

IN HARM'S WAY:
The Persistence of Unjust
Discipline Experienced by
California's Students

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Introduction

California's discipline reform efforts are being threatened by President Trump's executive orders (EOs). Moreover, the United States Department of Education (DOEd) has announced policy changes and issued statements of guidance that are considered by many to constitute the weaponization of current civil rights law. On March 14, 2025, under the title of "guidance," DOEd not only launched an attack on programs that promote diversity, equity, and inclusion (DEI),¹ the President has more recently issued an EO suggesting that efforts to reform discipline, teach social-emotional learning, or that the use behavior modification, are forms of unlawful discrimination.² Further, in the April 2025, EO on school discipline, President Trump stated that his DOEd would soon issue new federal school discipline guidance.³

Whatever legal interpretation the Trump administration eventually promotes in its discipline "guidance," by definition, the new guidance will not be new law and will not be legally binding.⁴ The anticipated "non-binding" new discipline guidance will reflect the EOs and represent how DOEd's Office for Civil Rights (OCR), and the Department of Justice (DOJ) interprets, and intend to apply, federal civil rights laws in response to concerns about school discipline policies and practices. The April EO on school discipline stated the guidance would be issued in 30 days, but as of this report's publication, it has not been issued.⁵

Some school district leaders in California could find the president's EO persuasive enough to justify a retreat from discipline reform policies and practices.⁶ Other state and district school leaders may find reason to legally challenge the discipline guidance in court, if it is issued.⁷

Equally problematic is that U.S. Secretary of Education Linda McMahon has started to fulfill President Trump's March EO calling on her to dismantle DOEd. Secretary McMahon's actions cut DOEd's budget in half, and closed seven of the twelve regional OCR offices run by DOEd. This is highly relevant to California's state and district level discipline reform efforts because the OCR office that served all of California was among those closed by the Secretary.⁸

A federal court initially stopped the budget cuts from being finalized and ruled that these deep cuts and OCR office closures had disabled DOEd from functioning and were unconstitutional overreach by the executive branch and a violation of the Administrative Procedures Act.⁹ On July 14th, the Supreme Court granted a stay of the lower court's injunctive relief, meaning that the DOEd can now finalize the cuts, even while the question of the legality of the layoffs is being litigated.¹⁰

Despite this procedural decision, it is noteworthy that the state of California argued to the Supreme Court that the injunction should remain in place because DOEd's harmful actions burdened California in many ways including that it saddled the state Attorney General's Office (AGO) with additional federal oversight and enforcement duties as the AGO is also responsible for ensuring that school children have their federal rights protected.¹¹ Further, the Attorney General (AG) of California is also on record as having opposed the Trump administration's 2018 rescission of the joint OCR/DOJ discipline guidance issued by the Obama administration.¹²

Other federal education budget concerns are also relevant to understanding the struggle for discipline reform in California in the coming year, albeit indirectly. On June 30th, Secretary McMahon's DOE'd froze 6.8 billion dollars in federal funding to the states, which was due to be released on July 1st.¹³ California is also challenging this hold on funding as unlawful.¹⁴ If the funds are not released, California reportedly could lose nearly a billion dollars in federal funding.¹⁵ Although a panel of federal judges had declared some of the DOE'd actions illegal and ordered Secretary McMahon to hire back many of the employees fired without cause,¹⁶ given the emergency procedural rulings of the Supreme Court, the Trump administration can continue to implement its plan to dismantle federal oversight for public education as the cuts to funds and staffing it has made thus far can remain in place for the immediate future.¹⁷

Of most direct relevance to California's discipline reform efforts is that the federal government under President Trump and Secretary McMahon is directly attacking the kind of discipline reforms that are supported by well-established research. For example, in the recent EO on discipline, President Trump literally re-defined the term "Behavior Modification Techniques," (which refers to applying a core concept in the field of psychology), to mean "any school discipline policies or practices that incorporate or are based on "discriminatory equity ideology."¹⁸ Similarly, in their recent press release announcing the DOE'd's plan to replace the Biden administration's research priorities, the DOE'd labeled "social emotional learning," as a form of likely unlawful discrimination, when in fact it is a well-established, widely accepted, approach to improving school climate and student behavior.¹⁹ Social-emotional learning had previously been praised by President Trump's School Safety Committee's report in 2018 which stated: "Along with character education programs, fostering social and emotional learning can help prevent school violence and improve safety."²⁰

Trump's April 2025 EO on school discipline also stated that, within 120 days of the order the administration would revisit every school discipline investigation pursuant to Title VI since 2009.²¹ According to the OCR resolution agreements posted on OCR's website (dating back to 2011) there have been at least 28 investigations of California districts for school discipline that resulted in resolution agreements. These agreements typically acknowledge concerns about discrimination against one or more protected classes of students, and commit to changing local discipline policies and practices to address the issues investigated.²² The posted letters of agreement include those from: Los Angeles (2011); Oakland (2012); Lodi Unified (2016); Fresno Unified (2017); Sacramento City (2018); Pomona (2019); and Victor Valley (2022).

Even if DOE'd's dubious actions and the abrogation of its normal civil rights enforcement duties are eventually determined to be unlawful, the federal government has already sent a strong signal to states and districts that it plans to undo discipline reform efforts. Simply by issuing EOs that attack state and local efforts to address inequity in discipline, confusion at the state and local levels has resulted. Collectively, these federal actions will undoubtedly encourage some districts to continue to resist important and successful reform efforts, while others engaged in reform will be pressured to abandon successful efforts that were decreasing inequities.²³

It is safe to assume that California's discipline reform efforts – such as last year's extension through grade 12 of the ban on suspensions and expulsions in response to disruption or defiance²⁴ and the explicit inclusion of school discipline in the California Department of Education's (CDE's) federally approved statewide accountability scheme²⁵ – are in the crosshairs of the federal administration's actions aimed at stopping many of the discipline reforms that promote diversity, equity, inclusion, social-emotional learning, and behavior modification techniques.²⁶

While California's legislature, governor, Board of Education, and the CDE all deserve credit for their persistent discipline reform efforts, the reality is that progress in some districts has been offset by increasing rates in others. As a result, there has been little recent progress statewide since students returned to in-person schooling following the COVID 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.²⁷

Relatedly, the Trump administration has rescinded the federal guidance²⁸ that protected schools from raids by the U.S. Immigration and Customs Enforcement (ICE) agency.²⁹ ICE actions are tearing families apart and instilling fear and triggering trauma, especially among California's immigrant and Latinx communities, which are being targeted. Researchers who have studied the impact of similar anti-immigrant ICE enforcement found that Latinx school children are adversely affected, whether by the deportation of loved ones and the resulting family economic hardships, and by fear of leaving their homes, which means not attending school and losing valuable instruction time or struggling to cope with high anxiety when they do attend school.³⁰ The discipline trend lines presented in this report help to establish comparison points and enable readers to see that several school districts' suspension rates for Latinx students have risen significantly, even before the change in presidential administration. One critical question of national relevance raised by the high, disparate, and increasing rates analyzed in the report is,

How will students from historically marginalized groups across our nation be protected from bigotry and discriminatory treatment?

This question is especially pressing today because the federal DOJ and OCR have taken steps to wipe out all efforts to promote diversity, equity, and inclusion, especially where discipline reforms embrace these efforts.³¹ Further, although not currently active, Trump's OCR created a web portal specifically meant to encourage individuals to file anonymous claims that school districts are engaged in what OCR's guidance and other documents claim is "discriminatory equity ideology."³² Fortunately, California's AG has rejected OCR's extreme legal misinterpretations, false claims, and pressure tactics, and indicated that they will not be following OCR's recent anti-DEI "guidance"³³ including by filing lawsuits against the federal government.³⁴

Unfortunately, as this report suggests, even before the Trump administration took office, many of California's school districts were still meting out grossly disparate discipline, and at very high rates. The data analysis provided herein demonstrates that much more work needs to be done to reduce suspensions and improve school climate. Given the levels of disciplinary removal for 2023-24, if the state simply maintains the status quo, it will mean that high and disparate levels of harm will continue to be visited on the student populations that have most often been discriminated against. The persistence of unnecessarily high rates and disparities not only harm the suspended students' opportunity to learn, but they also seriously diminish their chances for a healthy and fulfilling life. Maintaining this status quo also inflicts great and avoidable societal costs.³⁵

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.

Given President Trump’s blatantly bigoted rhetoric, and considering the demise of federal civil rights protections, one should expect that, soon, all student groups that have experienced unjustifiably high rates of removal will be excluded from educational opportunities on disciplinary grounds even more often.

This report also highlights which districts have been making progress and which districts are getting worse since 2017-18. The discussion section suggests that now is the time for California’s policymakers to double down on support for discipline reform efforts while increasing accountability for those that unjustifiably remove students from school at high and disparate rates for minor misconduct. Stronger discipline reform efforts should also increase the public’s opportunity to file complaints about high and disparate rates of exclusion, the excessive use of police on campus, and the failure to end or modify discipline policies and practices that cause unjustifiably disparate outcomes.

PART I of this report analyzes the trends and current disparities at the state level. 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. There are several reasons this report highlights the rate of instructional loss due to out-of-school suspensions (OSS). Most important, the rate of lost instruction conveys the harm from suspension use in terms of the direct impact on the opportunity to learn. Further, the differences in the degree of harm done from suspensions, both their incidence and duration, are captured well by the rate of lost instruction. Part I also analyzes statewide racial disparities in the rate of suspensions per 100 students for specific public reporting categories related to the underlying codes of conduct.

PART II provides the most recent district-level rates of lost instruction due to out-of-school suspensions (OSS) for 2023-24 for youth in the foster system and those experiencing homelessness, as well as for racial/ethnic groups that historically have been most impacted by exclusionary school discipline. PART II begins by describing the districts that have made progress followed by districts where the rates for Black students have increased the most since 2017-18. Districts with the highest rates of lost instruction for youth in the foster system, and for students who are experiencing homelessness are also featured, based on the data from 2023-2024. PART II continues with the analysis of the rates of suspensions meted out per 100 students and the suspension trends³⁶ for California’s 12 largest districts.

Throughout the analyses in Part II, the report intentionally compares the findings based on rates of lost instruction or suspensions per 100 with the color-coded district-level discipline performance indicators reported to the public on [CDE’s School Dashboard](#). The Dashboard’s performance levels are used for school- and district-level accountability but are based on a more conservative discipline rate metric, which is the percentage of unduplicated students who are suspended at least once during the year for at least one full day.³⁷ Readers should note that the dashboard metric is more conservative than those included in this report because it neither reflects the number of suspensions meted out nor their duration. The student groups with the highest likelihood of being suspended once, are also most likely to be suspended multiple times in the same academic year.³⁸

The district-level analyses end with a list of the districts with the highest rates of expulsion. This report only features those districts with high expulsion rates because advocates suspect that many districts are not reporting expulsion data accurately. For the same reason, we exclude the expulsion statewide analysis from Part I. However, we do provide the disaggregated expulsion rates for both the state and for every district in California in the [Tableau webtool](#) that was created to compliment this report. The corresponding Tableau webtool covers every student group and every district and includes statewide and district-level trends of lost instruction, rates of suspensions per 100 with further disaggregation by CDE's reported offense categories, as well as the more conservative student suspension rates.

PART I – Clear Signs of Injustice at the State Level

HIGH AND DISPARATE RATES AMONG STUDENTS IN THE FOSTER SYSTEM, STUDENTS EXPERIENCING HOMELESSNESS, AND STUDENTS WITH DISABILITIES

Despite many important discipline reform efforts, both by the state and by many districts within, in many of California's districts, educators still mete out harsh discipline with high frequency. The two subsets of students most frequently suspended are those experiencing homelessness and those in the foster system.

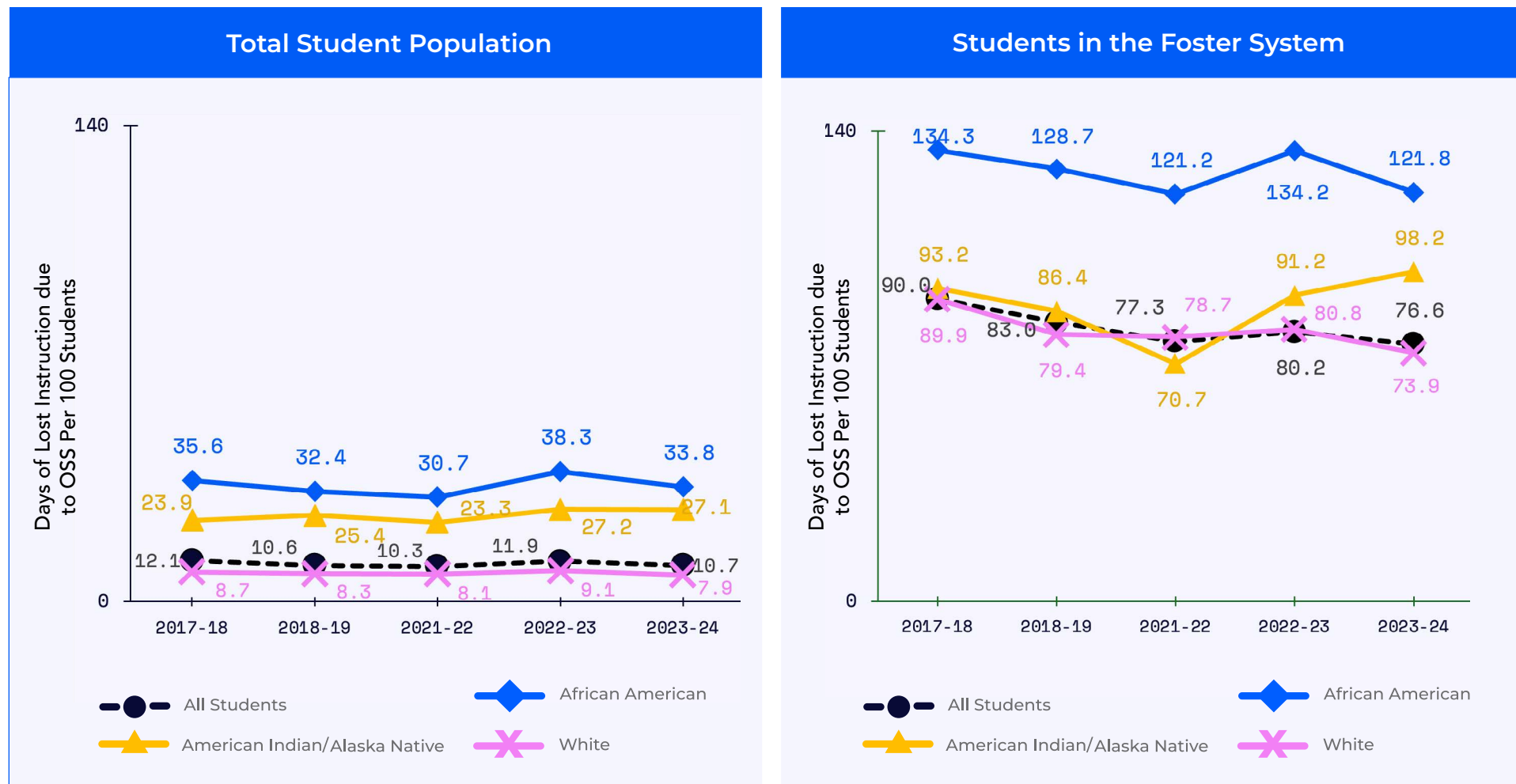
When one observes the extraordinarily high rates of lost instruction due to OSS that is experienced by students in these two groups, the harm from the overreliance on disciplinary removal is undeniable. Their rates were 29.1 days lost per 100 students experiencing homelessness and 76.6 days lost per 100 students in the foster system. Students with disabilities had a rate of 23.4 days lost per 100 students. The statewide average rate for All Students was 10.7 days lost per 100.

Readers should note that the comparable rates of lost instruction used herein are calculated using CDE's reported data on chronic absenteeism which includes the needed information on absences due to OSS.³⁹ The number of days absent due to OSS are divided by the corresponding census enrollment and then multiplied by 100 to produce rates of lost instruction that can be easily compared across demographic groups and academic years while accounting for different enrollment sizes.⁴⁰ See [Appendix A](#) for more details on the rate calculations.

Simply put, our public schools tend to kick out the students who are facing the largest life challenges and who are known to often need more support than the schools provide. As a result, they lose a far greater amount of valuable instructional time than students who likely have fewer life challenges. Figures 1 and 2 show the racially disaggregated rates of lost instruction for *all enrolled* students (Figure 1), followed by the racially disaggregated rates for youth in the foster system (Figure 2).

FIGURES 1 & 2

Statewide Rates of Lost Instruction for the Total Student Population and Students in the Foster System by Race/Ethnicity



Sources: CDE's Downloadable Data Files and DataQuest reports. Details on data sources can be found in [Appendix A](#).

One can see in Figure 1 that the “All Student” rate has come down slightly as most groups of students have experienced very little reduction in their rate of lost instruction since 2017-18. In fact, recently, in 2022-23 Black, American Indian, and White students experienced their highest rates of lost instruction during the seven-year span ending in 2023-24.

Figures 1 and 2 were placed on the same page and use the same scale to enable readers to visually compare rates of lost instruction and to further emphasize the differences in the harm experienced by the most frequently suspended group – youth in the foster system. This juxtaposition also enables a comparison of the large racial disparities both within and across the groups, and over time.⁴¹ Also worth noting is that the trend lines used throughout this report span a seven-year period but only include data from five academic years because for two years the use of suspensions were dramatically reduced not because of policy or behavioral changes but because of school closures due to COVID. Therefore, the academic years 2019-20 and 2020-21 were intentionally omitted.⁴²

Most notable is just how much higher the rates of lost instruction are for students in the foster system (Figure 2) compared with the rates for all students enrolled (Figure 1). By definition, students in the foster system are wards of the state, and they all have experienced some serious adverse childhood experience. Many youths in the foster system live in group homes run by the state, and most have unstable home situations. Considering that the state is responsible for their welfare, it is shocking that public school educators consistently punish the students 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 California’s foster youth receive.

