

AMENDED IN SENATE APRIL 27, 2016

AMENDED IN SENATE APRIL 11, 2016

SENATE BILL

No. 1309

Introduced by Senator Leyva

February 19, 2016

An act to add Section 48928 to the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1309, as amended, Leyva. Pupil discipline: ~~suspension and expulsion hearings~~: county schools.

Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils including, but not limited to, an expulsion hearing and a right to appeal.

This bill would prohibit a school operated by a county office of education from ~~suspending, expelling, or otherwise denying attendance to~~ *expelling* a pupil accused of certain offenses ~~without a hearing before unless the county board of education contracts with the Office of Administrative Hearings or appoints an impartial administrative panel.~~ *panel for purposes of an expulsion hearing, as specified.* The bill would authorize a pupil ~~suspended from, expelled from, or otherwise denied attendance to~~ *expelled from* a school operated by a county office of education to appeal the *hearing officer's or the impartial administrative panel's decision to expel* to the county board of education. By imposing new duties upon county boards of education, 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 48928 is added to the Education Code,~~
2 ~~to read:~~
3 ~~48928. (a) A pupil enrolled in a school operated by a county~~
4 ~~office of education who is accused of committing an act as defined~~
5 ~~pursuant to any of subdivisions (a) to (r), inclusive, of Section~~
6 ~~48900 shall not be suspended from, expelled from, or otherwise~~
7 ~~denied attendance at the school, unless both of the following occur:~~
8 ~~(1) (A) The principal of the school recommends the pupil for~~
9 ~~removal to an impartial administrative panel of three or more~~
10 ~~certificated persons appointed by the county board of education.~~
11 ~~(B) Section 27722 of the Government Code applies to a hearing~~
12 ~~by the impartial administrative panel and, for purposes of this~~
13 ~~section, the term “hearing officer” in Section 27722 of the~~
14 ~~Government Code means an impartial administrative panel.~~
15 ~~(C) A member of the administrative hearing panel shall not be~~
16 ~~a member of the county board of education, nor be employed by~~
17 ~~the school from which the pupil is enrolled.~~
18 ~~(2) The impartial administrative panel determines that the pupil~~
19 ~~has committed an act pursuant to any of subdivisions (a) to (r),~~
20 ~~inclusive, of Section 48900.~~
21 ~~(b) A pupil enrolled in a school operated by a county office of~~
22 ~~education who has been suspended from, expelled from, or~~
23 ~~otherwise denied attendance at the school pursuant to this section~~
24 ~~may, within 30 days following the administrative panel’s decision,~~
25 ~~file an appeal to the county board of education which shall hold a~~
26 ~~hearing on the matter and render a decision. The appeal hearing~~
27 ~~shall be held in the same manner and have the same effect as an~~
28 ~~appeal hearing held pursuant to Section 48919.~~
29 SECTION 1. Section 48928 is added to the Education Code,
30 to read:

1 48928. (a) A pupil enrolled in school operated by a county
2 office of education shall not be recommended for expulsion unless
3 the principal of the school in which the pupil is enrolled or his or
4 her designee determines that the pupil has committed an act defined
5 pursuant to any of subdivisions (a) to (r), inclusive, of Section
6 48900, subject to all of the following:

7 (1) If a principal or his or her designee recommends expulsion,
8 the county board of education shall do either of the following:

9 (A) Contract with the Office of Administrative Hearings for a
10 hearing officer to conduct the expulsion hearing.

11 (B) Appoint an impartial administrative panel consisting of
12 three or more certificated persons, none of whom is a member of
13 the county board of education or employed on the staff of the school
14 in which the pupil is enrolled, to conduct the expulsion hearing.

15 (2) (A) The hearing officer or the impartial administrative
16 panel, whichever is selected pursuant to paragraph (1), if the
17 decision is to expel, shall prepare and submit to the county board
18 of education findings of fact in support of the decision to expel.

19 (B) The findings of fact shall be based solely on the evidence
20 presented at the expulsion hearing.

21 (b) A pupil enrolled in a school operated by a county office of
22 education who has been expelled from school pursuant to this
23 section or his or her parent or guardian may, within 30 days
24 following the hearing officer's or the impartial administrative
25 panel's decision, file an appeal to the county board of education,
26 which shall hold a hearing on the matter and render a decision.
27 The appeal hearing shall be held in the same manner and have
28 the same effect as an appeal hearing held pursuant to Section
29 48919.

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.