

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2698

Introduced by Assembly Member Weber

February 19, 2016

An act to add *and repeal* Chapter 6.5 (commencing with Section 52080) ~~to~~ of Part 28 of Division 4 of Title 2 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2698, as amended, Weber. School accountability: school climate and restorative justice: ~~assessments: professional development. assessments.~~

(1) Existing law establishes the Public Schools Accountability Act of 1999 to, among other things, ensure that each child in California receives a high-quality education consistent with all statewide content and performance standards, as specified.

This bill ~~would, on or before September 1, 2017, would~~ require ~~low-performing high-need~~ schools, as ~~designated by the State Department of Education, defined, on or before September 1, 2017, to~~ ~~conduct~~ *begin and, on or before July 1, 2018, to complete* a school climate assessment, as specified. The bill would require every assessed school to take steps to ensure that responses to school climate assessments remain anonymous and that no individual is identified. The bill would require these schools to publish the results of the assessment on their Internet Web sites, provided that personally identifiable information or information that can reasonably lead a reader to identify

an individual is not shared. The bill would require the outcomes resulting from a school climate assessment to be shared through meaningful engagement and collaboration with pupils, parents, ~~faculty, teachers,~~ and ~~staff school personnel~~ to develop corrective action recommendations that address the assessment outcomes and would require the recommendations to be incorporated and implemented by the school *district* no later than one year after completion of the assessment, except as provided. By imposing additional duties on school officials, the bill would impose a state-mandated local program. ~~The bill would require the Legislative Analyst, on or before January 1, 2022, to compile data of changes in pupil academic achievement levels at low-performing schools, including a breakdown by pupil ethnicity, and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees.~~

~~(2) Existing law establishes various professional development and training programs for certificated employees of local educational agencies.~~

~~This bill would require the State Department of Education to oversee the establishment of specific professional development activities and workshops that result in professional development support programs and a network of trainers to expand restorative justice programs, pupil social and emotional support, trauma-informed practices, and cultural competency in regions of the state with identified low-performing schools, as specified. The bill would require the department to convene an advisory committee comprised of stakeholders and professionals who have participated in the development and expansion of these programs to assist in the professional development planning and implementation. The bill would require low-performing schools designated by the department to provide identified professional development programs on or before September 1, 2018. By imposing additional duties on school officials, the bill would impose a state-mandated local program. The bill would require the Legislative Analyst, on or before January 1, 2022, to compile data of the chronic absenteeism, suspension, expulsion, and dropout rates of the targeted schools and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees, as specified.~~

~~The bill would require the State Department of Education to develop and post to an easily accessible page on the department's Internet Web site a listing of available school climate assessment instruments and organizations. The bill would require the department to convene an~~

advisory committee comprised of stakeholders and professionals who have participated in the development and expansion of alternative discipline programs, such as restorative justice and positive behavioral interventions and supports, to make recommendations to the department. The bill would require the Legislative Analyst’s Office, on or before January 1, 2023, to compile data of the changes in pupil academic achievement at targeted high-need schools, including a breakdown by pupil ethnicity, and chronic absenteeism, suspension, expulsion, and dropout rates of the targeted schools and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees, as specified.

The bill would repeal these provisions on July 1, 2023.

~~(3) This bill would provide that its provisions shall not be implemented unless funding is provided for its purposes in the annual Budget Act or another enacted statute. The bill would also make legislative findings and declarations relating to its provisions:~~

~~(4)~~

(2) 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 these statutory provisions.

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

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

- 1 SECTION 1. (a) It is the intent of the Legislature to improve
- 2 pupil academic outcomes at ~~low-performing~~ *high-need,*
- 3 *low-achieving* schools by improving school climates to provide a
- 4 strong foundation for academic improvement efforts.
- 5 (b) The Legislature finds and declares all of the following
- 6 relating to school climate:
- 7 (1) A school’s climate is a social justice issue, as the state loses
- 8 generations of pupils from poor and underserved communities
- 9 with few options but to enroll in ~~low-performing~~ *high-need,*
- 10 *low-achieving* schools.

1 (2) Over 20 years of research has confirmed that a positive
2 school climate is directly related to pupil academic achievement
3 and that school climate is the single most dominant predictor we
4 now have of pupil academic achievement levels.

5 (3) The United States Department of Education recommends
6 school climate reform as an evidence-based strategy to prevent
7 school violence.

8 (4) The federal Centers for Disease Control and Prevention
9 recommends school climate reform as a scientifically sound
10 strategy that promotes healthy relationships, school connectedness,
11 and pupil retention.

