

Introduced by Senator Liu

February 16, 2011

An act to amend Sections 47610 and 48925 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 433, as introduced, Liu. Charter schools: suspension and expulsion of pupils.

(1) The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law requires a charter school to comply with its charter.

Existing law enumerates the acts for which a pupil may be suspended or expelled from school and sets forth procedures a school district is required to follow in suspending or expelling a pupil.

This bill would require a charter school to comply with laws governing school districts relating to the suspension and expulsion of pupils thereby imposing a state-mandated local program.

(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. Section 47610 of the Education Code is amended
2 to read:

3 47610. A charter school shall comply with this part and all of
4 the provisions set forth in its charter, but is otherwise exempt from
5 the laws governing school districts, except all of the following:

6 ~~(a) As specified in Section 47611.~~

7 ~~(b) As specified in Section 41365.~~

8 ~~(c)~~

9 (a) All laws establishing minimum age for public school
10 attendance.

11 ~~(d)~~

12 (b) The California Building Standards Code (Part 2
13 (commencing with Section 101) of Title 24 of the California Code
14 of Regulations), as adopted and enforced by the local building
15 enforcement agency with jurisdiction over the area in which the
16 charter school is located. *Charter school facilities shall comply
17 with this subdivision by January 1, 2007.*

18 ~~(e) Charter school facilities shall comply with subdivision (d)~~
19 ~~by January 1, 2007.~~

20 (c) *Sections 41365 and 47611 and Article 1 (commencing with*
21 *Section 48900) of Chapter 6 of Part 27.*

22 SEC. 2. Section 48925 of the Education Code is amended to
23 read:

24 48925. As used in this article:

25 (a) “Day” means a calendar day unless otherwise specifically
26 provided.

27 (b) “Expulsion” means removal of a pupil from (1) the
28 immediate supervision and control, or (2) the general supervision,
29 of school personnel, as those terms are used in Section 46300.

30 (c) “Governing board” means the governing board of a school
31 district or the governing body of a charter school.

32 (d) “Principal” means the principal of the school or the site
33 administrator of a charter school.

1 (e) “Pupil” includes a pupil’s parent or guardian or legal
2 counsel.

3 (f) “School” includes a charter school.

4 ~~(e)~~

5 (g) “Schoolday” means a day upon which the schools of the
6 district are in session or weekdays during the summer recess.

7 ~~(d)~~

8 (h) “Suspension” means removal of a pupil from ongoing
9 instruction for adjustment purposes. However, “suspension” does
10 not mean any of the following:

11 (1) Reassignment to another education program or class at the
12 same school where the pupil will receive continuing instruction
13 for the length of day prescribed by the governing board for pupils
14 of the same grade level.

15 (2) Referral to a certificated employee designated by the
16 principal to advise pupils.

17 (3) Removal from the class, but without reassignment to another
18 class or program, for the remainder of the class period without
19 sending the pupil to the principal or the principal’s designee as
20 provided in Section 48910. Removal from a particular class shall
21 not occur more than once every five schooldays.

22 ~~(e) “Pupil” includes a pupil’s parent or guardian or legal counsel.~~

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.