
- Administering a clearly defined continuum of consequences for behavioral violations; and
- Continuously collecting and analyzing data to assess students’ responsiveness to the behavioral supports provided.

***Restorative justice as alternative approach.*** Restorative practices in schools are also considered a non-punitive approach as an alternative to harsh zero tolerance policies. The use of restorative justice and restorative practices in schools offers a respectful and equitable approach to discipline, as well as a proactive strategy to create a connected, inclusive school culture. Inspired by indigenous values, restorative justice is a philosophy and a theory of justice that emphasizes bringing together everyone affected by wrongdoing to address needs and responsibilities, and to heal the harm to relationships as much as possible. The term “restorative practices” is used by a number of practitioners to describe how the concepts of restorative justice are utilized to create change in school systems. These practices are an alternative to zero-tolerance policies that mandate suspension or expulsion of students from school for a wide variety of misbehaviors that are not necessarily violent or dangerous. (Fix School Discipline, 2022)



According to the LPI, “Safe, supportive learning environments, where students feel a sense of belonging and where relational trust prevails, are the foundation of a restorative approach to education. Research shows that stable, caring relationships with teachers and other adults are linked to better school performance and engagement. Even one stable relationship with a committed adult can help buffer a child from the effects of serious adversity. Restorative structures, such as advisory systems, support community building and relationships and provide consistent opportunities for teachers to check in on students’ academic, social-emotional, and mental health needs and connect them to appropriate supports.” (LPI, March 2021).

According to the LPI research, restorative practices in schools include:

- Staff and students have a *shared vocabulary* that enables them to express feelings in a healthy productive way and to criticize the deed, not the doer;
- *Impromptu student conferences* are used to redirect a student’s behavior in a way that minimizes disruption to instructional time; and
- *Restorative circles* are structured processes guided by a trained facilitator with a strong emphasis on the importance of listening, facilitated by using a talking piece.

***Successful implementation of restorative practices.*** Research suggests that integrating restorative approaches into school settings is complex and takes time. Studies have suggested that key elements include (LPI, October 2021):

- Incorporating restorative practices as one of many strategies for improving school culture;
- Utilizing a whole school approach;
- Focusing on building staff buy-in and capacity;
- Developing meaningful accountability and data collection systems;
- Establishing district-level infrastructure; and
- Centering student and community voices.

***Increasing use of alternatives to suspension and expulsion in California.*** A number of school districts, including some of the largest in the state, have adopted board policies that prohibit the use of willful defiance as the basis for suspension or expulsion and are committing resources to effectively implement alternative models of correction, including restorative justice, PBIS, and other evidence-based approaches. For example, three large school districts in California, San Francisco Unified School District (SFUSD), Los Angeles Unified School District (LAUSD), and Oakland Unified School District (OUSD), have banned the suspension or expulsion of students based solely upon willful defiance and all three districts offer restorative justice programs in their schools.

LAUSD, writing in support of this bill, states, “In 2013, the Los Angeles Unified School Board banned willful defiance suspensions outright. We are proud to share that in the past ten years, there has been a significant decline in willful defiance suspensions among students of color. Eliminating willful defiance suspensions for all grade levels can help ensure that proactive

approaches that positively address a students' behavior are deployed rather than preventing the student from attending school." CDE data shows the following:

- Suspensions for willful defiance in LAUSD declined 98% from 4,458 in 2011-12 to only 54 in 2021-22;
- In 2011-12, African American students made up 9.4% of LAUSD's enrollment, but accounted for 31.6% of suspensions for willful defiance; and
- In 2021-22, African American students made up 7.9% of LAUSD's enrollment, but accounted for 33% of suspensions for willful defiance.

OUSD is considered a nationwide model for restorative justice, having successfully operated their program since 2006. According to the district website, "Restorative Justice (RJ) is a set of principles and practices inspired by indigenous values used to build community, respond to harm/conflict and provide individual circles of support for students. By building, maintaining and restoring relationships between members of the entire school community, we help to create an environment where all students can thrive. Our program is implemented through a 3-tier, school-wide model."

- Tier 1: Community Building, characterized by the use of social emotional skills and practice (classroom circles) to build relationships, create shared values and guidelines, and promote restorative conversations following behavioral disruption. The goal is to build a caring, intentional, and equitable community with conditions conducive to learning;
- Tier 2: Restorative Processes, characterized by the use of non-punitive response to harm/conflict such as harm circles, mediation, or family-group conferencing to respond to disciplinary issues in a restorative manner. This process addresses the root causes of the harm, supports accountability for the offender, and promotes healing for the victim(s), the offender, and the school community; and
- Tier 3: Supported Re-Entry, characterized by 1:1 support and successful re-entry of youth following suspension, truancy, expulsion or incarceration. The goal is to welcome youth to the school community in a manner that provides wraparound support and promotes student accountability and achievement.

***The State has invested in alternatives to suspension and expulsion to improve school climate and culture.*** In recent years, the Legislature has allocated significant resources specifically designed to improve school climate and reduce exclusionary disciplinary practices. These include significant investments in Multi-Tiered System of Support (MTSS) to encourage LEAs to establish and align schoolwide, data-driven systems of academic and behavioral supports to more effectively meet the needs of California's diverse learners in the most inclusive environment.