12 (5) The federal Institute of Education Sciences includes school
13 climate as a strategy for dropout prevention.

14 (6) Perceptions about school climate impact teacher morale and
15 pupil achievement. A positive school climate benefits pupils,
16 teachers, school administrators, school personnel, and parents;
17 teachers are motivated to teach and pupils are motivated to learn.

18 (7) Without school climate assessments, ~~educators~~ *teachers* and
19 education leaders lack a comprehensive understanding of the tools
20 and steps needed to address low pupil achievement levels, pupil
21 dropout rates, pupil suspensions, and pupil chronic absenteeism.

22 (8) ~~School~~ *The use of school climate assessments* ~~are~~ *is* an
23 effective data-driven strategy that ~~engage~~ *engages* pupils, teachers,
24 school administrators, school personnel, and parents working
25 together to create safe, supportive, engaging, and successful
26 schools.

27 (9) Positive school climates are stable over time absent any
28 systematic effort to change climate components.

29 (10) The meaningful input and perspectives of pupils, commonly
30 absent in school decisionmaking, are essential components of
31 school climate assessments to improve pupil emotional and social
32 well-being.

33 (11) No instances of successful turnaround schools, which are
34 schools that transformed ~~low-performing, high-poverty~~ *from*
35 *high-need, low-achieving* schools into high-performing schools,
36 have been found that did not address school climate.

37 (12) Factors affecting a school's climate that recognize the
38 social, emotional, and academic aspects of K-12 pupil learning
39 can be accurately measured and assessed.

1 (c) The Legislature finds and declares all of the following
2 regarding *alternative discipline programs, such as restorative*
3 ~~justice:~~ *justice and positive behavioral interventions and supports:*

4 (1) California K–12 schools issued more than half a million
5 suspensions in the 2013–14 school year, with pupils of color
6 disproportionately subjected to out-of-school suspensions.

7 (2) African American pupils are three times more likely to be
8 suspended than all other pupils, and studies show that pupils of
9 color are disciplined more harshly than other pupils, resulting in
10 serious, negative educational consequences.

11 (3) A recent ~~UCLA~~ *University of California, Los Angeles* study
12 concluded that African American pupils who are expelled from
13 school have a 90-percent likelihood of being placed in a state
14 correctional institution.

15 (4) Exclusionary school removals cause a number of correlated
16 negative educational, economic, and social problems, including
17 school avoidance, an increased likelihood of dropping out, and
18 engagement with the juvenile justice system. This civil rights crisis
19 has come to be known as the school-to-prison pipeline.

20 (5) The American Academy of Pediatrics has found that
21 suspension can increase stress and may predispose pupils to
22 antisocial behavior and suicidal ideation.

23 (6) Psychologists have found that disciplinary exclusion can
24 increase pupil shame, alienation, rejection, and the breaking of
25 healthy adult bonds, thereby exacerbating negative mental health
26 outcomes for young people.

27 ~~Restorative~~ *Alternative discipline programs, such as*
28 *restorative justice programs and positive behavioral interventions*
29 *and supports, are a healing practice practices that focus on*
30 *repairing harm and preventing their recurrence.*

31 (8) Restorative practice, which builds upon restorative justice,
32 is used to build a sense of school community and restore positive
33 relationships through the use of restorative circles where pupils
34 and ~~educators~~ *teachers* work together to set academic goals,
35 develop classroom core values, and resolve conflicts.

36 (9) A 2011–14 study prepared for the United States Department
37 for Education’s Office for Civil Rights on restorative justice in the
38 Oakland Unified School District (OUSD) concluded that (A) the
39 discipline gap between white and African American pupils
40 decreased significantly for OUSD pupils who participated in

1 restorative justice programs, but remained unchanged for pupils
 2 who did not participate in these programs, (B) that there was a
 3 128-percent increase in the reading levels of 9th grade pupils at
 4 OUSD schools with restorative justice programs, compared to an
 5 11-percent increase in schools without such programs, and (C)
 6 four-year graduation rates increased by 60 percent at OUSD
 7 restorative justice schools compared to 7 percent for nonrestorative
 8 justice schools.

9 SEC. 2. Chapter 6.5 (commencing with Section 52080) is added
 10 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

11
 12 CHAPTER 6.5. SCHOOL CLIMATE AND ~~RESTORATIVE JUSTICE~~
 13 *STUDENT ACHIEVEMENT ACT*
 14

15 52080. This chapter shall be known, and may be cited, as the
 16 School Climate and ~~Restorative Justice~~ *Student Achievement Act*.

