

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 982 (Holden) – As Introduced February 21, 2019

SUBJECT: Pupils: homework assignments for suspended pupils

SUMMARY: Requires a teacher to provide homework to a pupil who has been suspended for two or more schooldays. Specifically, **this bill:**

- 1) Expresses the intent of the Legislature to ensure that pupils in any of grades one to 12, who are suspended from school for two schooldays or more, do not fall behind in class assignments or homework.
- 2) Requires a teacher to provide appropriate homework to a pupil in any of grades one to 12, who has been suspended from school for two or more schooldays, upon the request of the parent, legal guardian, or other person holding the educational rights for the pupil; or the affected pupil.
- 3) States that it is not the intent of the Legislature to require a teacher to correct classroom assignments or homework missed while the pupil is suspended, or to add an additional burden on a teacher's workload.

EXISTING LAW:

- 1) Authorizes the teacher of any class from which a pupil is suspended to require the suspended pupil to complete any assignments and tests missed during the suspension. (EC 48913)
- 2) Specifies that a pupil suspended from school, but not being considered for expulsion, may be assigned by the principal to a supervised suspension classroom for the entire period of the suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff (EC 48911.1).
- 3) Prohibits a pupil 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 pupil has committed any of the following offenses:
 - 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.
 - 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.
 - Unlawfully possessing, using, selling or otherwise furnishing a controlled substance.
 - Unlawfully offering, arranging or negotiating to sell a controlled substance, alcoholic beverage, or an intoxicant of any kind.
 - Committing or attempting to commit robbery or extortion.
 - Causing or attempting to cause damage to school property or private property.
 - Stealing or attempting to steal school property or private property.
 - Possessing or using tobacco, or products containing tobacco or nicotine products.

- Committing an obscene act or engaging in habitual profanity or vulgarity.
 - Unlawfully possessing or unlawfully offering, arranging or negotiating to sell drug paraphernalia.
 - Disrupting school activities or otherwise willfully defying the authority of supervisors, teachers, administrators, school officials or other school personnel engaged in the performance of their duties (grades 4-12 only).
 - Knowingly receive stolen school property or private property.
 - Possessing an imitation firearm.
 - Committing or attempting to commit a sexual assault or sexual battery.
 - Harassing, threatening or intimidating a pupil who is a complaining witness or a witness in a school disciplinary proceeding in order to prevent the pupil from being a witness or retaliating against that pupil for being a witness, or both.
 - Unlawfully offering, arranging to sell, or negotiating to sell the prescription drug Soma.
 - Engaging in or attempting to engage in hazing.
 - Engaging in the act of bullying, including, but not limited to, bullying committed by means of an electronic act (EC 48900).
- 4) Specifies that a pupil in kindergarten through 3rd grade cannot be suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel and that these acts shall not serve as grounds for any pupil from kindergarten through 12th grade to be recommended for expulsion. (EC 48900 (k))
- 5) Specifies additional grounds for suspension or recommendations for expulsion:
- Committing sexual harassment (grades 4 through 12 only).
 - Causing or attempting to cause, threatening to cause, or participating in an act of hate violence (grades 4 through 12 only).
 - Engaging in harassment, threats, or intimidation against school district personnel or pupils that have the effect of disrupting classwork, creating substantial disorder and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment (grades 4 through 12 only).
 - Making a terroristic threat against school officials or school property, or both. (EC 48900.2, 48900.3, 48900.4, 48900.7)
- 6) 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 conference between school personnel, the pupil's parent or guardian, and the pupil.
 - Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for counseling.
 - 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 pupil and his or her parents.
 - Referral for a comprehensive psychosocial or psychoeducational assessment.
 - Enrollment in a program for teaching prosocial behavior or anger management.
 - Participation in a restorative justice program.
 - A positive behavior support approach with tiered interventions that occur during the schoolday on campus.

- After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors. (EC 48900.5)
- 7) Encourages a school which has demonstrated an expulsion rate over 30% for the prior year, to consider implementing alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending the pupil off campus, including in-school suspensions, a progressive discipline approach using conferences between school staff, pupils and parents; referral to the school counselor, school psychologist, child welfare attendance personnel, or other school support service staff; detention; or study teams, guidance teams, resource panel teams, or other assessment-related teams. Does not preclude schools from suspending pupils to an off-campus site. (EC 48911.2)
- 8) Requires that a pupil with an excused absence be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence. (EC 48205)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this bill as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “this bill is vital to ensure that parents, guardians and even foster households can be on the same level when seeking homework for a suspended student. This bill allows the aforementioned person to have authorization in asking for homework assignments on behalf of a suspended student so that these students do not fall even further behind.”