The Center for the Transformation of Schools (CTS) at UCLA found that many of these youth reported not feeling respected by or connected to the foster system, did not feel respected in high school, and did not have the support needed to graduate from high school and to pursue higher education.⁴³ Students in the foster system may see school as the only space in their lives where they feel safe, but may ultimately not find refuge there, as described by one youth in a report by CTS: “I felt unsafe, unsupported, and unconnected just because of how many different schools I was in. I want to say I went to 20 schools, overall. There was never, really, any time, or anyone, advocating for me to feel safe and connected, [or] the ability to reach out for assistance if I needed it.”⁴⁴

One must ask: How do school and district administrators justify suspending students who are in the foster system for minor violations with such high frequency?

The two sets of trend lines in Figures 1 and 2, also depict the intense racial inequality in rates of lost instruction experienced by California’s students due to OSS. If one were to focus on the Black-White differences (gaps), for example, one can see from Figure 1 that Black students in 2023-24 lost 33.8 days per 100 students, a rate that is higher than Whites by 26 lost days per 100. Although in 2023-24 this Black-White gap and the rate for Black students are both slightly lower than they were in 2017-18, the Black rate is higher, and the racial gap significantly wider than it was just two years ago in 2021-22.

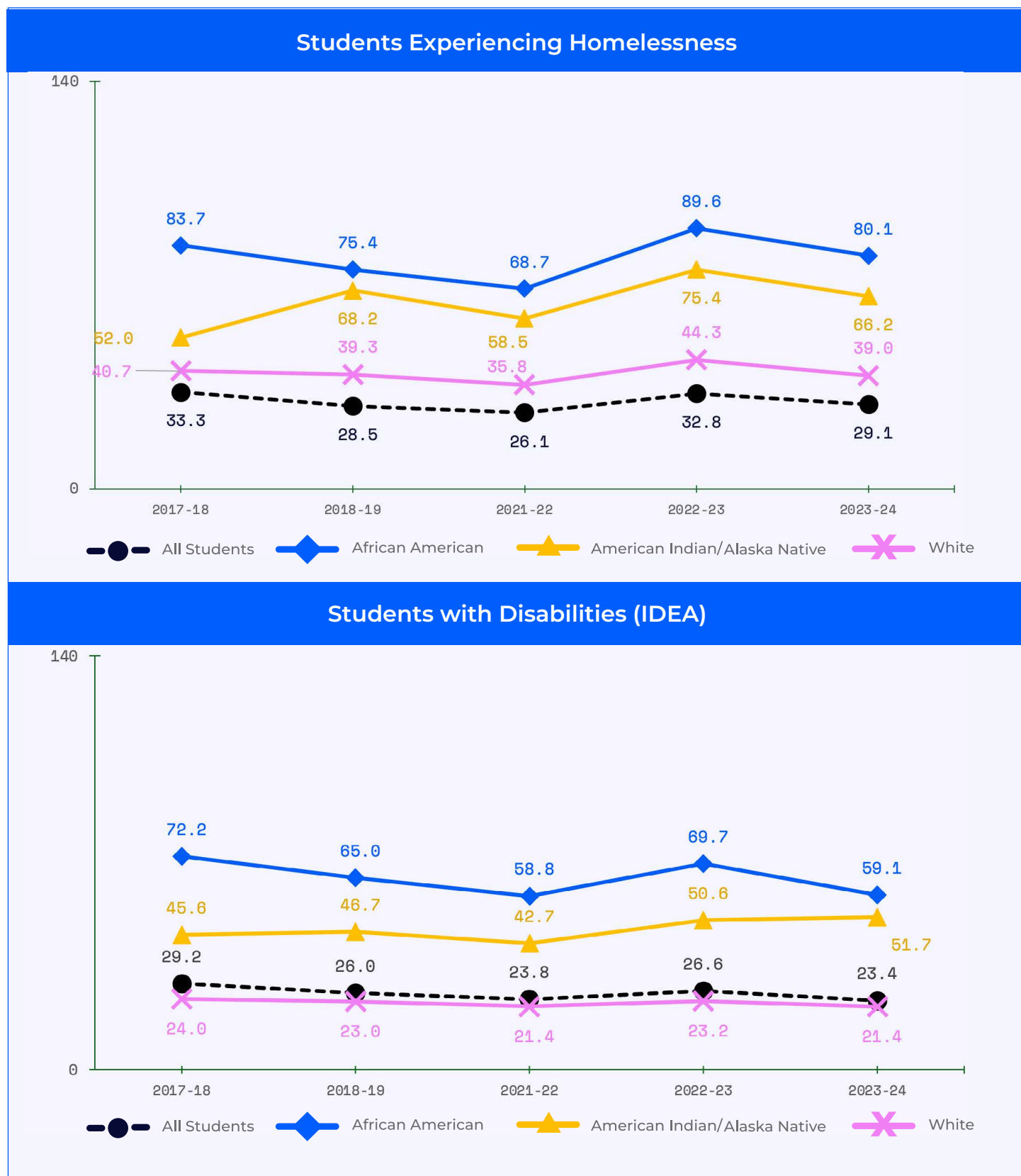
Perhaps the most shocking finding is that Black youth in the foster system still experience the greatest amount of lost instruction due to OSS with 121.8 days lost per 100 students! Despite the trend line for Black students in the foster system showing a decline since 2017-18, they consistently experience alarmingly high rates of lost instruction. Moreover, this statewide rate in 2023-24 was nearly 48 days higher for Black youth than White youth in the foster system who lost 73.9 days per 100. And if one compares rates across Figures 1 and 2 readers can see that the lost instruction rate for Black students in the foster system was 114 days more (15 times) the rate of lost instruction for all enrolled Whites students, which was 7.9 lost days per 100. Within each of the subsets of students observed, the largest Black-White rate differences (gaps) are consistently found within the foster, homeless and disability subsets.

The rates of lost instruction due to OSS for American Indian youth in the foster system are also profoundly disturbing. These youth experienced their lowest rate of lost instruction in the first year post-COVID school closures (2021-22), but unlike the other groups, American Indians in the foster system have since experienced a very steep rate increase of 28 days per 100 – in 2023-24, these students experienced a rate of 98.2 days lost per 100 students, their highest rate of lost instruction in the last seven years! The data presented indicate that the two groups that educators most often suspend out-of-school – students in the foster system and those who are experiencing homelessness – may not have benefitted from any of the discipline reform measures.

Among the most disturbing revelations is that many school districts are meting out particularly harsh punishment to youth who are experiencing homelessness. CDE considers students to be experiencing homelessness in accord with the McKinney-Vento Act's definition, which includes youth who are sharing housing, living in motels and shelters, and living in cars and public spaces, among other living situations.⁴⁵ The rates in Figure 3 show that when youth who are experiencing homelessness do make it to school, they are far more likely to be kicked out. In many cases, this means that school districts are literally kicking homeless youth out onto the streets. The data in this report also suggest that these youth are suspended primarily for minor misconduct such as the use of profanity or vulgarity.

FIGURES 3 & 4

Statewide Rates of Lost Instruction for Students Experiencing Homelessness and Students with Disabilities by Race/Ethnicity



Sources: CDE's Downloadable Data Files and DataQuest reports. Exact data sources can be found in [Appendix A](#).

Note: IDEA = Individuals with Disabilities Education Act. Students with disabilities eligible pursuant to Section 504 only are not included.

Educators in California schools must ask: Why do we inflict the most punishment on the students who are among those most likely to have experienced trauma? And on students who have unstable living situations?

Similarly, students with disabilities must often overcome serious challenges to attend and stay in school. Although beyond the scope of this report, compared to overall enrollment, there are often higher percentages of students with disabilities among those in the foster system and among those who are experiencing homelessness.

Students with disabilities are supposed to be protected against unfair disciplinary exclusion. This does not mean that their misconduct is not responded to, but that the response should not include removal from school if either the particular behavior was caused by their disability, or the misconduct occurred because of the school district's failure to provide the student with a Free and Appropriate Public Education (FAPE).

Unfortunately, as acknowledged by OCR under the Biden administration, the protective procedural requirements that students with disabilities are entitled to are sometimes overlooked.⁴⁶ These include having a functional behavioral assessment, being provided with a behavioral intervention plan, and having what is called a "manifestation determination review" (MDR), which should occur before a student is suspended for more than 10 days. Because the information on behavioral assessments, behavioral intervention plans, and MDRs, are not part of any publicly reported data set, it is hard to determine whether these supports and procedural protections are provided.

The high rate of lost instruction and observed disparities in the rates in Figure 4 do raise very serious doubts about whether these required guard rails that are intended to prevent students with disabilities⁴⁷ from being unfairly excluded, are properly implemented. When compared to their non-disabled peers whose rate of lost instruction was 8.6 (not depicted in Figure 4),⁴⁸ the rate of lost instruction for students with disabilities was nearly 3 times higher. The consistently higher rates experienced by students with disabilities compared to their non-disabled peers suggests that unjust removals persist despite the procedural protections. Even if the extant procedural safeguards are followed, these data suggest that more supports and safeguards are needed.

The substantially higher rates and wide disparities along the lines of race, disability, foster, and housing status, indicate that despite ongoing efforts, too many public-school students have experienced a profound and persistent level of injustice. The overall statewide data, viewed across seven years, suggest that despite the procedural protections, discipline reform legislation, civil rights enforcement efforts, and the statewide accountability system, these collective efforts are not doing enough to remedy the extremely high rates and large racial disparities in discipline.

Some readers may resist drawing this conclusion. Some may assume, for example, that educators use suspensions only as a last resort. If so, the suspended students must pose a serious safety problem. This may certainly be the case in some districts and schools. However, the data indicate that suspensions are not meted out primarily in response to the most serious or dangerous misconduct.⁴⁹

SUSPENSIONS METED OUT BY “REPORTING” CATEGORY OF OFFENSE

In order to report the data and trends by the reported category of offense, this section shifts to a new metric – suspensions per 100 students. This metric represents the number of suspensions that educators meted out, adjusted to account for differences in enrollment, so that rates can be fairly compared across districts, over time, and between student groups. [See Appendix A and B](#) for more details on the calculation methods for this metric.

CDE does not publicly report the number of school days lost by offense category. Based on the publicly available data, the only way to examine the overarching reasons students are suspended is to switch to a metric that is based on the number of suspensions. The reported counts of suspensions by category of offense on CDE’s DataQuest website combine in-school and out-of-school suspensions, and count each suspension of at least half a day.

On their DataQuest website CDE allows visitors to select reporting of “Suspension Count by Most Serious Offense Category.” However, there are only six overarching offense categories listed which are as follows: Defiance Only; Violent Incident, No Injury; Violent Incident, Injury; Illicit Drug Related; Weapons Possession; and Other Reasons. For all categories except for “Defiance Only” CDE has combined suspensions reported for at least 5 of California’s codes of conduct. The state’s Education Code of conduct represented by “Defiance Only” is 48900(k)(1), which reads as follows:

“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.”⁵⁰

This report relabels “Defiance Only” as “Disruption/Defiance” to better represent the full the range of misconduct covered. Disruption/Defiance, was once the offense code for which most suspensions were meted out, and where the observed Black-White differences in suspension rates were the largest.⁵¹ Schools and districts are now prohibited from using in-school or out-of-school suspensions for misconduct falling under Education Code 48900(k)(1). The prohibition on suspensions for this offense code was originally for grades K-3, it was expanded by the legislature several times, and since 2020 it has covered K-8. The 2024-25 school year was the first in which no suspensions were allowed for this category in grades K-12.⁵²

CDE indicates that it chose to align its reporting of suspensions by most serious offense with federal offense categories.⁵³ CDE also chose to report “Defiance Only” and “Other Reasons” as distinct reporting categories. As this report demonstrates, by far, most suspensions are reported by CDE in one of the two conglomerate categories that CDE labeled, “Violent Incident, No Injury,” and “Violent Incident, Injury.” However, CDE chose to include some of the California Education Codes that did not entail violent incidents within the reporting category “Violent Incident, No Injury.”⁵⁴

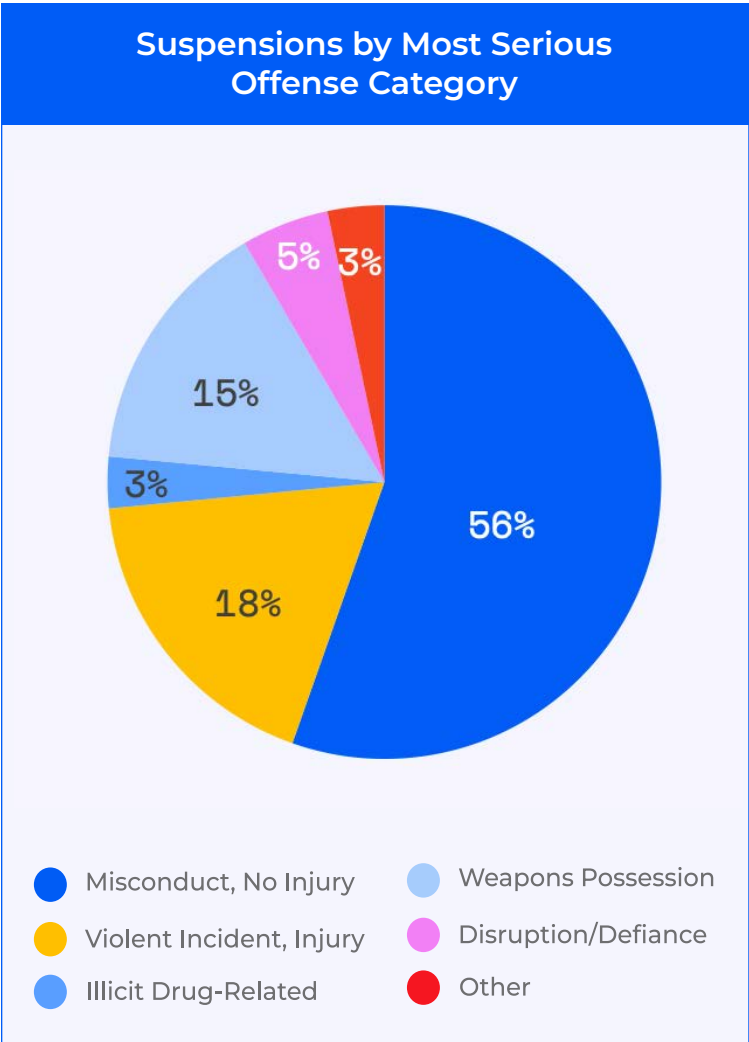
CONCERNS WITH CDE REPORTING NON-VIOLENT INCIDENTS UNDER THE CATCH-ALL REPORTING CATEGORY, “VIOLENT INCIDENT, NO INJURY”

From our (the authors) experience assisting school districts and California civil rights enforcement agencies, we can attest that where we have had access to the discipline data that are reported by districts to CDE, districts report the counts of suspensions by the California Education Code that applies. Where several offense codes were violated, the district assigns the most serious code violation for each suspension reported.

Based on our review of data from several high suspending schools and districts, we observed that students were most often suspended for code 48900(i) which reads as follows:

Committed an obscene act or engaged in habitual profanity or vulgarity.”⁵⁵

FIGURE 5
Share of Total Suspensions by Reported Category for 2023-24



Sources: CDE’s Dataquest Report on Suspension Count by Most Serious Offense Category.

In this report we will refer to this as “the use of profanity or vulgarity.”

Because the CDE reports suspensions pursuant to Education Code 48900(i) along with other offense codes, under the category called “Violent Incident, No Injury,” the public can no longer tell which of California’s Education Codes of conduct is now the most frequent code used to suspend students.

This report argues that CDE should report out the suspension data by each individual state code of conduct. To the extent CDE must satisfy the federal reporting requirements, it should exclude from reporting under “Violent Incident, No Injury” those suspensions where the most severe offense was obscenity, profanity or vulgarity. According to the online Merriam-Webster dictionary,⁵⁶ neither “profanity” nor “vulgarity” are equated with violence.⁵⁷

Based on the authors direct, albeit limited, experience, we suspect that suspensions for the non-violent behavior of profanity and vulgarity would either be the most or second most common offense code used for suspensions if we could see all the data reported to the CDE by code of conduct. Instead, by lumping in profanity and vulgarity with numerous other codes of conduct, the CDE has unintentionally created a vague conglomerate category that

leads the public to believe that *all* the suspensions for this offense category were for violent conduct. Based on our access to the reported suspension data by each code of conduct, we suspect that many school districts in California are continuing to use suspensions frequently for very minor and non-violent misconduct which they report to CDE under the code for obscenity, profanity and vulgarity, but that CDE has incorrectly labeled it “violent” conduct. In so doing, the CDE may have contributed to fears expressed by many who resist discipline reform, that reducing the use of suspensions will bring about chaos and will expose students and teachers to much more violent misconduct.

Because we consider CDE’s combined “Violent Incident, No Injury” category to be misleading, this report and the corresponding [Tableau webtool](#), has renamed this category, “Misconduct, No Injury.”

It is noteworthy that after COVID, the multi-code reporting category “Misconduct, No Injury” has shifted from the plurality,⁵⁸ to the majority of all reported suspensions, as its share of the total number of suspensions has increased steadily.⁵⁹ In 2021-22, this category constituted 50.5% of the total suspensions, and in 2022-23, that rose to 51%. As one can see in Figure 5, by 2023-24, this category constituted nearly 56% of all suspensions. As one can also see in Figure 5, the second largest share of suspensions belongs to another category, also containing numerous codes of conduct, that CDE labeled “Violent Incident, Injury.” In 2023-2024, this category accounted for 18% of all suspensions. This report and the corresponding Tableau Webtool has shortened this category to read “Violence, Injury.”

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

The next set of figures (6-9) show the trend lines for the rate of suspensions for “Disruption/Defiance,” “Misconduct, No Injury,” and “Violence, Injury”.

A review of the trends raises concerns: The trend analyses presented in this report continues the tracking of discipline rates reported by CDE’s reporting categories of offense. The first report to track these rates was a 2014 report published by the Center for Civil Rights Remedies called, [Keeping California’s Kids In School](#), which covered data from 2011-12 and 2012-13. At that time the largest contributor to the Black-White disparity in out-of-school suspensions was the category of “disruption/willful defiance.”⁶⁰ In 2014 California banned suspensions for Disruption/Defiance for grades K-3.

