

AMENDED IN ASSEMBLY APRIL 27, 2016

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) 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.

(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 require ~~high-need~~ *low-achieving* schools, as defined, on or before September 1, 2017, to 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, teachers, and school personnel *in order* 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 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~~ *low-achieving* 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.

(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 ~~high-need~~, low-achieving schools by
- 3 improving school climates to provide a strong foundation for
- 4 academic improvement efforts.

1 (b) The Legislature finds and declares all of the following
2 relating to school climate:

3 (1) A school’s climate is a social justice issue, as the state loses
4 generations of pupils from poor and underserved communities
5 with few options but to enroll in high-need, low-achieving schools.

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

10 (3) The United States Department of Education recommends
11 school climate reform as an evidence-based strategy to prevent
12 school violence.

13 (4) The federal Centers for Disease Control and Prevention
14 recommends school climate reform as a scientifically sound
15 strategy that promotes healthy relationships, school connectedness,
16 and pupil retention.

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

19 (6) Perceptions about school climate impact teacher morale and
20 pupil achievement. A positive school climate benefits pupils,
21 teachers, school administrators, school personnel, and parents;
22 teachers are motivated to teach and pupils are motivated to learn.

23 (7) Without school climate assessments, teachers and education
24 leaders lack a comprehensive understanding of the tools and steps
25 needed to address low pupil achievement levels, pupil dropout
26 rates, pupil suspensions, and pupil chronic absenteeism.

27 (8) The use of school climate assessments is an effective
28 data-driven strategy that engages pupils, teachers, school
29 administrators, school personnel, and parents working together to
30 create safe, supportive, engaging, and successful schools.

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

33 (10) The meaningful input and perspectives of pupils, commonly
34 absent in school decisionmaking, are essential components of
35 school climate assessments to improve pupil emotional and social
36 well-being.

37 (11) No instances of successful turnaround schools, which are
38 schools that transformed from high-need, low-achieving schools
39 into high-performing schools, have been found that did not address
40 school climate.

1 (12) Factors affecting a school’s climate that recognize the
 2 social, emotional, and academic aspects of K–12 pupil learning
 3 can be accurately measured and assessed.

4 (c) *The Legislature finds and declares that creating a*
 5 *sustainable, positive school climate fosters youth development;*
 6 *higher pupil achievement; lower dropout, suspension, and*
 7 *absenteeism rates; decreased incidences of violence; and increased*
 8 *teacher retention and results in the following outcomes that directly*
 9 *impact K–12 pupils, teachers, school administrators, school*
 10 *personnel, and parents:*

11 (1) *Pupils, teachers, school administrators, school personnel,*
 12 *and parents are engaged and respected.*

13 (2) *Individuals feel socially, emotionally, and physically safe*
 14 *and relationships with and among youth are prioritized.*

15 (3) *Pupils, teachers, school administrators, school personnel,*
 16 *and parents work together to develop and contribute to a shared*
 17 *school vision.*

18 (4) *Teachers and school administrators, incorporating the views*
 19 *of pupils, model and nurture attitudes that emphasize the benefits*
 20 *and satisfaction gained from learning based on high academic*
 21 *expectations.*

22 (5) *Each individual contributes to the operations and climate*
 23 *of the school.*

24 (6) *Disciplinary practices are assessed and an effort is made*
 25 *to utilize practices that promote positive interventions.*

26 (7) *Collaboration and cooperation replace a school climate of*
 27 *confrontation and mistrust, and inclusiveness becomes the norm.*

28 (e)

29 (d) The Legislature finds and declares all of the following
 30 regarding alternative discipline programs, such as restorative justice
 31 and positive behavioral interventions and supports:

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

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

39 (3) A recent University of California, Los Angeles study
 40 concluded that African American pupils who are expelled from

1 school have a 90-percent likelihood of being placed in a state
2 correctional institution.

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

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

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

15 (7) Alternative discipline programs, such as restorative justice
16 and positive behavioral interventions and supports, are healing
17 practices that focus on repairing harm and preventing its recurrence.

18 (8) Restorative practice, which builds upon restorative justice,
19 is used to build a sense of school community and restore positive
20 relationships through the use of restorative circles where pupils
21 and teachers work together to set academic goals, develop
22 classroom core values, and resolve conflicts.

