

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2711 (Ramos) – As Amended April 15, 2024

SUBJECT: Suspensions and expulsions: controlled substances: tobacco: alcohol: plans and protocols

SUMMARY: As of July 1, 2026, removes the possession of tobacco products and controlled substances on school grounds or at a school activity as bases for suspension from school, unless two documented unsuccessful interventions have been provided; authorizes the removal of a student from campus for the day who is under the influence of a controlled substance, an alcoholic beverage, or an intoxicant, provided that the student is excused due to illness; prohibits a student from being recommended for expulsion for possession, use or being under the influence of a controlled substance, alcohol, an intoxicant, or possession or use of tobacco products; prohibits disciplinary actions for students who disclose their use of tobacco, a controlled substance, or alcohol, or who are seeking help for services or supports; requires local educational agencies (LEAs) to develop a plan for students who possess or use tobacco, a controlled substance, or alcohol on school property, in collaboration with specified individuals; specifying appropriate supports and interventions for students; requires schools to refer students for supports and interventions and to review these with the student and their parents or guardians after four to six weeks to determine if further supports are required; and encourages schools to provide school-wide education and prevention activities. Specifically, **this bill**:

- 1) As of July 1, 2026, authorizes a student to be suspended from school on the basis of unlawful possession, use, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, only under the following conditions:
 - a) The student is provided with two opportunities for supportive interventions, as specified in the school's adopted plan;
 - b) After two documented unsuccessful interventions, the student may be suspended; and
 - c) A student may be removed from campus for the day who is under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, provided that the student is excused due to illness.
- 2) As of July 1, 2026, authorizes a student to be suspended from school on the basis of possession or use of tobacco or products containing tobacco or nicotine, only under the conditions in (1) above.
- 3) Prohibits a student in kindergarten through 12th grade from being recommended for expulsion for unlawful possession, use, or being under the influence of a controlled substance, an alcoholic beverage, an intoxicant of any kind, or possession or use of tobacco, or products containing tobacco or nicotine.
- 4) Prohibits a student enrolled in a charter school in kindergarten through 12th grade from being suspended or recommended for expulsion solely based upon the possession or use of tobacco or products containing tobacco or nicotine, or the possession, use, or being under the

influence of a controlled substance, as specified, an alcoholic beverage, or an intoxicant of any kind, as of July 1, 2026.

- 5) As of July 1, 2026, authorizes a student in a charter school in kindergarten through 12th grade to be suspended from school on the basis of unlawful possession, use, or being under the influence of a controlled substance, as defined, an alcoholic beverage, or an intoxicant of any kind, only under the following conditions:
 - a) The student is provided with two opportunities for supportive interventions, as specified in the school's adopted plan;
 - b) After two documented unsuccessful interventions, the student may be suspended; and
 - c) A student may be removed from campus for the day who is under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind provided that the student is excused due to illness.
- 6) Removes the requirement that a principal or superintendent of schools recommend the expulsion of a student for unlawful possession of any controlled substance (other than first offense of one ounce of marijuana) committed at school or at a school activity off school grounds unless they determine that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.
- 7) Removes the authority of a governing board of a school district to order a student expelled upon finding that the student, at school or at a school activity off school grounds, possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
- 8) Requires each school district, county office of education (COE), and charter school to adopt a plan by July 1, 2026, to address students who possess or use tobacco, a controlled substance, or alcohol on school property, and to include all of the following requirements:
 - a) Be youth-informed;
 - b) Include information on where, on campus and in the community, students can receive education, treatment, or support for substance use; and
 - c) Be developed in consultation with the appropriate staff, which may include school staff, youth behavioral health staff, the COE, community-based organizations, health providers, local child welfare agencies, institutions of higher education, businesses, clinical experts, managed care plans, county behavioral health departments, or other public and private entities; and
 - d) Include appropriate supports and interventions for students, including the use of prevention and intervention planning, implementation, and evaluation for students.
- 9) Requires the plan to include all of the following protocols after an incident involving a student using or in possession of tobacco, a controlled substance, or alcohol on school property occurs:

- a) The principal, or designee, consults with the student and the student's parents or legal guardians, but the parent or guardian's unwillingness to consult must not prevent the school from attempting to provide interventions and supports for the student;
 - b) Prohibits disciplinary actions for students who disclose their use of tobacco, a controlled substance, or alcohol, or who are seeking help for services or supports;
 - c) Requires the principal, or designee, after collaboration with the student, their parents or legal guardians, and internal and external staff, to select or refer, with the student's consent, the appropriate supports and interventions, which may include prevention and intervention programs and activities to support the student, including but not limited to the following:
 - i) School-based and school-linked mental health services, including early identification of drug use and referrals to counseling services or partnerships with public or private healthcare entities that have qualified mental and behavioral health professionals;
 - ii) Academic intervention and mentoring within the community;
 - iii) A physical health assessment;
 - iv) After school programs; and
 - v) Other appropriate community resources.
 - d) Requires the principal, or designee, in conjunction with relevant teachers and school staff, to document and record confirmation of the student's receipt of the selected prevention or intervention program and supports, including any internal or external supports or interventions, and any care coordination support.
- 10) Requires, after four to six weeks, the principal or designee to review the plan with the student and the parents or legal guardians, to assess the extent to which each goal has been met, and to, with the student's consent, determine whether to maintain, intensify, or phase out the interventions or supports. Requires that the student and parents or guardians be informed in writing of progress and any changes made to the intervention plans. If the student's parents or guardians did not participate in the student's initial consultation, a school may determine whether it is appropriate to include those parents or guardians in the review of the plan.
- 11) Requires the school, in order to best inform their policies, to maintain records of the number of times the protocols required by this measure were initiated during a school year, including the following information for each student:
- a) The outcome;
 - b) Age;
 - c) Sex;
 - d) Race and ethnicity;
 - e) Foster youth status; and
 - f) Home language.
- 12) Encourages LEAs to implement all of the following:

- a) Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral. Requires training to include best practices that are socially and culturally relevant and trauma-informed;
 - b) Evidence-based drug prevention activities and programs that educate against the use of alcohol, marijuana, tobacco, cannabis, smokeless tobacco products, electronic cigarettes, vaporizer devices, and other illicit drugs;
 - c) Campus-wide programs and activities that provide mentoring and school counseling to all students, including those who are at risk of drug use and abuse.
- 13) States that this section does not affect a parent's or legal guardian's rights relating to the care, custody, and control of their minor child.
- 14) Defines the following terms for these purposes:
- a) "Controlled substance" as a controlled substance listed in Chapter 2, Division 10, Section 11053 of the Health and Safety Code; and
 - b) "Local educational agency" as a school district, COE, or charter school.
- 15) Expresses the intent of the Legislature to do all of the following:
- a) Provide teachers and school administrators with the means to foster safe and supportive learning environments for all children in California;
 - b) Reduce the number of suspensions and expulsions experienced by students due to illicit drug use and possession in schools;
 - c) Require LEAs to take a supportive approach when dealing with pupils who use or possess drugs on campus; and
 - d) Ensure that students who transfer between multiple classrooms, taught by multiple teachers, be allowed to attend all remaining classes for which they have not been removed for disciplinary purposes.
- 16) Technical and clarifying changes.

EXISTING LAW:

- 1) Prohibits a student from being suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school determines that the student has committed any of the following offenses:
 - a) Causing, attempting to cause, or threatening to cause physical injury to another person, or willfully using force or violence upon another person, except in self-defense;

