

# SENATE BILL REPORT

## SB 5155

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As of January 24, 2017

**Title:** An act relating to suspension and expulsion of kindergarten and early elementary school students.

**Brief Description:** Concerning suspension and expulsion of kindergarten and early elementary school students.

**Sponsors:** Senators Billig, Saldaña, Lias, Rolfes, Frockt, Takko, Darneille, Wellman, Kuderer and Hasegawa.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/23/17.

**Brief Summary of Bill**

- Prohibits school districts from suspending or expelling students enrolled in grades kindergarten through two (K-2), except when it is based on a firearm possession.
- Allows school districts to remove any K-2 student from school for the remainder of a school day if there is immediate and continuing danger to students, staff, or the educational process.
- Encourages school districts to implement evidence-based preventative or restorative programs that support students in meeting behavioral expectations and to train staff to implement those programs.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Ailey Kato (786-7434)

**Background:** Current law and regulations allow school districts to take the following disciplinary actions in certain circumstances:

- short-term suspension - suspension for ten days or less;
- long-term suspension and expulsion - suspension or expulsion longer than ten days but not more than the length of an academic term; and

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- emergency expulsion - emergency removal from school that must be converted to another form of corrective action within ten days from the date of removal.

Any student who is determined to have carried a firearm onto, or to have possessed a firearm on public school premises, transportation, or areas of facilities must be expelled from school, for not less than one year.

Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from their individual classroom and instructional or activity area for all or any portion of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first.

Under current administrative rules, a student may be emergency expelled if the superintendent or designee has good and sufficient reason to believe that the student's presence (1) poses an immediate and continuing danger to students or school staff or (2) poses an immediate and continuing threat of substantial disruption of the educational process.

**Summary of Bill:** School districts may not suspend or expel any student who is enrolled in grades K-2, except when the suspension is based on possession of a firearm on school premises or transportation. School districts may remove any K-2 student from school for the remainder of a school day if the local superintendent or designee has good and sufficient reason to believe that the student's presence (1) poses an immediate and continuing danger to students or school staff or (2) poses an immediate and continuing threat of substantial disruption of the educational process.

Students in any grade may no longer be excluded by a teacher from a classroom and instructional or activity area for up to two days following a disruption of the educational process. Students in grades three through twelve may be excluded longer than a school day if such students have repeatedly disrupted the learning of other students.

School district board of directors must provide written procedures that support students in all grades to meet behavioral expectations. School districts are encouraged to implement evidence-based preventative or restorative programs that support students in meeting behavioral expectations. School districts are also to train teachers, administrators, and student support staff as necessary to implement those programs. Evidence-based preventative and restorative programs may include but are not limited to:

- positive behavioral interventions and supports;
- trauma-informed schools;
- social and emotional learning;
- referral services; and
- restorative practices.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: School staff say that they do not want to suspend or expel students, especially young students, but numbers show that disciplinary incidents for K-2 students are increasing. Prohibiting suspension and expulsion for young students will help them reach their fullest potential. Suspensions and expulsions have negative effects on young students and are sabotaging their learning at a foundational stage. Exclusionary discipline disproportionately impacts students with disabilities and students of color, and these students deserve a strong start in their educational journey. This bill helps ensure that behaviorally challenged children get the support they need. A child's behavior at school may be caused by trauma at home, and it does not make sense to send that child home. If suspensions and expulsions are not an option, it helps schools focus on practices that do work. Students who are suspended are more likely to drop out, be involved in the juvenile justice system, and have lower academic achievement. Suspensions do not change behavior, and students who are suspended once are more likely to be suspended again. This bill will help close opportunity gaps. There needs to be proper funding and professional development to implement this bill.

OTHER: The requirement that K-2 students be back in school the day after an incident should be removed. This would provide more flexibility for school districts. Sometimes schools need more time to access the right interventions for students and to develop a safety plan. School districts have adopted new discipline policies because of recent legislation, so school districts may need more time to implement the requirements in this bill. Principals need training and support to make these changes to discipline policies.

**Persons Testifying:** PRO: Senator Andy Billig, Prime Sponsor; Morgan Denton, citizen; Demetria Roundtree, citizen; Janis White, citizen; Diana Stadden, The Arc Of WA; Dawn Sidell, Northwest Autism Center; Amanda Shaw, citizen; David Reyes, Statewide Poverty Action Network; Vanessa Hernandez, American Civil Liberties Union/Youth Policy Director; Dana Stevens, Northwest Autism Center; Maria Flores, Office of Superintendent of Public Instruction; Noah Seidel, Self Advocates in Leadership; Kaaren Heikes, State Board of Education.

OTHER: Jerry Bender, Association of Washington School Principals; Melissa Gombosky, Spokane Public Schools; Jessica Vavrus, Washington State School Directors' Association; Charlie Brown, Tacoma School District.

**Persons Signed In To Testify But Not Testifying:** No one.