

---

UNFINISHED BUSINESS

---

Bill No: SB 274  
Author: Skinner (D), et al.  
Amended: 8/14/23  
Vote: 21

---

SENATE EDUCATION COMMITTEE: 7-0, 4/19/23

AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas, Wilk

SENATE FLOOR: 36-3, 5/11/23

AYES: 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

NOES: Jones, Niello, Seyarto

NO VOTE RECORDED: Grove

ASSEMBLY FLOOR: 61-13, 9/6/23 - See last page for vote

---

**SUBJECT:** Suspensions and expulsions: willful defiance: interventions and supports

**SOURCE:** State Superintendent of Public Instruction Tony Thurmond  
Alliance for Boys and Men of Color  
Dolores Huerta Foundation

---

**DIGEST:** This bill prohibits the suspension or expulsion of a student enrolled in 6th through 12th grade in a public school 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.

*Assembly Amendments:*

- a) Remove the extension of the prohibition on willful defiance for students enrolled in grades 6-12.
- b) Extend the current sunset on the prohibition of suspensions for willful defiance for students enrolled in grades 6-8 to July 1, 2030, unless the administrator determines there is a need for a suspension due to an immediate threat to the safety of the pupil, other pupils, or school staff.
- c) Beginning July 1, 2024, prohibit out-of-school suspensions for students enrolled in grades 9-12 on the basis of willful defiance, unless the administrator determines there is a need for a suspension due to an immediate threat to the safety of the pupil, other pupils or school staff.
- d) Require that parents, guardians, or other relevant responsible adults be notified when any suspension for willful defiance is imposed.
- e) Express the intent of the Legislature that any suspension for willful defiance be used only as a last resort when other means of correction fail to bring about proper conduct.
- f) Make other technical and clarifying amendments.

**ANALYSIS:**

## Existing law:

- 1) Prohibits a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, from being suspended and expelled for disrupting school activities or otherwise willfully defying the authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (Education Code (EC) § 48900(k)(3))
- 2) Prohibits until July 1, 2025, a pupil enrolled in kindergarten or any of grades 6 to 8, inclusive, from being suspended for disrupting school activities or otherwise willfully defying the authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (EC § 48900(k)(4))
- 3) Prohibits a pupil from being suspended or recommended for expulsion unless the superintendent of the school district or the principal of the school determines that the pupil has committed certain acts, as specified. (EC § 48900)

- 4) Authorizes a pupil enrolled in any of grades 4 to 12, inclusive, to be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment. (EC § 48900.4)
- 5) Authorizes school district superintendents and school principals to use discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. (EC § 48900(v))
- 6) States that suspension, including supervised suspension, shall be imposed only when other means of correction fail to bring about proper conduct, but authorizes a pupil, including a pupil with exceptional needs, to be suspended upon a first offense for certain acts (*not* including disrupting 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) or the pupil's presence causes a danger to persons. (EC § 48900.5)
- 7) Authorizes teachers to suspend pupils from class for the day and the following day. If the pupil is to remain on campus during that suspension, the pupil must be under appropriate supervision. Teachers must ask the parent to attend a parent-teacher conference regarding the suspension. Pupils are prohibited from returning to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher and principal. (EC § 48910)

This bill:

- 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 5<sup>th</sup> 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

- 1) *Need for the bill.* 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."
- 2) *Zero Tolerance Policies Disproportionate Effects.* In 1994, Congress passed the Gun-Free Schools Act (GFSA), which required states to expel students who brought firearms to campus for at least one year. While zero tolerance

policies were initially intended to ensure a safe and healthy school environment (e.g., selling drugs or engaging in gang-related fights on school grounds), policies were expanded to include minor offenses that would otherwise be seen as normal behavior. These policies inadvertently created the "School to Prison Pipeline," where youth expelled or suspended for minor offenses are funneled out of public schools and into the juvenile and criminal legal systems. The school-to-prison pipeline causes a disproportionate number of students of color to drop out of school and enter the criminal justice system, which can have life-changing adverse effects.

Although California's suspension rate has decreased recently, students of color are still disproportionately suspended compared to their peers. The California Department of Education (CDE) data shows that while total suspensions dropped from 363,406 in the 2017-18 school year (SY) to 233,753 in 2019-20 SY, black students received 15.6% of all suspensions for defiance-only in the 2017-18 SY and 18.7% in the 2019-20 SY. In recent years there have been other statutory provisions designed to limit the use of suspensions and promote alternatives to suspension.

3) *Restorative Justice and Other Approaches to Suspension and Expulsion?*

Several school districts, including some of the largest, have adopted board policies prohibiting willful defiance as the basis for suspension or expulsion and are committing resources to effectively implement alternative correction models, including restorative justice, positive behavior interventions and support, and other evidence-based approaches. For example, Oakland Unified School District has banned the suspension or expulsion of students based solely upon willful defiance. Oakland Unified offers restorative justice programs in their schools. Furthermore, the Legislature has made significant investments to encourage local educational agencies (LEAs) to establish alternatives to suspension and expulsion.

