

AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 22, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2145

Introduced by Assembly Members Alejo and Dickinson
(~~Coauthor:~~ Coauthors: Assembly Member Members Perea and Swanson)

February 23, 2012

An act to amend Sections 48070.6, 48273, 48900.8, and 48916.1 of, and to add Section 48916.2 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2145, as amended, Alejo. Pupils: expulsion and suspension.

~~(1) Existing~~

Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires a local educational agency to retain all data necessary to compile reports required by specified federal laws, including, but not limited to, dropout and graduation rates. Existing law requires the Superintendent of Public Instruction to annually submit to the Governor, the Legislature, and the State Board of Education a report on dropouts using the data produced by CALPADS. Existing law requires that certain data listed in the report be presented, if possible, for specified subgroups, including ethnicity and gender.

This bill would additionally require that the behavioral data included in the report, including suspension and expulsion data, be presented for those subgroups, if possible.

~~(2) Existing~~

Existing law authorizes the establishment of county and local school attendance review boards that may promote the use of alternatives to the juvenile court system if available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems. Existing law provides that any minor pupil who is a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board. Existing law requires the governing board of a school district to adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court.

This bill would instead require the governing board of a school district to transmit the above-described information to the State Department of Education. ~~The bill would require the department, on an annual basis, to use CALPADS or other pupil information data gathering system established by the department to disaggregate, to the extent possible, the number and types of referrals made to a school attendance review board by ethnicity, special education status, English learners, socioeconomic status, and gender, and to cross-tabulate all those categories by gender and special education status. The bill would require the department to make this data available to the public on its Internet Web site.~~

~~(3) Existing law requires that a school district identify each suspension or expulsion of a pupil by offense committed for the reporting of expulsion and suspension offenses to the department.~~

~~This bill would require the department, on an annual basis, to use CALPADS or other pupil information data gathering system established by the department to make this expulsion and suspension data available to the public on its Internet Web site in a manner that reflects all fields collected, including, but not limited to, the district and school, the offense for which the suspension or expulsion was imposed, the total number of suspensions and expulsions imposed, and the total number of pupils suspended or expelled. The bill would also require the department, to the extent possible, to disaggregate this data by ethnicity, special education status, English learners, socioeconomic status, and gender, and to cross-tabulate all those categories by gender and special education status.~~

~~(4) Existing~~

Existing law limits the number of schooldays for which a pupil may be suspended from school to 5. Existing law requires a school employee to report the suspension of a pupil and the cause for the suspension to the governing board of the school district or to the school district superintendent, in accordance with regulations of the governing board. Existing law allows the superintendent of the school district or other person designated by the superintendent to extend the period of suspension if the governing board of the school district is considering expelling the pupil or the suspension is for the balance of the semester from continuation school.

Existing law requires a school district to maintain specified data regarding pupils who are recommended for expulsion.

This bill would require a school district to also maintain certain data relating to extending the period of suspension.

Existing law requires that a school district identify each suspension or expulsion of a pupil by offense committed for the reporting of expulsion and suspension offenses to the department.

This bill would require the department, ~~on an annual basis and to the extent possible, to make suspension and expulsion data by July 1 of each year, to make specified data regarding suspensions, expulsions, and referrals to school attendance review boards available to the public on its Internet Web site in a manner that reflects all fields collected, and to disaggregate the data, to the extent possible, by ethnicity, special education status, English learners, socioeconomic status, and gender, and cross-tabulate all those categories by gender and special education status. The bill would require the Superintendent, if reliable data is not available by July 1, to report to the Legislature, on or before that date, regarding the reason for the delay and the date that he or she anticipates the data will become available. The bill would prohibit the publication of the data in a manner that would reveal personally identifiable information of any pupil, or cause the suspension of a pupil to be counted more than once, as specified.~~

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

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

1 SECTION 1. Section 48070.6 of the Education Code is
2 amended to read:

1 48070.6. (a) On or before August 1, 2011, and annually
2 thereafter, utilizing data produced by the California Longitudinal
3 Pupil Achievement Data System pursuant to Section 60900 and
4 other available data, the Superintendent shall submit to the
5 Governor, the Legislature, and the state board a report that shall
6 be called the Annual Report on Dropouts in California. The report
7 shall include, but not be limited to, all of the following:

8 (1) One-year dropout rates for each of grades 7 to 12, inclusive.

9 (2) Four-year cohort dropout rates for grades 9 to 12, inclusive.

10 (3) Two- or three-year cohort dropout rates, as appropriate, for
11 middle schools.

12 (4) Grade 9 to grade 10 promotion rates.

13 (5) Percentage of high school pupils for each of grades 9 to 12,
14 inclusive, who are on track to earn sufficient credits to graduate.

