

Date of Hearing: August 23, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 274 (Skinner) – As Amended August 14, 2023

Policy Committee: Education

Vote: 5 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill extends the current prohibition on suspending students in grades six through eight for willful defiance for four additional years. The bill also prohibits for four years the suspension of students in grades nine through 12 for willful defiance and makes other changes to student discipline.

Specifically, this bill:

- 1) Extends the current prohibition on suspending students in grades six through eight for willful defiance until July 1, 2029.
- 2) Commencing July 1, 2024, prohibits the suspension of student in grades nine through 12 for willful defiance until July 1, 2029.
- 3) Authorizes a certificated or classified school employee to refer a student to school administrators, on the basis of willful defiance, for appropriate and timely in-school interventions or supports from the list of other means of correction. If an employee refers a student to intervention or supports, the bill requires a school administrator, within five business days, to document the interventions or supports and place the documentation in the student's record to be available for access by the student's parent. The bill also requires the school administrator, by the end of the fifth day, to inform the referring employee, verbally or in writing, what actions were taken, and if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.
- 4) Prohibits the suspension or expulsion of a student based solely on the student being truant, tardy, or otherwise absent from school activities.

FISCAL EFFECT:

Potential Proposition 98 General Fund cost pressures to schools to the extent a school provides interventions and supports to students who are willfully defiant. Should schools provide these services, this bill requires a school to document the support and interventions and take other actions. It is likely a school would provide interventions and supports to a willfully defiant students it can no longer suspend or expel under this bill. Costs would depend on the number of students to which a school provides interventions and supports and would be less to the extent schools already document these supports and interventions. The state has over 10,000 schools.

Because this bill does not require schools to document support and interventions and take other actions unless they first provide support and interventions to students who are willfully defiant, this bill is unlikely to be a state-mandated local program. However, if the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to local educational agencies or provide funding through the K-12 Mandate Block Grant.

COMMENTS:

1) **Purpose.** According to the author:

SB 274 is based on a simple premise: Students belong in school. Suspending youth for low-level behavior issues leads to significant harm, including learning loss and a higher likelihood that affected students will drop out of school completely. SB 274 puts the needs of students first. Instead of kicking them out of school, we owe it to students to figure out what's causing them to act out and help them fix it. The punishment for missing school should not be to miss more school. Students, especially those with behavioral issues, need to be in school where teachers and counselors can help them succeed.

2) **Background.** Current law prohibits a student from being suspended or expelled from school unless the superintendent of the school district or school's principal determine the student has committed certain acts. These acts include various serious offenses, including if a student caused, attempted to cause, or threatened to cause physical injury to another person; possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object; among other offenses. In addition, these acts include if a student "disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties," also known as "willful defiance."

Current law also prohibits the suspension of a student in grades one through five or the expulsion of a student in grades one through 12 for willful defiance. Current law also prohibits the suspension of a student in grades six through eight for willful defiance until July 1, 2025.

This bill creates new prohibitions on suspension and expulsion related to willful defiance and extends existing prohibitions. The bill does not alter the authority in current law of a teacher to suspend a student of any age from that particular classroom for the current day and the following day.

3) **Prior Legislation.** SB 419 (Skinner), Chapter 279, Statutes of 2019, commencing July 1, 2020, extends the permanent prohibition against suspending a pupil enrolled in kindergarten or grades one through three for willful defiance to include grades four and five permanently; and to include grades six through eight, inclusive, until July 1, 2025; and applies these prohibitions to charter schools.

AB 1808 (Committee on Budget), Chapter 32, Statutes of 2018, removed the sunset on the prohibition on suspending a student in kindergarten through third grade, or recommending a

student in kindergarten through 12th grade for expulsion, on the basis of willful defiance, thereby making these prohibitions permanent.

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