

What Sacramento is Saying About School Discipline

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Education is a Fundamental Right



All students in California are entitled to appropriate due process protections before they are expelled or suspended. The legislative goal in enacting the discipline code was to:

"[S]afeguard the constitutional and statutory right of California children to a free education . . . by establishing fair procedures which must be followed before that right is withdrawn."

Slayton v. Pomona Unified Sch. Dist., 207 Cal. Rptr. 705, 713 (1984)

Too Many Exclusions

No. of Suspensions and Expulsions:

▶ 2010–11

- Expulsions – 18,649
- Suspensions – 700,884

▶ 2009–10

- Expulsions – 21,147
- Suspensions – 767,962



Disproportionate Impact



Office for Civil Rights Data (2009–10):

- 1 out of every 5 African American students (18%)
- 1 in 9 American Indian students (11%)
- 1 in 14 Latino students (7%) were suspended at least once
- Compared to 1 in 17 white students (6%)
- A Black student is 3 times more likely to be suspended than a white student
- Students with disabilities more likely to be suspended than those without

Grounds for Suspension

Expulsions - Most severe grounds cited:

- ▶ EC 48900 (c) - 22%
 - (Possession, use, sold controlled substance)
- ▶ EC 48900 (a)(1) - 17%
 - (Caused or threatened physical injury)
- ▶ EC 48900 (k) - 12%
 - (Willful defiance)

Suspensions - Most severe grounds cited:

- ▶ EC 48900 (k) - 42%
 - (Willful defiance)
- ▶ EC 48900 (a)(1) - 5%
 - (Caused or threatened physical injury)
- ▶ EC 48900 (c) - 7%
 - (Possession, use, sold controlled substance)



Discipline–Related Reform Bills Signed Into Law

- ▶ AB 1729 (Ammiano)
 - Other Means of Correction
- ▶ AB 2537 (M. Perez)
 - Clarifying “Zero Tolerance”
- ▶ SB 1088 (Price)
 - Ensuring Juvenile Justice Youth Reentry
- ▶ AB 1909 (Ammiano)
 - Adequate Notice for Foster Youth
- ▶ AB 2616 (Carter)
 - More Discretion – Truancy



AB 1729 (Ammiano)

“Other Means of Correction”

- ▶ Reaffirms existing law that requires, in most cases, that suspensions may be imposed only after “other means of correction” have failed to bring about proper conduct.
- ▶ Expands the list of examples of the other means that may be pursued before a student may be suspended for discretionary offenses.
- ▶ Expressly authorizes documentation of corrective measures taken.
- ▶ Amends EC §§ 48900; 48900.5

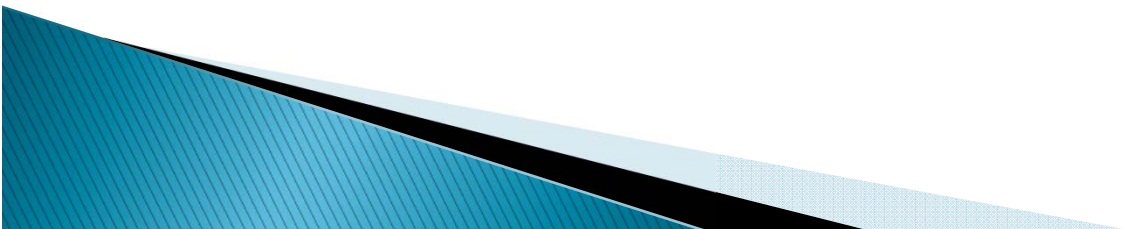
Other Means of Correction include, *but are not limited to*, the following:

- ▶ A conference between school personnel, the pupil's parent or guardian, and the pupil;
- ▶ Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, etc.;
- ▶ Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, etc.;
- ▶ Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an IEP or 504 plan;
- ▶ Enrollment in a program for teaching prosocial behavior or anger management;
- ▶ Participation in a restorative justice program;
- ▶ A positive behavior support approach with tiered interventions;
- ▶ After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, etc.;
- ▶ Any of the alternatives described in EC §48900.6.