15 (6) The average number of nonpromotional school moves that
16 pupils make between grades 6 to 12, inclusive.

17 (7) “Full-year” dropout rates for alternative schools, including
18 dropout recovery high schools, calculated using a methodology
19 developed by the Superintendent to appropriately reflect dropout
20 rates in each type of alternative school.

21 (8) An explanation of the methodology or methodologies used
22 to calculate “full-year” dropout rates for alternative schools
23 pursuant to paragraph (7).

24 (9) Passage rates on the high school exit examination adopted
25 pursuant to subdivision (a) of Section 60850.

26 (10) Other available data relating to dropout or graduation rates
27 or pupil progress toward high school graduation.

28 (b) When cohort dropout rates can be calculated accurately
29 using longitudinal data, the rates described in paragraph (3) of
30 subdivision (a) shall be replaced by dropout rates for cohorts of
31 pupils entering middle school.

32 (c) When data is available, the report shall also include all of
33 the following:

34 (1) Rates at which pupils graduate in four, five, and six years,
35 pursuant to subparagraph (A) of paragraph (4) of subdivision (a)
36 of Section 52052.

37 (2) Percentage of high school graduates and dropouts who
38 completed courses that are certified by the University of California
39 as meeting admission requirement criteria for the University of
40 California and California State University systems.

1 (3) Percentage of high school graduates and dropouts who
2 completed two or more classes in career technical education.

3 (4) Percentage of high school graduates and dropouts who
4 completed both course sequences described in paragraphs (2) and
5 (3).

6 (5) Behavioral data by school and district, including suspensions
7 and expulsions.

8 (6) Truancy rates.

9 (7) GED earning rates.

10 (8) Chronic absentee rates, as defined in Section 60901.

11 (d) If possible, the data listed in subdivisions (a) and (b) shall
12 be presented in the report, organized as follows:

13 (1) By state.

14 (2) By county.

15 (3) By district, both including and excluding charter schools.

16 (4) By school.

17 (e) The report shall include data from alternative middle and
18 high schools, including continuation high schools, community day
19 schools, juvenile court schools, special schools, opportunity
20 schools, and schools attended by wards of the Department of
21 Corrections and Rehabilitation, Division of Juvenile Justice.

22 (f) The report may include relevant data on school climate and
23 pupil engagement from the California Healthy Kids Survey.

24 (g) If possible, the data listed in subdivisions (a) and (b) and
25 paragraph (5) of subdivision (c) shall be presented for the following
26 subgroups, if the subgroup consists of at least 50 pupils, and the
27 subgroup constitutes at least 15 percent of the total population of
28 pupils at a school:

29 (1) Grade level.

30 (2) Ethnicity.

31 (3) Gender.

32 (4) Low socioeconomic status.

33 (5) English learners.

34 (6) Special education status.

35 (h) The first Annual Report on Dropouts in California shall
36 include data from the most recent year. Subsequent annual reports
37 shall include data from the most recent year and, at a minimum,
38 the two prior years, so that comparisons can be made easily.

1 (i) The Superintendent or his or her designee shall make an oral
2 presentation of the contents of the report to the state board at a
3 regularly scheduled meeting of the state board.

4 (j) The Superintendent shall make the contents of the report
5 available on the department's Internet Web site in a format that is
6 easy for the public to access and understand.

7 (k) If inclusion of school-level data would render the written
8 report unwieldy, the data may be omitted from the written report
9 and posted on the department's Internet Web site.

10 (l) It is the intent of the Legislature that the report prepared by
11 the Superintendent be usable by schools, districts, policymakers,
12 researchers, parents, and the public, for purposes of identifying
13 and understanding trends, causal relations, early warning indicators,
14 and potential points of intervention to address the high rate of
15 dropouts in California.

16 (m) For purposes of this section, dropouts shall be defined using
17 the exit/withdrawal codes developed by the department.

18 (n) For purposes of this section, "dropout recovery high school"
19 has the same meaning as defined in subparagraph (D) of paragraph
20 (4) of subdivision (a) of Section 52052.

21 SEC. 2. Section 48273 of the Education Code is amended to
22 read:

23 48273. (a) The governing board of each school district shall
24 adopt rules and regulations to require the appropriate officers and
25 employees of the district to gather and transmit to the department
26 the number and types of referrals to school attendance review
27 boards and of requests for petitions to the juvenile court pursuant
28 to Section 48263.

29 (b) (1) On an annual basis, the department, using the California
30 Longitudinal Pupil Achievement Data System or other pupil
31 information data gathering system established by the department,
32 shall, to the extent possible, disaggregate the number and types of
33 referrals by ethnicity, special education status, English learners,
34 socioeconomic status, and gender, and cross-tabulate all those
35 categories by gender and special education status. The department
36 shall make this data available to the public on its Internet Web
37 site.

