*(Organization Letterhead)*

DATE

The Honorable Edmund G. Brown Jr.

Governor, State of California

Attn: Legislative Affairs; Request for Signature

State Capitol

Sacramento, CA 95814

Facsimile: (916) 558-3177; (916) 558-3160

RE: Request for Signature for AB 2242 (Dickinson)

Dear Governor Brown:

**[AGENCY]** strongly supports **Assembly Bill 2242**, which would make modest amendments to the Education Code to address the overuse of “willful defiance” as a basis for expelling children from a school district. This bill has strong supporters throughout the state, including the Oakland Unified and Los Angeles Unified School Districts and their Superintendents Tony Smith and John Deasy.

More than 18,000 expulsions have been reported in California in each of the past two school years for some 24 different violations under the California Education Code, including specifically defined battery, assault, stealing, violence and drug offenses. However, the code also contains a broad provision under which a child can be expelled from the school district for “*disrupting school activities or otherwise willfully defying the valid authority of school staff.”* Neither “*willfully defying*” nor “*disrupting school activities*” is defined anywhere in the Educ. Code. Under this highly subjective category, students are removed from school for 30 school days or more in anticipation of expulsion and expelled from their school districts for anything from failing to turn in homework, not paying attention, refusing to follow directions, taking off a coat or hat, or swearing in class.

Two decades of research confirms that long term out-of-school punishments like expulsion do not work for low-level offenses. They do not improve student behavior and often exacerbate the problem, as the children who are expelled for these offenses often come from homes with the least supervision and have themselves experienced violence and other trauma that they are struggling to address without support. A recent comprehensive study showed that the outcomes for such excluded students are dismal; students who are excluded from school are five times more likely to drop out of school, six times more likely to be retained, and three times more likely to enter the juvenile delinquency system, all at extraordinary short and long term cost to the state. In contrast, students whose problem behaviors are addressed proactively with research-based interventions, like restorative justice and positive behavior interventions and supports, and who are not just kicked out without help, stay in school and get back on track.

Further, research reveals that students of color are disproportionately suspended and expelled for low level, subjective offenses like willful defiance. In California, 28% of African-American students with disabilities were suspended out of school in 2009-2010 and African-American students are three time more likely to receive an out of school suspension than their white peers. When students of color and students with disabilities miss instruction and are sent out to an unsupervised vacation, the achievement gap increases and such students have disproportionately worse educational outcomes than other student groups.

The actual impact of AB 2242 on the total number of expulsions imposed in California would be relatively small, but the bill takes an extremely important step toward ensuring that such behaviors are addressed with more effective alternatives that do not lead to children being pushed out to the streets and into crime and gangs. In this regard, unofficial data obtained from the California Department of Education reveals that school districts cited “willful defiance” as the most serious offense for only 12% or fewer of the 21,500 expulsions in 2010-11 or 2,500 children statewide. It is also critical to note that the bill refocuses attention on the use of alternative means of correction (already required in current California law), preserves district discretion to suspend for “willful defiance” for up to 5 days for each “willful defiance” offense and also retains district discretion to involuntarily transfer the student within the school district and to alternative schools that may have more resources, while also ensuring that the harshest form of school discipline with the most serious and long-term student impact, expulsion, is reserved for serious misconduct.

We hope you will sign this critical bill into law. In advance, we thank you for your consideration.

Sincerely,

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cc: The Honorable Roger Dickinson, (916) 319-2109