

**Assembly Bill No. 969**

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Passed the Assembly August 24, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate August 20, 2015

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 76038 of the Education Code, relating to community college districts.

## LEGISLATIVE COUNSEL'S DIGEST

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

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 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 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 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 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.

*The people of the State of California do enact as follows:*

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

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

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

- (1) Committed or attempted to commit murder.
  - (2) Caused, attempted to cause serious, or threatened to cause physical injury to another person, including assault or battery as defined in Section 240 or 242 of the Penal Code, except in self-defense.
  - (3) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as defined in Section 243.4 of the Penal Code.
  - (4) Committed or attempted to commit kidnapping, or seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped, or carried away another person by any means with the intent to hold or detain that person for ransom or reward.
  - (5) Committed or attempted to commit robbery or extortion.
  - (6) Committed stalking as defined in Section 646.9 of the Penal Code.
  - (7) Unlawfully possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.
- (c) A community college district may request information, and respond to a request for information, from another community college district to determine whether an applicant continues to pose a danger to the physical safety of others.
- (d) A community college district may require a student seeking admission who has been previously expelled from a community college in the state for any of the actions listed in subdivision (b) to inform the district of his or her prior expulsion. Failure to do so may be considered by the district in determining whether to grant admission, and a written record of the fact may be maintained by the district with the applicant's file.
- (e) A community college district may require a student seeking admission who has been previously expelled from a community college in the state for a violation of that district's policies adopted pursuant to Section 67386 to inform the district considering admitting the student of his or her prior expulsion. Failure to do so may be considered by the district in determining whether to grant admission, and a written record of the fact may be maintained by the community college district with the applicant's file.
- (f) The governing board of a community college district, upon making a determination pursuant to subdivision (a), shall take into

consideration evidence of subsequent offenses and rehabilitative efforts since the offense and may take any of the following actions:

- (1) Deny enrollment.
- (2) Permit enrollment.
- (3) Permit conditional enrollment.

(g) The governing board of a community college district may delegate any authority under this section to the superintendent or president of a community college district, or his or her designee, or a threat assessment crisis response team pursuant to rules and regulations adopted pursuant to Section 66300.

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

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

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

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

SEC. 2. 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.





Approved \_\_\_\_\_, 2015

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*Governor*