



## California Department of Education

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## California State Board of Education

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Dear County and District Superintendents and Charter School Administrators:

### **State Guidance for New Laws on Discipline**

We are writing to you today regarding the implementation of new laws regarding disciplinary practices, consistent with our shared view that all students—particularly African American students and others overrepresented in suspension statistics—deserve a school environment that fosters their social-emotional well-being and academic success.

As we now know, suspension can do more harm than good. Sending a student home from school does not address the root cause of a student's behavior; it removes students from the learning environment; and it has a disproportionate impact on African American students and students with disabilities, among other marginalized groups that are underperforming academically and overrepresented in our criminal justice system. Legislation in recent years, reflecting extensive research, has sought to minimize the use and impact of suspension. The state's new accountability system reports suspensions and incentivizes minimizing the use of punitive discipline. With this guidance, we update the field about recent legislative changes and suggest alternatives to suspension and other punitive practices. Great work is happening in this area, and we applaud your leadership in dismantling the school-to-prison pipeline through the implementation of Multi-Tiered System of Supports (MTSS), positive behavior intervention systems, implicit bias training, restorative practices, and engaging academics. Research has established that systemwide implementation of these practices will lead to improved academic outcomes and long-term postsecondary success for all students, particularly our highest-need students.

### **State Law and Suspension**

Recent legislation was enacted to prevent students from losing learning opportunities for disciplinary reasons.

- **Ending Suspensions for Willful Defiance in Grades Kindergarten Through Eight:** In 2013, the Legislature approved Assembly Bill 420, which prohibited suspensions on willful defiance or disruption grounds for students in grades kindergarten through three. According to data collected by the California Department of Education (CDE), suspensions for willful defiance significantly decreased upon passage of this measure. In 2019, the Legislature extended this prohibition to students in grades four through eight through Senate Bill 419 ([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB419](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB419)). Research indicates that students of color; students with disabilities; and lesbian, gay, bisexual, transgender, queer, intersex, and asexual students are more likely to be suspended for low-level subjective offenses such as willful defiance. We support the goals of this legislation and have included the resources below to support implementation of school-wide and district-/county-wide policies to better support students facing social-emotional and academic struggles.
- **Homework for Students Suspended for Two or More Days:** Assembly Bill 982 ([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB982](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB982)), also enacted in 2019, requires local educational agencies (LEAs), including charters, to provide homework assignments to students upon the request of the parent, guardian, or student during a suspension of two or more school days.

In recent years there have been other statutory provisions designed to limit the use of suspensions and promote alternatives to suspension. These provisions aim to address the root causes of the student's behavior and to improve academic outcomes:

- **Minimize Suspension for Attendance Issues:** California *Education Code (EC)* Section 48900(w)(1) states that it is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.
- **Instead of Suspension, Support:** *EC* Section 48900(v) provides that a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age-appropriate and designed to address and correct the pupil's specific misbehavior as specified in *EC* Section 48900.5.

*EC* Section 48900(w)(2) adds that the MTSS, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help students gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

- **Suspension as a Last Resort:** And finally, *EC* Section 48900.5 provides that, except for specified exceptions, suspension, including supervised suspension,

shall be imposed only when other means of correction fail to bring about proper conduct, and then continues to provide an extensive list of suggested positive, non-exclusionary alternative practices. Other means of correction may include additional academic supports, to ensure, for example, that instruction is academically appropriate, culturally relevant, and engaging for students at different academic levels and with diverse backgrounds.

## **Replacing Suspension with Support**

Collectively, we must do more to reverse the reality that our most vulnerable students are disproportionately removed from their classes. Research on student engagement, academic success, dropout, and graduation rates has shown the need to replace punitive discipline practices with targeted student supports such as those referenced in state law above. The CDE and California's System of Support are your partners in establishing and strengthening LEA and school-level networks of support. Key resources include the following:

