

SENATE BILL REPORT

SB 5155

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 14, 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. [**Revised for 1st Substitute:** Concerning suspension and expulsion of students including kindergarten and early elementary school students.]

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

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/23/17, 2/14/17 [DPS].

Brief Summary of Substitute Bill

- Prohibits school districts from suspending or expelling students enrolled in grades kindergarten through two (K-2) except in certain circumstances.
- Clarifies that removal of any K-2 student may not be punitive and may be used only for the purposes of developing and implementing a plan to support the student.
- Encourages school districts to implement evidence-based preventative, restorative, or other practices that support students in meeting behavioral expectations and to train staff to implement those practices.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Ailey Kato (786-7434)

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.

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
- 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.

Summary of Bill (First Substitute): 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, after consulting with the student's parent or guardian and the student's teachers, the local superintendent or designee determines that removal would facilitate the child's successful return to the classroom.

School districts may remove any K-2 student from school for the remainder of a school day and up to the end of the school day the following day if, after consulting with the student's parent or guardian and the student's teachers, the local superintendent or designee determines that removal is necessary to develop a plan to support the student's successful return to the classroom and:

- the school takes significant steps to develop and implement a plan to support the student upon the student's return to school by the beginning of the first full day of the student's removal; and
- the school discusses the plan with the student's parent or guardian.

Removal of any K-2 student may not be punitive and may be used only for the purposes of developing and implementing a plan to support the student. No K-2 student may be removed for more than a total of three school days during any single semester or trimester.

School districts must record data on removal of any K-2 student in the statewide student data system, based on the data collection standards established by the Office of Superintendent of Public Instruction and the K-12 data governance group. School districts must also collect data on classroom or school removal for students in all grades.

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, restorative, or other practices that support students in meeting behavioral expectations. School districts are encouraged to train teachers, administrators, and student support staff as necessary to implement those practices. Evidence-based practices may include but are not limited to:

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

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Allows K-2 students to be removed from school for the remainder of a school day if, after consulting the student’s parent or guardian and teachers, the local superintendent or designee determines that removal would facilitate the child’s successful return to the classroom.
- Allows K-2 students to be removed from school for the remainder of a school day and the following day if, after consulting the student’s parent or guardian and teachers, the local superintendent or designee determines that removal is necessary to develop a plan to support the student’s successful return to the classroom, and the school takes significant steps to develop and implement the plan and discusses the plan with the parent or guardian.
- States that removal of K-2 students may not be punitive and may be used only for the purposes of developing and implementing a plan to support the student.
- Prohibits school districts from removing K-2 students for more than a total of three school days during any single semester or trimester.
- Requires school districts to record data on the removal of K-2 students.
- References preventative, restorative, or other practices, instead of programs.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* 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.