

FactSheet

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Recent legislation on discipline: AB 420

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Assembly Bill 420, which took effect on January 1, 2015, eliminates the authority of school districts to issue both in-school and out-of-school suspensions to students in kindergarten through third grade for disruption or willful defiance. In addition, no student can be expelled for disruption or willful defiance. This fact sheet offers school board members guidance to ensure that their district complies with the new law.

What is willful defiance?

Pursuant to Education Code section 48900(k), willful defiance is defined as “disrupt[ing] school activities or otherwise willfully defying the valid authority of” school staff. Under this broad definition, districts have suspended students for incidents such as not following directions, failing to bring their materials to class, wearing a hat in the classroom, or talking back to a teacher.

Background

Suspensions for defiance accounted for well over half of all suspensions in California in the 2012-13 school year.¹ Fortunately, State Superintendent of Public Instruction Tom Torlakson reported suspensions and expulsions significantly declined in 2013-14, especially for defiance.² Suspension and other disciplinary practices that send students away from the classroom often cause students to feel disconnected from the school community and miss valuable learning time, which can put them further behind academically. For this reason, many California school districts are modifying their discipline policies to stop or prevent these unintended consequences.

What is termed disruption or willful defiance can usually be corrected with in-school discipline programs or systems. Responding to student misbehav-

ior with punitive policies that send the student away from school fails to improve safety or student behavior for those being disciplined or for the other students in class.³ Additionally, disruption and willful defiance can be subjective, as viewed in the eyes of school officials. Students of color are disproportionately targeted for such offenses.⁴

“Out-of-school suspension and expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy.”

—November 2013 Policy Statement from the American Academy of Pediatrics Committee on School Health

Why are suspensions and expulsions harmful to students?

Studies have shown that students who receive just one suspension are five times more likely to drop out of school. They are also three times more likely to be involved with the juvenile justice system within one year, when compared to similar students.⁵

Suspensions and expulsions are often imposed on students who are already struggling academically. It is reasoned that students act out because of the frustration and/or boredom they feel because they cannot follow the lesson. If this is true, then sending these students away from school by suspending or expelling them is counterproductive. Instead of being given the support to catch up, they are sent home where they fall further behind academically and become less connected with the school community.

Moreover, as the American Academy of Pediatrics found:

*Children who are suspended are often from a population that is least likely to have supervision at home. According to the 2000 U.S. census, children growing up in homes near or below poverty level are more likely to be expelled. Children with single parents are between 2 and 4 times as likely to be suspended or expelled from school as are children with both parents at home, even when controlling for other social and demographic factors.*⁶

As such, it is not surprising that removing these students from school only increases their likelihood of academic underachievement. These harms have the greatest impact on students of color who are disproportionately suspended for subjectively applied offenses—like disruption and defiance.⁷

How does AB 420 help students?

When districts comply with AB 420, more students will be spending more time in a learning environment and receiving needed support rather than being without adult supervision.⁸ Research has shown that keeping children in school is actually more effective at reducing violence than suspension, while minimizing the negative effects—and long-term cost—of youth alienation and marginalization.⁹

What this means for board members

School boards and administrators should consider more effective alternatives for addressing student behavior than suspension and expulsion. They should be aware that state law requires that, except when a student commits certain specified acts or his/her presence causes a danger to others, suspension can be used only when other means of correction have failed to bring about proper conduct.

Simply discontinuing suspensions and expulsions alone is unlikely to significantly improve school climate and increase student engagement and achievement. Many California districts have begun implementing whole-school approaches as a strategy for addressing behavior and holding students accountable, such as Positive Behavioral Interventions and Supports (PBIS) and restorative justice. These school-wide systems help schools build the capacity to not just keep students in a learning environment, but create a learning environment where *all* students can productively learn.

For many districts, implementing PBIS has become a key strategy in their Local Control and Accountability Plan to reduce behavior problems, create a more positive school climate, increase safety, and raise academic achievement and attendance and they are seeing results. For example, Garfield High School, in the Los Angeles Unified School District, has issued no more than three suspensions for the last three years and has seen their graduation rate increase by more than 18%.¹⁰

Oakland Unified School District (OUSD) schools that are implementing restorative justice have shown great decreases in suspension rates. In addition, reading levels of ninth-graders increased by 128% at these schools, compared to just an 11% increase in schools without restorative justice programs. Graduation rates increased by 60% at OUSD restorative justice schools, compared to 7% for other schools.¹¹

Positive Behavioral Interventions and Supports

(PBIS): an evidence-based, data-driven framework proven to reduce disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes. The main goal of PBIS is to decrease unwanted student behavior in schools and classrooms and to develop integrated networks that support students and adults at the school, classroom, family, and individual levels. Under PBIS, serious behavior problems and overall school climate improve because faculty and staff actively teach positive behavior through modeling expected behavior and rewarding positive behaviors, such as academic achievement, following adult requests, and engaging in safe behavior.

