
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1261 **Hearing Date:** June 21, 2017
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Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil discipline: pupil suicide prevention

SUMMARY

This bill requires a local education agency serving grades 7-12 and that has a mandatory expulsion policy or zero tolerance policy for the use of, possession of, or being under the influence of, alcohol, an intoxicant, or a controlled substance, to consider whether the mandatory expulsion policy or zero tolerance policy is deterring pupils from seeking help for substance abuse.

BACKGROUND

Existing law:

- 1) Requires the governing board or body of a county office of education, school district, state special school, or charter school that serves pupils in grades 7 to 12 to, before the beginning of the 2017–18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy is required be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and is required to, at a minimum, address procedures relating to suicide prevention, intervention, and postvention. (Education Code § 215)
- 2) Requires the policy on pupil suicide prevention to specifically address the needs of high-risk groups, including, but not limited to, all of the following:
 - a) Youth bereaved by suicide.
 - b) Youth with disabilities, mental illness, or substance use disorders.
 - c) Youth experiencing homelessness or in out-of-home settings, such as foster care.
 - d) Lesbian, gay, bisexual, transgender, or questioning youth. (EC § 215)
- 3) Requires the policy on pupil suicide prevention to also address any training to be provided to teachers of pupils in grades 7 to 12, inclusive, on suicide awareness and prevention. (EC § 215)

- 4) Materials approved by a local educational agency (LEA) for training on the policy on pupil suicide prevention to include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those services, and authorizes materials approved for training to also include programs that can be completed through self-review of suitable suicide prevention materials. (EC § 215)
- 5) Requires the policy on pupil suicide prevention to be written to ensure that a school employee acts only within the authorization and scope of the employee's credential or license. (EC § 215)
- 6) Requires the California Department of Education, in order to assist LEAs in developing policies for pupil suicide prevention, to develop and maintain a model policy in accordance with this section to serve as a guide for LEAs. (EC § 215)
- 7) Prohibits a pupil from being suspended or recommended for expulsion unless the superintendent of the school district or the principal of the school determines that the pupil has committed certain acts, including, among other acts, all of the following:
 - a) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a listed controlled substance, an alcoholic beverage, or an intoxicant of any kind.
 - b) Unlawfully offered, arranged, or negotiated to sell a listed controlled substance, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (EC § 48900)
- 8) Authorizes the superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior. (EC § 48900)
- 9) Provides that suspension, including supervised suspension, shall only be imposed only when other means of correction fail to bring about proper conduct, but authorizes a pupil, including a pupil with exceptional needs, to be suspended upon a first offense for certain acts, including those in (7) above or if the pupil's presence causes a danger to persons. (EC § 48900.5)
- 10) Requires the principal or the superintendent of schools to recommend the expulsion of a pupil for certain acts committed at school or at a school activity off school grounds, 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. Those acts include, among other things, unlawful possession of any controlled substance, except for either of the following:

- a) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - b) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- 11) Requires the principal or superintendent of schools to immediately suspend and recommend expulsion of a pupil that he or she determines has committed certain acts at school or at a school activity off school grounds. Those acts include, among other things, unlawfully selling a controlled substance.
- 12) Requires the governing board of a school district to order a pupil expelled upon finding that the pupil committed an act listed in (4) and to refer that pupil to a program of study that meets all of the following conditions:
- a) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - b) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - c) Is not housed at the schoolsite attended by the pupil at the time of suspension.
- 13) Specifies that other means of correction include, but are not limited to:
- a) A conference between school personnel, the pupil's parent or guardian, and the pupil.
 - b) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service 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 pupil and his or her parents.
 - d) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a 504 plan.
 - 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.

- h) 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.
- i) Community service, as specified. (EC §48900.5)

ANALYSIS

This bill requires a local education agency serving grades 7-12 and that has a mandatory expulsion policy or zero tolerance policy for the use of, possession of, or being under the influence of, alcohol, an intoxicant, or a controlled substance, to consider whether the mandatory expulsion policy or zero tolerance policy is deterring pupils from seeking help for substance abuse. Specifically, this bill:

- 1) Requires a local educational agency with a mandatory expulsion policy or zero tolerance policy for the use of, possession of, or being under the influence of, alcohol, an intoxicant, or a controlled substance, in developing a pupil suicide prevention policy in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, to consider whether the mandatory expulsion policy or zero tolerance policy is deterring pupils from seeking help for substance abuse.
- 2) Specifically adds referral to a mental health professional to the list of individuals a pupil may be referred to as other means of correction before a pupil suspended or recommended for expulsion.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Both mental illness and substance use disorders are known risk factors for suicide. In fact, according to the Substance Abuse and Mental Health Services Administration, alcohol and drug misuse are second only to depression and other mood disorders as the most frequent risk factors for suicidal behavior.

Some schools have zero tolerance policies where students can be expelled for committing a particular offense. Under existing law, the principal or the superintendent of schools shall recommend the expulsion of a pupil for the unlawful possession of any controlled substance unless it is determined that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

Existing law also authorizes a student to be expelled for unlawfully possessing, using, or being under the influence of an alcoholic beverage or an intoxicant. Existing law also allows a superintendent of a school district or principal to use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Education Code Section 48900.5.

