

FIX SCHOOL DISCIPLINE BILLS

AB 420 – FACT SHEET

(Eliminates K-3 suspensions and all expulsions for K-12 students for ‘disruption’ and ‘willful defiance’;
Education Code § 48900(k))

WITH YOUR HELP, SEVERAL SCHOOL REFORM BILLS WERE SIGNED INTO LAW THIS YEAR!

We need your help to make certain that school districts around the state **change their local policies** to follow the law and **educate everyone** about the changes.

What does AB 420 do?

AB 420 amends California Education Code section 48900(k) by eliminating the authority to suspend a student out of school or in-school in kindergarten through third grade for “disruption” and “willful defiance.” Further, under AB 420 no student can be expelled for “disruption and “willful defiance.”

Willful defiance is defined as: “disrupting school activities or otherwise willfully defying the valid authority of school staff.” This broad definition has included suspensions for everything from a student failing to follow directions or bring materials, to wearing a hat in class or talking back to a teacher.

Why are suspensions harmful?

They often send the students struggling most to an unsupervised vacation. And two decades of research show that they don’t work. Students who are suspended come back to school less connected and further behind; sending them away from school doesn’t hold them accountable. One suspension **doubles** a student’s likelihood of drop out and **triples** the student’s likelihood of entry into the juvenile justice system. These harms particularly impact students of color, who are disproportionately suspended for subjectively applied offenses, like disruption and defiance.



How does AB 420 help students?

Suspensions for disruption and willful defiance account for roughly half of all suspensions in the state of California. In 2012, there were more than 600,000 suspensions in California and 43% of them were for willful defiance.

At the end of this fact sheet, you can find the exact text of AB 420. **The bill goes into effect on January 1, 2015!**

How can you help make certain your school district follows the new law?

California law is clear: school board rules and policies governing pupil discipline must be consistent with law and parents have a right to be

informed in advance about pupil discipline rules and procedures. Educ. Code §§ 35291; 51101.

When the new law takes effect on January 1, 2015, you can help make certain your school district is following it by:

1. **Requesting** a copy of the district's rules governing discipline from the Superintendent by letter, say you are doing so under the "Public Records Act." You can also find these rules in the parent/student handbook and on the school district's website.
2. **Checking:** Do the policies say that out-of-school and in-school suspension for disruption and willful defiance (48900(k)) for K-3rd grade students are not allowed? Do they say that expulsion is no longer allowed for disruption and willful defiance (48900(k))?
3. **Meet with the Superintendent/principal** and ask them to change the policies and to educate all school personnel, parents, and students so they are implemented!
4. **Meet with school board members** and ask them to hold a hearing on the changes and to update discipline policies. Bring other parents, students and community members who care about fixing school discipline.
5. **Spread the word:** Educate parents and students about these new laws.
6. **Report any problems:** If you see that students' rights are being violated or a school district refuses to follow the law, go to FixSchoolDiscipline.org and click on "Get Support" to report any problems you see.

What else can I advocate for?

1. Ending the use of "willful defiance" as a basis for **any student suspensions**, regardless of grade level. San Francisco and Los Angeles Unified have done this already! Check it out at FixSchoolDiscipline.org.
2. Funding and training for research-based and positive alternatives to suspensions:
 - a. Restorative justice circles to develop and repair relationships.
 - b. School-Wide Positive Behavior Interventions and Support, which creates a system for improving behavior and getting interventions to students who need it;
 - c. Conferences between school personnel, the pupil's parent or guardian, and the pupil.
 - d. Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
 - e. Creating intervention-related teams that assess behaviors, and develop and implement individualized plans.
 - f. Enrollment in a program for teaching pro-social behavior or anger management.
 - g. After-school programs that address specific behavioral issues or expose pupils to positive activities.

Schools are already required to exhaust these "other means of correction" before issuing most types of suspensions but we need to advocate to make certain that they do so. EC § 48900.5.

So, what EXACTLY does the law say?

The specific changes to existing law are in bold, italics and underlined below:

California Education Code § 48900.

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

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(k) **(1)** Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.

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