

AMENDED IN ASSEMBLY APRIL 9, 2012  
AMENDED IN ASSEMBLY MARCH 29, 2012  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2300**

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**Introduced by Assembly Member Swanson**

February 24, 2012

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An act to add Section 48900.9 to the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Swanson. Pupil records: suspensions: community service: ~~expungement~~ *disclosure*.

Existing law authorizes a superintendent or principal of a school to suspend or recommend for expulsion a pupil who commits one or more of enumerated acts. Existing law authorizes the principal of a school, the principal's designee, the superintendent of schools, or the governing board of a school district to require a pupil to perform community service, as defined, during the pupil's nonschool hours as part of or instead of disciplinary action, subject to specified exceptions.

Existing law requires that, for purposes of notification to parents and the reporting of expulsion or suspension offenses to the State Department of Education, a school district specifically identify, by offense committed, in all appropriate official records of a pupil, each suspension or expulsion of that pupil for the commission of specified offenses.

~~This bill would require a school district to expunge from a pupil's records a suspension for specified offenses if the pupil completes 5 hours of community service or a resource-based alternative and submits proof of completion to the principal of the school he or she attends, as~~

~~specified. By imposing this duty on school districts, this bill would impose a state-mandated local program.~~

*This bill would prohibit a school, at the request of a pupil or the pupil’s parent or guardian, from disclosing to a postsecondary educational institution the pupil’s disciplinary records relating to a suspension, if the suspension was for a minor offense and the pupil completed 5 hours of community service, as specified. The bill would require a school district to adopt a policy regarding which behaviors are minor offenses for purposes of these provisions, and would also require that the pupil and the pupil’s parent or guardian be informed of the option to perform community service. By imposing these additional duties on schools and school districts, this bill would impose a state-mandated local program.*

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. Section 48900.9 is added to the Education Code,
- 2     to read:
- 3     48900.9. (a) *At the request of a pupil or a pupil’s parent or*
- 4     *guardian, a school shall not disclose to a postsecondary*
- 5     *educational institution, when providing transcript data or other*
- 6     *pupil information to that institution, the pupil’s disciplinary records*
- 7     *relating to a suspension, if:*
- 8         (1) *The suspension was for a minor offense specified in the*
- 9         *policy adopted by the school district pursuant to subdivision (b).*
- 10        (2) *The pupil has completed five hours of approved community*
- 11        *service and submitted proof of completion pursuant to subdivisions*
- 12        *(d) and (e).*
- 13        (b) *A school district shall adopt a policy regarding which*
- 14        *behaviors constitute minor offenses for purposes of this section.*
- 15        *The behaviors identified in this policy shall include, but not be*

1 *limited to, the willful defiance of a teacher's authority and the*  
2 *habitual use of profanity.*

3 *(c) When a suspension is imposed for a minor offense specified*  
4 *in the school district's policy, the pupil and the pupil's parent or*  
5 *guardian shall be informed of the option to perform community*  
6 *service.*

7 *(d) If the pupil opts to perform community service, he or she*  
8 *shall obtain approval from the school before commencing the*  
9 *community service. The school may reject community service that*  
10 *it finds has little or no educational value.*

11 *(e) Upon completion of the five hours of community service, a*  
12 *pupil shall submit proof of completion using either of the following:*

13 *(1) A note from a school employee, if the community service is*  
14 *completed at a school within the school district that the pupil*  
15 *attends.*

16 *(2) A letter from an employee or volunteer of the program or*  
17 *agency, if the community service is completed through a program*  
18 *that is not operated by the school district.*

19 *(f) It is the intent of the Legislature that this section be construed*  
20 *to not eliminate or change the obligation of a school to report*  
21 *suspension offenses to the department or otherwise report or*  
22 *maintain disciplinary data.*

23 **SECTION 1.** ~~Section 48900.9 is added to the Education Code,~~  
24 ~~to read:~~

25 ~~48900.9. (a) Notwithstanding any other law, a school district~~  
26 ~~shall expunge from a pupil's official records, including his or her~~  
27 ~~cumulative record, a suspension for any of the offenses set forth~~  
28 ~~in Section 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915,~~  
29 ~~if the pupil completes five hours of community service or a~~  
30 ~~resource-based alternative, including, but not limited to, tutoring,~~  
31 ~~mentoring, or job training, and submits proof of completion to the~~  
32 ~~principal of the school he or she attends.~~

33 ~~(b) (1) If the community service or resource-based alternative~~  
34 ~~is completed at a school within the school district that the pupil~~  
35 ~~attends, a note from a school employee is sufficient proof of~~  
36 ~~completion.~~

37 ~~(2) If the community service or resource-based alternative is~~  
38 ~~completed through a program that is not operated by the school~~  
39 ~~district, a letter from an employee or volunteer of the program is~~  
40 ~~sufficient proof of completion.~~

1 ~~(e) Suspension data shall be expunged from a pupil's records~~  
2 ~~at the end of the school year in which the pupil meets the~~  
3 ~~requirements of subdivisions (a) and (b).~~

4 ~~(d) The process described in this section may be used solely for~~  
5 ~~the purpose of expunging suspension data from a pupil's records.~~  
6 ~~Until the suspension data is expunged from a pupil's records, this~~  
7 ~~section does not eliminate or change a school district's obligation~~  
8 ~~to notify parents, report suspension offenses to the department, or~~  
9 ~~otherwise maintain suspension or expulsion data.~~

10 SEC. 2. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.