

# EXECUTIVE SUMMARY

## In Harm's Way: The Persistence of Unjust Discipline Experienced by California's Students

Ramon T. Flores & Daniel J. Losen  
August 2025

President Trump and Education Secretary McMahon are targeting research-backed discipline reform efforts that are being implemented in California schools.

In a recent executive order, for example, President Trump literally redefined the term “Behavior Modification Techniques.” In school psychology, this term refers to a core concept that can be used to help improve behavior in positive ways. But President Trump’s order says it means “any school discipline policies or practices that are based on what it calls ‘discriminatory equity ideology.’” This is a direct attack on California’s discipline reform efforts—such as recent law extending the ban on suspensions and expulsions in response to disruption or defiance through grade 12, and on the explicit inclusion of school discipline in the state’s federally approved accountability plan. These efforts— and any hint of diversity, equity, inclusion, and social-emotional learning in education, are in the federal administration’s crosshairs.

While California’s legislature, Governor Newsom, the state board of education, and the California Department of Education (CDE) all deserve credit for their persistent discipline reform efforts, and as the governor and Attorney General Bonta continue to push back on the Trump administration’s attacks on public education and equity, the reality in California is that progress in some districts has been offset by increasing harsh school discipline in others.

This report examines progress throughout the state for several different subsets of students, broken down by district. The purpose of this descriptive report is to demonstrate that California’s educators continue to kick students out of school at disparate and high rates, mostly for minor misconduct, *and that students in the foster system and those experiencing homelessness are being removed from school at far higher rates than others.*

**Overall, this report documents that little progress has been made statewide since students returned to in-person schooling following the COVID-related school closures.** Certain districts’ persistently high rates and widening disparities in exclusionary discipline raise very serious concerns. Furthermore, the

racist, anti-LGBTQ+, and anti-immigrant rhetoric being promulgated by President Trump and echoed by unusually strident school board members and members of the U.S. Congress will only embolden more hateful and bigoted actions in California's schools and districts.

One critical question of national relevance raised by the high, disparate, and increasing rates analyzed in this report: *How will students from historically marginalized groups across our nation be protected from bigotry and discriminatory treatment?* These questions are more pressing today because the federal Department of Justice and Office of Civil Rights have taken steps to wipe out all efforts to promote diversity, equity, and inclusion, especially where discipline reforms embrace these efforts.

## STATEWIDE FINDINGS:

This report analyzes California's statewide trends in discipline rates and their corresponding disparities. It highlights the experiences of youth who are experiencing homelessness and those in the foster system because, despite being the two groups suffering the greatest harm from disciplinary removal, there is relatively little information on how school discipline impacts their educational opportunities. This report covers several different measures of school discipline but highlights the rate of instructional loss due to out-of-school suspensions.

Why highlight the rate of lost instruction from out-of-school suspensions (OSS)? This rate conveys how much learning time students miss – when they're sent home. In this way it captures the direct harm caused using suspension on students' opportunity to learn.

The numbers speak for themselves:

- All California students (statewide average): 10.7 days of lost instruction per 100 enrolled.
- Students in the foster system: 76.6 days lost per 100 enrolled.
- Students experiencing homelessness: 29.1 days lost per 100.
- Students with disabilities: 23.4 days lost per 100.

This means that students in the foster system, who are under the direct care of the state – lose nearly 67 more days, which is 7x the amount of learning loss, than the state average for all students. It is shocking that public school educators consistently punish those in the care of the state far more than any other group of students. These data raise serious doubts about the quality of care and support that youth in California's foster system receive. The data presented also indicate that all three groups that educators suspend out-of-school most often benefitted the least from the state's discipline reform efforts. Further, the evidence suggests that most suspensions are for minor forms of misconduct.

Among the most disturbing revelations is that many school districts are meting out particularly harsh punishment to youth who are experiencing homelessness. In many cases, this means that schools are literally kicking youth out onto the streets, often for use of profanity or vulgarity.