- \$100 million in competitive grants to LEAs to increase the number of teachers available to serve California state preschool and transitional kindergarten pupils and to provide teachers with training in inclusive practices, culturally responsive instruction, supporting dual language learners, enhancing social-emotional learning, implementing trauma-informed and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline;

- \$50 million to the Orange County Office of Education for support of MTSS efforts, including grants to LEAs to provide ongoing training and support in the use of trauma screening tools and mental health service referrals, and school climate surveys.
  - \$6 million for training LEAs on interpreting data from their local school climate surveys of pupils, families, and educators to inform continuous improvement efforts and better assess community needs stemming from the COVID-19 pandemic and distance learning; and for the CDE to develop an optional trauma-informed practice module to be used with school climate surveys.
- 4) *Discretion.* This bill would prohibit school personnel from recommending suspension or expulsion from school for willfully defying school personnel and for being truant, tardy, or otherwise absent from school activities. This does not limit the ability of a teacher to suspend a student from class.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: Yes

According 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. Because this bill does not require schools to document support and interventions and take other actions unless they first provide support and interventions to students who are willfully defiant, this bill is unlikely to be a state-mandated local program. However, if the Commission on State Mandates determines the bill’s requirements to be a reimbursable state mandate, the state would need to reimburse these costs to local educational agencies or provide funding through the K-12 Mandate Block Grant.”

**SUPPORT:** (Verified 9/6/23)

State Superintendent of Public Instruction Tony Thurmond (co-source)  
 Alliance for Boys and Men of Color (co-source)  
 Dolores Huerta Foundation (co-source)

Alameda County Office of Education  
Alliance for Children's Rights  
American Civil Liberties Union California Action  
Asian Solidarity Collective  
Association of California School Administrators  
Black Parallel School Board  
California Alliance for Youth and Community Justice  
California County Superintendents  
California Native Vote Project  
California Public Defenders Association  
California Youth Connection  
California Youth Empowerment Network  
Californians for Justice  
Californians for Safety and Justice  
Cancel the Contract  
Castro Valley Unified School District  
Center on Juvenile and Criminal Justice  
Children Now  
City and County of San Francisco  
Communities United for Restorative Youth Justice  
Community Asset Development Re-defining Education  
Congregations Organized for Prophetic Engagement  
Disability Rights California  
Dublin Unified School District  
East Bay Community Law Center  
Emery Unified School District  
Equal Justice Society  
Fresh Lifelines for Youth  
Genders & Sexualities Alliance Network  
Generation Up  
Go Public Schools  
John Burton Advocates for Youth  
Law Foundation of Silicon Valley  
Legal Aid Foundation of Los Angeles  
Livermore Valley Joint Unified School District  
Los Angeles County Office of Education  
Los Angeles Unified School District  
Mental Health America of California  
Mid-City Community Advocacy Network  
Milpa  
National Association of Social Workers, California Chapter  
National Institute for Criminal Justice Reform

Newark Unified School District  
 NextGen California  
 Oakland Unified School District  
 Pacific Juvenile Defender Center  
 Public Advocates  
 Public Counsel  
 San Francisco Unified School District  
 San Leandro Unified School District  
 Santa Cruz Barrios Unidos  
 Seneca Family of Agencies  
 Sigma Beta Xi, Inc. Youth and Family Services  
 Sister Warriors Freedom Coalition  
 Smart Justice California  
 Sunol Glen Unified School District  
 Teach Plus  
 The Arc and United Cerebral Palsy California Collaboration  
 The Children's Partnership  
 The Education Trust - West  
 Women Democrats of Sacramento County  
 Young Women's Freedom Center  
 Youth Alliance  
 Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School  
 Youth United for Community Action  
 Youth Will

**OPPOSITION:** (Verified 9/6/23)

None received

**ARGUMENTS IN SUPPORT:** According to the Alliance of Boys and Men of Color, “AB 420 (Dickinson) successfully eliminated defiance expulsions and suspensions for students in grades K-3 (inclusive) and SB 419 (Skinner) successfully eliminated defiance suspensions for students in grades 4-6 (inclusive). Since the 2014-2015 school year, “defiance” suspensions have decreased from 125,419 to 21,465 in the 2021-2022 Academic Year. Despite this significant decrease many schools continue to use this policy and racial disparities persist. 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. It is for these reasons, the Alliance for Boys and Men of Color is pleased to co-sponsor and support SB 274.



ASSEMBLY FLOOR: 61-13, 9/6/23

AYES: Addis, Aguiar-Curry, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NOES: Alanis, Megan Dahle, Davies, Essayli, Vince Fong, Gallagher, Hoover, Mathis, Jim Patterson, Joe Patterson, Sanchez, Waldron, Wallis

NO VOTE RECORDED: Chen, Dixon, Flora, Grayson, Lackey, Ta

Prepared by: Kordell Hampton / ED. / (916) 651-4105  
9/6/23 18:14:28

\*\*\*\* END \*\*\*\*