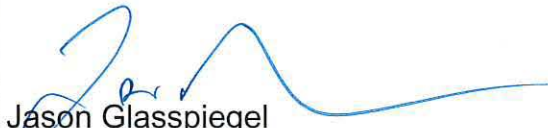


## MEMORANDUM

<b>DATE</b>	April 9, 2017
<b>TO</b>	Board of Psychology
<b>FROM</b>	 Jason Glasspiegel Central Services Coordinator
<b>SUBJECT</b>	Agenda Item #4(b)(1)(B)(27) – AB 1261 (Berman) Pupil Discipline: Expulsions: Pupil Suicide Prevention.

### **Background:**

This bill would require the principal or superintendent to consider specified factors, including risk factors for suicide, including self-harm, attempted suicide, substance use disorders, mental illness, and medical conditions and disabilities when determining whether a student in grades seven (7) through 12 should be recommended for expulsion or alternative means of correction for offenses related to unlawful possession or use of a controlled substance. These factors would be considered in line with the local educational agency's pupil suicide prevention policy and expulsion policies. Additionally, the principal or superintendent of schools must also consider whether the student should meet with a school-employed mental health professional and whether the student reached out to school employees proactively to disclose the offense. To the extent that this requirement would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

**Location:** Assembly Committee on Education

**Status:** 04/03/17 Re-referred to Assembly Committee on Education

### **Action Requested:**

No action is required at this time. Staff will continue to watch AB 1261 (Berman) due to its potential impact on youth access to mental health screenings and suicide risk assessment and intervention services.

Attachment A: AB 1261 (Berman) Text



**AB-1261 Pupil discipline: expulsions: pupil suicide prevention.** (2017-2018)

**SECTION 1.** *The Legislature finds and declares the following:*

(a) *According to the federal Substance Abuse and Mental Health Services Administration, in 1999 the Surgeon General of the United States issued a Call to Action to Prevent Suicide to implement strategies to reduce the stigma associated not only with suicidal behavior and mental illness, but also with substance use disorders.*

(b) *Both mental illness and substance use disorders are known risk factors for suicide.*

(c) *According to the federal 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.*

(d) *According to the federal Substance Abuse and Mental Health Services Administration, a diagnosis of alcohol misuse or dependence is associated with a suicide risk that is 10 times greater than the suicide risk in the general population, and individuals who inject drugs are at about 14 times greater risk for suicide.*

(e) *According to the latest 2013 data from the federal Centers for Disease Control and Prevention, suicide is the second leading cause of death for youth and young adults 10 to 24 years of age, inclusive.*

(f) *As children and teens spend a significant amount of their young lives in school, the personnel who interact with them on a daily basis are in a prime position to recognize the warning signs of suicide and make the appropriate referrals for help.*

(g) *There is a need for prevention and early intervention to help avoid the risk of adolescent suicide.*

(h) *In California, the governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, is required to adopt a policy on pupil suicide prevention.*

(i) *The policy on pupil suicide prevention is required to address the needs of high-risk groups including youth with substance use disorders.*

**SEC. 2.** *Section 48915 of the Education Code is amended to read:*

**48915.** (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following 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:

(A) Causing serious physical injury to another person, except in self-defense.

(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(C) (i) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

(+) (I) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(+) (II) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

(ii) *For purposes of clause (i), in order to determine whether expulsion for a pupil in any of grades 7 to 12, inclusive, should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the principal or the superintendent of schools shall consider all of the following, consistent with the local educational agency's policy on pupil suicide prevention adopted pursuant to Article 2.5 (commencing with Section 215) of Chapter 2 of Part 1 of Division 1 of Title 1:*



*(I) Whether the pupil has risk factors for suicide, including, but not limited to, substance use disorders, mental illness, medical conditions and disabilities, self-harm, or attempted suicide.*

*(II) Whether the pupil should meet with a school-employed mental health professional.*

*(III) Whether the pupil reached out to a school employee and proactively disclosed committing the offense.*

*(IV) If the local educational agency has a zero-tolerance policy related to substance use, whether the zero-tolerance policy deterred the pupil from seeking help.*

*(iii) Nothing in clause (ii) shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.*

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

(3) Is not housed at the schoolsite attended by the pupil at the time of suspension.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds grounds, violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

- (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

**SEC. 3.** *Section 48916.7 is added to the Education Code, to read:*

**48916.7.** *(a) If a local educational agency has a policy that recommends expulsion for unlawfully possessing, using, or being under the influence of an alcoholic beverage or an intoxicant, the superintendent of the school district or the principal of the school in which the pupil is enrolled shall consider, as part of that recommendation, whether expulsion for a pupil in any of grades 7 to 12, inclusive, should not be recommended under the circumstances or that an alternative means of correction would address the conduct of unlawfully possessing, using, or being under the influence of an alcoholic beverage or an intoxicant. The consideration shall include all of the following, consistent with the local educational agency's policy on pupil suicide prevention adopted pursuant to Article 2.5 (commencing with Section 215) of Chapter 2 of Part 1 of Division 1 of Title 1:*

- (1) Whether the pupil has risk factors for suicide, including, but not limited to, substance use disorders, mental illness, medical conditions and disabilities, self-harm, or attempted suicide.*
- (2) Whether the pupil should meet with a school-employed mental health professional.*
- (3) Whether the pupil reached out to a school employee and proactively disclosed committing the offense.*
- (4) If the local educational agency has a zero-tolerance policy related to substance use, whether that zero-tolerance policy deterred the pupil from seeking help.*
- (b) Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.*
- (c) Nothing in this section shall be construed as authorizing mandatory expulsion for the offense of unlawfully possessing, using, or being under the influence of an alcoholic beverage or an intoxicant.*
- (d) Nothing in this section shall be construed as changing existing law related to selling an alcoholic beverage or an intoxicant.*

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