

Introduced by Senator HancockFebruary 21, 2014

An act to add Chapter 19 (commencing with Section 53330) to Part 28 of Division 4 of Title 2 of the Education Code, relating to school climate.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as introduced, Hancock. School climate: Schoolwide Positive Behavior Intervention and Support program.

Existing law establishes a system of public elementary and secondary schools in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would establish the Schoolwide Positive Behavior Intervention and Support program. The bill, to the extent that one-time funding is made available in the Budget Act of 2014, would require the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for the program. The bill would require the designated county office of education to consult with specified organizations and target the funding towards a statewide professional development effort that would provide training in schoolwide positive behavior and support to school personnel.

The bill would require the Legislative Analyst's Office to review the impacts of this professional development effort and report to the Governor and the Legislature by June 30, 2016, on specified aspects of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In many school districts, local policies have addressed safety
4 and mental health issues in schools with ad hoc and piecemeal
5 strategies. This is borne out by the very narrow federal and state
6 laws related to pupil suspension and expulsion that produced
7 reactive discipline policies and increased pupil exclusion from
8 school. These practices have resulted in disproportionality in
9 discipline practices, as reflected in the high number of suspensions
10 and expulsions among African American and Latino pupils in
11 California.

12 (b) Recent statistics indicate that 20 percent of schoolage youth
13 experience a functional or significant behavior or mental health
14 disorder. In contrast, less than 1 percent of pupils are identified to
15 receive mental health services through the special education
16 classification of emotional disturbance. These numbers suggest a
17 significant gap in the need for school-based prevention and
18 intervention behavioral health services. Schoolwide Positive
19 Behavior Intervention and Support (SW-PBIS) can fill this gap by
20 providing a comprehensive and collaborative prevention and
21 intervention framework for schools to improve academic and
22 behavioral outcomes for all pupils. Recent research from Orange
23 County has shown that in districts where SW-PBIS has been
24 implemented there has been a 26-percent drop in in-school
25 suspensions, a 55-percent drop in out-of-school suspensions, and
26 a 30-percent drop in expulsions.

27 (c) In order to ensure that all pupils flourish academically,
28 districts must establish equitable discipline practices and behavioral
29 interventions that promote positive social-emotional development
30 and that prevent and respond to negative behaviors in order to
31 reengage disconnected pupils. School psychologists play a critical
32 role in implementing school-based educationally related counseling
33 services and positive behavior systems and supports that create
34 and reinforce positive school cultures of achievement for all pupils,
35 including those at risk of academic failure.

36 (d) The local control funding formula has been passed in an
37 effort to reform school finance and to direct funding directly to
38 at-risk pupil populations as outlined in Section 42238.07 of the

1 Education Code. This section states that the regulations shall
2 require a school district “to increase or improve services for
3 unduplicated pupils.” Research shows that efforts to improve
4 school climate, safety, and learning are not separate endeavors.
5 They must be designed, funded, and implemented as a
6 comprehensive schoolwide approach. School districts must work
7 to ensure through their local control and accountability plans that
8 pupils have access to universal, targeted, and individualized
9 psychological, behavioral, and counseling services and support
10 that will increase their chances for academic improvement.

11 (e) SW-PBIS is a multitiered framework for creating positive
12 school cultures. SW-PBIS is a decisionmaking framework that
13 guides selection, integration, and implementation of the best
14 evidence-based academic and behavioral practices for improving
15 important academic and behavior outcomes for all pupils. The
16 SW-PBIS approach requires the implementation of preventative
17 and proactive approaches to discipline and positive discipline
18 methods. In doing so, SW-PBIS changes the belief systems and
19 behavior of school staffs, pupils, and the community, resulting in
20 positive, productive citizens, and safer schools.

21 (f) SW-PBIS can support important local control and
22 accountability plan priority areas by providing local schools and
23 districts with an evidence-based framework to produce targeted
24 pupil behavioral and academic outcomes. SW-PBIS provides an
25 operational framework for achieving these outcomes.

26 (g) SW-PBIS fosters local control for school climate, academics,
27 and behavior. SW-PBIS provides an operational framework and
28 a set of sustainable schoolwide practices for achieving these
29 outcomes. The schoolwide practices are research-based, but are
30 developed and implemented by the local school team of teachers,
31 parents, administrators, school psychologists, school counselors,
32 and pupils to reflect the culture and values of their schools.

33 (h) SW-PBIS has national support and has been defined,
34 described, and researched since its introduction in the
35 reauthorization of the Individuals with Disabilities Education Act
36 of 1997. SW-PBIS research and training is supported by the Office
37 of Special Education Programs (OSEP), United States Department
38 of Education, through the OSEP Technical Assistance Center.
39 School psychologists have been leaders in SW-PBIS professional

1 development and systems implementation in schools and districts
2 throughout the state.