As high as these rates are, within each of these groups, Black students face far higher rates of lost

instruction than most of their peers. each category. Moreover, among all enrolled students, the Black-White racial gap is significantly wider than it was just two years ago, in 2021-22. Of particular concern:

- Black youth in the foster system still experience the greatest amount of lost instruction due to OSS—121.8 days lost per 100 students!
- This rate is 114 days more (15 times) the rate of lost instruction for all enrolled Whites students, which was 7.9 days lost per 100.
- American Indian youth in the foster system experienced a rate of 98.2 days lost per 100 students—their highest rate of lost instruction in the past seven years!

**Disability disparities:** Students with disabilities are still being suspended far more often than their peers ---and like those in the foster system, and those experiencing homelessness, the state's reform efforts have done little to remedy these large disparities.

In 2023-24, students without disabilities had a rate of lost instruction of 8.6 days lost per 100 students, due to OSS. The rate of lost instruction for students with disabilities was nearly three times higher than that. This sizeable difference exists even though students with disabilities are supposed to be protected by laws designed to prevent them from unfair discipline. The findings in this report suggest that either the protections are not followed or more supports and safeguards are needed.

These high and disparate rates persist despite the reform efforts in California to date. Although the use of suspensions has declined overall since 2017-18, the decline is slight. To fully grasp just how little has changed requires the kind of trend analyses provided in this report.

**A troubling shift in suspension data reports:** The reported “offense” category used by CDE called, “Violent Incident, No Injury,” has just recently become the most common *reported* reason constituting the majority of all reported suspensions. with the largest share —56% of all suspensions in 2023-24. This reporting category has replaced “Defiance/Disruption” as the top reported reason.

But here's the catch: “Violent Incident, No Injury” is not among California's codes of conduct. In fact, the category includes more than six different offense codes —some of which don't involve violence, at all.

**“Violent Incident, No Injury” is misleading because it includes suspensions for the offense code for use of obscenity, profanity, and vulgarity.** Unfortunately, by lumping profanity and vulgarity in with numerous other codes of conduct, CDE has unintentionally created a vague conglomerate category that leads the public to believe that *all* the suspensions for this reported category are for violent conduct. Districts report incidents leading to suspensions to CDE under the most severe of the applicable codes. But, our access to suspension data for each code of conduct in several “high-suspending” districts revealed that most suspensions were often for profanity and vulgarity. Therefore, we suspect that many California school districts, especially those with high discipline rates, likely suspend students frequently for *nonviolent* misconduct. Unfortunately, CDE's reporting has incorrectly labeled all obscenity, profanity, and vulgarity offenses as “violent incidents.” We recommend CDE report suspensions for each offense code, or at least stop lumping obscenity, profanity and vulgarity together with violent incidents which most would agree is inaccurate and misleading. For this reason, in this report we have renamed this category “Misconduct, No Injury.”

**Among suspensions meted out to Black students, the category of “Misconduct, No Injury” has accounted for more than half of all suspensions for each of the 5 years reported in our trend analyses.** This was never the case for White students. Moreover, for each year beginning in 2017-18, the “Misconduct, No Injury” category has been the largest contributor to the Black-White differences in rates of suspension per 100.

## DISTRICT-LEVEL FINDINGS.

**Districts making progress:** This report provides the only district-level analyses of rates of lost instruction due to out-of-school suspensions (OSS) beginning with the districts whose exclusionary discipline rates have substantially decreased or remained low throughout the years because of the discipline reform efforts they have implemented. In 2023-24, Merced Union High was among the ten California districts with the largest decrease in lost instruction rates for Black students since 2017-18. Based on our interview with Merced Union High District administrators their reform efforts consisted of changes in several areas including:

1. a new emphasis among school leadership on the value of keeping students in school with a focus on problem-solving in place of punitive exclusion;
2. implementing multi-tiered system of supports by hiring mental health clinicians and intervention coordinators at each school site; and
3. actively using data to ensure that the students suspended most frequently in the past were getting proactive interventions and the behavioral supports they needed to succeed.

**Districts where Black students’ rates have increased the most since 2017-18:** To raise awareness of the persisting problematic rates and disparities, this report focuses on Black students, who historically have had the highest suspension rates in California. The report identified Mojave Unified as the worst among the ten districts with largest increase in the rate of lost instruction for Black students since 2017-18. In 2023-24, Mojave had the highest rate of lost instruction, 216.8 days lost per 100 Black students, an increase of 168 days lost per 100 students over its 2017-18 rate.

