

Assembly Bill 610

Eliminating Law Enforcement Mandate in Schools

Assembly Member Ash Kalra

SUMMARY

AB 610 will eliminate the mandatory requirement that schools notify law enforcement for certain student behavior such as an assault or minor possession of cannabis or alcohol. Involving law enforcement in the response to common child and adolescent school related misbehavior contributes to racial inequities in academic achievement and the school-to-prison pipeline. A student's interaction with law enforcement decreases their likelihood of completing high school while increasing the likelihood that they will have contact with the criminal legal system.

By restoring flexibility to educators to decide when law enforcement should be notified, AB 610 will protect students from unnecessary contact with the criminal legal system, decrease school related law enforcement referrals and arrests, and keep students in school.

BACKGROUND

Decades of research show the long-term harm to young people of even minimal contact with the juvenile or criminal legal systems. Once students make contact with law enforcement, they are less likely to graduate high school and more likely to wind up in jail or prison.

Our existing system has led to alarming disparities in the type of students who are most likely to suffer these harms. Black students, Latino students, students of color, and students with disabilities are disproportionately referred to law enforcement, cited, and arrested.

Yet existing law often forces school administrators and staff to notify law enforcement even when an administrator prefers an alternative approach. These alternatives to addressing student misbehavior have been shown to ensure campus safety and not to exacerbate previously mentioned academic and

criminal legal system disparities facing youth of color. As many California educators seek to support students by responding to behavioral issues with needed services, regressive 90s era "tough on crime" laws that reach beyond federal requirements remain in place that legally mandate school officials to notify law enforcement of certain behaviors. These laws require notification regardless of the particular circumstances of the incident or the individual student's situation. In some instances, these laws even authorize fines for educators if they fail to report incidents.

Furthermore, California students and parents can also be criminally prosecuted for "willful disturbance" of public schools or public school meetings. This unreasonably vague provision has led to students being arrested for offenses as simple as knocking on classroom doors when class is in session.

SOLUTION

AB 610 will reduce law enforcement involvement in schools, ensure California law is consistent with federal law, and give educators the flexibility they need to respond appropriately to student behavior by:

- Eliminating state mandates for school notification of law enforcement, thereby empowering schools to adopt non-punitive, supportive, trauma-informed and health-based approaches to school related behaviors.
- Increasing educator discretion in determining when to notify law enforcement about a student's school related behaviors.
- Eliminating prosecution of school staff who fail to report incidents of alleged assaults or physical threats against school employees.

- Eliminating the criminal penalty for “willful disturbance” of public schools and public school meetings.

CO-SPONSORS

Alliance for Boys and Men of Color
American Civil Liberties Union-California
Black Organizing Project
Black Parallel School Board
Coleman Advocates for Children and Youth
Disability Rights California
Dolores Huerta Foundation
East Bay Community Law Center
Fathers and Families of San Joaquin
PolicyLink
Public Counsel

CONTACT

Erika Salazar, Legislative Assistant
erika.salazar@asm.ca.gov
(916) 319-2027

