AB-1919 Pupil discipline: suspension: restorative justice practices. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL NO. 1919

Introduced by Assembly Member Weber
(Coauthor: Assembly Member Bonta)

January 24, 2024

An act to amend Sections 48900.5 and 49055 of the Education Code, relating to pupil discipline.

LEGISLATIVE COUNSEL'S DIGEST

AB 1919, Weber. Pupil discipline: suspension: restorative justice practices.

(1) Existing law requires the State Department of Education to develop evidence-based best practices for restorative justice practice implementation on a school campus and to make these best practices available on the department's internet website on or before June 1, 2024, as specified.

This bill would, commencing July 1, 2026, require school districts, county offices of education, and charter schools to adopt at least one of the best practices for restorative justice practice implementation developed by the department. By imposing new duties on local educational agencies, the bill would impose a state-mandated local program.

(2) Existing law prohibits a pupil from being suspended from school or recommended for expulsion unless the superintendent of the school district or principal of the school determines that the pupil has committed any of various specified acts. Existing law provides that suspension shall be imposed only when other means of correction, which may include, but are not limited to, participation in a restorative justice program, fail to bring

about proper conduct, except that the suspension of a pupil for a first offense is authorized if the principal or superintendent of schools determines that the pupil violated one of a certain subset of those enumerated acts or that the pupil's presence causes a danger to persons. Existing law authorizes a school district to document the alternative means of correction used and to place that documentation in the pupil's record, as provided.

This bill would provide that participation in a restorative justice program, as an alternative to suspension as a means of correction, may include participation in a restorative justice best practice, adopted as described in paragraph (1) above. The bill also would require, instead of authorize, a school district to document the alternative means of correction used and to place that documentation in the pupil's record. To the extent this provision imposes new duties on local educational agencies, the bill would impose a state-mandated local program.

(3) This bill would make the implementation of its provisions contingent upon an appropriation by the Legislature in the annual Budget Act or another measure for the purposes of the bill's provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48900.5 of the Education Code is amended to read:

48900.5. (a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district shall document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.

(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

(3) 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 the pupil's parents.

(4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).

(5) Enrollment in a program for teaching prosocial behavior or anger management.

(6) Participation in a restorative justice program, which may include one of the best practices adopted pursuant to subdivision (c) of Section 49055.

(7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.

(8) After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.

(9) Any of the alternatives described in Section 48900.6.

(c) For a pupil who has been suspended, or for whom other means of correction have been implemented pursuant to subdivision (b), for an incident of racist bullying, harassment, or intimidation, local educational agencies are encouraged to have both the victim and perpetrator engage in a restorative justice practice that is found to suit the needs of both the victim and the perpetrator. Local educational agencies are encouraged to regularly check on the victim of racist bullying, harassment, or intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues. Local educational agencies are encouraged to require perpetrators to engage in culturally sensitive programs that promote racial justice and equity and combat racism and ignorance.

(d) The implementation of the amendments made to this section by Assembly Bill 1919 of the 2023–24 Regular Session of the Legislature shall be contingent upon an appropriation by the Legislature for these purposes in the annual Budget Act or another statute.

SEC. 2. Section 49055 of the Education Code is amended to read:

49055. (a) On or before June 1, 2024, the department shall develop evidence-based best practices for restorative justice practice implementation on a school campus and make these best practices available on the department's internet website for use by local educational agencies to implement restorative justice practices as part of efforts to improve campus culture and climate. In developing best practices, the department shall consult with all of the following to identify best practices for effective, evidence-based restorative justice practices in elementary and secondary schools:

(1) School-based restorative justice practitioners.

(2) Educators from public schools serving kindergarten and grades 1 to 12, inclusive.

(3) Pupils from public schools serving kindergarten and grades 1 to 12, inclusive.

(4) Community partners or community members.

(5) Nonprofit and public entities.

(b) When developing best practices pursuant to subdivision (a), the department is encouraged to, to the extent feasible, take into account resources and best practices that have been identified or developed as part of aligned efforts, including, but not limited to, the Scaling Up MTSS Statewide (SUMS) Initiative, the California Community Schools Partnership Program, and resources developed by the department in support of social-emotional learning.

(c) Commencing July 1, 2026, a local educational agency shall, contingent upon an appropriation by the Legislature for these purposes in the annual Budget Act or another statute, adopt at least one of the best practices for restorative justice practice implementation developed by the department pursuant to subdivision (a).

(d) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.