

SENATE BILL REPORT

SB 5301

As of February 1, 2013

Title: An act relating to the suspension and expulsion of students.

Brief Description: Regarding student suspension and expulsion.

Sponsors: Senators Rolfes, Litzow, McAuliffe, Dammeier, Mullet, Rivers, Billig and Keiser.

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 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.

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.

The Office of Superintendent of Public Instruction (OSPI) collects limited discipline data. The discipline data that is publically available on OSPI's website is not disaggregated by school building or other various sub groups. In addition, OSPI is not required to check the accuracy of the data it collects from school districts. In 2012-13, schools also began reporting data to OSPI in the CEDARS data system. This includes suspension and expulsion data tied to each student.

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.

Summary of Bill: Discipline data must be disaggregated and cross-tabulated by OSPI in and by various sub categories including but not exclusive to gender, foster care, homeless, school district, school, grade level, behavior infraction code, and intervention applied.

Discipline data reported by schools must be reviewed for accuracy by OSPI, which must include OSPI reviewing 20 high schools' discipline data for accuracy each year.

OSPI must make the data it collects from schools on suspension and expulsions public and easily accessible on its website.

The K-12 data governance workgroup must examine the data collected under other behavior under behavior infractions, and create at least four additional behavior infraction codes including defiance, disruption, cell phone violations, and gang activity, and may create other categories as needed, by December 1, 2013.

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 Legislature intends to end or shorten suspensions and expulsions due to their impact on students.

Suspension, short-term suspension, and expulsion are defined.

School districts must conduct re-entry meetings for expelled students within 20 days of the student's expulsion to discuss a plan to reenter and reengage the student in a school program.

OSPI and the Washington State School Directors Association must meet with various named stakeholders and develop a handbook and model policy for suspension and expulsion changes. The handbook and model policy must be provided to the Legislature by December 1, 2013.

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. 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 suspensions and expulsions. We need to gather data about the students 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 be successful. 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 out 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. Principals need to be added to the group meeting to create a model policy and handbook. The timeline for the group to meet and make a model policy and handbook is too quick. A September 1, 2014 deadline would be more appropriate. This may cost too much. Who will staff this? Disciplined kids need education but so does the rest of the student population.

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: 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.