After recent tragedies of teen suicides in Fresno County, the director of Fresno County’s behavioral health department brought up the use of zero tolerance

policies and argued that students worry that asking for help, especially if substance abuse is involved, will get them in trouble.”

- 2) ***Effectiveness of zero tolerance policies.*** In June of 2005, the American Psychological Association convened a task force to examine the research conducted to date on the effects zero tolerance policies have on children in schools. The task force found that “An extensive review of the literature found that, despite a 20-year history of implementation, there are surprisingly few data that could directly test the assumptions of a zero tolerance approach to school discipline, and the data that are available tend to contradict those assumptions. Moreover, zero tolerance policies may negatively affect the relationship of education with juvenile justice and appear to conflict to some degree with current best knowledge concerning adolescent development.” The task force’s recommendations included “applying zero tolerance policies with greater flexibility that takes school context and teacher expertise into account, and mandating that teachers and other professional staff who have regular contact with students serve as the first line of communication with parents and caregivers regarding disciplinary incidents.” The task force also recommended “reserving zero tolerance disciplinary removals for only the most serious and severe of disruptive behaviors, and replacing one-size-fits-all disciplinary strategies with graduated systems of discipline, where consequences are geared to the seriousness of the infraction. Most importantly, the group recommends implementing preventive measures that can improve school climate and promote a sense of school community and belongingness.”

In California, school officials may still take a zero tolerance approach to expulsion for most drug possession. Moreover, California law opens the door for school officials to potentially take a zero tolerance approach to expulsion even for alcohol use if the school officials determine that other means of correction are not feasible or that due to the nature of the act, the pupil poses a danger.

- 3) ***Youth suicide in California.*** According to the Lucile Packard Foundation for Children’s Health, which compiles and reports data from state agency sources:
- a) In 2013-15, nearly 20 percent of California public school students in grades 9, 11, and nontraditional classes reported seriously considered attempting suicide in the past year.
 - b) In 2013, 481 California youth ages 5-24 were known to have committed suicide.
 - c) The state’s youth suicide rate in 2011-13 was 7.7 per 100,000 youth ages 15-24, slightly higher than previous years, but substantially lower than the rate in 1995-97 (9.4 per 100,000).
 - d) In 2013, males accounted for almost 80 percent of youth suicides in California. Statewide and nationally, many more male youth, ages 15-24, than female youth commit suicide.

- e) In 2013, there were 3,322 hospitalizations for non-fatal self-inflicted injuries among children and youth ages 5-20 in California.
 - f) In 2013, 62 percent of hospitalizations for self-inflicted injuries in California involved youth ages 16-20.
- 4) ***High risk factors associated with youth suicide.*** Research has demonstrated that certain characteristics among youth contribute to a higher propensity to consider or attempt suicide. These include:
- a) Youth with mental illness and substance abuse disorders: Nearly 90 percent of all suicides are associated with a diagnosable mental health or substance-abuse disorder.
 - b) Youth with disabilities: Research shows that adolescents with particular disabilities, such as chronic pain, loss of mobility, disfigurement, multiple sclerosis, and spinal cord injuries are at higher risk of suicide.
 - c) Youth experiencing homelessness: Limited research suggests that more than half of homeless and runaway youth have attempted suicide.
 - d) Youth in foster care: Limited research suggests that youth in foster care are more than twice as likely to commit suicide and nearly four times as likely to attempt suicide as their peers.
 - e) Youth in juvenile detention: Youth involved with the juvenile justice system are four times more likely to commit suicide than their peers.
 - f) Lesbian, gay and bisexual youth: LGBTQ youth are four times more likely to attempt suicide than their straight peers. Nearly half of young transgender people have seriously considered suicide, and one-quarter report having made a suicide attempt.
- 5) ***Related and previous legislation.*** AB 667 (Reyes, 2017) would require that, at the informal conference required before a student is suspended from school, the pupil be informed of other means of correction that were attempted before the suspension was imposed. AB 667 is currently pending in the Senate Appropriations Committee.

AB 2246 (O'Donnell, Chapter 642, Statutes of 2016) required local educational agencies that serve students in grades 7 to 12 to adopt policies on the prevention of student suicides and also required the California Department of Education to develop and maintain a model suicide prevention policy.

AB 739 (Lowenthal, 2011-12 Session), would have required the inclusion of suicide prevention instruction and mental illness awareness instruction in the health education framework for pupils in grades 7 to 12 during the next revision of the framework. AB 739 was held in the Assembly Appropriations Committee.

SUPPORT

American Academy of Pediatrics
American Foundation for Suicide Prevention
Association of California School Administrators
California Council of Community Behavioral Health Agencies
California Psychological Association
California School Boards Association
California School Nurses Association
California State PTA
Legal Advocates for Children & Youth
Los Angeles County Office of Education
Lucile Packard Children's Hospital

OPPOSITION

None received

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