23 (9) A 2011–14 study prepared for the United States Department
24 for Education’s Office for Civil Rights on restorative justice in the
25 Oakland Unified School District (OUSD) concluded that (A) the
26 discipline gap between white and African American pupils
27 decreased significantly for OUSD pupils who participated in
28 restorative justice programs, but remained unchanged for pupils
29 who did not participate in these programs, (B) that there was a
30 128-percent increase in the reading levels of 9th grade pupils at
31 OUSD schools with restorative justice programs, compared to an
32 11-percent increase in schools without such programs, and (C)
33 four-year graduation rates increased by 60 percent at OUSD
34 restorative justice schools compared to 7 percent for nonrestorative
35 justice schools.

36 *(e) The Legislature finds and declares that alternative discipline*
37 *programs and practices foster all of the following:*

38 *(1) Positive relationships among pupils, teachers, school*
39 *administrators, school personnel, and parents.*

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

1 (3) *A reduction in pupil disciplinary actions, expulsions,*
2 *suspensions, and chronic absenteeism and the lowering of stress*
3 *and antisocial behavior.*

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

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

7
8 CHAPTER 6.5. SCHOOL CLIMATE AND STUDENT
9 ~~ACHIEVEMENT~~ ACT *ACHIEVEMENT ACT*

10
11 52080. This chapter shall be known, and may be cited, as the
12 School Climate and Student Achievement Act.

13 ~~52081. (a) The Legislature finds that creating a sustainable,~~
14 ~~positive school climate fosters youth development; higher pupil~~
15 ~~achievement; lower dropout, suspension, and absenteeism rates;~~
16 ~~decreased incidences of violence; and increased teacher retention~~
17 ~~and results in the following outcomes that directly impact K-12~~
18 ~~pupils, teachers, school administrators, school personnel, and~~
19 ~~parents:~~

20 (1) ~~Pupils, teachers, school administrators, school personnel,~~
21 ~~and parents are engaged and respected.~~

22 (2) ~~Individuals feel socially, emotionally, and physically safe~~
23 ~~and relationships with and among youth are prioritized.~~

24 (3) ~~Pupils, teachers, school administrators, school personnel,~~
25 ~~and parents work together to develop and contribute to a shared~~
26 ~~school vision.~~

27 (4) ~~Teachers and school administrators, incorporating the views~~
28 ~~of pupils, model and nurture attitudes that emphasize the benefits~~
29 ~~and satisfaction gained from learning based on high academic~~
30 ~~expectations.~~

31 (5) ~~Each individual contributes to the operations and climate of~~
32 ~~the school.~~

33 (6) ~~Disciplinary practices are assessed and an effort is made to~~
34 ~~utilize practices that promote positive interventions.~~

35 (7) ~~Collaboration and cooperation replace a school climate of~~
36 ~~confrontation and mistrust, and inclusiveness becomes the norm.~~

37 (b) ~~The Legislature finds that alternative discipline programs~~
38 ~~and practices foster all of the following:~~

39 (1) ~~Positive relationships among pupils, teachers, school~~
40 ~~administrators, school personnel, and parents.~~

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

2 ~~(3) A reduction in pupil disciplinary actions, expulsions,~~
3 ~~suspensions, and chronic absenteeism and the lowering of stress~~
4 ~~and antisocial behavior.~~

5 ~~(4) Improved mental health and pupil academic outcomes.~~

6 ~~52082.~~

7 ~~52081.~~ For purposes of this chapter, the following terms have
8 the following meanings:

9 ~~(a) (1) “High-need schools,” as also defined by the federal~~
10 ~~Every Student Succeeds Act (20 U.S.C. Sec. 6301 et seq.), means~~
11 ~~a public elementary or secondary school that is located in an area~~
12 ~~in which the percentage of pupils from families with incomes~~
13 ~~below the poverty line is 30 percent or more.~~

14 ~~(a) (1) “Low-achieving school” means a school that is identified~~
15 ~~by the Superintendent or the state board as being in the lowest~~
16 ~~performing 5 percent of all schools and that is identified for~~
17 ~~comprehensive support and improvement pursuant to the~~
18 ~~accountability system requirements of the federal Elementary and~~
19 ~~Secondary Education Act of 1965 (20 U.S.C. Sec. 6311), as~~
20 ~~amended by the federal Every Student Succeeds Act (Public Law~~
21 ~~114-95).~~

