



**LEGISLATION AND  
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June 25, 2019

Honorable Nancy Skinner  
Chair, Public Safety Committee  
California State Senate  
Capitol Building, Room 5094  
Sacramento, CA 95814

**RE: AB 901 (GIPSON) as amended June 20, 2019 – SUPPORT**

Dear Senator Skinner:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 901**. This bill is scheduled for hearing in the Senate Public Safety Committee on July 2, 2019.

This bill would make several important changes to existing law by ensuring that youth receive appropriate interventions and are not criminalized for truancy or problem behaviors. Specifically, the bill repeals the authority to refer a pupil to the school attendance review board, district attorney, or probation officer because the pupil was insubordinate or disorderly; repeals the requirements that those habitually truant, insubordinate, or disorderly pupils be brought to the attention of the juvenile court and the pupil's probation or parole officer; clarifies that services or programs that are offered to minors or minor's parents or guardians who are not on probation are voluntary; deletes the authority of the juvenile court to adjudge a person who is between 12 and 17 years of age as a ward of the court based on truancy; and reforms probation practices to ensure that youth are referred to services and counseling.

For too many years, youth who have never been accused of any criminal

behavior and who have not had any prior criminal justice system contact are referred to probation programs without a court hearing. Often through their schools, they're subjected to 'voluntary' probation programs - required to check in with a probation officer, subjected to random searches, curfews, surprise home visits and interrogations - based on poor academic performance, truancy, poor attendance, or general school behavior issues to prevent juvenile delinquency. What this means is that they are then criminalized and, despite these programs being labeled 'voluntary,' parents and youth often feel coerced into them and do not have the benefit of speaking to an attorney. In other words, this process turns on the faucet to the school-to-prison pipeline.

Importantly, this process disproportionately affects children and youth with disabilities because the disabilities are often at the core of the behaviors for which criminal justice solutions are invoked. According to the U.S. Department of Education, students with disabilities are more than twice as likely to receive an out-of-school suspension (13 percent) than students without disabilities (6 percent). Students with disabilities represent 12 percent of the overall student population, yet make up 25 percent of all students involved in a school-related arrest, 58 percent of all students placed in seclusion, and a staggering 75 percent of all students physically restrained at school.

The numbers are even worse for students of color with disabilities. Over a quarter of African-American boys with disabilities, and 19 percent of African-American girls with disabilities, received at least one out-of-school suspension in 2011—2012. African-American students with disabilities represent 18.7 percent of the special education population, but 49.9 percent of special education students in correctional facilities.

Many youth with disabilities in the juvenile justice and criminal justice systems go through general education with unaddressed academic, behavioral, or mental health needs. For example, one study found that up to 85 percent of children in juvenile detention facilities have disabilities that make them eligible for special education, yet only 37 percent receive services while in school.

This bill would make significant progress in ensuring that children and youth are not pulled into the criminal justice system and instead will provide noncriminal solutions and services for the youth and their families.

For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child  
Legislative Director  
Disability Rights California

cc: Honorable Members, Senate Public Safety Committee  
Mary Kennedy, Chief Counsel, Senate Public Safety Committee  
Honorable Mike Gipson, California State Assembly  
Emmanuel Aguayo, Caucus Consultant, Office of Senator Gipson  
Eric Csizmar, Policy Consultant, Senate Republican Caucus  
Committee