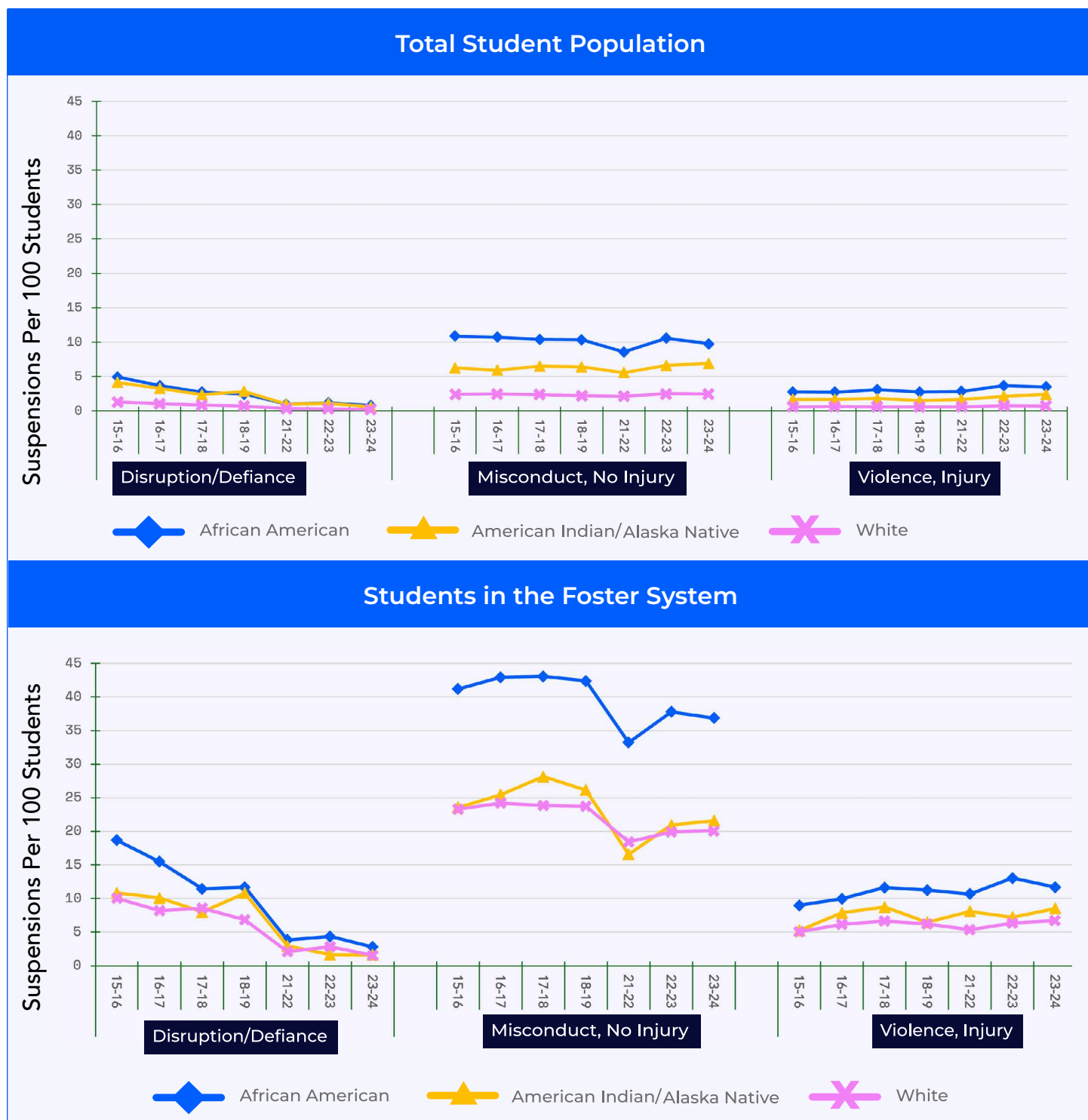
Since then, reports on these trends by UCLA’s Center for Civil Rights Remedies consistently expressed concern that if school districts were to resist investing in meaningful reforms, and sought ways to circumvent the ban, they might game the system so that they still could show they had stopped using suspensions for Disruption/Defiance as required, but would simply switch their reporting of Disruption/Defiance offenses to a different code of conduct. If that were the case, the reduction in suspensions for the Disruption/Defiance category would correspond with an equal and opposite increase in suspensions overall. In all prior reports by the Center for Civil Rights Remedies, the rates of suspensions per 100 declined each year, overall, as well as in the category of Disruption/Defiance.⁶¹

For the first time, this report raises the possibility that suspensions in other reporting categories are offsetting the prohibition on suspensions for conduct under Disruption/Defiance, which was extended through grade 8 in 2020 (and to grade 12 for 2024-25).⁶²

If this kind of offsetting and resistance were happening at a large scale, one would expect to see a noticeable and large increase in the “Misconduct, No Injury” category that corresponded to the large decrease in the Disruption/Defiance category. Moreover, we would not expect to see the declines in the overall rates for lost instruction which we see when we compare the 2023-24 rates to the rates from 2017-18 (see Figure 1).

FIGURES 6 & 7

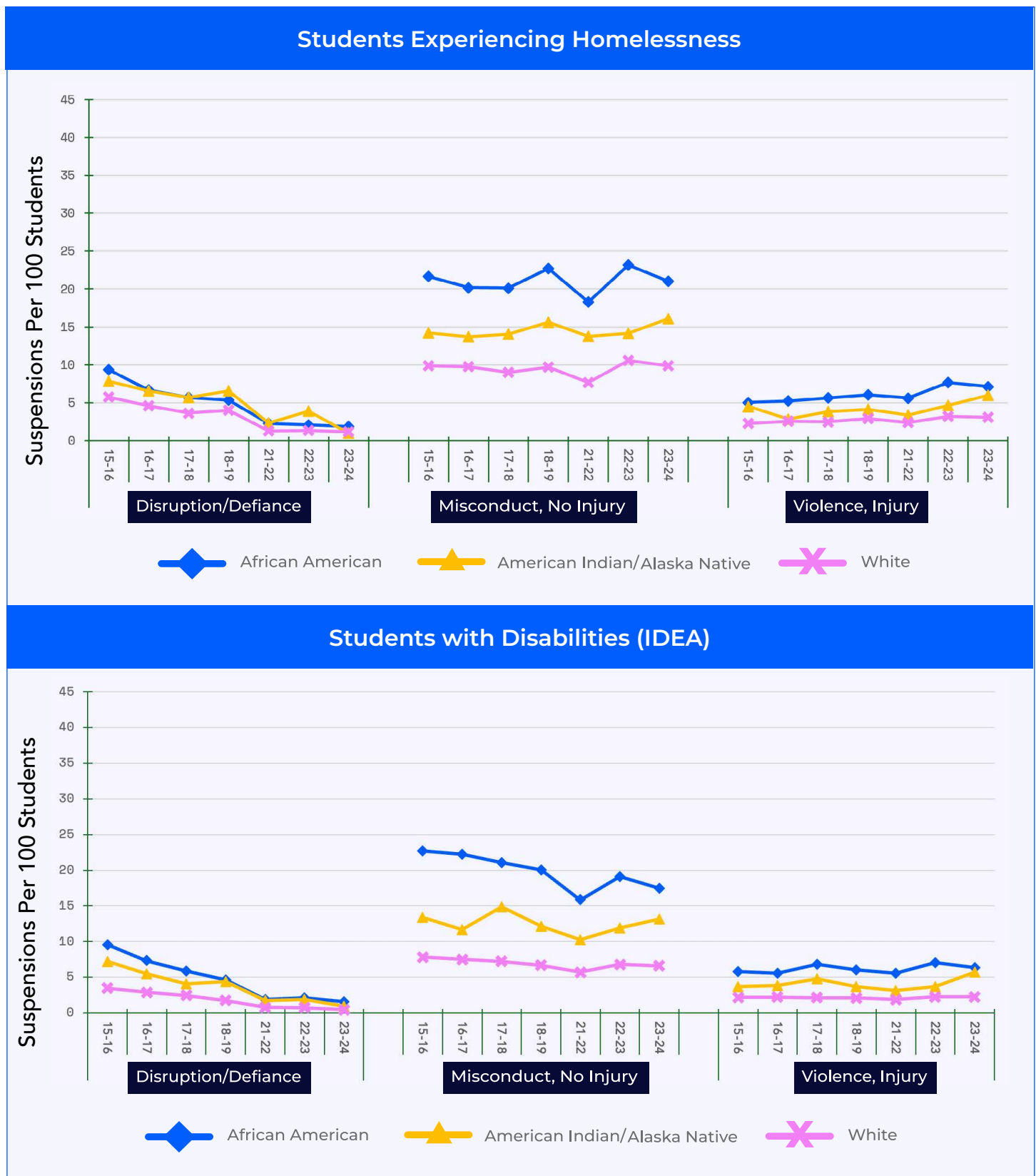
Statewide Suspension Rates by Offense Category for the Total Student Population and Those in the Foster System by Race/Ethnicity



Sources: CDE's Downloadable Data Files and DataQuest reports. Exact data sources can be found in [Appendix A](#).

FIGURES 8 & 9

Statewide Suspension Rates by Offense Category for Students Experiencing Homelessness and Those with Disabilities by Race/Ethnicity



Sources: CDE's DataQuest reports. Exact data sources can be found in [Appendix A](#). Note: IDEA = Individuals with Disabilities Education Act. Students with disabilities eligible pursuant to Section 504 only are not included.

Although the 7-year trend line presented in Figures 6-9, does not depict a noticeable offset to the decline in suspensions for Disruption/Defiance, if one focuses on the post-COVID 3-year trend line, a small amount of offsetting appears to be going on. Specifically, the very small decline in suspensions for Disruption/Defiance from 2021-22 until 2023-24 appear to have a very small corresponding increase in both the “Misconduct, No Injury” and the “Violence, Injury” reporting categories.

On the other hand, the COVID pandemic created many additional adverse childhood experiences (ACES) that are associated with trauma and a likely increase in the number of students needing behavioral supports. It is feasible that there is a lagged impact of these unaddressed ACES in the aftermath of COVID. Besides a lagged impact, it is also quite possible that during the first post-COVID school year, 2021-22, educators were reluctant to suspend students because the vast majority of the students had recently missed more than a year of in-person instruction. This was a factor in at least one district which is described further in Part II.

Explaining the slight increase in suspension rates for some groups is not within the scope of this report, but the trends presented by the available reporting categories do call attention to the fact that the increasing rates of suspension are primarily driven by suspensions for the new catch-all category, “Misconduct, No Injury.”

One can readily observe in both Figures 6 and 7 that suspension rates for Disruption/Defiance continued to decline from 2021-22 to 2023-24. During the same post-COVID period, suspension rates for both “Misconduct, No Injury” and “Violence, Injury” among all students (Figure 6) have increased slightly for White students, with a larger increase for Black students and American Indian students. Although the other CDE offense categories are not included here, the [Tableau webtool](#) that accompanies this report has all the student subgroups and provides trend lines for each of the reporting categories.

The trend in the rate of suspensions per 100 tells a similar story for youth in the foster system. In light of a small decline in suspensions for Disruption/Defiance, a much larger increase is observed for both the “Misconduct, No Injury,” and “Violence, Injury” categories for Black, American Indian, and White students in the foster system. As with the rates of lost instruction, the extraordinarily high rate of suspensions per 100 for youth in the foster system, and especially for the “Misconduct, No Injury” category, are also striking for having unusually large racial disparities.

The high rates and large disparities in the “Misconduct, No Injury” category suggest a problem crying out for a remedy. When only focusing on the “Misconduct, No Injury” category, Black students in the foster system have a suspension rate of 36.9 suspensions per 100 which is more than 34 points higher than the *all enrolled* White student rate of 2.5 per 100. Put another way, in this catch-all misconduct category, Black students in the foster system experience a suspension rate that is nearly 15 times higher than what White students in general experience.

The trendlines in Figures 8 and 9 also show patterns that are very similar to each other and raise very similar concerns to those raised by the data on youth in the foster system. Suspension rates for what has become the new “catch-all” category of “Misconduct, No Injury” show an increase over the last three years (2021-22 to 2023-24), which is contrary to the small decline in suspensions for the old “catch-all” category, Disruption/Defiance.

Moreover, if the patterns we observed in our work with a few high-suspending districts were to hold across most districts, the new largest category used for suspending students would be for profanity/vulgarity. It’s quite possible that in the last three years this category has increased and has offset the decrease in suspensions for Disruption/Defiance.

The public should be able to see whether high rates and large disparities are principally driven by suspensions for profanity/vulgarity. In many instances, educators must often rely upon a vague and subjective perception to determine whether a particular behavior violated the profanity/vulgarity code. The code itself provides no clear definitions to distinguish words or gestures. One can certainly understand how this category is fertile ground for unconscious bias to influence what educators perceive, and how educators respond. ⁶⁴

Unfortunately, CDE does not provide further disaggregation by the actual code of conduct for this “catch-all” Misconduct, No Injury category in the annual reports to the public. Because CDE decides which Education Codes to report separately and which to report in conglomerate categories, and because CDE received the data from districts pursuant to each of California’s Education Codes, CDE should be able to modify their public reporting categories in the future to provide the public with a clearer understanding.

As for Disruption/Defiance, as a safeguard to ensure the prohibition is implemented, advocates will want to know whether any districts still report suspending students for Disruption/Defiance. Given that suspensions for this code are now prohibited across all grade levels, CDE should intervene if districts persist in suspending students for that code violation.

At some point in the future, once all schools have clearly stopped such suspensions, there will be no reason to continue to report on this code to the public. In contrast, there is good reason to report the data on vulgarity/profanity suspensions distinctly from the other reporting categories.

PART 2 – Serious District Inequities Despite Progress

DISTRICTS MAKING PROGRESS

It is critically important to identify the districts that have high and increasing rates of exclusionary discipline, and then to press for reforms in those districts. It is also equally important to identify and highlight the districts whose exclusionary discipline rates have substantially decreased or remained low throughout the years because of the discipline reform efforts they have implemented.

The selection of districts to feature as those “making progress” for this report began with a process of identifying districts that had a sizeable representation of Black students and students with disabilities, whom typically have higher than average rates of lost instruction. Additional requirements applied were based on trend data since 2017-18 (excluding the COVID years as in Part I). The only districts selected were those that showed a fairly consistent decline in rates of lost instruction over five years of comparable data, as well as declines in suspension rates, for Black students and students with disabilities.⁶⁵ To be featured, districts also needed to show that their performance on academic indicators, including graduation rates, either remained steady, or improved.

Interviews were then conducted with representatives of the several large districts that met the requirements.⁶⁶ It was important to speak with these district representatives to identify the reforms they had made to their discipline policies and practices.⁶⁷

Table 1 highlights two California school districts – Merced Union High and West Covina Unified - that showed a great deal of progress in reducing their rates of lost instruction or consistently had low rates of lost instruction for Black students and those with disabilities between 2017-18 and 2023-24. Each also showed a corresponding decrease in suspensions per 100 students.⁶⁸ Merced Union High was among the 10 districts in California that had the largest decrease in lost instruction rates for Black students since 2017-18.⁶⁹ West Covina was selected because it had maintained low rates of lost instruction since 2017-18. See Appendix C for more details on the process we undertook in selecting districts making progress.

These two districts also had decreases with other student groups, and both met our data-based criteria for graduation rates and showed no serious academic declines. Both districts are included in Table 1 based strictly on our quantitative analysis.⁷⁰ Only Merced Union High is featured herein because school leaders from West Covina Unified were not interviewed for this report.⁷¹

TABLE 1

Districts Showing Improved (decreasing) Rates of Lost Instruction for Black Students and Students with Disabilities (IDEA)⁷²

	District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24
Merced Union High	All	16.2	10.2	7.4	7.8	4.4	-11.8
	Black	58.3	26.7	26.5	13.9	8.8	-49.5
	AI/AN	7.0	5.1	0.0	42.2	2.0	-5.0
	Latinx	16.0	10.3	7.4	8.1	4.3	-11.7
	White	13.1	10.5	6.4	7.8	6.1	-7.0
	SwD (IDEA)	32.0	7.4	9.4	15.3	6.1	-25.9
West Covina Unified	All	4.3	2.8	0.9	2.8	1.6	-2.7
	Black	7.2	2.5	1.5	2.5	0.4	-6.8
	Latinx	5.1	3.9	1.0	3.4	2.2	-2.9
	White	3.7	0.7	0.4	0.3	0.2	-3.5
	SwD (IDEA)	13.6	8.6	2.1	6.7	3.5	-10.1

Sources: CDE's Downloadable Data Files. Exact data sources can be found in [Appendix A](#).

Note: AI/AN = American Indian/Alaska Native; SwD = students with disabilities; IDEA = Individuals with Disabilities Education Act.

MERCED UNION HIGH DISTRICT'S EFFORTS

Based on the combination of quantitative data and the interviews with the superintendent and two other administrative staff members, Merced Union High District is featured here as a strong example of an effective discipline reform effort. Because the review of the district was not comprehensive, readers should note that the decision to feature Merced is not a blanket endorsement of all their policies or practices, or their more recent efforts.

Declining Rates: As Table 1 shows, since 2017-18, Black students and students with disabilities in the Merced Union High District experienced pronounced decreases in instructional time lost due to OSS. The rate of lost instruction decreased by 49.5 days per 100 students for Black students, to the low rate of 8.8 per 100 in 2023-24. It also should be noted that Black students' lost instruction rate consistently decreased over the five-year span. The lost instruction rate for students with disabilities decreased by 25.9 days per 100 between 2017-18 and 2023-24, to a low rate of 6.1 days per 100 students. Merced Union High District also

was performing better than the state overall on four-year cohort graduation rates, and it showed decreases in suspension rates between 2017-18 and 2023-24. Moreover, a high concentration of socioeconomically disadvantaged students (~80%) are enrolled in the Merced District.

To understand what discipline reform efforts Merced Union High District was engaged in, the authors interviewed three members of the district's leadership team on July 16, 2024, including the superintendent, deputy superintendent, and assistant superintendent of student services. They began by describing how the superintendent came to change his philosophical approach to school discipline. When the schools were closed during the COVID pandemic, the superintendent had expressed concern and frustration with the large loss of in-person instructional time. The deputy superintendent expressed that she wished the superintendent was just as concerned about the loss of in-person instruction due to the issuance of out-of-school suspensions. The superintendent described how this and subsequent conversations with the deputy superintendent helped him realize that the district's approach to discipline could become more consistent with the high value he placed on in-person instruction. Recognizing that a shift to his approach to suspension was needed, he began exploring and implementing approaches to reduce unnecessary disciplinary removals.

