

California Attorney General Issues New Guidance on Discrimination in School Discipline

March 14, 2019

California Attorney General Xavier Bacerra recently sent a letter to schools throughout the State regarding their legal obligations under California law to administer student discipline without discriminating on the basis of race, sex, disability, national origin, or any other protected characteristic. The letter was issued shortly after the U.S. Departments of Education and Justice rescinded the 2014 Guidance on improving school discipline policies and practices, and reminds schools that their obligation under California law are consistent with the 2014 Guidance.

The letter calls upon all those who work with and on behalf of California students to dedicate themselves to ensuring that California schools are free from policies and practices that have a discriminatory impact. Citing recent data collected by the California Department of Education, as well as a report from the Civil Rights Project at the University of California Los Angeles, the Attorney General noted that African-American students are suspended at three times the rate of white students and miss four times the number of days of instruction due to suspensions and expulsions.

The Attorney General reminded school leaders that “the requirements of non-discrimination apply with equal force to the conduct undertaken by individuals or entities, such as security agencies, school resource officers, and school police departments” that carry out school safety and student discipline functions. The Attorney General warns school districts that his office will pursue investigations to protect the rights of all students to be free from discrimination.

The full letter provides a general overview of California non-discrimination law as related to student discipline, as well as a look into the racial inequalities plaguing California schools’ disciplinary systems.

If you have any questions about the legal ramifications of the Attorney General’s letter on local California schools, or ways to ensure that your District is protecting the civil rights of all students, please contact a DWK attorney.

PRACTICE AREAS

- Students and Special Education



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