17 52081. (a) The Legislature finds that *creating* a sustainable,
 18 positive school climate fosters youth development; higher pupil
 19 achievement; lower dropout, suspension, and absenteeism rates;
 20 decreased incidences of violence; and increased teacher retention
 21 and ~~includes results in~~ the following ~~factors~~ *outcomes* that directly
 22 impact K–12 pupils, teachers, school administrators, school
 23 personnel, and parents:

24 (1) ~~Whether pupils, educators,~~ *Pupils, teachers,* school
 25 administrators, school personnel, and parents are engaged and
 26 respected.

27 (2) ~~Whether individuals~~ *Individuals* feel socially, emotionally,
 28 and physically safe ~~and whether relations~~ and relationships with
 29 and among youth are prioritized.

30 (3) ~~Whether pupils, educators,~~ *Pupils, teachers,* school
 31 administrators, school personnel, and parents work together to
 32 develop and contribute to a shared school vision.

33 (4) ~~Whether educators~~ *Teachers* and school administrators,
 34 incorporating the views of pupils, model and nurture attitudes that
 35 emphasize the benefits and satisfaction gained from learning based
 36 on high academic expectations.

37 (5) ~~Whether each~~ *Each* individual contributes to the operations
 38 and climate of the school.

1 (6) ~~Whether disciplinary~~ *Disciplinary* practices are assessed
2 and an effort is made to utilize practices that promote positive
3 interventions.

4 (7) ~~Whether collaboration~~ *Collaboration* and cooperation replace
5 a school climate of confrontation and mistrust, and inclusiveness
6 becomes the norm.

7 (b) The Legislature finds that ~~restorative justice~~ *alternative*
8 *discipline* programs and practices foster all of the following:

9 (1) Positive relationships among pupils, ~~educators,~~ *teachers,*
10 school administrators, school personnel, and parents.

11 (2) A school community based on trust, respect, and inclusion.

12 (3) A reduction in pupil disciplinary actions, expulsions,
13 suspensions, and chronic absenteeism and the lowering of stress
14 and antisocial behavior.

15 (4) Improved mental health and pupil academic outcomes.

16 52082. For purposes of this chapter, the following terms have
17 the following meanings:

18 (a) (1) ~~“Low-performing school” means a low-performing~~
19 ~~school, as designated by the department, which shall incorporate~~
20 ~~chronic absenteeism rates, suspension rates, expulsion rates, and~~
21 ~~dropout rates in making its designations. “High-need schools,” as~~
22 ~~also defined by the federal Every Student Succeeds Act (20 U.S.C.~~
23 ~~Sec. 6301 et seq.), means a public elementary or secondary school~~
24 ~~that is located in an area in which the percentage of pupils from~~
25 ~~families with incomes below the poverty line is 30 percent or more.~~

26 (2) A ~~low-performing~~ *high-need* school could be a school
27 operated by a school district, a school operated by a county office
28 of education, or a charter school.

29 (b) “School climate” means the quality, culture, and character
30 of school life, based on the patterns of pupils’, *teachers*’, school
31 personnel’s, and parents’ school life perceptions and experiences,
32 and reflects a school’s norms, goals, values, expectations for
33 behavior, interpersonal relationships, teaching and learning
34 practices, safety, and organizational structures. School climate is
35 a learning environment created through the interaction of personal
36 relationships, physical setting, and psychological conditions.

37 (c) “School climate assessment” means an evaluation of a
38 school’s ~~climate~~ *climate, as defined pursuant to subdivision (b),*
39 ~~to assess existing school climate and culture and to inform school~~
40 ~~provide information to influence pupil academic outcome~~

1 improvements, and that incorporates the use of pupil, teacher,
2 school administrator, school personnel, and parent individual and
3 group surveys, interviews, school ~~data~~, *data analysis*, and direct
4 observations.

5 (d) ~~“Restorative justice”~~ *“Alternative discipline programs, such*
6 *as restorative justice and positive behavioral interventions and*
7 *supports,”* means a set of ethical principles and practices grounded
8 in the values of showing respect, taking responsibility, and
9 strengthening pupil relationships that prevent, respond to, and
10 repair harmful pupil behaviors, enabling school personnel to
11 intervene more effectively by increasing pupil support without
12 compromising accountability.

13 52083. (a) On or before September 1, 2017, ~~low-performing~~
14 *high-need* schools shall ~~conduct~~ *begin and, on or before July 1,*
15 *2018, complete* a school climate assessment, consistent with the
16 provisions of this chapter.