The state has also invested almost \$3 billion in one-time funding for the establishment and expansion of community schools in 2021, for encumbrance through 2028. A community school is a public school that serves prekindergarten through grade twelve and has community partnerships that support improved academic outcomes, whole-child engagement, and family development. Community school partnership strategies include integrated supports services,

extended learning time, and collaborative leadership and practices for educators and administrators. Community schools can increase equitable student learning outcomes by addressing the conditions for teaching and learning. Community schools support the needs of the whole child by strengthening family and community foundations with approaches that sustain mental and behavioral health through healing-centered practices, social–emotional learning, and restorative justice.

***Teacher survey shows concerns with student behavior.*** A California survey of 4,632 current K-12 teachers, 26 former teachers, and 25 aspiring teachers conducted in the summer of 2022 looked at general job satisfaction and career plans. Burnout from stress was cited as the top reason current teachers are considering leaving the profession. It was noted that student apathy and behavioral issues contribute to the stress felt by teachers. Current and former teachers note that stress would be reduced with stronger discipline policies for students who behave disruptively.

When asked what they like least about their current position, 32% of teachers cited student apathy, discipline, and behavioral problems. The report quotes an aspiring teacher as follows:

“The most challenging aspects of being a teacher right now I’m seeing is a lot of teachers struggle with the behavior management portion of the classroom. Because you can’t teach if you don’t have control of your classroom and your kids aren’t engaged, and I think the pandemic had a lot to do with that.” (Hart Research, 2022)

Survey results found the top two priorities for current teachers who indicate they will definitely leave the profession within three years are better pay (73%), and strengthening discipline for students with disruptive behaviors (66%). Student behavior issues were also a concern that former teachers dealt with during their teaching career. They note that school-mandated solutions were typically ineffective and support from administrators and leadership was minimal. Former teachers suggest that there should be more professional opportunities for teachers to learn relationship-based skillsets to manage interactions with students, other teachers, administrators, and parents.

Another national survey of teachers conducted in 2023 by The Harris Poll, on behalf of the National Alliance for Public Charter Schools, found the top challenges cited by teachers were discipline/behavioral issues (74%) and pay (65%).

***Concerns raised regarding lack of alternative measures.*** The California School Boards Association (CSBA) has a support if amended position on SB 274 and writes:

CSBA has long supported finding alternatives for suspending and expelling students. Suspensions and expulsions should be used as an option of last resort, not the reverse. This is why training, resources and funding should be provided on an ongoing basis to assist schools in addressing the root causes that lead to willful defiance and disrupting school activities. Specifically, funding should be provided to support LEAs in addressing positive behavioral interventions, restorative justice and other similar programs to address the leading circumstances as to why willful defiance occurs.

Without this funding, we are concerned about wholly deleting one of the “tools” in the list of actions available to addressing student behavior without providing adequate support to

implement developmentally appropriate and effective disciplinary alternatives. Adequate training and funding are needed to properly implement disciplinary alternatives.

We are requesting that specific and adequate funding be provided prior to the implementation of this measure to support LEAs in addressing positive behavioral interventions, restorative justice and other similar programs to address the leading circumstances as to why willful defiance occurs.

*The Committee may wish to consider* whether teachers, particularly in high schools, would have access to the skills and supports necessary for effective classroom management if the prohibition on suspensions for willful defiance is extended to high school as proposed by this bill, and if not, if it would lead to more teachers leaving the teaching profession, further exacerbating the teacher shortage.

***Recommended Committee Amendments. Staff recommend that the bill be amended as follows:***

- 1) Remove the extension of the prohibition on willful defiance for students enrolled in grades 6-12.
- 2) Extend the current sunset on the prohibition of suspensions for willful defiance for students enrolled in grades 6-8 to July 1, 2030, unless the administrator determines there is a need for a suspension due to an immediate threat to the safety of the pupil, other pupils, or school staff.
- 3) Beginning July 1, 2024, prohibit out-of-school suspensions for students enrolled in grades 9-12 on the basis of willful defiance, unless the administrator determines there is a need for a suspension due to an immediate threat to the safety of the pupil, other pupils or school staff.
- 4) Requires that parents, guardians, or other relevant responsible adults be notified when any suspension for willful defiance is imposed pursuant to (2) or (3) above.
- 5) Expresses the intent of the Legislature that any suspension for willful defiance be used only as a last resort when other means of correction fail to bring about proper conduct.
- 6) Other technical and clarifying amendments.

***Arguments in support.*** According to the Alliance for Boys and Men of Color, a co-sponsor, “Willful defiance is broadly defined as defying the authority of school staff. Some examples of defiance include: wearing a hat, not having a belt, or falling asleep in class. Defiance suspensions contribute to racial inequality in schools. Students of color, students with disabilities, and LGBTQ students are disproportionately suspended for low-level subjective behavioral disruptions, classified as willful defiance. These suspensions cause students to lose significant instruction time. Suspending students causes significant harm such as learning loss, missed school meals, and lack of access to extracurricular activities. Furthermore, suspended or expelled students are 5 times more likely to drop out of school and to fall into the school-to-prison pipeline, costing the state an estimated \$2.7 billion a year.