AB 2537 (M. Perez)

Clarifying Zero Tolerance

- ▶ Provides some discretion to not make a recommendation for expulsion for certain acts if the factual circumstances do not warrant it or other means of correction would address the conduct;
- ▶ Clarifies that possession of an *imitation* firearm does not mandate an expulsion referral;
- ▶ Clarifies that student possession of over the counter or prescription medication is not an offense for which a referral for expulsion is automatic.
- ▶ Eliminates \$500 fine on principals who willfully fail to notify the appropriate law enforcement agencies of certain offenses.
- ▶ Amends EC § § 48915; 48902



SB 1088 (Price)

Ensuring Juvenile Justice Reentry

A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

- (1) Arrest.
- (2) Adjudication by a juvenile court.
- (3) Formal or informal supervision by a probation officer.
- (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

Amends EC § 48645.5



AB 1909 (Ammiano)

Adequate Notice for Foster Youth

Requires school districts to provide notification to a county child welfare designee and the court-appointed attorneys for the foster youth when a foster youth is pending expulsion or subject to a manifestation determination Individualized Education Program for offenses for which a response is discretionary.

Amends EC §§ 48853.5; 48911; 48915.5; Adds EC § 48918.1

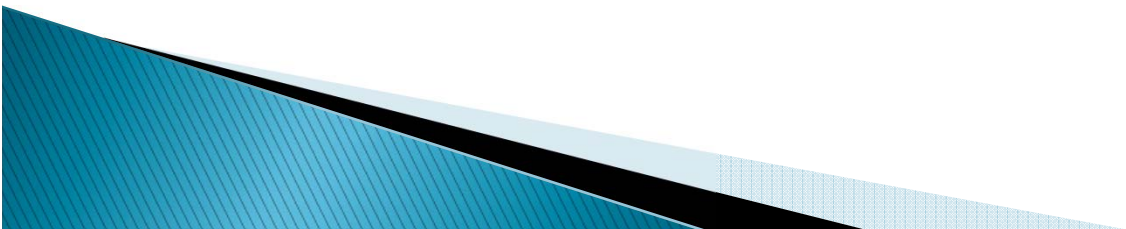


AB 2616 (Carter)

More Discretion – Truancy

- ▶ Gives administrators more discretion to determine when a student has a valid excuse for being truant or tardy based on the facts of the pupil's circumstances;
- ▶ For the first truancy, encourages a meeting with the student/parent to discuss the root causes and to create a joint plan to improve attendance, instead of warning by police officer;
- ▶ Provides discretion as to whether to involve the juvenile justice system after the fourth truancy, instead of court taking automatic jurisdiction
- ▶ If under court's jurisdiction, caps a fine at \$50 (down from \$100)

Amends EC §§ 48260; 48264.5



Discipline–Related Reform Bills – Vetoed



- ▶ **AB 2242(Dickinson)**

Eliminated “the act of disruption of school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators” as a grounds for expulsion.

- ▶ **SB 1235(Steinberg)**

Encouraged schools to reduce excessive levels of student suspensions and required the Superintendent of Public Instruction to offer assistance so that schools can adopt evidence–based, school–wide strategies to reduce the use of suspensions and improve academic achievement and attendance.

Veto Message – Local Control

- ▶ Veto message, the governor said that the problems are best addressed at the local level.
- ▶ But In a study just released by Ed Source, the majority of school administrators report that willful defiance is subject to overuse and misinterpretation.
- ▶ They asked for a clearer definition of willful defiance to avoid this problem.



The State Is Ultimately Responsible



- ▶ Because EC §48900(k) is so subjective, our most vulnerable students and our students of color are being disproportionately suspended.
- ▶ The state's role is clear under the California Constitution. It is ultimately responsible for ensuring equal educational opportunity and stopping practices that have a disproportionate impact on youth of color and those with disabilities.

