

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 969

Introduced by Assembly Member Williams
(~~Coauthor: Coauthors: Assembly Member Rendon~~ Members Bonilla,
Low, McCarty, Rendon, Rodriguez, and Waldron)

February 26, 2015

An act to amend ~~Sections 76034 and~~ *Section 76038* of the Education Code, relating to community college districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, as amended, Williams. Community college districts: removal, suspension, or expulsion.

~~(1)~~ Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, each administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

~~Existing law prohibits a community college student from being removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or attendance.~~

~~This bill would instead prohibit a community college student from being removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or attendance, or~~

~~is conduct that threatens the safety of students or the public, whether that conduct occurs on or off campus.~~

~~(2) Existing law authorizes the governing board of a district to either deny enrollment, permit enrollment, or permit conditional enrollment to any individual who has been expelled from a community college within the preceding 5 years, or who is, at the time of the application, undergoing expulsion procedures, for certain offenses, as provided, if the board determines that the person continues to pose a risk to the safety of others. Existing law requires the board or a delegate to hold a hearing, before taking action to deny enrollment or permit conditional enrollment, to determine whether the person continues to pose a risk.~~

Existing law requires the governing ~~boards~~ *board* of each community college district, in order to receive state funds for student financial assistance, to adopt policies concerning sexual assault, domestic violence, dating violence, and stalking that include certain elements, including an affirmative consent standard in the determination of whether consent was given by a complainant.

This bill would expand the authorization to either deny enrollment, permit enrollment, or permit conditional enrollment to apply to an individual who has been expelled from another community college district within the preceding 5 years, who is ~~currently suspended from another district, or who is~~ undergoing expulsion procedures in another district, for certain offenses or for a violation of a district's adopted policies concerning sexual assault, domestic violence, dating violence, and stalking described above. The bill would also authorize a community college district to require a student seeking admission to inform the community college district considering admitting the student if he or she has been previously expelled ~~or is currently suspended~~ from a community college in the state for a violation of that community college's district-adopted policies concerning sexual assault, domestic violence, dating violence, and stalking. By imposing additional duties on a community college district, this bill would impose a state-mandated local program.

(3) 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 76034 of the Education Code is amended~~
2 ~~to read:~~

3 ~~76034. No student shall be removed, suspended, or expelled~~
4 ~~unless the conduct for which the student is disciplined is related~~
5 ~~to college activity or college attendance, or is conduct that threatens~~
6 ~~the safety of students and the public, whether that conduct occurs~~
7 ~~on or off campus.~~

8 ~~SEC. 2.~~

9 SECTION 1. Section 76038 of the Education Code is amended
10 to read:

11 76038. (a) If the governing board of a community college
12 district receives an application for admission from an individual
13 who has been expelled from another community college district
14 pursuant to this article within the preceding five years, *or* who is
15 ~~currently suspended from another district, or who is~~ undergoing
16 expulsion procedures in another district, for any of the offenses
17 listed in subdivision (b) or for a violation of a district's policies
18 adopted pursuant to Section 67386, before taking action to deny
19 enrollment or permit conditional enrollment as authorized by
20 subdivision (f), the governing board or delegate pursuant to
21 subdivision (g) shall hold a hearing, conducted in accordance with
22 this section and the applicable rules and regulations governing
23 enrollment hearings authorized by this section and adopted in
24 accordance with Section 66300, to determine whether that
25 individual poses a continuing danger to the physical safety of the
26 students and employees of the district.

27 (b) For purposes of this section, "offense" means one of the
28 following:

- 29 (1) Committed or attempted to commit murder.
30 (2) Caused, attempted to cause serious, or threatened to cause
31 physical injury to another person, including assault or battery as
32 defined in Section 240 or 242 of the Penal Code, except in
33 self-defense.
34 (3) Committed or attempted to commit a sexual assault as
35 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal

1 Code or committed sexual battery as defined in Section 243.4 of
 2 the Penal Code.

3 (4) Committed or attempted to commit kidnapping, or seized,
 4 confined, inveigled, enticed, decoyed, abducted, concealed,
 5 kidnapped, or carried away another person by any means with the
 6 intent to hold or detain that person for ransom or reward.

7 (5) Committed or attempted to commit robbery or extortion.

8 (6) Committed stalking as defined in Section 646.9 of the Penal
 9 Code.

10 (7) Unlawfully possessed, sold, or otherwise furnished a firearm,
 11 knife, explosive, or other dangerous object.

12 (c) A community college district may request information, and
 13 respond to a request for information, from another community
 14 college district to determine whether an applicant continues to
 15 pose a danger to the physical safety of others.

16 (d) A community college district may require a student seeking
 17 admission who has been previously expelled from a community
 18 college in the state for any of the actions listed in subdivision (b)
 19 to inform the district of his or her prior expulsion. Failure to do so
 20 may be considered by the district in determining whether to grant
 21 admission, and a written record of the fact may be maintained by
 22 the district with the applicant’s file.

23 (e) A community college district may require a student seeking
 24 admission who has been previously expelled ~~or is currently~~
 25 ~~suspended~~ from a community college in the state for a violation
 26 of that district’s policies adopted pursuant to Section 67386 to
 27 inform the district considering admitting the student of his or her
 28 ~~prior expulsion or current suspension.~~ *expulsion*. Failure to do so
 29 may be considered by the district in determining whether to grant
 30 admission, and a written record of the fact may be maintained by
 31 the community college district with the applicant’s file.

32 (f) The governing board of a community college district, upon
 33 making a determination pursuant to subdivision (a), shall take into
 34 consideration evidence of subsequent offenses and rehabilitative
 35 efforts since the offense and may take any of the following actions:

- 36 (1) Deny enrollment.
- 37 (2) Permit enrollment.
- 38 (3) Permit conditional enrollment.

39 (g) The governing board of a community college district may
 40 delegate any authority under this section to the superintendent or

1 president of a community college district, or his or her designee,
2 or a threat assessment crisis response team pursuant to rules and
3 regulations adopted pursuant to Section 66300.

4 (h) Before the governing board of a community college district
5 takes action as authorized under this section, the governing board
6 shall establish a formal appeals process for students denied
7 enrollment to appeal the decision to the governing board. A student
8 who is denied enrollment under subdivision (f) may appeal the
9 decision to deny enrollment to the governing board of the
10 community college district.

11 (i) This section shall not be construed to impose any duty on a
12 community college district to review applicants for admission or
13 review previously enrolled students, whether returning or
14 continuing, or to conduct a hearing in response to the receipt of
15 any information regarding a potential, former, or existing student.

16 (j) In accordance with Sections 815.2 and 820.2 of the
17 Government Code, a community college district, a member of the
18 governing board of a community college district, an officer or
19 employee of a community college district, including a
20 superintendent of a community college district, a president of a
21 community college district, and the designee of a president or a
22 superintendent, shall not be liable for an injury resulting from an
23 exercise of discretion pursuant to this section, including, but not
24 limited to, an exercise of discretion not to conduct a hearing when
25 a hearing is not required.

26 (k) This section shall not apply to the admission of students for
27 whom a community college district has discretion to admit pursuant
28 to Section 76000.

29 ~~SEC. 3.~~

30 *SEC. 2.* If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.