Student suspensions in California have declined but disparities exist. According to data from CDE’s Dataquest website, the following table shows changes in student suspensions statewide over the past six years:

Item	2011-12	2017-18
Total student enrollment	6,285,600	6,384,919
Total suspensions	709,702	363,406
Rate of suspensions	5.8%	3.5%
African American students as % of students suspended	16.0%	15.1%
African American students as % of student population	6.8%	5.6%
American Indian/Alaska Native students as % of students suspended	1.2%	1.1%
American Indian/Alaska Native as % of population	0.7%	0.5%

Overall, the total number of suspensions statewide has dropped by 49%. However, the suspension rate of African American and American Indian/Alaska Native students remains significantly higher than the state average.

A 2018 report by the Community College Equity Assessment Lab and the UCLA Black Male Institute, “Get Out! Black Male Suspensions in California Public Schools” reports that 381,845 school suspensions were levied in the 2016-17 school year, and further noted the following findings, among others:

- The statewide suspension for Black males of 12.8% is 3.6 times greater than that of the statewide rate for all students of 3.6%.
- Since 2011-12, the suspension rates of Black males in California has declined from 17.8% to 12.8%.
- While African Americans account for only 5.8% of the state’s public school enrollment, they represent 17.8% of students who are suspended.
- The highest suspension disparity by grade level occurs in early childhood education (Grades K-3), where Black boys are 5.6 times more likely to be suspended than the state average.
- The highest percentage of Black male suspensions was for foster youth in grades 7 and 8 at 41.0%.
- The highest total suspensions occurred in large urban counties, including Los Angeles, Sacramento, San Bernardino, Riverside, and Contra Costa counties.
- The highest suspension rates for Black males occur in rural counties that have smaller Black male enrollments, including Glenn County which led the state in Black male suspensions at 42.9%.
- No other student group experiences this type of disproportionality in discipline in California schools.

This study notes that extensive research in the field of unconscious bias has demonstrated that Black boys are over-exposed to exclusionary discipline due to their racial and gender identity. The authors noted that students who are exposed to suspensions have been found to be at greater risk of dropping out, as a result of falling behind on coursework, feeling a lack of belonging, or feeling targeted at school. Secondly, students who are suspended or expelled are significantly less likely to attend college, which impacts their career prospects. Thirdly, a pattern of suspensions leading to expulsion or dropping out limits future economic and career mobility. Finally, suspensions and expulsions have been found to be a direct pathway into the criminal justice system, often referred to as the “school to prison pipeline”

The potential impact of this bill is unclear. This bill does not address the rates of suspension per se, but does recognize the negative impact of loss of instructional time during a suspension, which can contribute to achievement gaps. The bill would require teachers to provide homework to a pupil who has been suspended for two or more days. However, the bill also states that it is not the intent of the Legislature to require teachers to correct classroom assignments or

homework missed while the pupil is suspended, or to add an additional burden on a teacher's workload. As the bill does not require that the homework be graded, or that a student receive credit for homework assignments completed while suspended from school, it is unclear if the bill fulfills the author's intent to prevent students from falling behind. *The committee may wish to consider* whether this bill is necessary as nothing in current law prevents a pupil or parent from requesting homework, that is being assigned to the entire class, from a teacher when a student is suspended.

Prior and related legislation. AB 414 (Carter) of the 2011-12 Session would have provided that upon the request of a parent, legal guardian, or the affected pupil, a teacher provide appropriate homework to a pupil in any of grades 4 to 8 who has been suspended from school for three schooldays or less. This bill expressed the intent of the Legislature to ensure that pupils in grades 4 to 8, inclusive, who are suspended for three days or less do not fall behind in class assignments or homework. Specifies that it is not the intent of the Legislature to require teachers to correct classroom assignments or homework missed while a pupil is suspended or to add any additional burden on teachers with respect to their workload. This bill was held in the Assembly Appropriations Committee.

AB 2656 (Brownley) of the 2007-08 Session would have required school administrators or counselors to ensure that a pupil who is suspended from school is given all in-class assignments and homework that he or she missed during the suspension and the opportunity to take any tests that will affect his or her grade for that period. Also would have required each classroom teacher to clearly communicate to the pupil and his or her parents or guardians the in-class assignments, tests, and homework that the pupil missed during the suspension. This bill was held in the Assembly Appropriations Committee.

SB 1004 (Margett) of the 2005-06 Session, would have required a school district to adopt a policy with respect to assignments and homework for suspended pupils. The bill was vetoed by Governor Schwarzenegger with a statement that the bill was unnecessary because nothing prohibits a school district from adopting such policy.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087