

BILL ANALYSIS

AB 420
Page 1

CONCURRENCE IN SENATE AMENDMENTS
AB 420 (Dickinson)
As Amended August 13, 2014
Majority vote

—

ASSEMBLY:	52-23	(May 30, 2013)	SENATE:	24-8	(August 19, 2014)
-----------	-------	----------------	---------	------	-------------------

— Original Committee Reference: ED.

SUMMARY : Removes, until July 1, 2018, disrupting of school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel as a reason to suspend any pupil enrolled in kindergarten through grade 3. Prohibits, until July 1, 2018, expulsion of a pupil enrolled in kindergarten through grade 12 for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel.

The Senate amendments:

- 1) Remove the authority to use disruption of school activities or otherwise willfully defying the valid authority of school officials as a reason to suspend a pupil from kindergarten through grade 5, and instead apply the prohibition on pupils from kindergarten through grade 3.
- 2) Remove the provision authorizing suspension of a pupil in grades 6 through 12 for disrupting school activities or otherwise willfully defying the valid authority of school officials only after the third time in a school year and after other means of correction were attempted.
- 3) Add a sunset date of July 1, 2018, to the provision prohibiting a pupil from kindergarten through grade 3 from being suspended, or recommending for expulsion any pupil from kindergarten through grade 12, due to disrupting of school activities or defying the valid authority of school officials.
- 4) Strike the provision specifying that a teacher is not prevented from suspending a pupil from class, pursuant to the

AB 420
Page 2

Education Code Section 48910, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

FISCAL EFFECT : This bill is keyed non-fiscal by the Legislative Counsel. However, according to the Assembly Appropriations Committee on the prior version of this bill, there is increased General Fund/Proposition 98 revenue limit costs, likely in excess of \$3.5 million, to provide school districts with revenue limit funding (general purpose) for pupils who will no longer be suspended in grades k-5 for willful defiance and for pupils who can no longer be suspended after the first offense.

COMMENTS : A University of California, Los Angeles' Civil Rights Project October 2011 brief titled Discipline Policies, Successful Schools, and Racial Justice, report that data gathered by the United States Department of Education's Office for Civil Rights shows disparity in suspensions and expulsions for black students, especially males, and students with disabilities. An analysis of the data that was collected in 2006 shows that 28% of black male middle school students were suspended at least once, while the rate was 10% for white males. The report argues that disciplinary actions that result in exclusion from school cause students to miss important instructional time and may result in a "greater risk of disengagement and diminished educational opportunities."

Research also shows that students with frequent suspensions are at greater risk of becoming involved in gangs, dropping out of school and becoming a part of the juvenile justice system. Efforts undertaken by districts in California, including the Los Angeles Unified School District, San Francisco Unified School

District, and Alhambra Unified School District, and in other states are beginning to show positive results of not using punitive measures like suspension and expulsions and more alternative practices that emphasize restorative justice (reflections of one's behavior), counseling, referrals to drug treatment and other social services, within the school setting.

Suspensions and expulsions: Under existing law, a principal or a superintendent of a school district may suspend or expel a pupil for committing any of a number of specified acts,

AB 420

Page 3

including for the disruption of school activities or willful defiance of school or school district officials. The California Department of Education (CDE) reports that in 2010-11, of a total enrollment of 6,174,717, there were 700,884 suspensions and 18,649 expulsions. Using the California Longitudinal Pupil Achievement Data System (CALPADS), school districts began to report student-level data in 2011-12. According to the CDE, 170,449 pupils served out-of-school suspensions for willful defiance in 2011-12.

This bill is a modified version of AB 2242 (Dickinson) of 2012. AB 2242 removed disrupting of school activities or otherwise willfully defying the authority of school or school district officials as a reason for suspending or recommending expulsion for all grade levels. The Governor vetoed the bill with the following statement:

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.

This bill narrows the application of the bill to kindergarten through grade 3 and inserts a sunset of July 1, 2018.

The author states, "More than two decades of research has confirmed that out-of-school suspensions do not work. They do not improve student behavior and, in fact, often exacerbate the problem. In addition, students who are subjected to out-of-school discipline not only lose important instructional time, they are far more likely to drop out of school and enter the juvenile justice system, at great cost to the state. One study found that with respect to detained youth that more than "80 percent... had been suspended... and more than 50 percent had been expelled from school prior to their incarceration." Whereas students whose problem behaviors are addressed proactively with research-based supports and interventions in school and with parents are more likely to remain in school and on track."

AB 420

Page 4

Disruption of school activities and willful defiance: According to supporters, this category is broad and can encompass a number of offenses, from not following a teacher's direction, talking back to a teacher, not turning in homework, to throwing furniture. This category appears to be a catch-all category for suspending a pupil as there is no definition of what constitutes "willful defiance." Compared with offenses that require expulsion, such as bringing a knife or firearm to school, these types of offenses could be considered minor, although teachers would argue that these behaviors can cause major interference to students' learning environment in the classroom. The issue is how to address these types of behaviors. Those who advocate for anti-punitive measures argue that these students can be reformed through personal reflections and positive interventions. Others argue that not having the ability to impose out-of-school suspensions would send the message that these types of behaviors are not serious.

Teacher suspensions: Existing law allows a teacher to suspend a

pupil from class for the day of the suspension and the following day for any of the acts that may be a cause for suspension or expulsion specified under Education Code Section 48900. This bill does not affect or eliminate this law.

Changing culture: Several bills were introduced last year and this year attempting to reduce the use of punitive, zero-tolerance measures and focus, instead, on alternatives to address the causes of a pupil's behavior. While these bills are one component in changing pupil and staff behavior, changing the culture of a school from a less punitive environment to a more positive one and to implement positive behavioral programs, such as restorative justice programs, require training and support from all school staff as well as sufficient counselors, mental health providers, and other school personnel.

Analysis Prepared by : Sophia Kwong Kim / ED. / (916) 319-2087

FN: 0004704

AB 420

Page 5