- b) Possessing, selling, or otherwise furnishing a firearm, knife, explosive, or other dangerous object, unless the student had obtained prior written permission to possess the item;
- c) Unlawfully possessing, using, selling, or otherwise furnishing a controlled substance;
- d) Unlawfully offering, arranging, or negotiating to sell a controlled substance, an alcoholic beverage, or an intoxicant of any kind;
- e) Committing or attempting to commit robbery or extortion;
- f) Causing or attempting to cause damage to school property or private property;
- g) Stealing or attempting to steal school property or private property;
- h) Possessing or using tobacco or products containing tobacco or nicotine products;
- i) Committing an obscene act or engaging in habitual profanity or vulgarity;
- j) Unlawfully possessing or unlawfully offering, arranging, or negotiating to sell drug paraphernalia;
- k) Knowingly receiving stolen school property or private property;
- l) Possessing an imitation firearm;
- m) Committing or attempting to commit a sexual assault or sexual battery;
- n) Harassing, threatening, or intimidating a student who is a complaining witness or a witness in a school disciplinary proceeding in order to prevent the student from being a witness or retaliating against that student for being a witness, or both;
- o) Unlawfully offering, arranging to sell, or negotiating to sell the prescription drug Soma;
- p) Engaging in or attempting to engage in hazing;
- q) Engaging in the act of bullying, including bullying committed by means of an electronic act;
- r) Committing sexual harassment (grades 4 through 12 only);
- s) Causing or attempting to cause, threatening to cause, or participating in an act of hate violence (grades 4 through 12 only);
- t) Engaging in harassment, threats, or intimidation against school district personnel or students that have the effect of disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment (grades 4 through 12 only); and,

- u) Making a terroristic threat against school officials, school property, or both.
(Education Code (EC) Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7)
- 2) Requires the principal or superintendent of schools to recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless it is determined that the expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
 - a) Causing serious physical injury to another person, except in self-defense;
 - b) Possession of any knife or other dangerous object of no reasonable use to the student;
 - c) Unlawful possession of any controlled substance, as specified;
 - d) Robbery or extortion; and
 - e) Assault or battery, as defined, upon any school employee. (EC 48915)
 - 3) Prohibits a student in kindergarten through 5th grade from being suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel, and prohibits these acts from being grounds for any student from kindergarten through 12th grade to be recommended for expulsion. (EC 48900).
 - 4) Prohibits a student in 6th through 8th grade from being suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel until July 1, 2025. (EC 48900)
 - 5) Requires that a suspension only be imposed when other means of correction fail to bring about proper conduct. Specifies that other means of correction may include, but are not limited to, the following:
 - a) A conference between school personnel, the student's parent or guardian, and the student;
 - b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support personnel for case management and counseling;
 - c) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the student and his or her parents;
 - d) Referral for a comprehensive psychosocial or psychoeducational assessment;
 - e) Enrollment in a program for teaching prosocial behavior or anger management;
 - f) Participation in a restorative justice program;
 - g) A positive behavior support approach with tiered interventions that occur during the schoolday on campus; and

- h) After school programs that address specific behavioral issues or expose students to positive activities and behaviors. (EC 48900.5)
- 6) Defines Chapter 2 controlled substances as including, but not limited to:
- a) Opiates;
 - b) Opium derivatives;
 - c) Hallucinogenic substances;
 - d) Depressants; and
 - e) Any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its isomers: Cocaine base, Fenethylline, including its salts, and N-Ethylamphetamine, including its salts. (Health and Safety Code (HSC) 11054)
- 7) Defines tobacco products as any of the following:
- a) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff;
 - b) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
 - c) Any component, part, or accessory of a tobacco product, whether or not sold separately. (Business and Professions Code (BPC) 22950.5)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 2711 is an approach that aims to address drug-related infractions by requiring that schools create a public health approach instead of relying on suspensions and expulsions. This would ensure that we arm the students with the necessary tools to address the drug use in order to reduce the likelihood of them becoming long-term drug users. Over 59% of drug-related suspensions are of boys, over 83% are of socioeconomically disadvantaged students and 83% are of youth of color. These numbers are alarming and in order to better protect our youth, we must look at addressing the health needs of students in these situations to reduce the likelihood of future substance abuse and addiction.”