- The CDE Behavioral Intervention Strategies and Supports web page at <https://www.cde.ca.gov/ls/ss/se/behaviorialintervention.asp> outlines where LEAs and schools can learn about Fix School Discipline, suspension data on Dataquest and the California School Dashboard, and Restorative Justice programs. These practices and policies that many schools and districts are putting in place to address discipline issues proactively support students whose behaviors may signify a call for help.
- The CDE MTSS web page at <https://www.cde.ca.gov/ci/cr/ri/> provides a research-proven framework aligned to address students' academic, behavior, and social success. It brings together the Response to Instruction and Intervention and Positive Behavioral Interventions and Supports to support the whole child through a data-driven tiered approach to academic and social emotional supports. An MTSS approach can ensure instruction and interventions meet student needs, to address the reality that African American students and students with disabilities—two of the groups most often suspended—have lower literacy and math scores than other ethnic groups and students without disabilities.
- There are also resources on the CDE Mental Health web page at <https://www.cde.ca.gov/ls/cg/mh/index.asp>, which includes strategies, resources, and training in psychological and mental health issues, including coping with tragedy, crisis intervention and prevention, school psychology, and suicide prevention.
- The CDE Attendance Improvement web page at <https://www.cde.ca.gov/ls/ai/> provides resources to address attendance improvement through prevention, early identification, and intervention instead of using punitive discipline.

- The CDE Asset-Based Pedagogies web page at <https://www.cde.ca.gov/pd/ee/assetbasedpedagogies.asp> has resources on culturally relevant and sustaining pedagogies, which focus on the strengths that diverse students bring to the classroom and school community. These approaches engage all learners through curriculum that connects to students' cultural and linguistic identities. Asset-Based Pedagogy is also a key feature in California's State Literacy Plan, and aligned literacy resources are available on the California Educators Together web page at <https://www.caeducatorstogether.org/groups/comprehensive-literacy-state-development-grant-resource-repository>.
- Addressing bias of educators is an important piece of the puzzle. In 2019–20, African American students made up 5.4 percent of public school students in California but comprised 15 percent of students who were suspended. Evidence shows that this is not because of worse behavior, but because of harsher treatment for minor offenses such as talking in class and other nonviolent behavior. LEAs are encouraged to invest in implicit bias training for their educator workforce: <https://www.cde.ca.gov/nr/ne/yr20/yr20rel77.asp>.

### **Data-Driven Continuous Improvement to Strengthen Supports**

Our state's focus on equity means addressing students' holistic needs, whether they are struggling with trauma, disability, or the effects of socio-economic disadvantage. Since the passage of the Local Control Funding Formula, the state has engaged in the data-driven continuous improvement process, with actions to address student needs informed by robust stakeholder input and thorough root-cause analysis. Tackling suspensions is part of this framework, with suspension data reported in the California School Dashboard and school climate as one of the eight state priorities. Every year, school and district communities should consult their suspension data and analyze the underlying causes and adjust programming as needed to better support students, especially students of color disproportionately impacted by unneeded suspensions. Our partners at the California Collaborative for Educational Excellence (CCEE) are also resources in the System of Support. The CCEE website is available at <https://ccee-ca.org/>.

CDE resources include the following:

- The CDE Local Control Accountability Plan web page at <https://www.cde.ca.gov/re/lc/> includes references to the eight state priorities, the continuous improvement process, stakeholder engagement, and the whole child resource map.

Particularly as we grapple with the immediate and post-pandemic effects of COVID-19, students and families face unprecedented challenges that will inevitably affect students' stress levels, behaviors, and their ability to participate in school. Like suspensions, these challenges fall disproportionately on students of color and other marginalized groups. Separate and apart from the pandemic, our communities are crying out for

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support and education, not suspension. In this moment of extraordinary need, the most successful schools will partner with communities to better understand and support students' mental and physical health needs so they are able to engage in accelerated learning at school.

Systemic and targeted approaches can help realize our shared goals of making equity real.

If you have any questions regarding suspensions and how to minimize reliance on this disciplinary tool, please contact Dan Sackheim, Education Programs Consultant, Educational Options Office, by phone at 916-445-5595 or by email at [dsackheim@cde.ca.gov](mailto:dsackheim@cde.ca.gov).

Sincerely,



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California Department of Education



Linda Darling-Hammond  
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