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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 982 **Hearing Date:** June 5, 2019  
**Author:** Holden  
**Version:** April 3, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Pupils: homework assignments for suspended pupils

### SUMMARY

This bill requires a teacher, upon the request of a parent, a legal guardian or other person holding the right to make educational decisions for a pupil, or the affected pupil, to provide homework to the pupil who has been suspended for two or more schooldays, and requires a charter school petition to include procedures to require the same.

### BACKGROUND

Existing law:

- 1) 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) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except in self-defense.
  - c) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, except as specified.
  - d) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property.
  - g) Stole or attempted to steal school property or private property.
  - i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Committed or attempted to commit a sexual assault or committed sexual battery.
  - k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
  - l) Engaged in, or attempted to engage in, hazing.
  - m) Engaged in an act of bullying. (Education Code § 48900)
- 2) Authorizes a pupil enrolled in any of grades 4 to 12, inclusive, to be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment. (EC § 48900.4)
- 3) Authorizes school district superintendents and school principals to use 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. (EC § 48900(v))
- 4) States that suspension, including supervised suspension, shall 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 (*not* including disrupting school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties) or the pupil's presence causes a danger to persons. (EC § 48900.5)
- 5) 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)
- 6) Authorizes teachers to suspend pupils from class for the day and the following day. If the pupil is to remain on campus during that suspension, the pupil must be under appropriate supervision. Teachers must ask the parent to attend a parent-teacher conference regarding the suspension. Pupils are prohibited from returning to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher and principal. (EC § 48910)
- 7) Authorizes the principal to assign a pupil suspended from school, but not being considered for expulsion, 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, and authorizes a school district to continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom if all of the following requirements are met:
- a) The supervised suspension classroom is staffed as otherwise provided by law.
  - b) Each pupil has access to appropriate counseling services.
  - c) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.
  - d) Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom and the teacher must provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom must assign schoolwork. (EC 48911.1).
- 8) 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)

- 9) 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)
- 10) Authorizes a petition for the establishment of a charter school to be submitted to the governing board of the school district for review after specified conditions are met. The governing board of the school district is prohibited from denying a petition for the establishment of a charter school unless it makes written factual findings setting forth specific facts to support specific findings, including the procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, must include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements.

## ANALYSIS

This bill requires a teacher, upon the request of a parent, a legal guardian or other person holding the right to make educational decisions for a pupil, or the affected pupil, to provide homework to the pupil who has been suspended for two or more schooldays, and requires a charter school petition to include procedures to require the same. Specifically, this bill:

- 1) Requires a teacher, upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, to provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays the homework that the pupil would otherwise have been assigned.
- 2) Requires a charter school petition's procedures by which pupils can be suspended to include procedures that require a teacher, upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, to provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays the homework that the pupil would otherwise have been assigned.
- 3) States that it is the intent of the Legislature to ensure that pupils in any of grades 1 to 12, inclusive, who are suspended from school for two schooldays or more, do not fall behind in class assignments or homework, and 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.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author's office, "This bill is trying to solve the problem faced by students who have been suspended and are trying to obtain homework in an effort to stay caught up on classroom activities. This bill allows parents, guardians and persons with legal authority to request homework. Currently, parents, guardians and persons with legal authority to make educational decisions for students are unable to request homework for students.

Currently under the education code, teachers can refuse homework to suspended students. As defined in the education code, a student is required to ask the teacher for the missed assignments.... African American, Latino, Native American, and Pacific Islander students all lose more days of instruction and have higher rates of suspension compared to the statewide average. Missing days of education is difficult to recover from for suspended students. However, allowing parents and guardians to assist in the process of obtaining homework can improve the relationship between students, teachers and parents."

- 2) ***Suspensions are declining.*** The initial prohibition for suspending pupils in kindergarten or grades 1-3 for willful defiance took effect January 1, 2015. According to data from the California Department of Education (CDE), 96,421 pupils were suspended for willful defiance in the 2015-16 school year, the first full school year after implementation, which is a decrease of almost 30,000 suspensions for willful defiance over the previous school year. However, data from the 2011-12 to 2017-18 school years reveals that suspensions for disruption or willful defiance, and suspensions overall, have been steadily declining, making it difficult to attribute this decline to the prohibition alone. For example, in the 2011-12 school year there were 709,702 total suspensions. For the 2017-18 school year, overall suspensions were down to 363,406.
- 3) ***Pupil engagement is a state priority.*** One of the eight state priorities for purposes of local control and accountability plans (LCAPs) and the local control funding formula is pupil engagement, as measured by suspension and expulsion rates. In their LCAPs, school districts, county offices of education, and charter schools have to explain what actions they are taking to achieve the goals they've set for each state priority, including goals for reducing suspension rates. Given that LCAPs were first implemented for the 2014-15 school year, the reduction in suspensions overall, and for disruption/willful defiance specifically, could also be linked to the pupil engagement priority.
- 4) ***Equity concerns in subjective discipline.*** Data from the CDE shows that equity concerns with subjective discipline persist. For example in 2011-12, African American pupils accounted for 6.8 percent of enrollment, but 18.5 percent of suspensions for willful defiance. Most recently, in 2017-18, African American pupils accounted for 5.6 percent of enrollment, but 15.6 percent of suspensions for willful defiance. Conversely, in 2011-12, white pupils accounted for 25.8 percent of enrollment, but just 19.6 percent of suspensions for willful defiance. Most recently, in 2017-18, white pupils accounted for 23.2 percent of enrollment, but just 20.2 percent of suspensions for willful defiance. These disproportionate figures underscore the concerns surrounding willful defiance suspensions and

that neither time, the K-3 prohibition against suspensions for willful defiance, or local control funding formula priorities have fully addressed these issues.

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:

- a) The statewide suspension for Black males of 12.8 percent is 3.6 times greater than that of the statewide rate for all students of 3.6 percent.
- b) Since 2011-12, the suspension rates of Black males in California has declined from 17.8 percent to 12.8 percent.
- c) While African Americans account for only 5.8 percent of the state's public school enrollment, they represent 17.8 percent of students who are suspended.
- d) 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.
- e) The highest percentage of Black male suspensions was for foster youth in grades 7 and 8 at 41.0 percent.
- f) The highest total suspensions occurred in large urban counties, including Los Angeles, Sacramento, San Bernardino, Riverside, and Contra Costa counties.
- g) 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 percent.
- h) No other student group experiences this type of disproportionality in discipline in California schools.

As noted by the Assembly Education Committee, "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."

- 5) ***Does this bill accomplish its purpose?*** This bill 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. Accordingly, **staff recommends that the bill be amended** to prohibit the calculation of a pupil's overall grade from including ungraded homework assignments requested pursuant to this provision and returned to teacher by the pupil upon their return from suspension or within the timeframe originally prescribed by the teacher, whichever is later.

- 6) **Prior legislation.** AB 414 (Carter, 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, 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, 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.

## **SUPPORT**

California School Boards Association  
California State Conference of the NAACP  
Disability Rights California

## **OPPOSITION**

None received

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