**The report also highlighted the ten districts with the highest rates of lost instruction for youth in the foster system, and for students who are experiencing homelessness.** In Manteca Unified, students in the foster system lost 167 days per 100 enrolled; in Santa Rosa High, students experiencing homelessness lost 151 days per 100 enrolled.

Given the bigoted attacks on immigrant families, especially those from Spanish-speaking countries, and concerns that the current administration has cut federal funding for English learners, this report also features school districts where Latinx students have faced the greatest increases in lost instruction time. Of these, the Tulare Joint Union High School District stood out. The state system, which includes accountability performance levels, gave Tulare Joint Union a “high” performance rating, despite the increasing trend observed in the data.

**The report looked at suspension trends in every district for nearly every group. The focus on suspensions concludes with a look at the rate of suspensions per 100 students for California’s 12 largest districts.** This analysis was based on the total number of in- and out-of-school suspensions meted out. Of the largest districts, Fresno Unified, Elk Grove Unified, and San Juan Unified show disturbingly high suspension rates

for Black students, youth in the foster system, and youth who are experiencing homelessness. Los Angeles Unified (LAUSD), where suspensions are apparently only used as a last resort in dealing with student behavior, can serve as a model district. LAUSD banned suspensions and expulsions for disruption or defiance in 2013; other districts (and eventually the state) followed suit.

**Comparisons to district-level discipline performance indicators reported to the public on the CDE's [School Dashboard](#) show that the performance scores reflect neither the high rates nor the disparate impact suspensions have had on educational opportunity.** Throughout the district-level analysis, the report compared our calculated rates of lost instruction and rate of suspensions per 100 students to the California Department of Education's School Dashboard indicator for school discipline. While many of the districts featured in the report for their high rates were evaluated by CDE and found to be in the lowest performing category for school discipline, each district mentioned in this summary for being among the highest or for having the largest increase was reported to the public as either just "Low" performing (Mojave for Black students), "Medium" performing (Manteca for foster students and Santa Rosa for homeless), or "High" performing (Tulare for Latinx).

As this report describes in detail, the way CDE evaluates discipline performance and presents it to the public on the School Dashboard often masks the districts with the most serious discipline issues. The heavy weight given to very small increments of change also means that there is no consistent association between the performance level and corresponding color code assigned and the underlying discipline rate.

Most important, these inconsistencies suggest that the CDE color-coding system fails to reflect the different levels of harm done to various student groups.

**Expulsions rates:** Expulsions are of obvious concern because expelling a student in California is usually treated as a permanent removal from school, which can lead to devastating lifelong impacts on students. Of particular concern is that expulsion rates in some districts are orders of magnitude higher for students in the foster youth system and for students experiencing homelessness.

*Discipline data for every district in California are included in the [Tableau webtool](#) that was created to compliment this report.*

## RECOMMENDATIONS

**The 2023-24 suspension data show a troubling reality. Much more work needs to be done to reduce suspensions and improve the school climate. California's school leaders are still suspending too many students—and the student populations that have been discriminated against most often are harmed the most by the overuse of disciplinary exclusion.**

The public deserves to know what's driving these high rates and wide disparities. Students have a right to equitable, non-discriminatory treatment under both federal and state law, yet their educational opportunities and life outcomes are in greater jeopardy than ever before. All state agencies are obligated to protect schoolchildren from discrimination, pursuant to California's Constitution and other state laws and regulations. Attorney General Bonta is correct to point out that his office must do more to protect the civil rights of the students in the state.

Yet despite noteworthy efforts to eliminate unnecessary and unjust suspensions, the data shows that students in many of California's districts continue to be in harm's way from persistently unjust discipline.

The harm done by the use of suspension is well established. Therefore, all punitive school discipline policies that are not educationally justifiable should be replaced by sound and effective ways of addressing student misconduct. Considering our knowledge of implicit bias, greater scrutiny should also be given to suspensions for offense codes that rely on the most subjective interpretations of observed conduct.