The superintendent explained that he was a "law and order guy," and his approach had been that, if a student misbehaved, they should either conform to the rules or leave the classroom. However, he now recognized that there were likely more effective approaches that did not result in as much lost instruction. He also felt that the principals he hired should have a degree of autonomy. Rather than handing down a new set of policies, he preferred to trust his principals and teachers to find the best ways for their schools to maximize in-school learning. As a strong proponent of local autonomy, he believed that his staff should share the same principles and goals and be trusted to develop school-level policies that were most effective for their school communities. He thus felt that the discipline reforms for the Merced Union High district reflected more of a collective effort than a particular policy change.

The three Merced administrators described how Merced's collective effort involved multiple policies, trainings and investments. Administrators from the district office and all the district schools focused on addressing the root causes of student misbehavior. The superintendent gave principals a set of goals to work toward, such as improving the quality of the school climate and culture. If principals or schools found they needed help with the "how," the district would provide support and aid. It was especially important to these administrators that the teachers felt supported.

The superintendent also noted that his new approach guided his overhaul of his administration team in 2021-22. For example, the new principals he hired had to share his core value of keeping students in school and demonstrate that they had successfully identified and resolved problems in their previous positions.

The district had implemented several direct changes to its policies and practices and committed resources related to handling student behavior. One example the administrators provided was that the district required that, rather than suspending them, students who committed drug-related offenses were referred to and required to see a drug counselor at the school. Students who were involved in a fight were generally referred to the "Character Strong" curriculum, which was part of Tier 2 of the school's Multi-Tiered Systems of Support (MTSS). Teachers were trained to implement this approach at each school site, and two mental health clinicians were assigned to each. The assistant superintendent of student services mentioned that, when MTSS was rolled out, it "changed how their schools did business" and had benefitted both students and educators. Tier 1 of Merced's MTSS included building students' sense that there were adults in their school they could rely on and trust; Tier 2 provided more individualized support for students exhibiting repeated behavioral issues.

The Merced administrators explained how this work helped administrators avoid making assumptions about what students know how to do. It also enabled them to focus on helping the students they flagged for support to learn the skills they needed to succeed in high school. The implementation entailed hiring intervention coordinators to work with students who had been suspended repeatedly, helping them to build their skills and improve their attendance. The Merced administrators said they believed that these extra efforts did in fact help these students improve their behavior, reduced disruption, and, in turn, reduced suspensions for disruption-related incidents.

The Merced district also gave more attention to the data so they could specifically target the student groups with the highest suspension rates, which in their district had predominantly been students with disabilities and African American students. For instance, before suspending a student with disabilities, principals would first call the assistant superintendent of student services, who would ensure that the student was not suspended for behavior that was a manifestation of their disability. This added level of review generally helped to ensure that, instead of quickly resorting to exclusionary discipline, the school provided alternative supports to the students who had been suspended repeatedly. Moreover, the school’s MTSS team was alerted whenever there were repeated behavioral infractions by students in the groups with the highest suspension rates. This helped ensure that all students had access to the MTSS. The Merced administrators also pointed out that they engaged with the local parent groups, including those representing students of color.

The district’s overall discipline reform efforts consisted of changes in five areas:

1	District leadership’s new framework, which emphasized the value of keeping students in school and focusing on problem-solving rather than punitive exclusion;
2	Ensuring school leaders retained ample autonomy;
3	Hiring principals with demonstrated problem-solving skills and who were aligned with the district’s shared values;
4	Providing systemic supports, including implementing MTSS by hiring mental health clinicians and intervention coordinators at each school site; and
5	Instituting a focus on prevention, including actively using data to ensure that the students most frequently suspended in the past were getting proactive interventions, and that they received the behavioral supports they needed to succeed.

DISTRICTS WITH RISING RATES RAISE CONCERNS ABOUT ACCOUNTABILITY

California deserves credit for eliminating “disruption or defiance” as grounds for suspension: at first they banned suspensions and expulsions for this Education Code in grades K-3 in 2014; legislation extended the ban to cover K-8 in 2020; and in 2023 it was extended again to cover K-12 (which began in 2024-25).⁷³ In 2014, the state also included the rate of students suspended (for one or more days) as one of the non-academic indicators in its statewide accountability system. This statewide system uses a complex formula that primarily considers graduation rates and academic proficiency to determine the lowest performing

schools and districts. While discipline rates are also considered, there is little transparency about the weight given to very low performance on the discipline indicator when making the statewide determinations about the lowest performing districts. One major shortcoming of the state system is that high discipline rates alone cannot trigger a state accountability intervention at the school or district level.⁷⁴

Additionally, the state reports discipline rates in [CDE's School Dashboard](#) that was created, in part, to help local communities hold school districts accountable for low performance.⁷⁵ However, as this report describes, the way the discipline performance is evaluated and presented to the public often sends misleading messages as to whether a given district has a serious discipline performance problem.

For example, Table 2 presents the 10 districts (each of which enrolls at least 100 Black students) in which the Black student rate of lost instruction due to OSS has increased the most since the 2017-18 school year. There are several reasons this report highlights the rate of instructional loss. As mentioned in the introduction, rates of lost instruction due to OSS convey the differences in the degree of harm from suspensions better than the conservative suspension rate that CDE uses to determine performance levels.

In contrast, CDE reviews a more conservative student suspension rate, based on the “unduplicated count” of students suspended at least once and for at least one full day. It is a “conservative” metric because it does not reflect the fact that some students are suspended multiple times during the year or that some suspensions are much longer than others. The rate CDE uses for accountability treats the student who was suspended just once, and lost one day as the equal of a student who was suspended 20 times and lost 40 days. The only advantage of the CDE student suspension rate is that it isn't possible for a district that suspends very few students to appear to be high-suspending because a “few bad apples” were repeatedly suspended.

To ensure a more complete picture of each district's use of disciplinary exclusion, the data presented in this report are published in a corresponding [Tableau webtool](#) that provides several different rates, including both the rates of lost instruction, and the suspensions per 100 enrolled further disaggregated by each of CDE's reported offense categories. The last tab in the webtool enables the user to compare these discipline rates alongside the rate of unduplicated students expelled, as well as the more conservative rate of students suspended at least once.

Table 2 tracks the rates of lost instruction and describes the change in the rate by subtracting the rate in 2017-18 from the most recent rate from 2023-24. The Black-White difference provides the racial gap in rates of lost instruction.

The last column in Table 2 provides the reader of this report with CDE's reported performance level and corresponding color code for the 2023-24 school year. Readers can see that there is often a significant difference between the performance score for the discipline rate for Black students assigned by CDE and the increasing and high rates, and Black-White disparity, based on rates of lost instruction due to OSS. In other words, by juxtaposing CDE's discipline performance level in the last column of each table, this report demonstrates that the dashboard's performance scores reflect neither the high rates nor the disparate impact of suspensions on educational opportunity.⁷⁶ For example, just two of ten districts with the largest increases in lost instruction rates for Black students in Table 2, received a “red” code for *All* students. In other words, the district discipline performance indicator the public sees first when visiting the Dashboard, tends to mask over districts that are suspending Black students at alarmingly high *and* increasing rates.

TABLE 2

Ten Districts with Largest Increase in Rate of Lost Instruction for Black Students Since 2017-18⁷⁷

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Mojave Unified							
All	0.5	0.8	11.9	20.2	21.7	+21.2	Medium
SwD (IDEA)	0.4	0.9	23.6	35.0	30.5	+30.1	Medium
Black	0.4	0.7	30.0	54.7	51.2	+50.8	Low
White	0.0	0.2	8.4	11.2	8.8	+8.8	Medium
Black- White Gap	0.4	0.5	21.6	43.5	42.4	+42.0	
Palo Verde Unified							
All	20.4	28.1	29.1	49.6	63.4	+43.0	Low
SwD (IDEA)	42.9	58.6	86.9	144.2	145.1	+102.2	Medium
Black	52.0	59.4	70.8	137.7	142.1	+90.1	Medium
White	11.5	15.4	11.5	34.9	45.4	+33.9	Very Low
Black-White Gap	40.5	44.0	59.3	102.8	96.7	+56.2	
Tulare Joint Union High							
All	0.3	28.0	20.3	22.3	29.8	+29.5	High
SwD (IDEA)	0.0	70.3	50.5	56.9	76.1	+76.1	Low
Black	0.0	80.0	56.0	55.1	63.0	+63.0	Medium
White	0.0	18.1	12.4	15.1	13.8	+13.8	Low
Black-White Gap	0.0	61.9	43.6	40.0	49.2	+49.2	
Kern COE							
All	12.0	17.1	11.1	11.4	15.5	+3.5	Very Low
SwD (IDEA)	25.5	27.1	29.7	26.5	30.2	+4.7	Very Low
Black	49.6	90.0	77.2	81.4	111.7	+62.1	Very Low
White	5.4	7.9	6.2	8.8	9.8	+4.4	Very Low
Black-White Gap	44.2	82.1	71.0	72.6	101.9	+57.7	

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Eastside Union Elementary							
All	11.4	18.3	16.9	28.2	34.9	+23.5	Very Low
SwD (IDEA)	26.5	34.4	32.4	74.1	57.7	+31.2	Medium
Black	29.5	47.7	34.4	68.1	82.7	+53.2	Very Low
White	8.6	6.2	14.1	38.0	22.2	+13.6	Very Low
<i>Black-White Gap</i>	<i>20.9</i>	<i>41.5</i>	<i>20.3</i>	<i>30.1</i>	<i>60.5</i>	<i>+39.6</i>	
San Bernardino COE							
All	0.5	0.8	11.9	20.2	21.7	+21.2	Medium
SwD (IDEA)	0.4	0.9	23.6	35.0	30.5	+30.1	Medium
Black	0.4	0.7	30.0	54.7	51.2	+50.8	Low
White	0.0	0.2	8.4	11.2	8.8	+8.8	Medium
<i>Black-White Gap</i>	<i>0.4</i>	<i>0.5</i>	<i>21.6</i>	<i>43.5</i>	<i>42.4</i>	<i>+42.0</i>	
Clovis Unified							
All	0.0	13.6	14.1	18.1	15.5	+15.5	High
SwD (IDEA)	0.0	40.1	33.7	43.2	38.8	+38.8	Medium
Black	0.0	35.1	37.6	52.2	47.5	+47.5	Medium
White	0.0	10.9	11.2	13.1	11.2	+11.2	High
<i>Black-White Gap</i>	<i>0.0</i>	<i>24.2</i>	<i>26.4</i>	<i>39.1</i>	<i>36.3</i>	<i>+36.3</i>	
Muroc Joint Unified							
All	17.5	17.3	17.1	17.3	25.7	+8.2	Medium
SwD (IDEA)	43.6	36.5	29.7	38.5	34.6	-9.0	Medium
Black	34.3	31.5	47.8	33.8	80.1	+45.8	Very Low
White	22.6	21.9	11.4	17.5	26.7	+4.1	Low
<i>Black-White Gap</i>	<i>11.7</i>	<i>9.6</i>	<i>36.4</i>	<i>16.3</i>	<i>53.4</i>	<i>+41.7</i>	
Franklin-McKinley Elementary							
All	4.1	2.6	2.5	7.1	5.6	+1.5	High
SwD (IDEA)	16.7	10.3	6.1	30.1	18.2	+1.5	Medium
Black	11.7	5.2	7.8	45.6	55.2	+43.5	Very Low
White	6.3	2.6	2.3	4.6	2.4	-3.9	Low
<i>Black-White Gap</i>	<i>5.4</i>	<i>2.6</i>	<i>5.5</i>	<i>41.0</i>	<i>52.8</i>	<i>+47.4</i>	

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Yuba City Unified							
All	24.5	18.3	26.5	22.2	23.7	-0.8	Medium
SwD (IDEA)	65.8	52.7	68.7	49.5	62.0	-3.8	Low
Black	50.6	59.1	39.3	68.9	85.8	+35.2	Medium
White	30.4	19.2	28.7	24.9	25.6	-4.8	Medium
<i>Black-White Gap</i>	<i>20.2</i>	<i>39.9</i>	<i>10.6</i>	<i>44.0</i>	<i>60.2</i>	<i>+40.0</i>	

Sources: CDE's Downloadable Data Files and CA School Dashboard. Exact data sources can be found in [Appendix A](#).

Note: SwD = students with disabilities; IDEA = Individuals with Disabilities Education Act; COE = County Office of Education.

Another highly noticeable difference is that although these 10 districts are considered some of the very worst in California for Black students, only four were coded red by CDE indicating the lowest performance on the rate of Black students suspended.

Among the 10 districts highlighted in Table 2, Mojave had the highest lost instruction rate of 216.8 days lost per 100 Black students in 2023-24, an increase of 168 days lost per 100 over its 2017-18 rate. Yet for their discipline performance for Black students Mojave was coded orange rather than red.

In these 10 districts, all the rates of lost instruction were high for Black students, ranging from 48 to 217 days lost for Black students in 2023-24. Our statistical benchmark for deeming a district to have a “high” rate of lost instruction for 2023-24 was 21 days lost per 100 students enrolled. The rates of lost instruction for Black students in each of these districts were substantially above the threshold for a “high” rate.

(See [Appendix D](#) for our standard deviation analysis).

In each of these districts, the racial difference in the rate of lost instruction was compared by subtracting the White rate from the Black rate. The Black-White gap was large in each of these districts in 2023-24 and increased significantly since 2017-18. The largest Black-White disparity was in Mojave where, per 100 students enrolled, Black students lost 149 more days due to OSS than White students lost in 2023-24. One can also see that in these same districts, students with disabilities also often experienced extremely high rates, and some have also experienced dramatic increases over the last seven years.

With rates of lost instruction this high and increasing, and with racial disparities this wide, it's hard to imagine why each of these districts wouldn't be regarded as “Very Low” performing and color-coded red. Mojave Unified is among the highest suspending districts in the state yet was not considered “Very Low” performing except for students with disabilities. For students with disabilities, Mojave Unified had an extremely high rate of lost instruction which increased since 2017-18 by 164 days lost per 100. Youth in the foster system and youth experiencing homelessness in Mojave also had astonishingly high rates of 449.3 and 143.8 days lost per 100 in 2023-24, respectively.

When rank ordered by rate of student suspension, Mojave had the 8th highest suspension rate for *all* students in California in 2023-24. After districts run by the County Office of Education are taken out of the rankings, Mojave has the 2nd highest student suspension rate. Mojave Unified and the California Department of Justice entered into an agreement in May 2024 that included the school district's

commitment to reform its discipline policies and practices to reduce its high and disparate discipline rates. These reform efforts are not reflected in the data presented in this report, or in the CDE performance indicator as they began in 2024-25.⁷⁸

One reason why districts like Mojave don't have more performance indicators at the lowest (red) level is that CDE considers several factors when evaluating school districts' discipline performance. The first consideration is whether the suspension rate is deemed to be "high" or "low" compared to the state average for all students. However, a great deal of performance credit is given to a district if its suspension rate for the current year was marginally lower than it was just one year ago. A district with a very high rate that would warrant the red code meaning "very low," based on the student suspension rate, could be reported out with an orange code, meaning "low performance" instead of red if this year's rate was three tenths of one percentage point lower than last year's rate. It might even be labeled "yellow" for "medium performance" if the decline in the rate was by a slightly larger amount. Even the highest suspending district in the state can be color coded yellow because of the credit CDE gives in the performance ranking for relatively small reductions in student suspension rates.

The data analysis provided in this report suggests that a closer examination of the performance indicator for discipline is needed and should include a review of more data points going back at least 3 years. Ideally, CDE would review at least one other discipline rate such as the rate of lost instruction. Allowing districts like those in Table 2 to be coded as anything but red for "very low performing" overall undermines efforts to mitigate the harms from districts' excessive discipline experienced by groups most often discriminated against.

One of the largest concerns with the CDE's discipline performance reporting is that the color-coded presentation masks over many problems. The first thing that a visitor will see after choosing to look at discipline performance on the California School Dashboard is the color code related to a district's overall performance for all students. The performance details for the other disaggregated groups are a few clicks away which makes them too easy to miss. A district could have extremely high and increasing rates for a few of the groups yet receive a medium- or high-performance code overall for all students.

For example, the Tulare Joint Union High District (TJUHD) in Table 2 was coded green, for "high performing," even though the discipline rates for "all" students, those with disabilities, and Black students were "high"– as our analysis of lost instruction rates suggests they are. Moreover, although the conservative metric CDE employs must have shown that TJUHD had a reduction in the unduplicated student suspension rate, our metric indicates that their overall rate of lost instruction for out-of-school suspensions rose considerably. This is another good example of why more than one metric should be considered when assigning a performance indicator meant to inform the public. One can imagine that those districts whose overall code indicates to the public that their performance earned a "medium" or "high" performance level will not have much incentive to address the one or two student groups whose performance is coded red due to alarmingly high and/or increasing rates, or to pay any attention to the impact that their suspensions are having on instructional time.

Even once a visitor to the California School Dashboard sees the subgroup coding, the credit CDE gives the district for even a fraction of a percentage point of progress can completely obscure from view just how much higher the rate for a particular group within the district may be in comparison to the state average. Conversely a group whose rate increased a percentage point over last year, can wind up coded red even if the group's discipline rate is orders of magnitude lower than a district coded orange or yellow. This lack of alignment between the actual rates and the assigned performance levels can also create a stark contrast in

performance between groups within the same district. In this way, the system of color-coded performance for discipline too often masks over the level of harm experienced by the children who are exposed to counterproductive harsh and punitive discipline year after year.

The heavy weight given to very small increments of change also means that there is no consistent statewide association between the color code assigned and the underlying discipline rate. Adding to this problem is the fact that the heavy weight attributed to a change in the rate only looks back one year, never more. This means that the evaluation system can make a district appear to be only occasionally low performing despite a discipline trajectory that shows a large increase in rates over several years. A trend that would be accurately described as having high rates and an alarming increase over four years could easily avoid being flagged as very low performing for any two consecutive years.

