

CLIENT NEWS BRIEF

New Law Limits Suspensions and Expulsions for 'Willful Defiance' and 'Disruption'

Governor Brown signed into law Assembly Bill (AB) 420, which limits school districts' ability to suspend and prohibits districts from expelling a student for disrupting school activities or committing an act of willful defiance.

AB 420 amends Education Code section 48900, subdivision (k), which provides that a student may be suspended or expelled if they "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." The law does not define disruption or willful defiance but has been applied to include acts such as disrupting instruction, failing to comply with a dress code or refusing to follow school rules.

This bill eliminates suspensions for disruption and willful defiance for students in kindergarten to grade 3. This limitation does not apply to a teacher's ability to suspend a student from their own classroom, which is authorized under Education Code section 48910. Additionally, school districts will no longer have the authority to recommend expulsion based upon disruption and willful defiance for any student regardless of grade level. These restrictions do not apply to suspensions or recommendations for expulsion based on other grounds, such as acts related to violence, controlled substances, bullying and vandalism.

The provisions of this amendment are effective for the next three and a half years, becoming effective January 1, 2015 and sunseting on July 1, 2018, unless a subsequent statute extends the operative dates. The new limitations pose unique issues in situations where a student is suspended for disruption and willful defiance (grades 4-12) and that suspension, when added to prior suspensions in the same year, exceeds the 20 school-day limit under Education Code section 48903. Under that circumstance, districts should consult their legal counsel to discuss the legality of expelling a student after the 20 school-day limit has been reached. We also encourage you to review and revise your student discipline policies and consult with district personnel regarding policy changes addressing suspensions and expulsions. In particular, many districts may need to revise their suspension and expulsion forms to reflect these changes in the law.

If you have any questions regarding AB 420 or any other student discipline matter, please contact 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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