3 (i) (1) SW-PBIS emphasizes four integrated elements:

4 (A) Data for decisionmaking.

5 (B) Measurable outcomes supported and evaluated by data.

6 (C) Practices with evidence that these outcomes are achievable.

7 (D) Systems that efficiently and effectively support
8 implementation of these practices.

9 (2) These four elements are guided by six core principles, as
10 follows:

11 (A) Develop a continuum of scientifically based behavior and
12 academic interventions and supports.

13 (B) Use data to make decisions and solve problems.

14 (C) Arrange the environment to prevent the development and
15 occurrence of problem behavior; increase supervision where
16 needed.

17 (D) All school staff teach and encourage prosocial skills and
18 behaviors in all settings on campus, and before and after school.

19 (E) Implement evidence-based behavioral practices with fidelity
20 and accountability.

21 (F) Screen universally and monitor pupil performance and
22 progress continuously.

23 (j) Schools that have established and maintained SW-PBIS
24 systems with integrity have teaching and learning environments
25 that are less reactive, aversive, punitive, dangerous, and
26 exclusionary, are more engaging, responsive, preventive,
27 productive, and participatory, address classroom management and
28 disciplinary issues such as attendance, cooperation, participation,
29 and meeting positive expectations, improve support for pupils
30 whose behavior requires more specialized or intensive assistance
31 for emotional and behavioral disorders and mental health issues,
32 and maximize academic engagement and achievement for all
33 pupils.

34 SEC. 2. Chapter 19 (commencing with Section 53330) is added
35 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

1 CHAPTER 19. SCHOOLWIDE POSITIVE BEHAVIOR INTERVENTION
2 AND SUPPORT
3

4 53330. (a) To the extent that one-time funding is made
5 available in the Budget Act of 2014, the department shall apportion
6 funds to a designated county office of education to be the fiduciary
7 agent for the Schoolwide Positive Behavior Intervention and
8 Support (SW-PBIS) program. The designated county office of
9 education shall be chosen by the Superintendent from county
10 offices that apply for designation under this chapter. The designated
11 county office of education shall be in charge of establishing specific
12 professional development activities that will lead to statewide
13 professional development support structures allowing for the
14 development and expansion of SW-PBIS efforts in each region of
15 the state.

16 (b) This professional development and outreach effort shall
17 build upon existing statewide organizations, networks, and regional
18 organizations that are providing services related to SW-PBIS and
19 other mental health approaches. The goal would be to organize
20 SW-PBIS trainings and resources to be disseminated on a regional
21 basis. These trainings, associated materials, and research shall
22 educate participants on how to have SW-PBIS support local control
23 and accountability plan strategic goals in alignment with a
24 multitiered support system framework.

25 (c) The designated county office of education shall consult with
26 the K-12 Student Mental Health Initiative, the National Alliance
27 on Mental Health Illness, the California Technical Assistance
28 Center on SW-PBIS, the California County Superintendents
29 Educational Services Association, the California Mental Health
30 Directors Association, the United Advocates for Children and
31 Families, and other nonprofit agencies throughout the state. The
32 designated county office of education shall also select an advisory
33 committee made up of stakeholders and mental health professionals
34 who have participated in the development and expansion of
35 SW-PBIS programs to assist in the planning and implementation
36 of this project.

37 (d) Within the context of a state-level plan, funding shall be
38 targeted to all of the following critical activities:

39 (1) Explaining the importance of linking SW-PBIS efforts with
40 local control funding formula planning.

1 (2) Creating broad exposure to SW-PBIS, which would include
2 pamphlets, videos, Internet Web site creation, webinars, and
3 newsletters.

4 (3) Creating regional conferences on SW-PBIS implementation
5 that would provide free training for teachers, school psychologists,
6 and administrators.

7 (4) Establishing stipends for release time for school personnel
8 attending these workshops.

9 (5) Developing best practices of current district-level SW-PBIS
10 systems and ensure that these best practices are widely
11 disseminated.

12 (6) Establishing a cohort of trainers that can be available to
13 work directly with local school districts seeking to implement
14 SW-PBIS.

15 (7) Establishing a repository for the collection and dissemination
16 of SW-PBIS best practices.

17 (e) The designated county office of education, working in
18 cooperation with the Department of Finance, the State Department
19 of Education, and the Legislative Analyst, shall analyze the relevant
20 data on the success of SW-PBIS at both the state and national
21 levels, and shall establish a set of best practices to be made
22 available to school districts and consortia of districts to expand
23 current mental health programs and to use as the foundation of
24 addressing school discipline issues including school violence,
25 suspensions, expulsions, and bullying.

26 (f) The Legislative Analyst's Office shall review the impacts
27 of this professional development effort and shall report to the
28 Governor and the Legislature by June 30, 2016, on the breadth
29 and best practices of the training.