Drug, alcohol, and tobacco use among secondary students. The *Seventeenth Biennial State California Healthy Kids Survey (CHKS)* which was administered to a randomly selected, representative state sample of secondary students in grades seven, nine, and eleven between fall

2017 and spring 2019, includes the following findings as compared to previous iterations of the survey:

- Little improvement has occurred in most engagement measures, including school connectedness, academic motivation, and self-reported grades. In 11th grade, only 53% were classified as being connected to the school, compared to 62% in 7th grade.
- Lifetime marijuana use was reported by 6%, 17%, and 29% of students by ascending grade. Trends varied, increasing by two points in 7th grade, stable in 9th, and down almost three points in 11th after large declines in 2015-17.
- Current use of prescription drugs to get “high” declined slightly in 9th and 11th grades, by 1.5 points to 2% in both grades, continuing its decline since 2013-15. There was little change in current inhalant use in any grade, which remained below 2%.
- Current heavy drug use was reported by 2%, 6%, and 10% of 7th, 9th, and 11th graders, respectively, remaining unchanged from 2015-17. Heavy drug use has declined by between two and five percentage points since 2013-15.
- Current alcohol and other drug use on school property increased slightly in all grades (to 4%, 7%, and 8%) after declining since 2011-13. The uptick occurred primarily due to the increase in marijuana use at school.
- The percentage of high school students who were ever drunk or “high” on drugs on school property was stable in 9th grade at 8% but declined two points in 11th to 12%. The rate has steadily declined since 2011-13, by about half in all grades.

The authors of the CHKS report contend that using alcohol or other drugs at school is an indicator of both heavy substance use and disengagement from school and learning.

California suspensions and expulsions have declined, but disproportionality remains. Data from the CDE shows that while the number of suspensions and expulsions decreased over the 10-year period from 2012-13 to 2022-23, the number of African American students suspended or expelled remains significantly above their proportionate enrollment:

- Total suspensions for all offenses dropped 44%, from 609,810 to 337,507;
- African American students made up 6% of enrollment in 2012-13 and 5% in 2022-23, but received 19% of total suspensions in 2012-13 and 15% in 2022-23; and
- Total expulsions dropped by 44% over the 10-year period, from 8,564 in 2012-13 to 4,750 in 2022-23; and
- African American students accounted for 13% of total expulsions in 2012-13 and 12% in 2022-23.

CDE data from 2022-23, identifies a total of 63,270 or 19% of all suspensions and 1,043 or 22%, of all expulsions were illicit drug-related. The data does not differentiate between possession,

use, or sale of drugs. The suspensions and expulsions were disproportionately imposed on students of color, as shown in the table below:

| Ethnicity | % of total statewide enrollment | % of illicit drug expulsions | % of illicit drug suspensions |
|--------------------|--|-------------------------------------|--------------------------------------|
| African American | 5.1% | 4.2% | 7.2% |
| Hispanic or Latino | 56.1% | 75.0% | 67.3% |
| White | 20.5% | 13.6% | 17.0% |

Source: CDE DataQuest 2022-23

Research suggests that punitive approaches to drug use in schools are ineffective. A research paper, *Beyond Zero Tolerance: A Reality-Based Approach to Drug Education and School Discipline* notes, “Most American high schools do not offer effective drug education, nor do they provide interventions to assist students struggling with abuse of alcohol and other drugs. Instead, they rely primarily on deterrent punishment for students who are caught violating the rules. Proponents of the “big four” consequences – exclusion from extracurricular activities, transfer to another school, suspension, and expulsion – believe that harsh consequences for those who are caught will deter other students from committing similar offenses, and too often constitute the whole of prevention. But research has shown that these punishments are not likely to change students’ behavior. Ironically, rather than serving as an effective deterrent, drug education that lacks credibility and is backed by punitive measures often fosters resentment and oppositional behavior. The few secondary schools that offer drug education often repeat messages that may have had some credence for elementary school students but lack credibility for older, more experienced teenagers.” (Skager, 2013)

Impacts of exclusionary discipline policies. One study, *Educational and Criminal Justice Outcomes 12 Years After School Suspension*, notes that “school suspensions aim to obtain better behavior from the punished student and maintain school norms by removing students. Suspension removes disruptive students from schools temporarily and may improve school climate by reducing peer influences to engage in deviant behavior.” The study goes on to note that a body of research has found that suspended students are more likely to:

- Engage in antisocial behavior;
- Have involvement with the criminal justice system;
- Be arrested both during the month of suspension and within a year of suspension; and
- Use marijuana and tobacco.