If CDE does nothing to change how it evaluates discipline performance, rates will continue to rise for the most frequently suspended students in some of the highest suspending districts in California, while stark disparities will continue to widen. This concern has become acute considering the Trump administration's hostility toward any efforts to improve equity or to reform discipline described in the introduction of this report. Moreover, DOEd's decision to close 7 of 12 OCR offices signals a profound disregard for the need to protect students and others against unlawful discrimination.

Table 3 presents the 10 districts that had the highest rates of lost instruction for youth in the foster system due to OSS in 2023-24. Each had at least 50 students in the foster system, according to the census enrollment data reported by CDE.⁷⁹ These rates of lost instruction are shocking, yet, somehow, 3 of the 10 were not coded red for the discipline performance regarding youth in the foster system! Especially striking in is Manteca Unified, where the district was considered to be performing at a "Medium" level. Several of these districts were also among the ten with the largest increases for Black students in Table 2.

TABLE 3

Ten Districts with Highest Lost Instruction in 2023-24 for Youth in the Foster System⁸⁰

District	23-24 Days of Lost Instruction Per 100	23-24 CDE Performance Level for Youth in Foster System
Mojave Unified	449 . 3	Very Low
Palo Verde Unified	325 . 4	Low
Tulare Joint Union High	264 . 6	Very Low
Grossmont Union High	262 . 5	Very Low
Santa Rosa High*	234 . 0	Very Low
Clovis Unified	196 . 2	Very Low
Fairfield-Suisun Unified	180 . 3	Very Low
Lompoc Unified	180 . 0	Very Low
Manteca Unified	166 . 9	Medium
Twin Rivers Unified	166 . 1	Low

Sources: CDE's Downloadable Data Files and CA School Dashboard. Exact data sources can be found in [Appendix A](#).

*Performance indicator based on Santa Rosa City district which included elementary schools.

TABLE 4

Ten Districts with Highest Lost Instruction in 2023-24 for Youth Experiencing Homelessness

District	23-24 Days of Lost Instruction Per 100	23-24 CDE Performance Level for Youth in Foster System
Kern County Office of Education	175 . 4	Very Low
Vacaville Unified	155 . 8	Very Low
Coalinga-Huron Unified	153 . 5	Very Low
Santa Rosa High*	151 . 2	Medium
Mojave Unified	143 . 8	Low
Oroville City Elementary	141 . 7	Very Low
Morongo Unified	139 . 8	Low
Hanford Elementary	137 . 8	Very Low
Orland Joint Unified	134 . 0	Low
San Benito High	122 . 5	Very Low

Sources: CDE's Downloadable Data Files and CA School Dashboard. Exact data sources can be found in [Appendix A](#).

*Performance indicator based on Santa Rosa City district which included elementary schools.

Similarly, Table 4 presents the 10 districts with the highest rates of lost instruction for youth experiencing homelessness. Each district enrolled at least 50 students experiencing homelessness. Most observers will note that these rates of lost instruction are also extremely high! Four of the districts in Table 4 were among the highest for youth in the foster system as well.

Most noticeable is that the Santa Rosa City district was coded “yellow” for “Medium” performance from CDE for discipline even though youth experiencing homelessness who were enrolled in the middle and high schools lost an incredible 151.2 days per 100 youth!

There is a slight mismatch in the district names because the Santa Rosa City District included 7 elementary schools as well as all the middle and high schools that comprise the Santa Rosa High District. The concern that the performance indicators often mask over the greatest harms is only further reinforced by this mismatch in reporting, and even more so after taking a closer look at CDE’s published performance codes for the Santa Rosa district at the individual school level. Most of Santa Rosa City individual schools were not given a performance code for the discipline of youth experiencing homelessness. The non-coding included 3 middle schools, where according to the more conservative student suspension rate, educators suspended between 23% and 34% of all youth experiencing homelessness, at least once. A visitor to CDE’s dashboard that searched for more detailed information on the schools could see that 7 schools in the district had “very high” rates of discipline for youth experiencing homelessness, and that the Santa Rosa City School district was deemed by CDE to have a “very high” rate of discipline for these students in 2023-24. However, the Santa Rosa City performance indicator for discipline of youth experiencing homelessness was not coded red because the “very high” rate for 2023-24 represented a decrease compared to the prior year.

Alarming, despite *extremely* high rates of lost instruction for youth experiencing homelessness, only six of the districts in Table 4 were deemed to have “very low” performance for their discipline of youth experiencing homelessness. That there is often a stark contrast between the impact of out-of-school suspensions (represented by the extremely high rates of lost instruction) and CDE’s performance discipline indicators further suggests a need to change the methods used. CDE should ensure that districts with *extremely* high rates of lost instruction are flagged for the public to see as very low performing even if they did make some marginal improvement over the prior year.

Table 5 presents four districts with some of the largest increases in lost instruction rates since 2017-18 for Latinx students. Each of these districts had a large number of Latinx students enrolled (1,400-4,500 students enrolled). As noted in the introduction, all the districts listed demonstrated suspension rates in the last two years that were substantially higher than they were in 2017-18 which runs contrary to the statewide trend. These districts should be monitored closely for additional increases, problematic discipline policies and for signs of potential discrimination outside of the discipline context. Several are among the highest suspending districts in the state for all students and for other racial/ethnic groups and likely deserve closer monitoring of their discipline for numerous reasons.

TABLE 5

Four Districts with High and Increasing Lost Instruction Rates for Latinx Students since 2017-18.⁸²

District	17-18	18-19	21-22	22-23	23-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
San Benito High	7.4	5.8	19.3	38.7	48.1	+40.7	Very Low
Palo Verde Unified	19.4	26.8	21.2	42.1	57.5	+38.1	Low
Mojave Unified	15.4	16.6	23.0	59.6	51.7	+36.3	Low
Tulare Joint Union High	0.3	29.1	20.8	22.7	32.5	+32.2	High

Sources: CDE's Downloadable Data Files and CA School Dashboard. Exact data sources can be found in [Appendix A](#).

LARGEST DISTRICTS

Table 6 provides a different discipline metric: the number of suspensions meted out per 100 students. This rate is 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. Governor Gavin Newsom signed into law a ban on suspensions and expulsions for disruption/defiance across all grade levels in K-12 just last year. However, with state support, many districts also invested in other effective alternatives, such as implementing restorative justice practices and positive behavioral interventions and supports⁸³

The LAUSD ban on suspensions for disruption/defiance did not create more chaos in its schools. The district's commitment not to resort to exclusionary discipline because of the well-documented harm done to students of color and students with disabilities, and its investment in alternative interventions such as restorative justice practices, has paid dividends. This is clearly shown in the district's very low suspension rates since 2017-18 for all student groups, including those most harshly affected by school discipline, which includes Black students, students in the foster system, and students experiencing homelessness.

Unlike some of the districts with very high rates of discipline that still received performance codes of "medium" or "high" performing, a quick look at LAUSD's rates of suspensions per 100 shows a much stronger alignment when their rates of suspensions per 100 are compared to their dashboard color-coded performance indicators.⁸⁴

Many school districts, especially the largest ones, still may think that suspending their students is the best way to make their schools safer and less chaotic. However, this is clearly refuted by research, and LAUSD provides an important example. Large districts such as Elk Grove Unified, Fresno Unified, and San Juan Unified would do well to take note of what LAUSD and Merced Union High are doing to protect their students from the harms associated with suspensions and the resulting lost instructional time.

TABLE 6

Rates of Suspensions Per 100 for the Twelve Largest Districts in California

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Los Angeles Unified							
All	1.0	0.8	0.6	0.7	0.8	-0.2	Very High
Black	4.1	2.8	1.6	3.4	2.2	-1.9	High
AI/AN	3.8	0.5	1.3	1.6	1.0	-2.8	Medium
Pacific Islander	0.7	0.5	0.6	0.2	0.2	-0.5	Very High
Latinx	0.8	0.7	0.5	0.6	0.7	-0.1	Very High
White	0.6	0.6	0.6	1.1	0.6	0.0	Very High
Foster System	-	-	-	-	5.2	-	Medium
Exp Homelessness	-	-	-	-	1.8	-	Very High
SwD (IDEA)	2.3	2.0	1.5	1.5	1.7	-0.6	Very High
San Diego Unified							
All	6.0	6.1	3.8	4.3	4.2	-1.8	High
Black	15.5	15.7	9.3	9.4	9.5	-6.0	Low
AI/AN	9.8	4.5	4.8	4.5	5.0	-4.8	Low
Pacific Islander	8.8	4.5	3.2	2.4	5.4	-3.4	Low
Latinx	6.7	7.0	4.7	5.4	5.2	-1.5	Medium
White	3.5	3.4	2.2	2.2	2.4	-1.1	High
Foster System	-	-	-	-	27.9	-	Medium
Exp Homelessness	-	-	-	-	9.6	-	Medium
SwD (IDEA)	16.6	15.0	8.9	9.9	9.2	-7.4	Medium

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Fresno Unified							
All	14.5	14.1	9.9	13.5	12.2	-2.3	Medium
Black	39.9	38.2	24.6	36.6	32.8	-7.1	Low
AI/AN	22.8	16.0	12.3	18.2	18.6	-4.2	Very Low
Pacific Islander	5.8	6.3	7.7	11.6	5.2	-0.6	High
Latinx	12.7	12.7	9.2	12.3	11.1	-1.6	Medium
White	16.5	14.8	10.3	11.7	11.4	-5.1	Low
Foster System	-	-	-	-	79.7	-	Very Low
Exp Homelessness	-	-	-	-	51.3	-	Low
SwD (IDEA)	33.6	31.6	20.1	26.7	24.2	-9.4	Low
Long Beach Unified							
All	6.6	5.3	5.9	6.2	6.2	-0.4	Medium
Black	17.3	14.7	17.0	16.7	15.7	-1.6	Low
AI/AN	4.8	12.2	2.7	5.2	4.7	-0.1	High
Pacific Islander	11.5	8.5	7.1	7.6	6.6	-4.9	Medium
Latinx	5.7	4.4	4.9	5.4	5.6	-0.1	Medium
White	3.0	2.8	2.9	2.5	2.8	-0.2	Medium
Foster System	-	-	-	-	28.4	-	Very Low
Exp Homelessness	-	-	-	-	13.9	-	Low
SwD (IDEA)	15.9	12.0	12.1	12.1	11.9	-4.0	Low
Elk Grove Unified							
All	7.0	9.5	7.9	6.7	6.9	-0.1	Medium
Black	21.4	31.8	26.3	22.4	21.9	+0.5	Very Low
AI/AN	5.3	15.8	15.0	10.9	13.3	+8.0	Medium
Pacific Islander	6.4	8.9	7.7	6.1	5.7	-0.7	High
Latinx	7.7	9.6	8.5	7.6	8.0	+0.3	Low
White	4.8	5.9	5.5	4.3	4.9	+0.1	Low
Foster System	-	-	-	-	48.4	-	Very Low
Exp Homelessness	-	-	-	-	33.1	-	Very Low
SwD (IDEA)	20.9	26.2	17.3	15.8	15.5	-5.4	Low

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
San Francisco Unified							
All	3.3	3.4	3.3	4.1	3.4	+0.1	High
Black	14.5	15.9	16.4	18.9	14.3	-0.2	Low
AI/AN	12.6	4.9	5.6	3.0	5.6	-7.0	Low
Pacific Islander	7.9	7.9	9.5	11.9	10.3	+2.4	Low
Latinx	3.9	4.3	3.8	5.1	4.1	+0.2	High
White	1.5	1.4	1.6	1.9	1.6	+0.1	Very High
Foster System	-	-	-	-	21.0	-	Low
Exp Homelessness	-	-	-	-	13.0	-	High
SwD (IDEA)	11.8	12.2	10.6	12.8	10.0	-1.8	High
Corona-Norco Unified							
All	4.5	4.6	5.1	7.7	6.6	+2.1	High
Black	8.6	9.9	13.3	14.9	13.8	+5.2	Low
AI/AN	3.7	4.3	5.4	16.5	8.1	+4.4	Low
Pacific Islander	5.5	6.5	4.5	10.3	7.6	+2.1	High
Latinx	5.0	4.9	5.8	9.0	7.7	+2.7	Medium
White	3.8	4.2	3.7	6.1	5.5	+1.7	High
Foster System	-	-	-	-	51.9	-	Low
Exp Homelessness	-	-	-	-	25.6	-	Very Low
SwD (IDEA)	12.0	9.8	12.0	17.5	15.8	+3.8	Medium
San Juan Unified							
All	12.9	9.7	8.7	8.8	10.0	-2.9	Low
Black	37.8	31.3	25.5	21.6	27.2	-10.6	Very Low
AI/AN	17.1	16.8	7.9	10.8	12.0	-5.1	Very Low
Pacific Islander	20.8	12.3	13.9	7.8	7.0	-13.8	Medium
Latinx	14.6	9.9	9.1	9.7	10.8	-3.8	Low
White	9.6	7.2	6.3	6.7	7.7	-1.9	Low
Foster System	-	-	-	-	71.4	-	Medium
Exp Homelessness	-	-	-	-	39.3	-	Very Low
SwD (IDEA)	33.3	20.3	16.5	17.4	16.3	-17.0	Medium

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
San Bernardino City Unified							
All	9.4	10.4	7.7	8.7	8.3	-1.1	Medium
Black	22.6	24.9	16.4	18.8	18.7	-3.9	Very Low
AI/AN	15.3	12.4	13.0	12.3	13.1	-2.2	Very Low
Pacific Islander	11.9	16.3	5.6	9.8	12.6	+0.7	Very Low
Latinx	7.5	8.4	6.4	7.3	6.9	-0.6	High
White	9.4	9.4	7.8	9.1	8.3	-1.1	Medium
Foster System	-	-	-	-	32.9	-	Very Low
Exp Homelessness	-	-	-	-	14.6	-	Low
SwD (IDEA)	21.8	23.7	14.7	16.7	13.7	-8.1	Medium
Capistrano Unified							
All	3.5	3.3	2.9	3.2	3.1	-0.4	High
Black	6.0	6.1	4.5	3.9	3.2	-2.8	Low
AI/AN	1.9	4.4	0.0	5.6	4.5	+2.6	Low
Pacific Islander	5.1	4.1	1.4	0.0	0.0	-5.1	Very High
Latinx	5.5	5.3	4.5	4.9	4.8	-0.7	Medium
White	3.0	2.7	2.5	2.7	2.7	-0.3	High
Foster System	-	-	-	-	42.7	-	Very Low
Exp Homelessness	-	-	-	-	8.5	-	Medium
SwD (IDEA)	12.0	11.7	9.1	10.8	9.3	-2.7	Medium
Oakland Unified							
All	7.3	7.5	6.3	6.4	6.9	-0.4	Medium
Black	17.3	16.9	15.5	16.0	16.5	-0.8	Very Low
AI/AN	7.3	2.8	4.8	16.3	8.9	+1.6	Medium
Pacific Islander	10.0	4.4	6.6	10.5	6.7	-3.3	Medium
Latinx	4.9	5.8	4.3	4.3	5.0	+0.1	Low
White	2.2	2.4	2.6	2.7	2.6	+0.4	High
Foster System	-	-	-	-	38.9	-	Very Low
Exp Homelessness	-	-	-	-	8.1	-	High
SwD (IDEA)	20.2	19.1	14.4	15.2	14.5	-5.7	Medium

District	2017-18	2018-19	2021-22	2022-23	2023-24	Change: 17-18 to 23-24	CDE Performance Level for 23-24
Clovis Unified							
All	6.0	5.8	5.8	7.0	6.0	0.0	High
Black	16.1	15.3	15.4	19.4	18.8	+2.7	Medium
AI/AN	12.1	11.7	10.0	10.3	12.7	+0.6	Medium
Pacific Islander	10.6	5.3	8.2	12.0	4.9	-5.7	High
Latinx	7.2	7.6	7.6	9.1	7.7	+0.5	Medium
White	5.5	4.9	4.7	5.4	4.7	-0.8	High
Foster System	-	-	-	-	77.9	-	Very Low
Exp Homelessness	-	-	-	-	76.9	-	Very Low
SwD (IDEA)	19.6	17.5	14.1	17.1	16.3	-3.3	Medium

Sources: CDE's Downloadable Data Files and CA School Dashboard. Exact data sources can be found in [Appendix A](#).

Note: AI/AN = American Indian/Alaska Native; SwD = students with disabilities; IDEA = Individuals with Disabilities Education Act.

The preceding tables intentionally present discipline rates (either rates lost instruction (Tables 1-5) or rates of suspensions per 100 (Table 6)) next to the performance levels and color codes to raise important questions about the utility of the current performance coding system and the potential for masking over problematic use of suspensions in many districts. For example, Black students in Capistrano Unified had a rate of 3.2 suspensions per 100 students which is much lower than the state average for all students of 5.3. However, when CDE used the unduplicated student suspension rate for Black students, Capistrano was coded orange for the Black student's discipline performance, meaning low performance. Fresno's American Indian students had a rate of 18.6 suspensions per 100 students, which was coded red, while the much higher rate for students experiencing homelessness in Fresno was 51.3 suspensions per 100 students, which was coded orange.

CDE's color-coding performance system for discipline appears to be poorly suited for comparisons either across districts, or within the same district. Most important, these inconsistencies suggest that the CDE color coding system is failing to reflect the different levels of harm done to various student groups. Moreover, in some cases they may diminish public awareness of the persistent high rates and large disparities. In others, they may distract attention away from important progress that certain districts have made.

We caution against assuming that this misalignment is simply a result of the different metrics. Table 7 shows the actual student suspension rates as reported by CDE for 2023-24 and the code assigned. The top section of the table shows the student suspension rates for student groups within the same district for Fresno Unified. The Black student suspension rate, 15.9 percent, is noticeably higher than the student suspension rates for other groups of students in Fresno Unified but for performance indicator for Black

students is color coded orange, while American Indian students, with a lower student suspension rate of 9.3, received the code red. The high degree of inconsistency occurs because the red code can be upgraded to a better performance code based on very small declines in a student group's suspension rate from the prior year.

