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**Riverside Unified School District**

PUPIL SERVICES/SELPA DEPARTMENT  
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RICHARD L. MILLER, PH.D.  
District Superintendent



February 1, 2013

To: School Site Administrators  
High School Dean of Students

From: Tim Walker; Executive Director Pupil Services/SELPA

As you know, Education Code 48900(k) suspension data is being carefully reviewed by the state and therefore by our school district. There have also been attempts to pass Education Code prohibiting the use of suspension for 48900(k) violations.

Currently, a student may be suspended from school under 48900(k) only if the student disrupts school activities or willfully defies the *valid authority* of supervisors, teachers, administrators, or other school personnel *in the performance of their duties*. [section 48900(k)] The high rate of suspension for “disruption” or “willful defiance” can be reduced by proactive school administrators. School administrators have the responsibility to provide normal progressive discipline and to offer students alternatives to suspension, such as loss of privileges and detention. Other interventions should also be provided, such as individual or group counseling, anger management, leadership opportunities, Positive Behavioral Interventions and Supports (PBIS) and/or mentoring programs appropriate to address student behavior.

“Disruption/Willful Defiance” may occur when:

- A student’s “disruption” or “defiance” has a significant impact on the effective or safe functioning of the school, such as continuing to remain at the scene of a fight when asked to leave or to instigate a disturbance after being told to stop the behavior; or
- Repeated, willful disobedience to school personnel when other interventions have not been successful in modifying the misbehavior.

“Disruption/Willful Defiance” does not occur when:

- A student fails to obey the valid authority of school personnel once in a non-safety related incident;
- A student refuses to give her name in a non-safety-related incident;
- A student walks away from school personnel in a non-safety-related incident; or
- A student was not reasonably aware of a direction given by school personnel (i.e. in a noisy room, hearing problems or other disabilities, large groups, outdoors, language limitations.)

School personnel should *no longer* use the behaviors described as “willful defiance” or “disruption” [section 48900(k)] as add-on or catchall offenses; if a student is disciplined for a more specific offense(s), only the specific offense(s) should be on his/her record. “Willful defiance” should not be used to punish attendance issues, including tardiness or truancy, failure to do homework, habitual profanity, or defiance of “school or classroom rules” that have been previously provided to or discussed with the student.

The discipline record of any student disciplined for “disruption/willful defiance” should explicitly state the specific conduct that resulted in discipline. Such detailed information will enable the student, parents, principal, and school administrators to understand what conduct led to the discipline so that it can be addressed and appropriate behavior taught.

Please contact your CWA Manager or me if you have any questions.

c: Superintendent  
Cabinet  
CWA Managers