The study also cites various longitudinal research findings, including:

- Youth suspended in ninth grade were less likely to graduate high school, graduate on time, and enroll in postsecondary education; and

- Twelve years after suspension, suspended youth were less likely to have earned degrees or high school diplomas and were more likely to have been arrested or on probation. (Rosenbaum 2018)

Some researchers conclude that “suspensions may act more as a reinforcer than a punisher for inappropriate behavior. Others raise doubts as to whether harsh school discipline has a deterrent value. Frequent use of suspension alone has no measurable positive deterrent or academic benefit to either the students who are suspended or to non-suspended students.” (Losen, 2011). The American Academy of Pediatrics states, “Without the services of trained professionals, such as pediatricians, mental health professionals, and school counselors, and without a parent at home during the day, students with out-of-school suspensions and expulsions are far more likely to commit crimes.”

Researchers have pointed out that “many suspended students find school to be challenging and experience suspension from school as a reward. Suspensions may be reinforcing and even incentivizing the very behavior they are meant to correct.” (Rumberger, 2017).

According to the U.S. Department of Education, “Teachers and students deserve school environments that are safe, supportive, and conducive to teaching and learning. Creating a supportive school climate—and decreasing suspensions and expulsions—requires close attention to the social, emotional, and behavioral needs of all students. Evidence does not show that discipline practices that remove students from instruction—such as suspensions and expulsions—help to improve either student behavior or school climate.”

Disparities in the rate of school suspensions. The disproportionate incidence of suspensions and expulsions among certain populations of students, including African American students, has gained nationwide attention in recent years. A 2018 report by the U.S. Government Accountability Office (GAO), *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities*, found that black students, boys, and students with disabilities were disproportionately disciplined in K-12 schools, based upon an analysis of the Civil Rights Data Collection (CRDC).

CRDC data show that there was an overall 2% decline in the use of exclusionary discipline practices in public schools in the U.S. from the 2015-16 school year to the 2017-18 school year. However, there was an increase during this period of school-related arrests, expulsions with educational services, and referrals to law enforcement. The data also shows a continued disproportionality in exclusionary practices during the 2017-18 school year:

- Black students accounted for 15.1% of total student enrollment in the U.S. and received 38.8% of expulsions with educational services and 33.3% of expulsions without educational services;
- Students with disabilities represented 13.2% of enrollment and received 23.3% of expulsions with educational services and 14.8% of expulsions without educational services;
- Boys accounted for 51.4% of enrollment and received 69.5% of in-school suspensions, and 70.5% of out-of-school suspensions;

- 31.4% of Black students received one or more in-school suspensions, and 38.2% received one or more out-of-school suspensions;
- 20.5% of students with disabilities received one or more in-school suspensions, and 24.5% received one or more out-of-school suspensions;
- Black students with disabilities represent 2.3% of student enrollment, 6.2% received one or more in-school suspensions and 8.8% received one or more out-of-school suspensions; and
- Black students accounted for 28.7% of all students referred to law enforcement and 31.6% of all students arrested at school or during a school-related activity.

The GAO report review of research on the topic of disproportionate disciplinary actions suggests that “implicit bias on the part of teachers and staff may cause them to judge students’ behaviors differently based on the students’ race and sex. Teachers and staff sometimes have discretion to make case-by-case decisions about whether to discipline, and the form of discipline to impose in response to student behaviors, such as disobedience, defiance, and classroom disruption.” (GAO, 2018)

Research on student behavior, race, and discipline has found no evidence that African American overrepresentation in school suspension is due to higher rates of misbehavior. African American students were referred more often for behaviors that seem to require more subjective judgment on the part of the person making the referral (e.g., disrespect, excessive noise, threatening behavior, and loitering). (Losen, 2011)

Holding schools accountable for suspension and expulsion rates. California’s Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP) requirements include school climate as one of the eight state priorities. All California school districts, COEs, and charter schools are required to report and examine student suspension and expulsion rates on their LCAP and annual updates. It has been suggested that this requirement to clearly report disciplinary actions, in the aggregate as well as by subgroup, increases the pressure on schools to employ alternatives to suspension and expulsion.