TABLE 7

The Color Coding of District Discipline Performance Confounds Comparisons

District	2023-24 Student (unduplicated) Suspension Rate	CDE Performance Level for 23-24 (change from previous year)
Fresno Unified		
All	6.6%	Medium (declined 0.7%)
Black	15.9%	Low (declined 0.5%)
AI/AN	9.3%	Very Low (maintained -0.2%)
Latinx	6.1%	Medium (declined 0.9%)
White	6.2%	Low (maintained -0.2%)
SwD (IDEA)	9.8%	Low (declined 0.8%)
Mojave Unified		
Black	25.3%	Low (declined 0.3%)
Palo Verde Unified		
Foster System	20.6%	Low (declined 0.7%)
English Learners	9.2%	Very Low (maintained -0.1%)
Black	22.1%	Medium (declined 8.4%)

Sources: CA School Dashboard. Note. AI/AN = American Indian/Alaska Native; SwD = students with disabilities; IDEA = Individuals with Disabilities Education Act.

As a result of the heavy weight given to even very small changes in rates, an observer of the dashboard's reported rates will likely find the performance codes to be inconsistent with the reported rates, both between districts and within the same district.⁸⁵ Another example, based strictly on CDE's reported student suspension rates, is that White and Black students in Fresno both received code orange, yet the suspension rate for Fresno's White students was 6.2%, nearly 10 percentage points lower than the rate (15.9%) for Black students. Upon closer examination, a visitor to CDE's Dashboard would see that although both groups reported declining rates, the much higher Black rate was reported to have declined by 0.5 percentage points compared to the prior year. That small decline was enough to change the performance color for the discipline of Black students from Red to Orange. The White rate met the initial threshold for Orange. The White rate also declined, but by only by 0.2 percentage points compared to the prior year, and was therefore treated as having "maintained" the rate.

As a matter of public accountability, CDE deemed the district to have the exact same performance level for its discipline of Black and White students despite the vastly different discipline rates. In this case, assigning

the same color-coded performance level to each group distracts attention from the much higher rate for Black students in Fresno, as well as from the persistent Black-White racial gap in the student suspension rate of nearly ten percentage points.

In Palo Verde Unified, of all the groups with performance indicators, Black students had the highest student suspension rate of 22.1% yet received a yellow code which indicates “medium performance.” The yellow code reflected that the Black student suspension rate had declined by 8.4 percentage points compared to the prior year. While Palo Verde made strong progress, its rate remains extraordinarily high. Adding to the confusion in Palo Verde, youth in the foster system, when compared to Black students, had a slightly lower student suspension rate at 20.6%. This rate was 1.5 points lower than the Black rate, and it had also declined, yet they were coded orange, “low” performing, because their rate declined by only 0.7 percentage points.

Part of the problem is that the amount of change needed to earn a better (or worse) performance indicator is very small, and this credit is applied without fully considering how much higher the underlying student suspension rate is when compared to the threshold. For example, Mojave Unified, where 25.3% of Black students were suspended at least once in 2023-24, had the 8th highest student suspension rate for Black students out of all the districts in California.⁸⁶ Yet the Black student suspension rate for Mojave was coded orange, because it had declined by a mere 0.3 percentage points! As a result, Mojave’s discipline performance level for Black students was identical to the discipline performance level for White students in Fresno who had a student suspension rate of 6.2%. The rate for White students in Fresno had only declined by 0.2 percentage points compared to the prior year, and was therefore not enough to improve the performance level.

Whether based on rates of students suspended at least once, or rates of lost instruction, this report recommends assigning code red (very low performing) consistently and based primarily, if not entirely, on the underlying discipline rates.⁸⁷ Most important, if a district has a suspension rate that is among the highest in the state, it should be coded red and remain coded red, regardless of improvement, at least until the rate comes within one or two points of the state average for all students. As currently assigned, the performance code indicator system not only overemphasizes the importance of change, it also distracts attention away from the schools and districts where certain students’ opportunity to learn is harmed the most.

Finally, data on expulsions and arrests and referrals to law enforcement should also be considered before giving a district a code that credits a declining rate heavily, especially where the heavily weighted decline in one rate may distract attention from a large increase in another measure such as referrals to law enforcement or expulsions. The system used to convey performance to the public should be adjusted to ensure that most punitive discipline measures are not overlooked entirely. Specifically, the state of California should consider rates of school-based arrests, referrals to law enforcement and expulsions as added performance markers for evaluating school discipline performance. Unfortunately, CDE continues to be out of compliance with federal law, which requires each of these discipline metrics to be included in state and district report cards.⁸⁸

With the state’s elimination of suspensions for disruption/defiance, some have expressed a concern that taking this punishment away will lead to more serious misconduct. Prior reports on discipline rates in California (published by UCLA’s Center for Civil Rights Remedies) have contradicted this fear of violence or chaos erupting when suspensions for disruption/defiance were disallowed by showing that the rates in more serious categories did not appear to increase statewide, or in districts where reforms

were implemented.⁸⁹ However, it would be useful to provide a data review that is sufficiently thorough to document increases in violence, if any, and to help diminish such concerns if there continues to be no evidence to support these fears.

One might expect such increases if districts' efforts at discipline reform were poorly implemented or if districts resisting discipline reform tried to "game the system" instead. For example, if a district tried to replace its longstanding heavy reliance on suspensions with referrals to law enforcement, that would increase the harm to children while the official suspension rates would likely appear to have declined. CDE should be interested in tracking these discipline data trends for examples of success as well as to detect failure.

Misconduct that would be more likely to result in expulsions and referrals to law enforcement should be monitored to ensure that the observed progress is legitimate, and that efforts to reduce suspensions have not given rise to more serious misconduct or increased safety issues. Specifically, in this report, we calculated expulsion rates and trends and report them for every district in the state. A visitor to the [Tableau webtool](#) that accompanies this report will find they can look at the trends for expulsion rates next to trends for three types of suspension rates. This report also notes that districts with unusually high and disparate expulsion rates may be inappropriately expelling students.

DISTRICTS WITH THE HIGHEST EXPULSION RATES

Most districts in the state of California report having no expulsions, or close to none. However, because some districts are reporting an unusually high number of expulsions, this report includes expulsion rates at the district level for the first time.

Statewide expulsion rates in California tend to be quite low, less than one-tenth of one percent of all students were reported to have been expelled. Although the statewide expulsion rates for Black students were less than two-tenths of one percent in 2023-24, which is lower than they were in 2017-18, there are some small disparities in expulsion rates by race and disability status. Our seven-year trend analysis does not indicate any large-scale change in statewide expulsion rates, and the decline means that there was no increase in expulsion rates to offset the slight reduction in suspension rates.

Many advocates in California have expressed concerns that in some districts students are constructively expelled from traditional schools, but are not reported as expelled.⁹⁰ Advocates have raised concerns that the expulsion numbers are artificially low because many students who were involuntarily transferred and others that are "reported" as voluntary transfers, may have been threatened with the choice between an expulsion or transfer.⁹¹ In addition, some students "transfer" after spending time in the juvenile justice system or a deferral program because a return to their original school was blocked by the district. A district might also set probation conditions that make it all but impossible for these students to return to their original school. An analysis of transfers was beyond the scope of this report. However, some districts have much higher expulsion rates than would be expected, based on the statewide averages.⁹²

Expulsions are of obvious concern because expelling a student in California is usually treated as a permanent removal from school which can have devastating outcomes for students that last a lifetime. Below are listed the four districts with the highest overall expulsion rates; the four with the highest expulsion rates for youth in the foster system; and another four with the highest rates of expulsion for those experiencing homelessness.

The four districts with the highest overall expulsions rates in 2023-2024:

- Lassen Union High - 2.84
- Hanford Joint Union High - 2.01
- Owens Valley Unified - 0.99
- Sonora Union High - 0.92

The statewide average for expulsion rate in 2023-24 was 0.07. This means that Lassen Union High's rate for overall expulsions was 41 times the statewide average. Even though Sonora Union High expelled less than one percent of its students, its expulsion rate is still 13 times higher than the statewide average.

What is most concerning about expulsion rates is that in some districts, expulsion rates are orders of magnitude higher for students in the foster youth system and for students experiencing homelessness. The following expulsion rates are for districts with at least 50 students in these subgroups.

The four districts with the highest expulsion rates for students in the foster system in 2023-24:

- Tulare Joint Union High - 6.00
- Porterville Unified - 5.81
- Santa Rosa High - 4.00
- Huntington Beach Union High - 3.85

The four districts with the highest expulsion rates for students experiencing homelessness in 2023-24:

- Yreka Union High - 7.27
- Hanford Joint Union High - 7.06
- Coalinga-Huron Unified - 3.90
- Nevada Joint Union High - 3.70

While expulsion rates are lower than suspension rates, they are the most extreme punishment. Rates this high, which are between 53 and 104 times higher than the statewide average (.07), depending on the district, should be cause for alarm for any group of students.

As will be discussed in the conclusion of this report, when any identifiable group of students is subjected to unusually high rates of exclusion, the CDE should apply additional scrutiny. Being suspended can be devastating for students in the foster system and students experiencing homelessness. Given the instability of their homes, permanent expulsion from school is highly likely to have serious implications for these students' living situations. For students in the foster system who are living with a foster family, an expulsion adds a high degree of stress, far more than a suspension, and in many cases, it could mean that the student is removed from the foster family. For youth experiencing homelessness, expulsion from school can literally mean the student is pushed onto the streets.

Recommendations & Conclusion

California's discipline reform efforts, which are connected to broader, explicit efforts to make educational opportunities more equitable for California's public-school students, have enjoyed widespread support. However, the Trump administration's recent bigotry-fueled deportation efforts in Los Angeles, its disabling of the U.S. Department of Education civil rights enforcement capacity, and the recent unhinged executive order on school discipline, are all indicators that many of California's positive education reform efforts will face new challenges in the coming years. Rather than "lying low" and simply focusing on preserving the status quo, it will be important for California's policymakers to continue to support discipline reform in their public schools because California's children continue to experience profound inequities.

Students have rights to equitable non-discriminatory treatment under both federal and state law, and their educational opportunities and life outcomes are in greater jeopardy than ever before. California's Attorney General is correct to point out that his office must now do more to protect the civil rights of the students in the state. All state agencies are obligated to protect school children from discrimination pursuant to California's Constitution, and other state laws and regulations.⁹³

The purpose of this report was to raise awareness among educators, policymakers, civil rights enforcement agencies, and community members that despite the noteworthy efforts to eliminate unnecessary and unjust suspensions, the status quo shows that students in many of California's districts continue to be in harm's way from persistently unjust discipline.⁹⁴

The harm from 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. This commonsense approach of replacing counterproductive policies with effective ones, informed by research, should be pursued even if the policies in question have no disparate impact. The potential benefits to society as a whole are well established. Economic studies of California's school districts, conducted by Dr. Russ Rumberger, (former Director of the California Dropout Research Center) indicated that investing in effective remedies that reduce rates of suspension in California (such as Merced Union High has done) predicts an increase in graduation rates and will avert millions of dollars in lifetime costs to individuals and to the communities in which they live.⁹⁵

However, unnecessarily punitive policies usually do produce disparate harms. Therefore, the efforts to replace counterproductive policies should be carefully monitored to ensure that the groups most harmed receive the intended benefit. One of the most robust studies specific to California demonstrated the efficacy of restorative practices in reducing high and racially disparate suspension rates which was associated with improved achievement, including for Black students.⁹⁶ Just as there are many contributing factors to unjust disciplinary removal the recent progress in Merced Union High in reducing both rates and disparities suggests there are numerous remedies rather than one quick "fix."

Seek remedies to the numerous causes of excessive and disparate discipline:

Moving forward, it will be important for California's Department of Education to engage with researchers to better ascertain which districts are in fact making the most progress, as well as which districts are persistently low performing regarding school discipline. As we have demonstrated in this report, multiple

metrics are needed to distinguish the highest performing districts. Identifying the districts that have made real progress will improve our understanding of why some approaches to discipline reform were effective in a given context.

Appropriately frame the problem:

How policymakers frame the problem will determine the types of solutions they explore, if any. While there are lifelong economic costs to frequently suspending students that are rarely discussed, most people are also unaware of the large and more immediate loss of instructional time due to out-of-school suspension. Many do not realize that high suspension rates and large disparities represent a serious immediate harm, or that there are sufficient remedies available. This report's emphasis on tracking the rates of lost instruction due to suspensions over time, are not currently included in any public reporting by CDE, even though CDE currently collects the data it needs to track and report these rates, publicly.

When educators deny students access to instruction based on problematic behavior they should always ask to what end? And is there a better alternative? And, if policymakers care about providing an equitable educational opportunity to learn, then they should review the amount of educational instruction that is taken away, and from whom.

Ensure that the needs of youth in the foster system, those experiencing homelessness, and students with disabilities are adequately addressed:

These three groups, have the highest rates of lost instruction due to out of school suspensions, mostly for offense codes that this report labeled “misconduct, no injury.” The current accountability system and distribution of educational resources must be reworked to better meet the needs of the students most frequently suspended for minor misconduct. Further, the evidence in this report suggests that the laws protecting these students, are not being appropriately implemented. Ultimately, discipline policies and practices need to be further modified to ensure youth in the foster system are not further traumatized, that youth experiencing homelessness are not pushed out of school 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 teachers need more support and training to better identify and serve their needs.

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

Address concerns about implicit bias:

The authors contributing to this report have called attention to the many ways implicit/unconscious bias can contribute to higher and more disparate rates of suspension. The Learning Policy Institute Report, *Lost Opportunities*, provides a more extensive review of the research literature including the following research-based conclusions about how implicit bias can shape our perceptions of misconduct as well as how educators respond. “[D]ifferences in perceptions of behavior or differences in how some misbehavior is tolerated and therefore does not even generate a report of a behavioral incident can be reflected in observed disparities.” Further, a well-known study by the Yale Child Study Center demonstrated that when prompted to watch pre-school students for indicators of problem behavior, all the teachers in the study, including educators of color, watched young Black boys more than White boys or girls.⁹⁷ None were about to misbehave.

If we know from research that implicit bias leads educators to watch some groups of students more closely than others, and if all students misbehaved at the same rate, then educators would record seeing Black boys misbehaving the most, without realizing that they had watched the Black boys far more closely than the others. This is one way that unconscious bias influences what we pay attention to, and in turn, too often leads to disparate discipline outcomes, that only reinforces our racially biased expectations of misconduct. We know from research on secondary school educators that bias can also influence how teachers respond to misconduct. Often teachers will say that they are simply responding to the misconduct they see and believe that they respond the same regardless of race or other factors. And many are. However, a research experiment conducted with educators demonstrated that when teachers were asked to recommend a response to a second rule violation, despite reading identical descriptions of the behavior, they were more likely to recommend suspending the student, when they believed that the student was Black.⁹⁸

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 labeled “*violent incident, no injury*.” Ending the mischaracterization of obscenity, profanity and vulgarity as belonging to this category could help reduce state and local resistance to discipline reform measures. Policymakers should revise the public reporting of the discipline data and consider the subjectivity of each term. With more detailed public reporting of suspensions by code of conduct, especially those that account for a large share of suspensions, the public may find additional reasons to end disciplinary removal as a response to other minor forms of misconduct, especially those most prone to subjectivity.

Of course, numerous other factors—such as the quantity and quality of support staff that students exposed to trauma may have access to; the type of teacher training teachers receive; the distribution of experienced school principals; and differences in superintendents’ approach to discipline, may contribute to the large discipline differences from one district to the next as well as racial differences within districts.⁹⁹

California Should Find Ways to Increase Civil Rights Protections for School Children:

The more specific recommendations that follow are intended as responses to the racial disparities revealed in this report. These recommendations also echo the call for increased civil rights enforcement and annual civil rights data collection issued by the National Center for Youth Law and more than 20 members of the Education Civil Rights Alliance on March 11, 2025.¹⁰⁰ The recommendations also call for more accurate public reporting and conclude with specific recommendations to increase district oversight and accountability. Although beyond the scope of this descriptive report, approaches to discipline reform should also take note of the cross-sectional identities of students and evidence of other forms of blatant bigotry including but not limited to the rise in anti-LGBTQ+ bigotry being fueled by the Trump administration along with “anti-woke” advocacy groups.¹⁰¹

Increase Civil Rights Enforcement:

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 it too should be provided with additional funds.

California Should Establish a Civil Rights Complaint Process for Students and their Families Regarding Discipline:

Given that there are effective approaches to improving school climate and reducing disciplinary removals, the analysis in this report suggests that more effective action is both needed and possible.

One major need that has intensified with the closure of the OCR office, is for California civil rights enforcement agencies to create a template for families to file complaints about potential civil rights violations where discipline rates are both excessive and widely disparate in their impact on educational opportunity. Currently, students and parents can file complaints about discrimination by school districts through the Universal Complaint Procedures. However, CDE issued an online 2024-2025 Uniform Complaint Procedures Pamphlet that explicitly state that student discipline is among the issues *not covered* by the UCP.¹⁰² The issues raised by the analyses in this report suggest that California's civil rights enforcement agencies need to do more to address the largest and most persistent systemic discipline disparities, and are likely the best equipped to handle complaints of systemic and discriminatory discipline.

Alternatively, although the UCP pamphlet *does* say that it accepts complaints against school districts for any form of discrimination, if discipline isn't covered many readers would assume *discriminatory discipline* is also not covered. This also likely indicates that those who staff the UCP may not have the expertise or experience to help resolve complaints of discrimination in discipline. CDE should seriously consider revising or clarifying its UCP coverage to explicitly cover discipline, or at least in directing such complainants to the AGO or to California's Department of Civil Rights.

Revise the State Accountability System and Dashboard Reporting:

In addition, the analyses provided indicates a need for CDE to strengthen the state's accountability dashboard and dashboard reporting. The current system too often fails to draw attention to the districts where rates are extraordinarily high, and where the impact from unjustified use of suspensions harms certain subgroups far more than others.

One problem that CDE created, and therefore can likely fix, is that the current color-coded performance system gives far too much weight to small reductions in student suspension rates compared to the prior year, such that the districts that have consistently had the highest suspension rates for Black students are not consistently rated lowest performing for Black students. Moreover, both within the same district and across districts, very different performance levels are often applied to student groups whose most current experience is nearly identical in terms of their suspension rate.