17 (b) (1) Every assessed school shall take steps to ensure that
18 responses to school climate assessments remain anonymous and
19 that no individual is identified. These schools shall publish the
20 results of the assessment on their Internet Web sites, provided that
21 personally identifiable information or information that can
22 reasonably lead a reader to identify an individual shall not be
23 shared.

24 (2) Outcomes resulting from a school climate assessment shall
25 be shared through meaningful engagement and collaboration with
26 pupils, ~~parents, faculty, teachers, school personnel, and staff~~
27 *parents* to develop corrective action recommendations *through*
28 *school district local control and accountability plan committees*
29 that address the assessment outcomes.

30 (A) The recommendations shall be incorporated and
31 implemented by the school *district* no later than one year after
32 completion of the assessment.

33 (B) If the recommendations are not ~~implemented~~, *implemented*
34 *within one year of the completion of the assessment*, the governing
35 *board of the school shall provide a report to the department district*
36 *shall, within 60 days, hold a public meeting* explaining its reasons
37 for not executing corrective actions.

38 (e) ~~On or before January 1, 2022, the Legislative Analyst’s~~
39 ~~Office shall compile data of changes in pupil academic achievement~~
40 ~~levels at low-performing schools, including a breakdown by pupil~~

1 ethnicity, and provide a report to the department, the Governor,
2 and the appropriate legislative budget and policy committees.

3 52084. (a) ~~(1) The department shall oversee the establishment~~
4 ~~of specific professional development activities and workshops that~~
5 ~~result in professional development support programs and a network~~
6 ~~of trainers to expand restorative justice programs, pupil social and~~
7 ~~emotional support, trauma-informed practices, and cultural~~
8 ~~competency in regions of the state with identified low-performing~~
9 ~~schools. develop and post to an easily accessible page on the~~
10 ~~department's Internet Web site a listing of available school climate~~
11 ~~assessment instruments and organizations.~~

12 ~~(2)~~

13 (b) The department shall convene an advisory committee
14 comprised of stakeholders and professionals who have participated
15 in the development and expansion of ~~these programs~~ *alternative*
16 *discipline programs, such as restorative justice and positive*
17 *behavioral interventions and supports, to assist in the professional*
18 ~~development planning and implementation. make recommendations~~
19 *to the department that take into account the following:*

20 (3) ~~Low-performing schools designated by the department shall~~
21 ~~provide identified professional development programs on or before~~
22 ~~September 1, 2018.~~

23 (b) ~~In the development of these programs, the department shall~~
24 ~~take into account the following:~~

25 (1) ~~Linking research-based strategies with local control and~~
26 ~~accountability plans and local control funding formula~~
27 ~~apportionments, specifically with respect to school climate and~~
28 ~~meaningful pupil engagement.~~

29 (2) ~~Stipends for release time for school personnel attending~~
30 ~~identified professional development programs.~~

31 (1) *Improving pupil social and emotional support and expanding*
32 *trauma-informed practices and cultural competency in regions of*
33 *the state with identified high-need schools.*

34 ~~(3)~~

35 (2) Collecting best practices of existing districtwide, countywide,
36 ~~or~~ *and* charterwide *alternative discipline* programs and ensuring
37 these best practices are widely disseminated.

38 ~~(4)~~

39 (3) Developing a network of ~~educators~~ *teachers* who have
40 effectively implemented these best practices and can provide

1 training to other schools and school districts, county offices of
2 education, and charter schools.

3 (5)

4 (4) Developing evaluation tools to measure the effectiveness of
5 research-based *alternative discipline* strategies.

6 (c) On or before January 1, ~~2022~~, 2023, the Legislative Analyst’s
7 Office shall compile data of the *changes in pupil academic*
8 *achievement at targeted high-need schools, including a breakdown*
9 *by pupil ethnicity, and chronic absenteeism, suspension, expulsion,*
10 *and dropout rates of the targeted schools and provide a report to*
11 *the department, the Governor, and the appropriate legislative*
12 *budget and policy committees. The report shall also compile a list*
13 *of best practices used to accomplish improvements in academic*
14 *outcomes and a reduction in disciplinary actions.*

15 52085. This chapter shall ~~not be implemented unless funding~~
16 ~~is provided for its purposes in the annual Budget Act or another~~
17 ~~enacted statute. remain in effect only until July 1, 2023, and as of~~
18 ~~that date is repealed, unless a later enacted statute, that is enacted~~
19 ~~before July 1, 2023, deletes or extends that date.~~

20 SEC. 3. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.