Addressing substance use disorders in school settings. According to the California School-Based Health Alliance, “School-based health centers (SBHCs) and wellness centers (WCs) are ideal places to identify youth using substances and provide evidence-based services that inform them about the health risks associated with alcohol and drug use, motivate them to change their behaviors, and support them in addressing the concerns that may be underlying their substance use. School health providers are concerned about youth substance use because it impacts a student’s long-term health outcomes and their academic performance. Substance use is linked to lower grades, student absenteeism, and higher rates for high school dropout. Adolescent substance use is also highly predictive of adult substance abuse because the adolescent brain is still developing making it more susceptible to addiction. Nine out of ten people meeting the clinical criteria for a substance use disorder began using one or more addictive substances before the age of 18. Schools, school-based health programs, and school support services are ideally positioned to educate, prevent, and intervene early in youth substance use, preventing experimentation from escalating to misuse or addiction.”

A review of research confirms the importance of expanding substance use services for youth in school. According to recent estimates, more than two-thirds of American adolescents reported that the pandemic had negative effects on their mental health. Co-occurring mental health and substance use problems were common among youth before the pandemic and the pandemic's negative impacts on youth psychological well-being can lead to unhealthy coping strategies such as substance use. Studies examining changes in youth substance use during the pandemic have found mixed results, including decreases in alcohol use, increases in unhealthy use of nicotine and prescription drugs, and no change in the use of marijuana or binge drinking alcohol among 12th grade students. Experimentation or self-medication with alcohol and other drugs during adolescence can have particularly detrimental effects on social and emotional well-being and brain development, and it can increase the risk of chronic mental and behavioral health conditions, including substance use disorders. (Allen, 2022)

As schools have direct contact with youth, they have been considered a prime setting for delivering health education and healthcare to students. However, schools have also struggled to effectively provide mental health and substance use services for a variety of reasons. Only 10% of U.S. public schools today have SBHCs on campus. SBHCs have traditionally focused on primary care and have not often been a source of mental health or substance abuse care.

In California, 377 SBHCs are serving more than 340,000 students, but this is a small portion of the over 10,000 schools and over 5.8 million students. 79% of the SBHCs in California provide mental health services, but data is not readily available on how many SBHCs provide substance abuse services. (California School-Based Health Alliance)

Impact of punitive discipline policies on substance use. Researchers note that punitive school discipline policies and inadequate resources can undermine efforts to provide prevention, early intervention, and treatment services to youth in need in schools. In addition, inequities may persist if youth of color continue to disproportionately face punishment, rather than treatment, for substance use, as has historically been the case. (Allen, 2022)

One author suggests that “The long-standing stigma around people who develop substance or opioid use disorders contributes to the lack of attention to and investment in comprehensive, developmentally appropriate, and culturally and linguistically effective youth substance use services. Youth are often left to figure out on their own whether they might have a substance use problem or how to solve it, with little support and understanding from adults in their lives for fears of disappointing their parents or facing negative consequences at school. Schools and communities can become more nurturing and positive spaces that promote the overall health and wellness of youth and have the knowledge and resources to respond with kindness, support, and evidence-informed and equity-focused health approaches before substance use turns into a chronic, life-altering disorder.” (Allen, 2022)

Recommended Committee Amendments. Staff recommend that the bill be amended as follows:

- 1) Requires that a pupil who possesses, uses, or is under the influence of a controlled substance, alcohol, or an intoxicant be offered access to available supportive interventions, prior to a suspension, which may include, but are not limited to substance use prevention and treatment, mental health counseling, or other supports from the list specified in subdivision (b) of Section 48900.5.