Since the 2014-2015 school year, defiance suspensions have decreased from 125,419 to 21,465 in the 2021-2022 academic year. Despite this significant decrease many schools continue to use this policy and racial disparities persist. The simple act of ending willful defiance suspensions

for all public school children recognizes the unique developmental vulnerabilities of youth, especially youth of color and youth with disabilities, by creating a school environment where every child has the opportunity to learn, thrive and succeed.”

**Arguments in opposition.** One individual writes, “Egregious behavior must have serious consequences. If kids learn in school that there are no serious consequences for willful bad behavior, they will end up as adults who don’t understand consequences and will end up in jail. This bill leaves teachers exposed.”

**Related legislation.** SB 419 (Skinner), Chapter 279, Statutes of 2019, commencing July 1, 2020, extends the permanent prohibition against suspending a pupil enrolled in kindergarten or any of grades 1 to 3 for disrupting school activities or otherwise willfully defied the valid authority of school staff to include grades 4 and 5 permanently; and to include grades 6 to 8, inclusive, until July 1, 2025; and applies these prohibitions to charter schools.

AB 1808 (Committee on Budget) Chapter 32, Statutes of 2018, removed the sunset on the prohibition on suspending a student in kindergarten through third grade, or recommending a student in kindergarten through 12<sup>th</sup> grade for expulsion, on the basis of willful defiance, thereby making these prohibitions permanent.

SB 607 (Skinner) of the 2017-18 of the Session would have required, commencing July 1, 2019, permanently prohibits the suspension any pupil in kindergarten or grades 1 to 5, inclusive, and the expulsion of any pupil in kindergarten or in any of grades 1 to 12, inclusive, who disrupted school activities or otherwise willfully defied valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties; prohibits, until July 1, 2023, the suspension of any pupil or grades 6 to 8, inclusive, for that same act; and makes these provisions applicable to charter schools. This bill was vetoed by Governor Brown, with the following message:

Teachers and principals are on the front lines educating our children and are in the best position to make decisions about order and discipline in the classroom. That's why I vetoed a similar bill in 2012. In addition, I just approved \$15 million in the 2018 Budget Act to help local schools improve their disciplinary practices. Let's give educators a chance to invest that money wisely before issuing any further directives from the state.

AB 420 (Dickerson) Chapter 660, Statutes of 2014, eliminated the option to suspend or recommend for expulsion a pupil who disrupted school activities or otherwise willfully defied the authority of school officials and instead authorizes schools to suspend a pupil in grades 6-12 who has substantially disrupted school activities or substantially prevented instruction from occurring.

AB 1729 (Ammiano) Chapter 425, Statutes of 2012, recasts provisions relative to the suspension of a pupil upon a first offense, and authorizes the use and documentation of other means of correction.

AB 2242 (Dickinson) of the 2011-12 Session would have prohibited pupils who are found to have disrupted school activities or otherwise willfully defied the authority of school officials from being subject to extended suspension, or recommended for expulsion. AB 2242 was vetoed by Governor Brown with the following message:

I cannot support limiting the authority of local school leaders, especially at a time when budget cuts have greatly increased class sizes and reduced the number of school personnel. It is important that teachers and school officials retain broad discretion to manage and set the tone in the classroom. The principle of subsidiarity calls for greater, not less, deference to our elected school boards which are directly accountable to the citizenry.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alameda County Office of Education  
Alliance for Boys and Men of Color  
Alliance for Children's Rights  
American Civil Liberties Union California Action  
Asian Solidarity Collective  
California Alliance for Youth and Community Justice  
California County Superintendents  
California Native Vote Project  
California Public Defenders Association  
California Youth Connection  
California Youth Empowerment Network  
Californians for Justice  
Californians for Safety and Justice  
Center on Juvenile and Criminal Justice  
Children Now  
City and County of San Francisco  
Communities United for Restorative Youth Justice  
Community Asset Development Re-defining Education  
Disability Rights California  
Dolores Huerta Foundation  
Fresh Lifelines for Youth  
Genders & Sexualities Alliance Network  
Genup  
Go Public Schools  
John Burton Advocates for Youth  
Law Foundation of Silicon Valley  
Legal Aid Foundation of Los Angeles  
Los Angeles County Office of Education  
Los Angeles Unified School District  
Mental Health America of California  
Mid-city Community Advocacy Network  
National Association of Social Workers, California Chapter  
Oakland Unified School District  
Pacific Juvenile Defender Center  
Public Advocates  
Public Counsel  
Santa Cruz Barrios Unidos  
Seneca Family of Agencies  
Sigma Beta Xi, INC. Youth and Family Services

Smart Justice California  
State Superintendent of Public Instruction Tony Thurmond  
Teach Plus  
The Arc and United Cerebral Palsy California Collaboration  
The Children's Partnership  
The Education Trust - West  
Young Women's Freedom Center  
Youth Alliance  
Youth United for Community Action  
Youth Will

**Opposition**

One individual

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