

a process that accounts for circumstances (student homelessness, foster care placement, or other adverse childhood experiences) and that determines suspension or expulsion is the only safe response.

HB93 defines “other adverse childhood experiences” as being potentially traumatic events that occur in childhood. These include poverty, experiencing or witnessing violence, abuse, neglect, experiencing the attempt of or death by suicide of a family member, experiencing substance misuse, mental health problems or instability in the household.

HB93 defines “restorative justice practices” as non-punitive intervention and support provided to a student by a public school to improve the behavior of the student and remedy any harm caused by the student.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

This bill contains no appropriation.

PED notes that schools may incur costs associated with providing staff with professional development on restorative justice practices.

The Education Commission of the States, in a comparison of school discipline statutes reports that as of August, 2018, ten states outline non-punitive supports as an alternative method of school discipline in lieu of out-of-school suspension or expulsion. These supports include conflict resolution, mentoring, parent conferences, and schedule rearrangements, among others. Districts should look to already-trained staff like school counselors to adhere to the provisions of this bill and avoid duplicative efforts by and unnecessary training to other school staff members.

The Oakland Unified School District implemented a district-wide restorative justice program that consist of a 31-person restorative justice team – five restorative justice coordinators based in the district’s central administrative office and approximately 24 restorative justice facilitators that are staff across the district’s school sites. The coordinators manage the facilitators and train teachers and students in restorative justice techniques. The program reportedly costs the district \$2.5 million a year to operate.

The fiscal impact range of zero dollars to \$2.5 million, is deduced from the assumptions that 1) school districts can leverage already-trained staff like school counselors to adhere to the provisions of this bill, incurring no new costs or 2) school districts can implement full restorative justice programs such as the one at the Oakland Unified School District that can incur operating costs up to \$2.5 million a year.

SIGNIFICANT ISSUES

PED reports 20,670 suspensions and expulsions during the 2019-2020 school year, totaling 86,105.3 missed school days.

A 2019 study published by the National Bureau of Economic Research reports that students who attend high-suspension rate schools are more likely to be arrested and incarcerated later in life, and less likely to attend a four-year college. According to the study, male minority students are most likely to be affected.

TECHNICAL ISSUES

HB93 does not differentiate between in-school suspension and out-of-school suspension, and leaves unclear whether the provisions of this bill would apply to in-school suspension.

The HSEIC amendment to HB93 does not define or include what constitutes as positive behavioral interventions and support.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Students would continue to be reprimanded for their actions in a manner that causes them to lose in-person learning time, potentially causing academic repercussions and further impacting student performance.

MB/sb/rl/al