

SB 419 (SKINNER)

FIX SCHOOL DISCIPLINE

SUSPENSIONS FOR DEFIANCE/ DISRUPTION

What students and families should know

WHAT IS DEFIANCE/ DISRUPTION OR "WILLFUL DEFIANCE"?

A school administrator, such as a principal, can only suspend or expel a student for reasons listed in the Education Code. The reasons schools can suspend students include, for example, things like fighting or having nicotine or marijuana products at school.

When a behavior does not fit into any other specific category, **schools sometimes suspend students under a “catch-all” category known as “Defiance/ Disruption”** or “Willful Defiance.” The California Education Code does not explain what acts fall under “defiance” or “disruption” so school administrators decide for themselves.

THE PROBLEM WITH SUSPENSIONS FOR DEFIANCE/DISRUPTION OR "WILLFUL DEFIANCE"

Under the "defiance" category, schools have suspended students for minor misbehavior like chewing gum, talking back, or forgetting homework. Schools suspend Black students, other students of color, students with disabilities, and LGBTQ students more often for defiance/disruption.

Studies have shown that this is because teachers and administrators have unconscious and conscious biases that cause them to treat the same misbehavior differently depending on the student's race, gender, and other characteristics.

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What does SB 419 do?

In 2014, California banned suspensions of students in grades K-3 for defiance/disruption, and banned expulsions for all students in grades K-12 based on defiance or disruption.

In 2019, California passed a new law, SB 419. The new law took effect July 1, 2020 and:

- Expands the ban against suspensions for defiance/ disruption to more grades.
- Permanently bans suspensions for "defiance/disruption" for students in grades K through 5.
- Bans suspensions for "defiance/disruption" for students in grades 6 through 8 until July 1, 2025
- Protection for 6-8 grade students will end on July 1, 2025 unless the legislature extends it.
- Permanently bans expulsions for "defiance/disruption" for students in grades K through 12.

Whether you are engaged in remote learning, hybrid learning, or in-person learning, you have rights.

Charter Schools

If your charter school's discipline policy only allows it to suspend students for the reasons listed in the education code, the charter school must now also follow SB 419 and not suspend students in grades K-8 for "defiance/ disruption."

What can you do if you are suspended in violation of SB 419?

1. Check to see if your district has a suspension appeal policy.
2. Appeal your suspension as soon as possible.
3. Even if your district doesn't have a specific suspension appeal policy, you may have the right to have the suspension removed from the student's record.

You can find other helpful information at <http://www.fixschooldiscipline.org>

For more help or support, connect with your local member of the Fix School Discipline Coalition.