

CLIENT NEWS BRIEF

New Law Expands Ban On Suspensions For “Willful Defiance” And “Disruption” In Both Public And Charter Schools, Emphasizes Importance Of Alternative Means

Governor Gavin Newsom recently signed into law Senate Bill (SB) 419, which expands the existing ban on suspending students in grades K-3 for disrupting school activities or committing an act of willful defiance. The ban on such suspensions now extends to grades 4-5 permanently and to grades 6-8 for five years. The new law, which takes effect on July 1, 2020, applies to both traditional public schools and charter schools.

Subdivision (k), of Education Code section 48900, provides that a student may be suspended if he or she “disrupted 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.” Subdivision (k) excludes grades K-3, and provides that such offenses may not be grounds for an expulsion recommendation. The law does not, however, define disruption or willful defiance. SB 419’s broader ban comes in response, in part, to criticism that this category of suspensions is an overly-broad and subjective catchall for any behavior a teacher finds objectionable, such as refusing to remove a hat, talking back, or refusing to follow school rules, and that its use disproportionately affects students of color, students with disabilities, and LGBTQ students.

SB 419 permanently eliminates suspensions for disruption and willful defiance for students in kindergarten to grade 5, and temporarily for grades 6-8 (sunsetting on July 1, 2025, unless a subsequent law extends that date). SB 419 maintains the restriction on expelling any student if the sole basis for the expulsion was a disruption or willful defiance offense. These restrictions now apply to public and charter schools alike. SB 419 also now explicitly encourages school districts’ use of alternative disciplinary practices, including restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support.

SB 419 does not change existing law that allows a teacher to suspend a student from his or her own class for the day of the incident and the following day, so long as the student remains in school and a parent-teacher conference is offered as soon as possible. The new restrictions also do not apply to suspensions or recommendations for expulsion based on other grounds, such as acts related to violence, controlled substances, bullying, and vandalism.

SB 419 continues the Legislature’s efforts to reduce the total number of suspensions and expulsions in California’s schools. ([See 2014 Client News Brief No. 72](#), and [2017 Client News Brief No. 65](#)) The statewide action follows outright bans on suspensions for disruption and willful defiance for all grade levels by at least five school districts, including Los Angeles, Oakland, San Francisco, Pasadena, and Azusa. The California Department of Education has reported a nearly 50 percent drop in suspensions statewide in the past six years for all categories of behavior, with willful defiance suspensions dropping even more sharply than suspensions for more serious behavior. In the 2011-2012 school year, willful defiance accounted for about half of the approximately 700,000 suspensions in the state. In the 2017-2018 school year, they made up only one-sixth of the approximately 360,000 suspensions.

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October 2019
Number 52

School districts and charter schools should review, and potentially revise, their disciplinary policies and procedures, including suspension and expulsion forms, to ensure compliance with SB 419's new restrictions. In addition, while not mandated by SB 419, school districts should consider updating their policies and procedures regarding the use of alternative means of correction, intervention strategies, and disciplinary options *before* imposing a suspension or recommendation for expulsion, given the Legislature's encouragement and preference for such measures.

For more information about SB 419 or any other student discipline matter, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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