

AMENDED IN SENATE MAY 4, 2016
AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1343

Introduced by Senator Wolk

February 19, 2016

An act to *amend Section 48980 of, and to add Article 1.5 (commencing with Section ~~48928~~ 48929)* to Chapter 6 of Part 27 of Division 4 of Title 2 ~~of of~~, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, as amended, Wolk. Pupils: intradistrict transfer of pupil convicted of violent felony or misdemeanor.

Existing law establishes a system of public elementary and secondary education in this state. Existing law establishes school districts throughout the state and authorizes these districts to provide instruction at the elementary and secondary schools they operate and maintain. Existing law provides for the governance of these school districts through elected school district governing boards.

This bill would authorize school district governing boards to transfer to another school in that school district pupils enrolled in that school district who have been convicted of violent felonies, as defined, or designated misdemeanors if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same ~~school~~ school, *if certain requirements are satisfied, including, but not limited to, that the governing board of the school district adopts a policy and notifies parents or guardians of the policy as part of its annual notification to parents and guardians, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Article 1.5 (commencing with Section ~~48928~~)
2 48929) is added to Chapter 6 of Part 27 of Division 4 of Title 2 of
3 the Education Code, to read:

4
5 Article 1.5. Transfer of Pupil Convicted of Violent Felony or
6 Misdemeanor

7
8 ~~48928.~~

9 48929. Notwithstanding any other law, the governing board
10 of a school district may transfer to another school in that school
11 district a pupil enrolled in that school district who has been
12 convicted of a violent felony, as defined in subdivision (c) of
13 Section 667.5 of the Penal Code, or convicted of a misdemeanor
14 listed in Section 29805 of the Penal Code if the pupil to be
15 transferred and the victim of the crime for which the pupil was
16 convicted are enrolled at the same ~~school~~ school, *subject to*
17 *satisfaction of both of the following conditions:*

18 (a) *The governing board of the school district has adopted a*
19 *policy at a regularly scheduled meeting that contains all of the*
20 *following provisions:*

21 (1) *A requirement that the pupil and pupil’s parent or guardian*
22 *be notified of the right to request a meeting with the school*
23 *principal or designee of the school or school district.*

24 (2) *A requirement that the school first attempt to resolve the*
25 *conflict before transferring a pupil, including, but not limited to,*
26 *using restorative justice, counseling, or other services.*

27 (3) *Whether the decision to transfer a pupil is subject to periodic*
28 *review and the procedure for conducting the review.*

29 (4) *The process to be used by the governing board of the school*
30 *district to consider and approve or disapprove of the*
31 *recommendation of the school principal or other school or school*
32 *district designee to transfer the pupil.*

33 (b) *The governing board of the school district has provided*
34 *notice of the policy to parents or guardians as part of the annual*
35 *notification required pursuant to Section 48980.*

36 SEC. 2. *Section 48980 of the Education Code is amended to*
37 *read:*

- 1 48980. (a) At the beginning of the first semester or quarter of
2 the regular school term, the governing board of each school district
3 shall notify the parent or guardian of a minor pupil regarding the
4 right or responsibility of the parent or guardian under Sections
5 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472,
6 and 51938 and Chapter 2.3 (commencing with Section 32255) of
7 Part 19 of Division 1 of Title 1.
- 8 (b) The notification also shall advise the parent or guardian of
9 the availability of individualized instruction as prescribed by
10 Section 48206.3, and of the program prescribed by Article 9
11 (commencing with Section 49510) of Chapter 9.
- 12 (c) The notification also shall advise the parents and guardians
13 of all pupils attending a school within the school district of the
14 schedule of minimum days and pupil-free staff development days,
15 and if minimum or pupil-free staff development days are scheduled
16 thereafter, the governing board of the *school* district shall notify
17 parents and guardians of the affected pupils as early as possible,
18 but not later than one month before the scheduled minimum or
19 pupil-free day.
- 20 (d) The notification also may advise the parent or guardian of
21 the importance of investing for future college or university
22 education for their children and of considering appropriate
23 investment options, including, but not limited to, United States
24 savings bonds.
- 25 (e) The notification shall advise the parent or guardian of the
26 pupil that each pupil completing grade 12 is required to
27 successfully pass the high school exit examination administered
28 pursuant to Chapter 9 (commencing with Section 60850) of Part
29 33. The notification shall include, at a minimum, the date of the
30 examination and the requirements for passing the examination,
31 and shall inform the parents and guardians regarding the
32 consequences of not passing the examination and shall inform
33 parents and guardians that passing the examination is a condition
34 of graduation.
- 35 (f) Each school district that elects to provide a fingerprinting
36 program pursuant to Article 10 (commencing with Section 32390)
37 of Chapter 3 of Part 19 of Division 1 of Title 1 shall inform parents
38 or guardians of the program as specified in Section 32390.

1 (g) The notification also shall include a copy of the written
2 policy of the school district on sexual harassment established
3 pursuant to Section 231.5, as it relates to pupils.

4 (h) The notification shall advise the parent or guardian of all
5 existing statutory attendance options and local attendance options
6 available in the school district. This notification component shall
7 include all options for meeting residency requirements for school
8 attendance, programmatic options offered within the local
9 attendance areas, and any special programmatic options available
10 on both an interdistrict and intradistrict basis. This notification
11 component also shall include a description of all options, a
12 description of the procedure for application for alternative
13 attendance areas or programs, an application form from the *school*
14 district for requesting a change of attendance, and a description of
15 the appeals process available, if any, for a parent or guardian denied
16 a change of attendance. The notification component also shall
17 include an explanation of the existing statutory attendance options,
18 including, but not limited to, those available under Section 35160.5,
19 Chapter 5 (commencing with Section 46600) of Part 26, and
20 subdivision (b) of Section 48204. The department shall produce
21 this portion of the notification and shall distribute it to all school
22 districts.

23 (i) It is the intent of the Legislature that the governing board of
24 each school district annually review the enrollment options
25 available to the pupils within its district and that the *school* districts
26 strive to make available enrollment options that meet the diverse
27 needs, potential, and interests of the pupils of California.

28 (j) The notification shall advise the parent or guardian that a
29 pupil shall not have his or her grade reduced or lose academic
30 credit for any absence or absences excused pursuant to Section
31 48205 if missed assignments and tests that can reasonably be
32 provided are satisfactorily completed within a reasonable period
33 of time, and shall include the full text of Section 48205.

34 (k) The notification shall advise the parent or guardian of the
35 availability of state funds to cover the costs of advanced placement
36 examination fees pursuant to Section ~~52244~~. 52242.

37 (l) The notification to the parent or guardian of a minor pupil
38 enrolled in any of grades 9 to 12, inclusive, also shall include the
39 information required pursuant to Section 51229.

1 (m) If a school district elects to allow a career technical
2 education course to satisfy the requirement imposed by
3 subparagraph (E) of paragraph (1) of subdivision (a) of Section
4 51225.3, the school district shall include, in the notification
5 required pursuant to this section, both of the following:

6 (1) Information about the high school graduation requirements
7 of the school district and how each requirement satisfies or does
8 not satisfy the subject matter requirements for admission to the
9 California State University and the University of California.

10 (2) A complete list of career technical education courses offered
11 by the school district that satisfy the subject matter requirements
12 for admission to the California State University and the University
13 of California, and which of the specific college admission
14 requirements these courses satisfy.

15 (n) *A school district that elects to adopt a policy regarding the*
16 *transfer of pupils pursuant to Article 1.5 (commencing with Section*
17 *48929) shall inform parents or guardians of the policy in the*
18 *notification required pursuant to this section.*