The overarching and continuous goal of PBIS is to establish a positive school and classroom climate, in which expectations for students are predictable, directly taught, consistently acknowledged, and actively monitored.¹²

Restorative justice: a theory of justice adapted for use in the school context, is a set of principles and practices centered on promoting respect, taking responsibility, and strengthening relationships. Restorative justice invites a fundamental shift in the way to think about and administer justice, from punishing individuals after wrongdoing to repairing harm and preventing its recurrence.

Board member action items

1. Review policies and practices around school discipline.
 - a. Governance teams can better understand how their discipline practices impact student engagement and achievement through a thorough review of district discipline policies and data regarding office referrals, school suspensions, expulsions, and referrals to police that are disaggregated by key student subgroups.
 - b. Reviewing policies will also inform the development of school climate goals, actions, and expenditures for incorporation in LCAPs under the School Climate priority area.
 - c. Board policies should ensure compliance with law prohibiting suspension of students in grades K-3 or expulsion at any grade level for disruption or willful defiance. At the same time, boards have discretion to also prohibit suspensions for these reasons in grades 4-12.
2. Become familiar with effective and research-based alternative discipline strategies (see Resources below).
3. Review the data on school removals within the district and consider the questions below.

Questions to consider

1. What are the office referral, suspension and expulsion rates in your district? Have they changed over time?
2. What are the school-based citation and arrest rates? Are there differences in such rates between schools and across race, gender, income, or foster youth or disability status?
3. Are there demographic patterns among students receiving disciplinary attention? Are there particular schools or classrooms that stand out in the data?
4. What does the academic achievement and attendance look like at schools with high levels of school removals in comparison to those in your district with lower levels?
5. What professional development is provided for administrators and certificated and classified staff in the area of discipline and best practices in discipline?

Resources

Visit the CSBA Discipline/Suspension & Expulsion Web page at www.csba.org/discipline and Fix School Discipline at www.fixschooldiscipline.org for more information.

For more information on recent legislation effecting discipline practices see Fix School Discipline's Fact Sheets on:

- » **AB 2276:** Successful juvenile justice youth transitions <http://bit.ly/1BTA8bJ>
- » **SB 1111:** Fair and successful placements in county community schools <http://bit.ly/1H6LfTb>

CSBA's sample board policy and administrative regulation BP/AR 5144.1 - Suspension and Expulsion/Due Process were updated in December 2014 to reflect AB 420. Also see CSBA's sample BP/AR 5144 - Discipline for examples of alternative disciplinary strategies.

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Endnotes

- 1 California Department of Education (2015). *State schools chief Tom Torlakson reports significant drops in suspensions and expulsions for second year in a row*.
<http://www.cde.ca.gov/nr/ne/yr15/yr15rel5.asp#tab1>
- 2 California Department of Education (2015). (See endnote 1)
- 3 American Academy of Pediatrics Committee on School Health. (2003). Policy statement: Out-of-school suspension and expulsion, 112(5), 1206-1209.
- 4 Gregory, A., Skiba, R. J., and Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin. *Educational Researcher*, 39(1), 59-68.
- 5 Fabelo, T., Thompson, M., Plotkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A. (2011), *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Council of State Governments Justice Center.
- 6 American Academy of Pediatrics. (2003). Policy Statement: Out-of-school suspension and expulsion. *Pediatrics*, 112 (5), 1206-1209.
- 7 Gregory, A., Skiba, R. J., and Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin. *Educational Researcher*, 39(1), 59-68.
- 8 California Department of Education. (2015)
- 9 Belfield, C. R. and Levin, H. M. (2007). *The economic losses from high school dropouts in California*. UC Santa Barbara: California Dropout Research Project.
- 10 *Fix school discipline news* (Spring/Summer 2013). At Garfield High, test scores rise when suspensions fall.
www.calendow.org/uploadedfiles/fixschoolsnews_fin.pdf
- 11 Oakland Unified School District (2014). *Restorative justice in Oakland Schools: Implementation and impacts 2014*.
<http://bit.ly/1bi52lq>.
- 12 Public Counsel. *Fix school discipline: How we can fix school discipline toolkit for educators*.