



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

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

SHARE THIS:  

Date Published: 07/14/2017 09:00 PM

ENROLLED JULY 14, 2017

PASSED IN SENATE JULY 13, 2017

PASSED IN ASSEMBLY MAY 26, 2017

AMENDED IN ASSEMBLY MAY 03, 2017

AMENDED IN ASSEMBLY MARCH 30, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 1261

Introduced by Assembly Member Berman

February 17, 2017

An act to amend Sections 215 and 48900.5 of the Education Code, relating to pupil discipline.

LEGISLATIVE COUNSEL'S DIGEST

AB 1261, Berman. Pupil discipline: pupil suicide prevention.

Existing law requires the governing body of a local educational agency that serves pupils in grades 7 to 12, inclusive, to adopt a policy on pupil suicide prevention that specifically addresses the needs of high-risk groups.

This bill would require, in developing a pupil suicide prevention policy in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, a local educational agency with a mandatory expulsion policy or zero tolerance policy for the use of, possession of, or being under the influence of, alcohol, an intoxicant, or a controlled substance to consider whether the mandatory expulsion policy or zero tolerance policy is deterring pupils from seeking help for substance abuse. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

Existing law prohibits a pupil from being suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed one of certain acts, including having unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, an alcoholic beverage or an intoxicant of any kind. Existing law requires suspension to be imposed on a pupil only when other means of correction fail to bring about proper conduct, and specifies that other means of correction include, among other things, referrals to

the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

This bill would include referrals to mental health professionals in other means of correction for purposes of the latter provision.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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 215 of the Education Code is amended to read:

215. (a) (1) The governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017–18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(2) The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

(A) Youth bereaved by suicide.

(B) Youth with disabilities, mental illness, or substance use disorders.

(C) Youth experiencing homelessness or in out-of-home settings, such as foster care.

(D) Lesbian, gay, bisexual, transgender, or questioning youth.

(3) (A) The policy shall also address any training to be provided to teachers of pupils in grades 7 to 12, inclusive, on suicide awareness and prevention.

(B) Materials approved by a local educational agency for training shall include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those

services.

(C) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

(4) In developing a pupil suicide prevention policy in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, a local educational agency with a mandatory expulsion policy or zero tolerance policy for the use of, possession of, or being under the influence of, alcohol, an intoxicant, or a controlled substance shall consider whether the mandatory expulsion policy or zero tolerance policy is deterring pupils from seeking help for substance abuse.

(5) The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee's credential or license. 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.

(6) To assist local educational agencies in developing policies for pupil suicide prevention, the department shall develop and maintain a model policy in accordance with this section to serve as a guide for local educational agencies.

(b) For purposes of this section, "local educational agency" means a county office of education, school district, state special school, or charter school.

SEC. 3. Section 48900.5 of the Education Code is amended to read:

48900.5. (a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.

(2) Referrals to the school counselor, psychologist, mental health professional, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

(3) 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.

(4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).

(5) Enrollment in a program for teaching prosocial behavior or anger management.

(6) Participation in a restorative justice program.

(7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.

(8) 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.

(9) Any of the alternatives described in Section 48900.6.

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.