Part of the solution is to code as red ("lowest performing") all districts whose rates overall or whose rates for a subgroup qualify as "very high" suspension rates in comparison to the statewide average. In other words, if the performance indicator is coded red for any group within the district (that constitutes at least 150 students), the entire district should be coded red.

If credit must be given for progress, then the performance evaluation criteria need revising. Some possibilities include only giving credit if the highest suspended group in a district comes within 2 percentage points of the statewide average for ALL students, and/or if there have been at least *three* consecutive years with declining rates.

Further, the analysis presented in this report suggests that more than one discipline metric should be considered if CDE is serious about trying to encourage meaningful discipline reform. There is no perfect measure, but both the rate of suspensions per 100 students and the rate of lost instruction better reflect the excessive use of suspension than rates based on unduplicated counts of students suspended at least once. Adding at least one measure that reflects the impact from repeated suspensions will more accurately capture the severity and disparity in harm of an unjustified reliance on punitive suspensions.

However, without a costly investment, CDE can modify its dashboard and certainly identify districts with the highest rates as low performing. Additional resources are not needed to have districts remain coded red each year that any group has a rate of suspensions or lost instruction that is well above the state average even if it made some progress. There is also minimal cost in modifying the reporting categories to better highlight the other non-violent and most frequent suspensions by the actual code of conduct. Moreover, CDE could also start considering racial disparities within districts when assigning performance indicators.

Improve Public Data Reporting of Discipline Rates:

CDE should fully comply with federal law, which requires rates of referrals to law enforcement and school-based arrests to be included in school and district report cards. These rates should be calculated using the census enrollment data rather than the cumulative enrollment data to be consistent with reporting by the U.S. Department of Education's Office for Civil Rights for reasons we explain in Appendix A. For future reporting, the current Accountability Dashboard and DataQuest should make it possible to easily see the discipline trend lines for each group of students for at least the current year plus the prior 3 years.

Conservative student suspension rates are currently the only state discipline indicator that is part of California's accountability system. Yet, this accountability has not effectively addressed the disparate impact of suspensions on youth in the foster system, those experiencing homelessness, or for any of the groups whose performance is reported on each school's and district's data dashboard and report card. We suggest that, to address the impact of exclusionary discipline on educational opportunity more effectively, the state accountability system should consider the increase or decrease in the rates of lost instruction, as calculated in this report.

The CDE should make the data on the number of school days absent due to OSS more visible and accessible.

Currently, the data from the CDE that this report analyzed must be downloaded from files the CDE posts regarding data on reasons for absenteeism. The raw data are provided by the CDE, but CDE calculates no rates of lost instruction. CDE could make the disparate impact of discipline policies by race and disability much clearer if it were to publicly report the raw counts of days lost with further disaggregation by type of offense.

Closer scrutiny of district Local Control and Accountability Plans is needed.

The high rates of lost instruction across the districts examined here further support our prior call to ratchet up the monitoring of and accountability for the use of the supplemental and concentration grants. Greater oversight will help to ensure that districts obey the spending rules and devote the necessary resources to support students who are in the foster system and/or experiencing homelessness.

Monitoring should include members of the community most affected:

The technical assistance provided to districts that are struggling to improve school climate should be publicly reported, and members of the school community should be encouraged to participate in monitoring the reform efforts. The districts with the highest rates of lost instruction and the largest disparities should be held accountable if they refuse to make any meaningful changes to improve school climate, including referrals for intervention to state enforcement agencies.¹⁰³

Districts should provide more funding to identify and support students with behavioral needs:

The data on the discipline of youth in the foster system and those experiencing homelessness suggest that a lack of supports and services for these students is sorely lacking. Students have a right to improved oversight and increased district accountability, especially in districts where the data show that they are being disparately denied their educational opportunity, due to the unjustifiable use of exclusionary discipline.

Reduce Police Presence in California's Schools

One area not covered by this report but that is of serious concern and has been raised in prior reports, is that police are far too entangled with school discipline. Unfortunately, the State of California has historically been out of compliance with the federal reporting requirements to include the school policing data in state and local report cards. We did not include the policing data in this report because the most recent currently available data are the federally collected data from the 2021-2022 school year.

CONCLUSION:

Although these recommendations are based on this report's descriptive findings, they are informed by well-established research on the numerous effective alternatives to harsh and exclusionary school discipline. Similar recommendations were offered in the publication, *Lost Instruction*, published jointly by NCYL with UCLA's Center for Civil Rights Remedies in 2023.¹⁰⁴ Today, Californians are faced with rising bigotry and a depletion of federal resources. Therefore, it is with even greater urgency than before that we encourage policymakers to consider taking these actions.¹⁰⁵

Endnotes

¹Craig Trainor, Dear Colleague Letter, UNITED STATES DEPARTMENT OF EDUCATION (Feb. 14, 2025) <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>; Exec. Order No. 14280, 90 C.F.R. 17533 (2025); Exec. Order No. 14151, 90 C.F.R. 8399 (2025); Exec. Order No. 14173, 90 C.F.R. 8633 (2025); Exec. Order No. 14190, 90 C.F.R. 8853 (2025); Exec. Order No. 14242, 90 C.F.R. 13679 (2025); Exec. Order No. 14281, 90 C.F.R. 17537 (2025).

²Exec. Order No. 14280, 90 C.F.R. 17533 (2025).

³*Id.*

⁴When an administrative agency releases a guidance the document, frequently written as a “Dear Colleague” letter, it typically includes a disclaimer stating that the guidance does represent a change in the law, as it did in footnote 8 of this guidance. See Dear Colleague Letter *supra* note 1 at footnote 8. However, guidance can provide information regarding how the agency interprets and plans to enforce the law. See *id.* Further, a Federal Court enjoined the U.S. Department of Education from enforcing the law as interpreted by the issued guidance. Visitors to the webpage will now find the following disclaimer: “On April 24, 2025, a federal court enjoined the Department from “enforcing and/or implementing” the following: Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard (Feb. 14, 2025), Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act (first issued on Feb. 28, 2025), End DEI Portal, and Reminder of Legal Obligations Undertaken in Exchange for Receiving Federal Financial Assistance and Request for Certification Under Title VI and SFFA v. Harvard (April 3, 2025) (certification requirement) against the plaintiff National Education Association, et al., its members, and any entity that employs, contracts with, or works with its members. See, *Nat’l Educ. Ass’n v. United States Dep’t of Educ.*, No. 25-CV-091-LM (D.N.H. Apr. 24, 2025). As a result, the Department of Education’s Office for Civil Rights will not take any enforcement action, or otherwise implement, the February 28, 2025, Dear Colleague Letter, associated FAQs, the End DEI Portal, or the certification requirement until further notice.” *Id.* On August 8, 2025 a Federal District Court Judge in Maryland held that the Dear Colleague Letter of Guidance issued on February 14th, was “unlawful” as it violated the Administrative Procedures Act. See, *American Federation of Teachers, et al., v. United States Dep’t of Educ.*, No.: SAG-25-628 (D. MD. August 8, 2025).

⁵Exec. Order 14280 *supra* note 2. Readers should note that 2025 has been a volatile period of federal and state education policy and some of the ongoing legal and civil rights issues highlighted in this introduction may have changed by the publication date of this report, or soon thereafter.

⁶Several major colleges and universities did change policies and practices in attempt to follow the February 14 guidance on DEI while others challenged the guidance in court.

⁷As noted, challenges to the February “Dear Colleague” letter of Guidance have been successful. *Supra* Note 4. However, challenges to the Trump administration’s violations to administrative procedures won’t likely end the administration’s efforts to change education law and policy

⁸See *New York v. McMahon*, No. 25-10601, No. 25-10677, 2025 WL 1463009 (D. Mass. May 22, 2025); See also Exec. Order No. 14281, 90 C.F.R. 17537 (2025) (seeking to eviscerate the Title VI disparate impact regulations as they were promulgated by the Department of Energy. These regulatory actions are in the process of being challenged before they are approved, but the Executive Order threatens to propose similar federal Department of Education regulations which could have implications for civil rights protections against unsound discipline policies).

⁹The request by DOED to stay the injunction was granted by the Supreme Court. The earlier decision held that Secretary McMahon was closing DOED without authorization from Congress thereby overreaching her authority. See *New York v. McMahon*, No. 25-10601, No. 25-10677, 2025 WL 1463009 (D. Mass. May 22, 2025).

¹⁰See *McMahon v. New York*, No. 24A1203, 606 U. S. ____ (2025); See also Devan Cole, *Federal appeals court refuses to lift ruling halting mass layoffs at Department of Education*, CNN (June 4, 2025) <https://www.cnn.com/2025/06/04/politics/appeals-court-department-of-education-cuts>.

¹¹See *Opposition of State Plaintiffs to Application to Stay the Preliminary Injunction Issued by the United States District Court for the District of Massachusetts, McMahon v. New York*, Nos. 24A1203 (filed June 13, 2025).

- ¹²Press Release, Cal. Att’y Gen., Attorney General Becerra Condemns Education Secretary DeVos (Aug. 24, 2018) <https://oag.ca.gov/news/press-releases/attorney-general-becerra-condemns-education-secretary-devos-plans-rescind>; Press Releases, Cal. Att’y Gen., <https://oag.ca.gov/media/news> (last visited July 1, 2025).
- ¹³Sarah Mervosh, *24 States Sue Trump Over \$6.8 Billion Withheld From Education*, N.Y. TIMES (July 14, 2025) https://www.nytimes.com/2025/07/14/us/states-sue-trump-education-funds-afterschool.html?unlocked_article_code=1.WU8.KpLb.8colBRqMWBIG.
- ¹⁴Complaint for Declaratory, Injunctive, and Mandamus Relief, *California v. McMahon* (filed July 14, 2025) <https://oag.ca.gov/system/files/attachments/press-docs/1%5B83%5D.pdf>.
- ¹⁵Ashley Zavala, *California sues Trump administration over frozen education funds*, KCRA (July 14, 2025) <https://www.kcra.com/article/california-sues-trump-administration-frozen-education-funds-after-school-summer/65401413>. Some, but not all, of the funds that were frozen on June 30, 2025 have been scheduled to be released.
- ¹⁶*New York v. McMahon*, No. 25-10601, No. 25-10677, 2025 WL 1463009 (D. Mass. May 22, 2025).
- ¹⁷Naaz Modan, *Half of OCR eliminated after Trump Education Department layoffs*, K-12 DIVE (Mar. 12, 2025) <https://www.k12dive.com/news/half-of-ocr-fired-after-trump-education-department-layoffs/742374>; Moreover, in another distinct case about cuts in spending, after DOED cut nearly all the federal funding through grants to support research on improving teaching, they were partially successful in warding off the legal challenge to those cuts, too. The Supreme Court ruled that those grantees could only sue for damages (and could not sue to reinstate the grants) in Federal Claims Court. See *Dep’t of Educ. v. California*, 145 S.Ct. 966 (2025); see also *Ass’n for Educ. Fin. & Pol’y v. McMahon*, No. 25-00999, 2025 WL 1568301 (D.D.C. June 3, 2025).
- ¹⁸See Exec. Order No. 14280 *supra* note 2.
- ¹⁹See Press Release, U.S. Dep’t of Educ., U.S. Department of Education Releases Secretary McMahon’s Supplemental Grant Priorities (May 20, 2025) <https://www.ed.gov/about/news/press-release/us-department-of-education-releases-secretary-mcmahons-supplemental-grant-priorities>.
- ²⁰FINAL REPORT OF THE FEDERAL COMMISSION ON School Safety, at 20, U.S. DEP’T OF EDUC. (Dec. 18, 2018) <https://www.ed.gov/sites/ed/files/documents/school-safety/school-safety-reportpdf.pdf>; See also John Valant & Michael Hansen, *School Safety Commission’s report uses tenuous logic to walk back guidance on school discipline*, BROOKINGS (Dec. 21, 2018) <https://www.brookings.edu/articles/school-safety-commissions-report-uses-tenuous-logic-to-walk-back-guidance-on-school-discipline/>.
- ²¹See Exec. Order No. 14280 *supra* note 2; Richard O. Welsh & Shafiqua Little, *The School Discipline Dilemma: A Comprehensive Review of Disparities and Alternative Approaches*, AERA (Sept. 17, 2018).
- ²²Office for Civil Rights Recent Resolution Search, OFFICE FOR CIVIL RIGHTS, https://ocrcas.ed.gov/ocr-search?f%5B0%5D=ocr_issues%3A540&f%5B1%5D=state_fullname%3A642 (last visited June 27, 2025).
- ²³Daniel Miller, *State discipline law keeps Black, Latino kids in class. Trump says it’s illegal*, LOS ANGELES TIMES (May 1, 2025) <https://www.latimes.com/california/story/2025-05-01/trump-order-on-school-discipline-may-put-california-in-legal-crosshairs>.
- ²⁴Cal. Educ. code § 48900(k) https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=6.&part=27.&lawCode=EDC&title=2.&article=1.
- ²⁵Accountability, CAL. DEP’T OF EDUC., <https://www.cde.ca.gov/ta/ac/> (last visited June 27, 2025).
- ²⁶Exec. Order No. 14280 *supra* note 2.
- ²⁷Exec. Order No. 14168, 90 C.F.R. 8615 (2025); Ashley Jardina & Spencer Piston, *Trickle-down racism: Trump’s effect on whites’ racist dehumanizing attitudes*, ScienceDirect (Oct. 9, 2023) <https://www.sciencedirect.com/science/article/pii/S2666622723000710>.

²⁸Rebecca Santana, *Trump administration throws out policies limiting migrant arrests at sensitive spots like churches*, AP (Jan. 21, 2025) <https://apnews.com/article/immigration-enforcement-sensitive-locations-trump-ab0d2d2652e9df696f14410ebb52a1fc>; Robin Abcarian, *Wasn't the president supposed to be deporting criminals?*, LOS ANGELES TIMES (June 15, 2025) <https://www.latimes.com/opinion/story/2025-06-15/los-angeles-immigration-raids-protests>.

²⁹Brittney Mejia, *Video shows immigration agents interrogating a Latino U.S. citizen: 'I'm American, bro!'*, LOS ANGELES TIMES (June 13, 2025) <https://www.latimes.com/politics/story/2025-06-13/video-shows-immigration-agents-interrogating-a-latino-u-s-citizen-im-american-bro>.

³⁰PATRICIA GANDARA & JNOGYEON ED, *SCHOOLS UNDER SEIGE: THE IMPACT OF IMMIGRATION ENFORCEMENT ON EDUCATIONAL EQUITY* (Harvard Education Press 2021); Maria Villarroel, *School Attendance Drops Sharply As Trump Admin No Longer Considers It a 'Sensitive Location' For ICE*, LATIN TIMES (June 16, 2025) <https://www.latintimes.com/school-attendance-drops-sharply-trump-admin-no-longer-considers-it-sensitive-location-ice-585049>.

³¹Ryan Lucas, *70% of the DOJ's Civil Rights Division lawyers are leaving because of Trump's reshaping*, NPR (May 19, 2025) <https://www.npr.org/2025/05/19/g-s1-66906/trump-civil-rights-justice-exodus>; Modan *supra* note 17.

³²Dear Colleague Letter *supra* note 1.

³³*Joint Guidance re School Programs Multistate*, OFFICES OF THE ATTORNEY GENERAL FOR THE STATE OF ILLINOIS, THE COMMONWEALTH OF MASSACHUSETTS, AND THE STATE OF NEW YORK (March 5, 2025) <https://www.npr.org/2025/05/19/g-s1-66906/trump-civil-rights-justice-exodus>.

³⁴Press Release, Cal. Att'y Gen., Attorney General Bonta Secures Preliminary Injunction to Block Mass Firings, Transfer of Core Functions from Department of Education (May 22, 2025) <https://oag.ca.gov/news/press-releases/attorney-general-bonta-secures-preliminary-injunction-block-mass-firings>.

³⁵Russel Rumberger & Daniel Losen, *The High Cost Of Harsh Discipline And Its Disparate Impact*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (June 1, 2016) <https://escholarship.org/uc/item/85m2m6sj>.

³⁶Trends cover the 17–18, 18–19, 21–22, 22–23, and 23–24 years, which exclude the COVID years when schools were closed.

³⁷*Suspension Rate Indicator*, CAL. DEPT OF EDUC. (Dec. 2024) <https://www.cde.ca.gov/ta/ac/cm/documents/dbguidesusp24.docx>.

³⁸Jason A. Okonofua & Jennifer L. Eberhardt, *Two Strikes: Race and the Disciplining of Young Children*, Psychological Science 617 (2015). See also, Kimber L. Wilkerson, *Repeated School Suspensions: Who Receives Them, What Reasons are Given, and How Students Fair*, in *Education and Urban Society*, (2021)(finding Black students and students with disabilities were the two groups most likely to be suspended two or more times); Daniel Losen & Jonathan Gillespie, *Opportunities Suspended*, at p. 14, (Data from the CRDC showed that nationally students with disabilities were more likely to be suspended two or more times than they were just one time in 2009-10) the Center for Civil Rights Remedies at UCLA (2012).

³⁹All the details about each of the rates in this report can be found in the appendix.

⁴⁰This calculation allows for more meaningful comparison of the aggregate impact of suspension on educational opportunity.

⁴¹Throughout this report, where feasible, the rates are disaggregated by race and disability status and trends dating back to 2017–18. The data presented have excluded several racial/ethnic groups simply to make the data in the charts easier to read, but every group is covered by the [Tableau webtool](#).

⁴²Although students did experience disciplinary removal, the rates of suspensions, both out-of-school and in-school, in each of those years was altered by long periods of school closures. The CDE also expressly warned against comparisons of school discipline in each of these years. For example, CDE's statement advises against comparing data from non-COVID years to discipline data for 2019-20 and 2020-21. <https://www.cde.ca.gov/ds/ad/filesd.asp>; Daniel J. Losen et. al., *Unmasking School Discipline Disparities in California: What the 2019–2020 Data Can Tell Us about Problems and Progress*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (July 26, 2022) <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/unmasking-school-discipline-disparities-in-california>.

