

SENATE BILL REPORT

SB 5155

As of January 29, 2013

Title: An act relating to long-term suspension and expulsion of students in kindergarten through twelfth grade.

Brief Description: Regarding long-term suspension or expulsion from school.

Sponsors: Senators McAuliffe, Rolfes, Kohl-Welles, Eide, Shin, Darneille and Kline.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/28/13.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Katherine Taylor (786-7434)

Background: Suspension means a denial of attendance – other than for the balance of the immediate class period for disciplinary purposes – from any single subject or class, or from any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

A short-term suspension means a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

A long-term suspension means a suspension that lasts more than ten consecutive school days.

An expulsion means a denial of attendance from any single subject or class or from any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

Summary of Bill: When a student is subject to a long-term suspension or expulsion, the student's school must create:

- a plan to provide the student academic services during the suspension or expulsion; and
- a plan for the student's re-entry into school.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In order for the student to be eligible for re-entry into school:

- the student must show steps were taken to address the cause of the suspension or expulsion;
- the school must evaluate the adequacy of the steps the student takes; and
- the school must meet with the student and their guardians to discuss the best placement for the student.

Upon re-entry, the school must:

- provide the student with support, mentoring, and monitoring; and
- provide the student with an agreement regarding the school's expectations for the student.

Upon re-entry, in addition to an adult designee who provides support, a peer mentor may also support and monitor the re-entering student.

Appropriation: None.

Fiscal Note: Requested on January 23, 2013.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We support the bill. This will help. Suspensions and expulsions are necessary but the reasons are varied. We need to keep staff safe. When students are expelled they may not receive an education. Designating someone to help suspended and expelled students will make a big difference. We do not want to beat students down. There are a lot of misunderstandings that lead to students being suspended or expelled, such as health issues. Too many students of color are suspended or expelled. There are issues of racism in our schools. We need to change how discipline works. No one listens. These bills finally tie discipline to other issues that we previously dealt with in isolation. We need to look at what contributes to suspension and expulsions. We need to gather data about the students who are being suspended and expelled. We need to deal with students whose infractions are classified as other. There is a lack of cultural competency with school staff. We need to help students succeed. Black, male students are disproportionately suspended and expelled. There is a problem with schools being a pipeline to prisons. Good students can get suspended and expelled. We need to invest in our students. The kids are worth it. Kicking kids out of school is a bad idea. African Americans have strong communities. Negative policy is being made. The Legislature needs to work with diverse communities. Minor actions sometimes receive major discipline consequences. We need change. We need to keep students in school. Mentoring helps. Education is a constitutional right. Special education students need a lot of help and excluding them is bad. We need positive not negative reinforcement for bad behaviors. We need to train staff better and engage parents more. There is a lack of cultural competency. There is a lack of notice given to parents when their children are suspended or expelled. Earlier intervention is better. We need to get rid of seclusion punishment. Keeping kids of school for a whole year is too long. We need more ombudsmen. The fiscal note is big, but the bill is labor intensive.

CON: This bill is unrealistic and will create hardships for schools. The Superintendent of Public Instruction used to have education clinics that helped suspended and expelled students. These clinics are no longer funded. Suspensions and expulsions are the tools available to principals and they do not use them lightly. We need to go back to implementing a gangs and schools workforce. We need transition schools for safety. Making the changes to policy in these bills will be costly.

OTHER: Technical concerns. How does the mentoring work? Who do you pick? We appreciate the bill but it creates too many duties without resources. Where are the resources for this? We need more counselors for academics. We want safe schools. We need more funding in general. This is a complicated issue. State law requires due process. We do not like creating an infraction code for cell phone use. Small schools will have a harder time complying with these policies.

Persons Testifying: PRO: Lucinda Young, WA Education Assn.; Donna Patrick, Developmental Disabilities Council; Jeannie Nist, Team Child; Alexa Hambry, Ciera Such, students; Kathleen Hambry, Kimberly Mustaffa, Dakoda Foxx, Dan Hambry, Karen Horne, parents, Thelma Jackson, WA Alliance of Black Educators/Black Education Strategies Roundtable (BESR); Delois Brown, Tacoma School District/substitute principal and nurse/BESR; Ari Kohn, Post Prison Education Program; Rev. Jimmie James, Dawn Mason, Isa Nichols, Lynda Collie-Johnson, community advocates, Elizabeth Richer, League of Education Voters; Ramona Hattendorf, WA State PTA; Mary Griffin, Seattle Public School Special Education Advocacy and Advisory Council; Gwen Carston-Allen, Kent Black Action Commission; Leslie Hamada, Kent East Hill Boxing/League of Convington Education Voters; Quincy Kendrix, Community Network Council; LaTrez Judkins, Foster Enterprise; Marcia Fromhold, Greg Williamson, OSPI.

CON: Tyson Vogeler, Castle Rock School District.

OTHER: Nancy Merrill, Enumclaw School Director; Marie Sullivan, WA State School Directors Assn.; Josh Almy, Liberty High School; Jerry Bender, Assn. of WA School Principals; Dan Steele, WA Assn. of School Administrators.