

**Introduced by Senator Fuller**

February 22, 2013

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An act to amend Section 48915.2 of the Education Code, relating to pupil discipline.

LEGISLATIVE COUNSEL'S DIGEST

SB 561, as introduced, Fuller. Pupil discipline: expelled pupils: mental health evaluation.

(1) Existing law requires that a pupil expelled from school for any of several specified offenses is prohibited from enrolling in any other school or school district during the period of expulsion unless the school he or she enrolls in is a county community school, a juvenile court school, or a community day school.

This bill would impose a state-mandated local program by further requiring that a pupil expelled from school for any of these offenses undergo a mental health evaluation conducted by a licensed clinical psychologist in order to enroll in one of these schools.

(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.

(3) This bill would express the intent of the Legislature that any state-mandated costs incurred pursuant to the bill be backfilled with an appropriation from the Mental Health Services Fund.

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 48915.2 of the Education Code is  
2 amended to read:

3 48915.2. (a) A pupil expelled from school for any of the  
4 offenses listed in subdivision (a) or (c) of Section 48915, shall not  
5 be permitted to enroll in any other school or school district during  
6 the period of expulsion unless *it he or she has undergone a mental*  
7 *health evaluation conducted by a licensed clinical psychologist,*  
8 *and the school at which he or she enrolls* is a county community  
9 school pursuant to subdivision (c) of Section 1981, or a juvenile  
10 court school, as described in Section 48645.1, or a community day  
11 school pursuant to Article 3 (commencing with Section 48660) of  
12 Chapter 4 of Part 27.

13 (b) After a determination has been made, pursuant to a hearing  
14 under Section 48918, that an individual expelled from another  
15 school district for any act described in subdivision (a) or (c) of  
16 Section 48915 does not pose a danger to either the pupils or  
17 employees of the school district, the governing board of a school  
18 district may permit the individual to enroll in the school district  
19 after the term of expulsion, subject to one of the following  
20 conditions:

21 (1) He or she has established legal residence in the school  
22 district, pursuant to Section 48200.

23 (2) He or she is enrolled in the school pursuant to an interdistrict  
24 agreement executed between the affected school districts pursuant  
25 to Chapter 5 (commencing with Section 46600) of Part 26.

26 SEC. 2. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.

31 SEC. 3. It is the intent of the Legislature that any  
32 state-mandated costs incurred pursuant to this act shall be  
33 backfilled with an appropriation from the Mental Health Services  
34 Fund established by Section 5890 of the Welfare and Institutions  
35 Code.

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