

AMENDED IN SENATE MAY 14, 2012

AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1235

Introduced by Senators Steinberg, Price, and Rubio
(Coauthors: Senators Alquist, Lowenthal, and Vargas)
(Coauthor: Assembly Member Swanson)

February 23, 2012

An act to amend Section 48911.2 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, as amended, Steinberg. Pupils: suspension.

(1) Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the school district superintendent or the school principal determines that the pupil has committed any of various specified acts. Existing law requires the school district superintendent or the school principal to immediately suspend and recommend the expulsion of a pupil who is determined to have, at school or at a school activity off school grounds, possessed, sold, or otherwise furnished a firearm, brandished a knife at another person, unlawfully sold a controlled substance, committed or attempted to commit a sexual assault or batter, as defined, or possessed an explosive.

Existing law states that a school should consider implementing a supervised suspension program or an alternative to the school's off-campus suspension program that involves a progressive discipline approach using specified activities if the number of pupils suspended from school during the prior school year exceeded 30% of the school's enrollment.

This bill would instead require a school district, commencing with the 2013–14 school year, to implement, for a minimum of 3 years, at a school where the number of pupil suspensions in the prior school year exceeded 25% of its enrollment, or a numerically significant ~~racial or ethnic~~ *pupil* subgroup of that enrollment, as defined, either (a) an evidence-based system of schoolwide positive behavioral interventions and supports that employs school-level information about the behavioral and academic history of pupils to define and implement systems of support and interventions at the school, classroom, and individual levels that is aimed at improving the social, emotional, and academic success for all pupils, or (b) other schoolwide strategies that are evidence based and designed to address school climate in order to create learning environments where teachers can teach and pupils can learn and to reduce suspensions from classrooms and the school. Commencing with the 2014–15 school year, the bill would *require a decrease by of 2% each per year* the percentage of enrollment or numerically significant ~~racial or ethnic~~ *pupil* subgroup of enrollment ~~required to trigger~~ *whose suspension triggers* this requirement until it is 15%. By requiring a school district to implement one of these strategies, the bill would impose a state-mandated local program.

The bill would authorize the State Department of Education to provide school district information regarding schoolwide evidence-based strategies that could be implemented.

The bill would require a school at which one of the strategies is implemented to report to the superintendent of the school district, the county superintendent of schools, and the Superintendent of Public Instruction on the rate of reduction in the school’s suspensions and the strategy used to address the matter.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48911.2 of the Education Code is
2 amended to read:

3 48911.2. (a) Commencing with the 2013–14 school year and
4 each school year thereafter, if the number of pupils suspended
5 from school during the prior school year exceeded 25 percent of
6 the school’s enrollment or of any numerically significant ~~racial or~~
7 ~~ethnic pupil~~ subgroup of the school’s enrollment, the school district
8 shall implement, for a minimum of three years, at least one of the
9 following strategies at the school for the purpose of reducing the
10 suspension rate or disproportionality:

11 (1) An evidence-based system of schoolwide positive behavioral
12 interventions and supports that employs school-level information
13 about the behavioral and academic history of pupils to define and
14 implement systems of support and interventions at the school,
15 classroom, and individual levels that is aimed at improving the
16 social, emotional, and academic success for all pupils.

17 (2) Other schoolwide strategies that are evidence based and
18 designed to address school climate in order to create learning
19 environments where teachers can teach and pupils can learn and
20 to reduce suspensions from classrooms and the school. The
21 department may provide information regarding additional
22 schoolwide strategies that meet the criteria for evidence-based
23 strategies.

24 (b) Commencing with the 2014–15 school year, the percentage
25 of a school’s enrollment, or of any numerically significant ~~racial~~
26 ~~or ethnic pupil~~ subgroup of a school’s enrollment, whose
27 suspension triggers the requirements in subdivision (a) shall be
28 reduced by 2 percent per year until it is 15 percent.

29 (c) At the end of the academic year, the school shall report to
30 the superintendent of the school district on the rate of reduction
31 in the school’s off-campus suspensions and the strategies or
32 activities used to comply with subdivisions (a) and (b). The school
33 district shall report this information on an annual basis at a
34 regularly scheduled meeting of the governing board and to the
35 Superintendent and the county superintendent of schools. The
36 Superintendent shall publish, on an annual basis, a list of all schools
37 that trigger the requirements in subdivision (a) and shall include

1 the annual rate of reduction in each school's out-of-school
2 suspensions.

3 (d) It is the intent of the Legislature to encourage all schools to
4 examine alternatives to off-campus suspensions that lead to
5 resolution of pupil misconduct without sending pupils off campus.
6 Schools that use strategies described in this section should not be
7 precluded from suspending pupils to an off-campus site.

8 (e) A school district may use any appropriate state or federal
9 funding sources to support the evidence-based schoolwide
10 strategies required to be implemented at schools that meet the
11 criteria described in subdivisions (a) and (b).

12 (f) *(1) For purposes of this section, ~~to be a numerically~~
13 ~~significant racial or ethnic pupil~~ subgroup, ~~the subgroup must~~
14 ~~constitute at least 15 percent of the total population of pupils at a~~
15 ~~school.~~ *includes the subgroups listed in paragraph (2) and that*
16 *meet both of the following criteria:**

17 (A) *The subgroup consists of at least 50 pupils enrolled at the*
18 *school.*

19 (B) *The subgroup constitutes at least 15 percent of the total*
20 *population of pupils enrolled at the school, but if a subgroup does*
21 *not constitute that percentage, the subgroup consists of at least*
22 *100 pupils enrolled at the school.*

23 (2) (A) *Racial and ethnic subgroups.*

24 (B) *Socioeconomically disadvantaged pupils.*

25 (C) *English learners.*

26 (D) *Pupils with disabilities.*

27 SEC. 2. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.