The potential benefits to society as a whole are well established. Economic studies of California's school districts, indicate that investing in effective remedies that reduce suspension rates in California predicts an increase in graduation rates and will avert millions of dollars in lifetime costs, both to individuals and to the communities in which they live.

**Seek remedies for the numerous causes of excessive and disparate discipline:** Moving forward, it will be important for the CDE to engage with researchers to ascertain more clearly which districts are making the most progress, and which districts are persistently low performing in terms of school discipline. As we have demonstrated in this report, multiple metrics are needed to distinguish the highest performing districts. Therefore, the efforts to replace counterproductive policies should be carefully monitored to ensure that the groups done the most harm receive the intended benefits.

**Ensure that the needs of youth in the foster system, those experiencing homelessness, and students with disabilities are adequately addressed:** The evidence in this report suggests that the laws protecting these students are not being implemented appropriately. Ultimately, discipline policies and practices need to be modified further to that ensure youth in the foster system are not further traumatized, that youth experiencing homelessness are not pushed out of school and onto the streets, and that students with disabilities are not excluded because districts fail to recognize, or appropriately respond to, behaviors caused by their disability. And finally, teachers need more support and training to identify and serve these students' needs correctly.

The failure to meet the needs of the students in these groups puts them at great risk of harm from harsh discipline. However, the large racial disparities indicate that the injustice is experienced most profoundly by the Black and American Indian youth in these three groups. Therefore, the remedies pursued to address the needs of students in these three groups should also attend specifically to the racial and ethnic disparities within.

**Address concerns about implicit bias:** The hidden ways bias can cause disparate harm is one reason this report argues against characterizing so many different codes of conduct as belonging to the catch-all, multi-code CDE reporting category they call "*Violent Incident, No Injury*." Ending the mischaracterization of obscenity, profanity, and vulgarity as belonging in this category could help to reduce state and local resistance to discipline reform measures. The state legislature should consider prohibiting the use of suspensions for this highly subjective code.



**Increase civil rights enforcement:** Given the persistence of the observed disparities, more extensive monitoring and enforcement by California's state agencies is needed to protect students from harmful district policies and practices. The state legislature will need to provide the funds to make this possible without shortchanging other areas of enforcement. The CDE can also play a larger role, but they too should be provided with additional funds.

**California should establish a civil rights complaint process for students and their families regarding discipline:** One major need has intensified with the closure of the OCR office. California civil rights enforcement agencies need to create a template families can use to file complaints about potential civil rights violations when their children experience discipline rates that are both excessive and widely disparate in their impact on educational opportunity. CDE should seriously consider revising or clarifying their Uniform Complaint Process coverage to explicitly cover discipline or at least direct such complainants to the attorney general's office or to California's Department of Civil Rights.

**Districts should provide more funding to identify and support students with behavioral needs:** The data on the discipline of youth in the foster system, those experiencing homelessness, and those with disabilities, suggest that there are insufficient supports and services for these students. Students have a right to improved oversight and increased district accountability, especially in districts where the data show that they are being disparately denied educational opportunity due to the unjustifiable use of exclusionary discipline.

**Revise the state accountability system and dashboard reporting:** One problem the CDE created, and therefore can fix, is that the current color-coded performance system gives far too much weight to small reductions in student suspension rates over the prior year. Credit for progress should require consistent progress over several years, and only lead to a change in the performance level and corresponding color code once the district's formerly high discipline rates are reduced such that each group is close to the average for all students. Moreover, when assigning performance levels for public reporting and accountability, CDE's performance indicators should consider whether there are large disparities by race or disability within districts.

Moreover, CDE should add at least one measure that reflects the impact from repeated suspensions to more accurately capture the severity and disparity of the harm done by relying unjustifiably on punitive suspensions.

**Improve public reporting of data on discipline rates and trends:** The CDE should fully comply with federal law, which requires including rates of referrals to law enforcement and school-based arrests in school and district report cards. To be consistent with federal reporting, these rates should be calculated using the census enrollment data, rather than the cumulative enrollment data. For future reporting, the current California School Dashboard and DataQuest should make it easy to see the discipline trend lines for each group of students for the current year, and at least the prior three years.