

SENATE THIRD READING
SB 274 (Skinner)
As Amended August 14, 2023
Majority vote

SUMMARY

Prohibits the suspension or expulsion of a student enrolled in 6th through 12th grade in a public school, including charter schools, on the basis of willful defiance until July 1, 2029, authorizes employees to refer students to school administrators for in-school interventions or supports, and requires that administrators document the actions taken in the student's record and inform the referring employee of those actions.

Major Provisions

- 1) Extends the ban on suspending a student on the basis of having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel, from kindergarten through 5th grade, to students in 6th through 12th grade, and retains the prohibition on recommending a student for expulsion based upon willful defiance from kindergarten through 12th grade.
- 2) Extends the sunset on the prohibition on suspending a student in grades 6 to 8 on the basis of willful defiance from July 1, 2025, to July 1, 2029.
- 3) Prohibits the suspension of a student in grades 9 to 12 on the basis of willful defiance between July 1, 2024, and July 1, 2029.
- 4) Authorizes certificated or classified employees to refer a student to school administrators for appropriate and timely in-school interventions or supports, as specified, on the basis of willful defiance.
- 5) Requires a school administrator, within five business days, to document the actions taken pursuant to 3), above and place the documentation in the student's record to be available for access by the parent, as specified. Also requires the school administrator, by the end of the 5th day, to inform the referring employee, verbally or in writing, what actions were taken, and if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.
- 6) Prohibits the suspension or expulsion of a student in a school district based solely on the student being truant, tardy, or otherwise absent from school activities.
- 7) Applies the provisions in 1) through 5), above, to students in charter schools.

COMMENTS

Rates of suspension/expulsion have dropped dramatically. According to California Department of Education (CDE) data on discipline in California public schools, over the ten-year period from 2011-12 to 2021-22:

- 1) Total suspensions for all offenses dropped 58%, from 709,702 to 292,423;

- 2) Total expulsions for all offenses dropped 57%, from 9,758 to 4,191;
- 3) Total suspensions for willful defiance dropped 94%, from 335,079 suspensions to 21,465; and
- 4) Total expulsions for willful defiance dropped 98%, from 512 to 8.

However, disproportionality continues to be an issue for suspensions and expulsions on the basis of willful defiance, particularly for African American students and Hispanic students.

High school students continue to be suspended for defiance. In 2011-12 prior to restrictions on suspensions for willful defiance, there were a total of 334,391 suspensions statewide across all grade levels. Of these, 52.7% were imposed on students in grades 9-12. As the restrictions on willful defiance in younger grades were imposed through legislation, beginning in 2013-14, the incidence of suspensions for this offense fell significantly overall, dropping by 76.6% from 2011-12 to 2016-17 and by 72.6% from 2016-17 to 2021-22. As of 2021-22, restrictions on suspensions for willful defiance applied to students in kindergarten through 8th grade, and 65% of total suspensions for willful defiance were for students in grades 9-12.

According to the Author

"SB 274 is based on a simple premise: Students belong in school. Suspending youth for low-level behavior issues leads to significant harm, including learning loss and a higher likelihood that affected students will drop out of school completely. SB 274 puts the needs of students first. Instead of kicking them out of school, we owe it to students to figure out what's causing them to act out and help them fix it. The punishment for missing school should not be to miss more school. Students, especially those with behavioral issues, need to be in school where teachers and counselors can help them succeed."

Arguments in Support

According to the Alliance for Boys and Men of Color, a co-sponsor, "Willful defiance is broadly defined as defying the authority of school staff. Some examples of defiance include: wearing a hat, not having a belt, or falling asleep in class. Defiance suspensions contribute to racial inequality in schools. Students of color, students with disabilities, and LGBTQ students are disproportionately suspended for low-level subjective behavioral disruptions, classified as willful defiance. These suspensions cause students to lose significant instruction time. Suspending students causes significant harm such as learning loss, missed school meals, and lack of access to extracurricular activities. Furthermore, suspended or expelled students are 5 times more likely to drop out of school and to fall into the school-to-prison pipeline, costing the state an estimated \$2.7 billion a year. The simple act of ending willful defiance suspensions for all public school children recognizes the unique developmental vulnerabilities of youth, especially youth of color and youth with disabilities, by creating a school environment where every child has the opportunity to learn, thrive and succeed."

Arguments in Opposition

One individual writes, "Egregious behavior must have serious consequences. If kids learn in school that there are no serious consequences for willful bad behavior, they will end up as adults who don't understand consequences and will end up in jail. This bill leaves teachers exposed."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

Potential Proposition 98 General Fund cost pressures to schools to the extent a school provides interventions and supports to students who are willfully defiant. Should schools provide these services, this bill requires a school to document the support and interventions and take other actions. It is likely a school would provide interventions and supports to a willfully defiant students it can no longer suspend or expel under this bill. Costs would depend on the number of students to which a school provides interventions and supports and would be less to the extent schools already document these supports and interventions. The state has over 10,000 schools.

VOTES**SENATE FLOOR: 36-3-1**

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

NO: Jones, Niello, Seyarto

ABS, ABST OR NV: Grove

ASM EDUCATION: 5-0-2

YES: Muratsuchi, Juan Carrillo, Lee, McCarty, Quirk-Silva

ABS, ABST OR NV: Megan Dahle, Hoover

ASM APPROPRIATIONS: 12-3-1

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Soria, Weber, Wilson

NO: Megan Dahle, Mathis, Sanchez

ABS, ABST OR NV: Dixon

UPDATED

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CONSULTANT: Debbie Look / ED. / (916) 319-2087

FN: 0001549