- 2) Authorizes a pupil to be suspended for these acts only when other documented means of correction fail to bring about proper conduct or it is determined that the pupil's possession of a controlled substance present an imminent risk of harm to other pupils or school staff.
- 3) Prohibits a pupil from being recommended for expulsion for these acts, except as provided pursuant to Section 48915.
- 4) Authorizes the removal of a pupil from campus for the day due to being under the influence of a controlled substance, alcohol, or an intoxicant, but removes reference to this being recorded as an excused absence.
- 5) Prohibits a pupil who disclose their use of a controlled substance or alcohol when seeking help from being suspended solely for that disclosure.
- 6) Defines tobacco products as is defined in subdivision (d) of Section 22950.5 of the Business and Professions Code, which includes vaping devices.
- 7) Requires that a pupil who possesses or uses tobacco be offered access to available supportive interventions prior to a suspension, which may include, but are not limited to supports from the list specified in subdivision (b) of Section 48900.5.
- 8) Prohibits a pupil who disclose their use of tobacco when seeking help from being suspended solely for that disclosure.
- 9) Removes possession of drug paraphernalia from the offenses subject to suspension or expulsion.
- 10) Removes the provision that a pupil be provided with two opportunities for supportive interventions prior to being suspended.
- 11) Requires, rather than authorizes, a school to document other means of correction that are offered to a student prior to a suspension and to place the information in the pupil's records.
- 12) Adds "enrollment in a substance use or mental health prevention, treatment, or services program" and "enrollment in a tobacco cessation program" to the other means of correction to be employed prior to suspending a student.
- 13) Requires that a pupil enrolled in a charter school who possesses, uses, or is under the influence of a controlled substance, alcohol, or an intoxicant, or the possession or use of tobacco products be offered access to available school-based or community-based supportive interventions, which may include, but are not limited to substance use or mental health prevention, treatment, and services programs, and tobacco cessation programs.
- 14) Authorizes a charter school to suspend a pupil for these acts only if the supportive interventions offered have failed to bring about proper conduct.
- 15) Authorizes the removal of a pupil from a charter school campus for the day due to being under the influence of a controlled substance, alcohol, or an intoxicant, but removes reference to this being recorded as an excused absence.

- 16) Prohibits a pupil enrolled in a charter school who disclose their use of tobacco, a controlled substance, or alcohol when seeking help from being suspended solely for that disclosure.
- 17) Prohibits a pupil enrolled in a charter school from being expelled on the basis of possessing, using, or being under the influence of a controlled substance, alcohol, or an intoxicant, except if it is determined that the pupil's possession of the controlled substance presents an imminent risk of harm to other pupils or school staff.
- 18) Removes the requirement that LEAs adopt a plan to address pupils who possess or use tobacco, a controlled substance, or alcohol on school property.
- 19) Reinstates current law which requires that a principal or superintendent recommend the expulsion of a pupil for the unlawful possession of a controlled substance, (other than for the first offense of no more than one ounce of marijuana or the pupil's own medication) that presents an imminent risk of harm to pupils or staff of the school, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

Arguments in support. Children Now, a co-sponsor of the bill, writes, "Youth alcohol, tobacco, and other drug use is a significant public health concern linked to a wide range of academic, social, and health problems. Adolescent substance use is highly predictive of adult substance abuse because the adolescent brain is still developing, making it more susceptible to addiction.

Research notes that schools can and should cultivate a positive environment in which youth feel supported, cared for, and have a safe place to rely on for help. Unfortunately, current school policies regarding drugs are largely punitive and tend reduce feelings of school connectedness, leaving students to feel less like the adults and peers in school care about their learning and health. For students who encounter drug infractions, suspension and expulsion has proven to be ineffective and can have long-lasting consequences like increasing dropout rates and accelerating delinquency in students, exacerbating the school-to-prison pipeline.

Schools, school-based health programs, and community-based support services are ideally positioned to educate, prevent, and intervene early in youth substance use, preventing experimentation from escalating to misuse or addiction. AB 2711 would limit the ability of educators to suspend or expel due to illicit drug infractions at school by instead requiring a school district, county office of education, or charter school to establish a public health framework. This public health approach would include identifying and referring youth with substance use needs to community-based services, including mechanisms for screening and referral, education on overdose risk and training for school staff, and making connections with community-based support service providers."

Arguments in opposition. The Small School Districts Association writes, "We acknowledge the importance of supporting students rather than penalizing them, and we appreciate the author's recent amendments to allow suspension after two interventions. However, we contend that the ability to suspend or expel a student does not mutually exclude the provision of support services. In fact, these disciplinary actions often act as a pivotal point for intervening and connecting affected students with necessary rehabilitation and counseling services.

