

SENATE BILL REPORT

SB 5244

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 6, 2013

Title: An act relating to school suspensions and expulsions.

Brief Description: Regarding school suspensions and expulsions.

Sponsors: Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith and Mullet.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/28/13, 2/06/13 [DPS-WM, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig, Brown, Cleveland, Fain, Hill, Rivers and Rolfes, Assistant Ranking Member.

Minority Report: Do not pass.

Signed by Senator McAuliffe, Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senator Mullet.

Staff: Katherine Taylor (786-7434)

Background: Suspension means a denial of attendance, other than for the balance of the immediate class period for discipline 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.

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

Long-term suspension means a suspension which exceeds a short-term suspension.

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.

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.

Every school board of directors must adopt and make available to each pupil, teacher, and parent in the district, reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions and suspensions in excess of ten consecutive days. Such rules must not be inconsistent with any of the following: federal statutes and regulations, state statutes, common law, and the rules of the Superintendent of Public Instruction (SPI). The board's rules must include such substantive and procedural due process guarantees as prescribed by SPI. When such rules are made available to each pupil, teacher, and parent, they must be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, SPI, and the rules of the school district.

Summary of Bill (Recommended Substitute): A suspension or expulsion of a student may not last for an indefinite period of time.

An emergency expulsion must end or be converted into another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than one calendar year from the time of the corrective action. School districts must make reasonable efforts to assist students and parents in returning suspended or expelled students to an educational setting prior to and no later than the end date of the corrective action.

A public school district, educational service district, and certain schools may provide educational services to a suspended or expelled student in an alternative setting or modify a suspension or expulsion on a case-by-case basis.

The Office of Superintendent of Public Instruction (OSPI) must disaggregate, cross-tabulate, and make public all discipline data in and by various sub categories.

School districts must conduct re-entry meetings for students who are suspended long-term or expelled, within 20 days of the student's suspension or expulsion to discuss a plan to reenter and reengage the student in a school program.

Washington State School Directors Association (WSSDA) must develop a model policy and make it public on its website by March 1, 2014.

The K-12 data governance group must create at least four additional behavior infraction codes that are based on the four most commonly reported behaviors that fall under the other behavior infraction subgroup.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Requires OSPI to disaggregate, cross-tabulate, and make public all discipline data in and by various sub categories. Requires school districts to conduct re-entry meetings for students who are suspended long-term or expelled within 20 days of the student's suspension or expulsion to discuss a plan to reenter and reengage the student in a school program. Requires WSSDA to develop a model policy and make it public on its website by March 1, 2014. Maintains provisions from the underlying bill, including ending open-ended expulsions. Requires the K-12 data governance group to create at least four additional behavior infraction codes that are based on the four most commonly reported behaviors that fall under the other behavior infraction subgroup.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: We support the bill. 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. The timelines are good.

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. This bill takes away emergency expulsion as a tool. Ten days is not enough time. Do we have the resources to keep kids safe?

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, Dakota 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: Carlos Chavez, Issaquah School District; Nancy Merrill, Enumclaw School Director; Marie Sullivan, WSSDA; Josh Almy, Liberty High School; Jerry Bender, Assn. of WA School Principals; Dan Steele, WA Assn. of School Administrators.