

AMENDED IN ASSEMBLY JUNE 29, 2016

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 *amend Section 48926 of, and to add Section 48928 to* the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1309, as amended, Leyva. Pupil discipline: 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. *Existing law requires the county superintendent of schools in counties that operate community schools, in conjunction with superintendents of the school districts within the county, to develop a plan for providing education services to all expelled pupils in that county.*

This bill would prohibit a school operated by a county office of education from expelling a pupil accused of certain offenses unless the county board of education contracts with the Office of Administrative Hearings or appoints an impartial administrative panel for purposes of an expulsion hearing, as specified. *The bill would require that the pupil or the pupil's parent or guardian be provided with notice of the hearing, as specified.* The bill would authorize a pupil 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. *The bill would require the county superintendent of schools or his or her designee, if the county board of education upholds an expulsion, to provide a written notice of the decision to expel, as specified. The bill would also require the plan for providing education services to all expelled pupils in a county that operates one or more community schools to include pupils expelled by 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 48926 of the Education Code is amended
 2 to read:
 3 48926. (a) Each county superintendent of schools in counties
 4 that operate community schools pursuant to Section 1980, in
 5 conjunction with superintendents of the school districts within the
 6 county, shall develop a plan for providing education services to
 7 all expelled pupils in that ~~county~~: county, including pupils expelled
 8 by the county board of education. The plan shall be adopted by
 9 the governing board of each school district within the county and
 10 by the county board of education.
 11 ~~The~~
 12 (b) The plan shall enumerate existing educational alternatives
 13 for expelled pupils, identify gaps in educational services to expelled
 14 pupils, and strategies for filling those service gaps. The plan shall
 15 also identify alternative placements for pupils who are expelled
 16 and placed in district community day school programs, but who
 17 fail to meet the terms and conditions of their rehabilitation plan or
 18 who pose a danger to other district pupils, as determined by the
 19 governing board.

1 ~~Each~~

2 (c) *Each* county superintendent of schools, in conjunction with
3 the superintendents of the school districts, shall submit to the
4 ~~Superintendent of Public Instruction~~ *Superintendent*, the county
5 plan for providing educational services to all expelled pupils in
6 the county no later than June 30, 1997, and shall submit a triennial
7 update to the plan to the Superintendent of Public Instruction,
8 including the outcome data pursuant to Section 48916.1, on June
9 30th thereafter.

10 ~~SECTION 4.~~

11 *SEC. 2.* Section 48928 is added to the Education Code, to read:

12 48928. (a) A pupil enrolled in a school operated by a county
13 office of education shall not be recommended for expulsion unless
14 the principal of the school in which the pupil is enrolled or his or
15 her designee determines that the pupil has committed an act defined
16 pursuant to any of subdivisions (a) to (r), inclusive, of Section
17 48900, subject to all of the following:

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

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

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

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

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

33 (C) *Final action to expel a pupil shall be taken only by the*
34 *county board of education in a public session.*

35 (3) *The pupil or the pupil's parent or guardian shall be provided*
36 *with both of the following:*

37 (A) *A written notice of the hearing at least 10 calendar days*
38 *before the date of the hearing that shall also include a statement*
39 *of specific facts and charges upon which the proposed expulsion*
40 *is based.*

1 (B) (i) A written notice of the opportunity for the pupil or the
2 pupil’s parent or guardian to appear in person or to be represented
3 by legal counsel or by a nonattorney adviser.

4 (ii) For purposes of this section, “legal counsel” has the same
5 meaning as provided in Section 48918.

6 (iii) For purposes of this section, “nonattorney adviser” has
7 the same meaning as provided in Section 48918.

8 (b) (1) A pupil enrolled in a school operated by a county office
9 of education who has been expelled from school pursuant to this
10 section or his or her parent ~~of~~ or guardian may, within 30 days
11 following the hearing officer’s or the impartial administrative
12 panel’s decision, file an appeal to the county board of education,
13 which shall hold a hearing on the matter and render a decision.
14 The appeal hearing shall be held in the same manner and have the
15 same effect as an appeal hearing held pursuant to Section 48919.

16 (2) If the county board of education upholds an expulsion, the
17 county superintendent of schools or his or her designee shall
18 provide to the pupil or the pupil’s parent or guardian a written
19 notice of the decision to expel that shall also include an education
20 plan or notice of the education alternative placement.

21 ~~SEC. 2.~~

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