We would further argue that this bill sends the wrong message to our students. Allowing students two "do-overs" before schools would have the authority to expel or suspend students for these

serious offenses might give students the wrong ideas regarding the severity of drug and alcohol use. More and more in California, we are asking schools to address the whole child in preparing them for life in our society. We feel this measure runs counter to that goal by removing consequences for these offenses.

Lastly and perhaps most importantly, the presence and use of controlled substances in schools compromise the safety of the learning environment for all students and staff. As drugs like fentanyl become more pervasive amongst recreational drugs, signaling to students that it is “okay” to possess intoxicants on campus puts the lives of all students at risk. The ability to suspend or expel serves not only as a deterrent but also as a critical measure to maintain a safe and conducive educational environment.”

Related legislation. AB 599 (Ward) of the 2023-24 Session would have prohibited a pupil from being suspended or expelled from school for possessing or using tobacco or nicotine products beginning July 1, 2025. This bill would also have required the CDE to develop and make available a model policy for a public health approach to addressing student possession and use of drugs on school property by July 1, 2025. This bill was held in the Senate Appropriations Committee.

AB 1919 (Weber) of the 2023-24 Session would require a school district to document any alternative means of correction used prior to the suspension of a student and requires LEAs to adopt at least one of the best practices for restorative justice implementation developed by the CDE.

AB 2441 (Kalra) of the 2023-24 Session would eliminate criminal penalties for “willful disturbance” of a school or school meeting by students and grant a school principal discretion to report specified incidents, including drug infractions, to law enforcement if it does not include a firearm, as specified.

SB 274 (Skinner), Chapter 597, Statutes of 2023, prohibits the suspension or expulsion of a student enrolled in 6th through 12th grade in a public school on the basis of willful defiance until July 1, 2029, authorizes employees to refer students to school administrators for in-school interventions or supports, and requires that administrators document the actions taken in the student’s record and inform the referring employee of those actions.

AB 2598 (Akilah Weber), Chapter 914, Statutes of 2022, requires the CDE to develop and post on its website by June 1, 2024, evidence-based best practices for restorative justice practices for LEAs to implement to improve campus culture and climate.

SB 419 (Skinner), Chapter 279, Statutes of 2019, commencing July 1, 2020, permanently extends the prohibition against suspending a student enrolled in kindergarten through grade 3 for disrupting school activities or otherwise willfully defying the valid authority of school staff to include grades 4 and 5 permanently; and to include grades 6 to 8, until July 1, 2025; and applies these prohibitions to charter schools.

AB 420 (Dickinson) Chapter 660, Statutes of 2014, eliminated the authority to suspend a student enrolled in kindergarten through 3rd grade, and the authority to recommend for expulsion a student enrolled in grades kindergarten through 12th grade for disrupting school activities or otherwise willfully defying the valid authority of school personnel engaged in the performance of their duties. The bill sunset on July 1, 2018.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Aldea Children & Family Services
Alliance for Children's Rights
Association of Community Human Service Agencies
California Academy of Child and Adolescent Psychiatry
California Alliance of Caregivers
California Community Foundation
California Consortium for Urban Indian Health
California Public Defenders Association
California School-based Health Alliance
California Youth Empowerment Network
Children Now
Children's Institute
Communities United for Restorative Youth Justice
Community Solutions for Children, Families and Individuals
Didi Hirsch Mental Health Services
Helpline Youth Counseling
Hillsides Pasadena
Lincoln Families
Mental Health America of California
National Center for Youth Law
Oakland Unified School District
Progress Ranch Treatment Services
Psychiatric Physicians Alliance of California
Redwood Community Services
Seneca Family of Agencies
St Anne's Family Services
Stanford Sierra Youth and Families
Steinberg Institute
Sycamores
The Children's Partnership
The Los Angeles Trust for Children's Health
Trinity Youth Services
Westcoast Children's Clinic
Youth Leadership Institute
2 individuals

Opposition

Kern County Superintendent of Schools Office
Small School Districts Association

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