22 ~~(2) A high-need low-achieving school could be a school operated~~
23 ~~by a school district, a school operated by a county office of~~
24 ~~education, or a charter school.~~

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

33 ~~(c) “School climate assessment” means an evaluation of a~~
34 ~~school’s climate, as defined pursuant to subdivision (b), to assess~~
35 ~~existing school culture and to provide information to influence~~
36 ~~pupil academic outcome improvements, and that incorporates the~~
37 ~~use of pupil, teacher, school administrator, school personnel, and~~
38 ~~parent individual and group school climate surveys, interviews,~~
39 ~~school data analysis, and direct observations.~~

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

8 ~~52083.~~

9 ~~52082.~~ (a) On or before September 1, 2017, ~~high-need~~
 10 ~~low-achieving~~ schools shall begin and, on or before July 1, 2018,
 11 complete a school climate assessment, consistent with the
 12 provisions of this chapter.

13 (b) ~~(1)~~ Every assessed school shall ~~take~~ *do all of the following:*

14 (1) *Take* steps to ensure that responses to school climate
 15 assessments remain anonymous and that no individual is identified.
 16 These schools shall publish the results of the assessment on their
 17 Internet Web sites, provided that personally identifiable information
 18 or information that can reasonably lead a reader to identify an
 19 individual shall not be shared.

20 (2) ~~Outcomes~~ *Share the outcomes* resulting from a school
 21 climate assessment ~~shall be shared~~ through meaningful engagement
 22 and collaboration with pupils, teachers, school personnel, and
 23 parents *in order* to develop corrective action ~~recommendations~~
 24 ~~through school district local control and accountability plan~~
 25 ~~committees that address the assessment outcomes.~~
 26 *recommendations.*

27 (3) *Share the outcomes and corrective action recommendations*
 28 *with the school district local control and accountability plan*
 29 *committees.*

30 ~~(A)~~

31 (c) (1) The recommendations *shared pursuant to paragraph*
 32 *(3) of subdivision (b)* shall be incorporated and implemented by
 33 the school district no later than one year after completion of the
 34 assessment.

35 ~~(B)~~

36 (2) If the recommendations are not implemented within one
 37 year of the completion of the assessment, the governing board of
 38 the school district shall, within 60 days, hold a public meeting
 39 explaining its reasons for not executing corrective actions.

1 ~~52084.~~

2 52083. (a) The department shall develop and post to an easily
3 accessible page on the department’s Internet Web site a listing of
4 available school climate assessment instruments and organizations.

5 (b) The department shall convene an advisory committee
6 comprised of stakeholders and professionals who have participated
7 in the development and expansion of alternative discipline
8 programs, such as restorative justice and positive behavioral
9 interventions and supports, to make recommendations to the
10 department that take into account the following:

11 (1) Improving pupil social and emotional support and expanding
12 trauma-informed practices and cultural competency in regions of
13 the state with identified ~~high-need~~ *low-achieving* schools.

14 (2) Collecting best practices of existing districtwide, countywide,
15 and charterwide alternative discipline programs and ensuring these
16 best practices are widely disseminated.

17 (3) Developing a network of teachers who have effectively
18 implemented these best practices and can provide training to other
19 schools and school districts, county offices of education, and
20 charter schools.

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

23 (c) On or before January 1, 2023, the Legislative Analyst’s
24 Office shall compile data of the changes in pupil academic
25 achievement at targeted ~~high-need~~ *low-achieving* schools, including
26 a breakdown by pupil ethnicity, and chronic absenteeism,
27 suspension, expulsion, and dropout rates of the targeted schools
28 and provide a report to the department, the Governor, and the
29 appropriate legislative budget and policy committees. The report
30 shall also ~~compile a list of best practices~~ *include profiles of schools*
31 *that implemented a school climate assessment and strategies* used
32 to accomplish improvements in academic outcomes and a reduction
33 in disciplinary actions.

34 ~~52085.~~

35 52084. This chapter shall remain in effect only until July 1,
36 2023, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before July 1, 2023, deletes or extends that date.

38 SEC. 3. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O