

SCHOOL AND COLLEGE LEGAL SERVICES *of California*

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LEGAL UPDATE

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To: Superintendents, Member School Districts (K-12)
From: Carl D. Corbin, General Counsel *CDC*
Subject: New Legislation Affecting Student Discipline – EC 48900(k)
Memo No. 27-2014

Assembly Bill (“AB”) 420 was signed by the Governor into law on September 27, 2014, which makes effective on January 1, 2015, limitations to Education Code section 48900(k):

(k)(1) 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.

(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.

AB 420 prevents students in kindergarten through 3rd grade from being suspended for disrupting school activities or engaging in willful defiance except that teachers may still suspend these students from their classroom for the day of suspension and the following day pursuant to Education Code section 48910. In addition, a violation of 48900(k) can no longer be used as a basis for any student expulsion.

Our office advises that school districts revise their policies and their suspension/expulsion forms in accordance with this new law. Our office also strongly advises that administrators that impose student discipline receive training on the new limitations regarding Education Code section 48900(k).

Please contact our office with questions regarding this or any other legal matter.