⁴³MARIA LUZ ESPINO ET AL., UNDERSTANDING BELONGINGNESS, SUPPORT, AND PERSEVERANCE: AN EXPLORATORY STUDY OF THE EDUCATIONAL EXPERIENCES OF FOSTER YOUTH IN CALIFORNIA, UCLA CENTER FOR THE TRANSFORMATION OF SCHOOLS (2024) https://escholarship.org/content/qt1dd3629j/qt1dd3629j_noSplash_c357495b4a387f62a64b9da6ed873025.pdf.

⁴⁴*Id.* at 15.

⁴⁵*Definition of Homeless*, CAL. DEP'T OF EDUC. (Apr. 9, 2024) <https://www.cde.ca.gov/sp/hs/homelessdef.asp> (The CDE considers students to be experiencing homelessness according to the McKinney-Vento Act's definition, which include youth who are sharing housing, living in motels and shelters, and living in cars and public spaces, among other living situations).

⁴⁶See *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973*, U.S. DEP'T OF EDUC. OFF. OF CIV. RTS. (July 2022) <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf>.

⁴⁷See e.g. 20 U.S.C. § 1417; 20 U.S.C. § 1415(k)(1)(E); *Supporting Students with Disabilities* *supra* note 46; Also see Dan Losen et al., *Disabling Inequity: The Urgent Need for Race Conscious Remedies*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (Mar. 23, 2021) <https://www.civilrightsproject.ucla.edu/research/k-12-education/special-education/disabling-inequity-the-urgent-need-for-race-conscious-resource-remedies> (for additional discussion of the national concerns).

⁴⁸The statewide census enrollment for students without disabilities was 5,037,710 and their days lost due to OSS was 434,636.6 in 2023-24. These data were obtained from CDE's Downloadable Data Files. See Appendix A for the exact data sources.

⁴⁹Ramon T. Flores & Daniel J. Losen, *Lost Instruction Time in California Schools*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES & NATIONAL CENTER FOR YOUTH LAW (Oct. 2023) https://youthlaw.org/sites/default/files/attachments/2023-10/Lost_Instruction_Time_CA_Schools_October_2023.pdf; Daniel J. Losen & Paul Martinez, *Is California Doing Enough to Close the School Discipline Gap?*, UCLA: The Civil Rights Project/Proyecto Derechos Civiles (June 21, 2020) <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/is-california-doing-enough-to-close-the-school-discipline-gap/>; Daniel J. Losen & Amir Whitaker, *Lost Instruction: The Disparate Impact of the School Discipline Gap in California*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (Oct. 24 2017) <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/lost-instruction-the-disparate-impact-of-the-school-discipline-gap-in-california>; Daniel J. Losen, Michael A. Keith II, Cheri L. Hodson, Tia E. Martinez & Shakti Belway, *Closing the School Discipline Gap in California: Signs of Progress*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (Nov. 23, 2015) <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015>; Daniel J. Losen, Tia E. Martinez & Valerie Okelola, *Keeping California's Kids In School*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (June 10, 2014) <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/keeping-californias-kids-in-school>.

⁵⁰48900(k)(1)

⁵¹Daniel J. Losen, Tia E. Martinez, & Valerie Okelola, *Keeping California's Kids in School*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (June 10, 2014) <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/keeping-californias-kids-in-school>; Press Release, UCLA: Civ. Rts. Project/Proyecto Derechos Civiles, UCLA Report Finds Two out of Three California School Districts Reduce Out-of-School Suspensions as Discipline Gap Narrows (June 10, 2014) <https://www.civilrightsproject.ucla.edu/news/press-releases/2014-press-releases/keeping-ca-kids-in-school/UCLARElease610Finalv2.pdf>.

⁵²Jennah Pendleton, *California limits suspensions to address disparities. Do they exist in Sacramento schools?*, THE SACRAMENTO BEE (June 27, 2024) <https://www.sacbee.com/news/local/education/article289500628.html>.

⁵³The Safe and Drug Free Schools Act at 20 U.S.C. Section 7112(c)(3)(B) suggests states may use funds for the required reporting of the "frequency, seriousness and incidence of violence and drug related offenses resulting in suspensions..."*Id.*

⁵⁴CDE shows where it placed each of California's Education Codes within each chosen category for public reporting. As mentioned, even the label "Defiance Only" is misleading because the category can include suspensions for behavior that was merely disruptive and not defiant.

⁵⁵See *id.*

⁵⁶See Merriam-Webster Dictionary, Definition: profanity, available at <https://www.merriam-webster.com/dictionary/profanity#dictionary-entry-1>; Merriam-Webster Dictionary, Definition: vulgarity available at <https://www.merriam-webster.com/dictionary/vulgarity#dictionary-entry-1>

⁵⁷At least one district, San Francisco Unified, lists this code under "Disruptive Behaviors" in the Student and Family Handbook available at <https://www.sfusd.edu/student-and-family-handbook>. Once downloaded one can find a definition of obscenity and vulgarity but not profanity. None of the definitions mention violence. See *Student and Family Handbook*, at 216, SAN FRANCISCO UNIFIED SCHOOL DISTRICT (Aug 2024) <https://drive.google.com/drive/folders/1RxSDnu-SdUJrpDCYtBVOvv4FXFEww8ik>. However, this same handbook also includes this offense under "Bullying and Harrassment." See *id.* at 203.

⁵⁸See *School Discipline Count of Suspensions by Most Serious Offense*, DATAQUEST <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspCount.aspx?cds=00&agglevel=State&year=2017-18&initrow=Eth&ro=y> (last visited July 9, 2025) (In 2017–18, the "Misconduct, No Injury" category, which includes the highly subjective offense code for profanity or vulgarity, accounted for 49.3% of all suspensions, the plurality).

⁵⁹Specifically, in 2021–22 the category constituted 147,546 suspensions out of 292,423 (50.5%); in 2022–23 the percentage rose to 51.1% and in 2023–24, the Misconduct, No Injury category constituted 170,484 suspensions out of a total of 307,774, (55.4%). See *School Discipline Count of Suspensions by Most Serious Offense*, DATAQUEST <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspCount.aspx?cds=00&agglevel=State&year=2017-18&initrow=Eth&ro=y> (last visited July 9, 2025) (visitors to the website can select the years to see the counts).

⁶⁰See Letter to Governor Brown (Aug. 15, 2013) (on file with author) (signed by over 20 leading civil rights lawyers).

⁶¹See, e.g., Daniel J. Losen & Paul Martinez, *Is California Doing Enough to Close the School Discipline Gap?*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (June 21, 2020) <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/is-california-doing-enough-to-close-the-school-discipline-gap/>; See also Ramon Flores & Daniel J. Losen, Update to "Lost Instruction Time in California Schools", UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (Jan. 8, 2024) <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/update-to-lost-instruction-time-in-california-schools>.

⁶²For 2024–25 school year the prohibition was extended to cover all grades.

⁶³CDE indicates that before 2015-16, there were data quality issues with DataQuest's discipline reports for students in the foster system, students experiencing homelessness, and students with disabilities. <https://dq.cde.ca.gov/dataquest/dqCensus/DisFilters.aspx>

⁶⁴Jason A. Okonofua & Jennifer L. Eberhardt, *Two Strikes: Race and the Disciplining of Young Students*, 26 *Psychological Science* 5, 617–24 (Apr. 8, 2015) <https://doi.org/10.1177/0956797615570365>.

⁶⁵The bulk of our selection process was completed by September of 2024 available at that time, although we finalized our selection for this report after we had an opportunity to analyze the data from 2023–24. See Appendix C for our process of selecting districts making progress.

⁶⁶We were unable to set up interviews with several districts. We completed our interviews before the new data were released in December of 2024. We limited our analysis to districts with at least 100 students enrolled for Black students and students with disabilities. We also ruled out single-school districts. We decided to feature only districts where low-income students constituted at least 30% of the total enrollment. We also decided to feature only districts that enabled us to interview high level administrators with knowledge of their discipline reform efforts. A full explanation of our criteria is provided in appendix C.

⁶⁷Several districts that showed progress through 2022-23, and whose leaders we interviewed in the fall of 2023, were not featured because their data showed increases in the rates of lost instruction for 2023-24 for the groups in their district that already had the highest rates. We were unable to calculate district level trends in rates of lost instruction for those experiencing homelessness and those in the foster system and therefore their rates were not part of our selection criteria.

⁶⁸As described in appendix C, each district had to enroll at least 100 of each (Black and Students with Disabilities) for each year in the trend analyses.

⁶⁹Merced Union High had the 8th largest decrease in California from 17-18 to 23-24 in the lost instruction rate for Black students. This ranking was among districts with 100 or more Black students enrolled in each school year.

⁷⁰Although we did not analyze every school board policy of the districts we feature, we also disqualified districts if they had recently adopted bigoted school board policies such as anti-LGBTQ+ policies or anti-CRT policies.

⁷¹We will reexamine the excluded districts when the data from 2024–25 are released. Often districts that make progress have a year that is inconsistent with their overall trend.

⁷²All student groups shown had 100 or more students in each school year, except for American Indian students in Merced Union High who had an enrollment of 57-65 students.

⁷³In 2013, California banned willful defiance suspensions for students in kindergarten through third grade. In 2019, the ban was extended to include students in fourth and fifth grades permanently, and temporarily to grades 6-8. In 2023, a new law (SB 274) was signed, extending the ban on willful defiance suspensions to all grades (K-12) permanently. This law took effect on July 1, 2024.

⁷⁴Three “elementary school districts” – Franklin McKinley Elementary, Oakley Union Elementary, and Eastside Union Elementary – are also among the districts with the largest lost instruction rate increases in CA. We typically see high rates of lost instruction in high school districts and unified school districts. However, many elementary school districts include middle schools, which have typically had higher rates. A school level analysis was beyond the scope of this report. California’s accountability system includes school-level accountability and applies different metrics for the color coded dashboard discussed herein when applied to individual elementary schools than it does for middle schools and high schools.

⁷⁵See e.g., California School Dashboard - Let the Conversations Begin, CAL. DEP’T OF EDUC. (Mar. 29, 2019) https://www.youtube.com/watch?v=Pc_sW4S1HSI (stating at 1:16 “Plus, it’s an important way to hold our schools accountable, to see if they’re making progress over time.”).

⁷⁶The CDE measure is also typically lower because it divides the unduplicated count of students suspended by the enrollment but rather than use the official enrollment reported once each year, it uses the “cumulative enrollment”, which counts all students ever enrolled in the district during the year, even those who are only enrolled for a day or two.

⁷⁷All student groups shown had 100 or more students enrolled in each school year.

⁷⁸See Press Release, Cal. Att’y Gen., Attorney General Bonta: Mojave Unified School District Achieves Compliance with DOJ’s Four-Year Stipulated Judgment, Commits to Additional Reforms to Protect Students from Disproportionate Discipline and Increase Mental Health Support (May 9, 2024) <https://oag.ca.gov/news/press-releases/attorney-general-bonta-mojave-unified-school-district-achieves-compliance-doj%E2%80%99s> (the district had been under an agreement for other discrimination issues).

⁷⁹This was the first year CDE provided district enrollment data on youth in the foster system for every district in its downloadable census enrollment data files, which made it possible to calculate the rates of lost instruction for youth in the foster system for every California school district.

⁸⁰For tables for youth in the foster system and those experiencing homelessness, the selected districts had enrolled at least 50 students from the respective groups.

⁸¹Santa Rosa City is the LEA listed for accountability on CDE’s Dashboard. It includes Elementary Schools. Most of the individual high and middle schools in Santa Rosa City district didn’t have a discipline indicator for students experiencing homelessness. Two did, and in 2023-2024 one was coded green and the other orange. For each the most recent student suspension rate had declined compared to 2022-2023.

⁸²Each of these districts had large enrollments for Latinx students ranging from 1,489-4,529 Latinx students.

⁸³See e.g., Gail Cornwall, *What happens when suspensions get suspended?*, HECHINGER REPORT (Apr. 4, 2024) <https://hechingerreport.org/what-happens-when-suspensions-get-suspended/>.

⁸⁴There are some odd contrasts even within LAUSD, which appears to genuinely deserve its high performance indicator. For example, American Indian (AI) students' rate of 1 suspension per 100 also represented the largest decline since 2017-18 and a current rate that had declined by 0.6 over the prior year. Yet it was coded yellow for "medium" while Black students, whose rate of suspensions was twice as high (as the rate for American Indian) at 2.2 suspensions per 100 was coded blue for "high." This raises the question of why weren't both groups rated highly?

⁸⁵CDE provides a more detailed explanation of how the performance descriptors are determined for the suspension indicator in the 2024 Dashboard Technical Guide: Suspension Rate Indicator which can be accessed by visiting the webpage for the 2024 Dashboard Technical Guide and selecting the "Suspension" indicator. However, the way in which the performance codes are determined is explained in the discipline guide but varies by type of district. In each district type the performance level gets assigned a color based on the suspension rate. See the Five-by-Five Colored Tables available at <http://www.cde.ca.gov/ta/ac/cm/fivebyfivecolortablese23/.asp#SuspensionTable>. For example, for a unified district, the red code is assigned to a district with a rate of either between 4.6 and 8% or 8.1% or higher. However, if the current rate represents a decline the reported code can change to orange or yellow. Unfortunately, a district with a 25% rate can be coded yellow if the reduction is 2 percentage points or more, while a district with a 4.6% suspension rate can be coded red if that current rate represents an increase of 2.1 percentage points or more over the prior year.

⁸⁶CDE provides downloadable excel files called the 2024 Suspension Rate indicator Data File that one can sort and filter that contain the disaggregated rates used by the state for the school and district level dashboard indicators. Available at <https://www.cde.ca.gov/ta/ac/cm/suspdatafiles.asp>.

⁸⁷An additional note is that CDE's current website contains an obvious error. In the posted chart under the heading "Discipline Indicator", under the first column which is labeled "performance level", it deems red to be "high" or "very high." However, the website page entitled "How does California's accountability system work?" demonstrates that red indicates the lowest performance or "very low." Available at: <https://www.caschooldashboard.org/about/accountability>.

⁸⁸20 U.S.C. 6311(h)

⁸⁹Daniel J. Losen & Paul Martinez, *Is California Doing Enough to Close the School Discipline Gap?*, UCLA: The Civil Rights Project/Proyecto Derechos Civiles (June 21, 2020) <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/is-california-doing-enough-to-close-the-school-discipline-gap/> (pages 15-18).

⁹⁰Keith Kamisugi, *Calif. Dept. of Education Ignores Clear Patterns of Discrimination in School Discipline*, EQUAL JUSTICE SOCIETY (Oct. 6, 2021) <https://equaljusticesociety.org/2021/10/06/calif-dept-of-education-ignores-clear-patterns-of-discrimination-in-school-discipline/>.

⁹¹*Id.*

⁹²See the [Tableau webtool](#) for more details and 7-year trend analysis in expulsion rates for every district.

⁹³*Id.*

⁹⁴Although not within the scope of this report, advocates in California have also raised serious concerns about "informal" or "off the books" suspensions and district transfers which they assert masks the degree of the disciplinary exclusions and resulting disparities. See Keith Kamisugi *supra* note 91.

⁹⁵Rumberger *supra* note 35.

⁹⁶See Sean Darling-Hammond et al., *Effectiveness of Restorative Justice in US K-12 Schools: a Review of Quantitative Research*, 24 Contemporary School Psychology 3 (May 24, 2020) <https://link.springer.com/article/10.1007/s40688-020-00290-0#citeas>

⁹⁷ See Marsha Basloe, *The Role of Implicit Bias in Early Childhood Settings*, EARLY YEARS (Apr. 16, 2019) <https://www.earlyyearsnc.org/2019/04/16/the-role-of-implicit-bias-in-early-childhood-settings/> (summarizing the research findings of Walter Gilliam, Yale Child Study Center); See also, *Uncovering Bias in Preschool Education*, PBS: CONNECTIONS (July 7, 2017) <https://www.pbs.org/video/uncovering-bias-in-preschool-education-raohi8/>.

⁹⁸ Jason A. Okonofua & Jennifer L. Eberhardt, *supra* note 64.

⁹⁹ Adukia et al., *A restorative approach to student discipline shows promise in reducing suspensions and arrests*, BROOKINGS (Feb. 7, 2025) <https://www.brookings.edu/articles/a-restorative-approach-to-student-discipline-shows-promise-in-reducing-suspensions-and-arrests/>; *School Safety, Discipline and Restorative Practices*, LEARNING POLICY INSTITUTE, <https://learningpolicyinstitute.org/topic/school-safety-discipline-and-restorative-practices> (last visited July 17, 2025); *Social and Emotional Learning*, LEARNING POLICY INSTITUTE, <https://learningpolicyinstitute.org/topic/social-and-emotional-learning> (last visited July 17, 2025).

¹⁰⁰ See *Dear State Leaders Letter*, NATIONAL CENTER FOR YOUTH LAW (Mar. 11, 2025) <https://youthlaw.org/sites/default/files/attachments/2025-03/ECRA%20-%20Letter%20to%20State%20Leaders.pdf>

¹⁰¹ For example, it is noteworthy that the press release announcing the DOE's anonymous "End-DEI" complaint portal included quotations from the group "Moms For Liberty." See Press Release, U.S. Dep't of Educ., U.S. Department of Education Launches "End DEI" Portal (Feb. 27, 2025) <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-end-dei-portal> (The portal is currently not operational).

¹⁰² See *Uniform Complaint Procedures*, CAL. DEP'T OF EDUC., <https://www.cde.ca.gov/re/cp/uc/> (last visited July 9, 2025).

¹⁰³ These could include the Bureau of Children's Justice as well as California's Department of Civil Rights.

¹⁰⁴ Ramon T. Flores & Daniel J. Losen, *Lost Instruction Time in California Schools: The Disparate Harm from Post-Pandemic Punitive Suspensions*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (OCT. 30, 2023) <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions>; See also Ramon Flores & Daniel J. Losen, *Update to "Lost Instruction Time in California Schools"*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (Jan. 8, 2024) <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/update-to-lost-instruction-time-in-california-schools>.

¹⁰⁵ Most of the recommendations that follow are slight modifications of recommendations made in our prior report: Ramon T. Flores & Daniel J. Losen, *Lost Instruction Time in California Schools: The Disparate Harm from Post-Pandemic Punitive Suspensions*, UCLA: THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES (OCT. 30, 2023) <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions>