



PREVENTING VIOLENCE  
AND DEVELOPING  
YOUTH LEADERS

YOUTH ALIVE!  
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September 6, 2019

The Honorable Gavin Newsom  
Governor of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

**HONORARY  
ADVISORY COUNCIL**

HON. DIANNE FEINSTEIN  
United States Senator

EDWARD JAMES OLMOS  
Actor

HON. BARBARA LEE  
United States Representative

**RE: SB 419 (Skinner) Reducing Suspensions for Minor Incidents - SUPPORT**

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Dear Governor Newsom:

On behalf of staff and leaders of Youth ALIVE! and our constituency of youth and families personally impacted by violence, I am writing in strong support of SB 419, a bill that would amend the Education Code to address the overuse of suspensions for minor and subjective offenses. Currently, Education Code Section 48900 (k) allows students in grades 4-12 to be suspended from school for disruption or defiance. Neither disruption nor defiance is defined anywhere in the Education Code; as such, imposition of a suspension under Section 48900(k) is largely left to the subjective judgment of school personnel. This category was identified as the only grounds for an estimated 59,808 suspensions during the 2017-18 school year. SB 419 would eliminate defiance/disruption suspensions for students in grades 4-5 and eliminate defiance/disruption suspensions for students in grades 6-8 until July 1, 2025.

Youth ALIVE! is a national leader in addressing violence and Oakland's anchor organization for violence prevention, intervention, and healing. We work directly with people impacted by and involved in violence, and we train young leaders to create change. We support SB 419 because Willful Defiance suspensions disproportionately impact poor students of color like those we serve, and are an entryway into a school-to-prison pipeline that we must eliminate if we are to have safe, thriving, healing communities.

In 2014, AB 420 was chaptered into law prohibiting the use of disruption/defiance as grounds for K-3 suspensions. AB 420 resulted in a 60% drop in defiance/disruption suspensions in elementary schools during 2013-2015. More than 15,000 suspensions of K-3 students were prevented, incentivizing school districts to adopt non-punitive alternatives to suspensions and expulsions.

Because it is so subjective, suspensions based on Section 48900(k) raise serious concerns about their disproportionate impact on students of color and other vulnerable student groups—including students with disabilities and/or those who are lesbian, gay, bisexual, transgender (LGBT), and/or gender non-conforming. Research confirms that there is even greater disproportionality for students in these groups suspended for low level, subjective

**EXECUTIVE DIRECTOR**

ANNE C. MARKS  
Executive Director  
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offenses, like defiance/disruption, compared to higher level, more objective offenses. Data made available by the California Department of Education reveals that, while Black students comprised 5.5% of total state enrollment in 2017-18, they comprised 16% of all defiance/disruption suspensions. Similarly, students with disabilities comprised 11% of total enrollment, but 31% of all defiance/disruption suspensions. Students lost over 150,000 days of school due to defiance/disruption suspensions in 2016-17<sup>1</sup>

Research has established that frequently suspending students for minor offenses is educationally unsound. In 2013, the American Academy of Pediatrics issued a position statement concluding that “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.”<sup>2</sup>

According to studies, suspended students are far more likely than their peers to be pushed out of school and enter the juvenile delinquency system, at greater cost to the state. Research also shows that alternatives to suspensions and expulsions—such as Restorative Justice Practices, tiered interventions through Positive Behavioral Interventions and Supports, and social-emotional learning—actually reduce suspensions and improve behavior, overall school climate, and academic outcomes.

This bill does not limit other Education Code provisions that are more clearly defined, including the ability to suspend or expel students in grades 4 to 12 for harassment, threats, and intimidation that rise to the level of materially disrupting classwork, creating substantial disorder, and invading the rights of students and school personnel by creating a hostile educational environment (Educ. Code § 48900.4). Overall, the bill leaves in place more than 20 other reasons a student may be suspended from school or recommended for expulsion.

SB 419 and the elimination of suspension for disruption/defiance will result in an overall reduction in suspensions and an increase in positive outcomes for students and the communities in which they live. For these reasons, we support SB 419 and respectfully request your signature on the bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks", is written over a horizontal line.

Anne Marks  
Executive Director

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<sup>1</sup> Losen D. & Martin K., (2018). The Unequal Impact of Suspension on the Opportunity to Learn in California. Center for Civil Rights Remedies, UCLA. Retrieved From [https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/the-unequal-impact-of-suspension-on-the-opportunity-to-learn-in-ca/Suspension\\_Impact\\_California\\_ES\\_2018\\_R2-Executive.pdf](https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/the-unequal-impact-of-suspension-on-the-opportunity-to-learn-in-ca/Suspension_Impact_California_ES_2018_R2-Executive.pdf)

<sup>2</sup> Academy of American Pediatrics. (2013). Policy Statement: Suspensions and Expulsions. *Pediatrics* 131 (3), e1000 -e1007