38 (2) *The department shall make the data for the preceding school*
39 *year available by July 1 of each year. If reliable data is not*
40 *available by July 1, the Superintendent, on or before that date,*

1 *shall report to the Legislature regarding the reasons for the delay*
2 *and the date that he or she anticipates the data will become*
3 *available.*

4 *(3) In accordance with subdivision (b) of Section 49083 and*
5 *subdivision (g) of Section 60900, disaggregated data shall not be*
6 *made publicly available in a manner that reveals personally*
7 *identifiable information about an individual pupil.*

8 *(4) The manner in which the data is displayed on the*
9 *department's Internet Web site shall not result in pupil suspensions*
10 *being counted more than one time against the overall suspension*
11 *numbers for a school, school district, county, or the state.*

12 SEC. 3. Section 48900.8 of the Education Code is amended to
13 read:

14 48900.8. (a) For purposes of notification to parents, and for
15 the reporting of expulsion or suspension offenses to the department,
16 each school district shall specifically identify, by offense
17 committed, in all appropriate official records of a pupil each
18 suspension or expulsion of that pupil for the commission of any
19 of the offenses set forth in Section 48900, 48900.2, 48900.3,
20 48900.4, 48900.7, or 48915.

21 (b) (1) On an annual basis, the department, using the California
22 Longitudinal Pupil Achievement Data System or other pupil
23 information data gathering system established by the department,
24 shall make this expulsion and suspension data available to the
25 public on its Internet Web site in a manner that reflects all fields
26 collected, including, but not limited to, the district and school, the
27 offense for which the suspension or expulsion was imposed, the
28 total number of suspensions and expulsions imposed, and the total
29 number of pupils suspended or expelled. The department shall, to
30 the extent possible, disaggregate this data by ethnicity, special
31 education status, English learners, socioeconomic status, and
32 gender, and cross-tabulate all those categories by gender and
33 special education status.

34 (2) *The department shall make the data for the preceding school*
35 *year available by July 1 of each year. If reliable data is not*
36 *available by July 1, the Superintendent, on or before that date,*
37 *shall report to the Legislature regarding the reasons for the delay*
38 *and the date that he or she anticipates the data will become*
39 *available.*

1 (3) *In accordance with subdivision (b) of Section 49083 and*
2 *subdivision (g) of Section 60900, disaggregated data shall not be*
3 *made publicly available in a manner that reveals personally*
4 *identifiable information about an individual pupil.*

5 (4) *The manner in which the data is displayed on the*
6 *department's Internet Web site shall not result in pupil suspensions*
7 *being counted more than one time against the overall suspension*
8 *numbers for a school, school district, county, or the state.*

9 SEC. 4. Section 48916.1 of the Education Code is amended to
10 read:

11 48916.1. (a) At the time an expulsion of a pupil is ordered,
12 the governing board of the school district shall ensure that an
13 educational program is provided to the pupil who is subject to the
14 expulsion order for the period of the expulsion. Except for pupils
15 expelled pursuant to subdivision (d) of Section 48915, the
16 governing board of a school district is required to implement the
17 provisions of this section only to the extent funds are appropriated
18 for this purpose in the annual Budget Act or other legislation, or
19 both.

20 (b) Notwithstanding any other law, any educational program
21 provided pursuant to subdivision (a) may be operated by the school
22 district, the county superintendent of schools, or a consortium of
23 districts or in joint agreement with the county superintendent of
24 schools.

25 (c) Any educational program provided pursuant to subdivision
26 (b) may not be situated within or on the grounds of the school from
27 which the pupil was expelled.

28 (d) If the pupil who is subject to the expulsion order was
29 expelled from any of kindergarten or grades 1 to 6, inclusive, the
30 educational program provided pursuant to subdivision (b) may not
31 be combined or merged with educational programs offered to
32 pupils in any of grades 7 to 12, inclusive. The school district or
33 county program is the only program required to be provided to
34 expelled pupils as determined by the governing board of the school
35 district. This subdivision, as it relates to the separation of pupils
36 by grade levels, does not apply to community day schools offering
37 instruction in any of kindergarten and grades 1 to 8, inclusive, and
38 established in accordance with Section 48660.

39 (e) (1) Each school district shall maintain the following data:

40 (A) The number of pupils recommended for expulsion.

1 (B) The grounds for each recommended expulsion.

2 (C) Whether the pupil was subsequently expelled.

3 (D) If the suspension preceding the expulsion was extended
4 pursuant to subdivision (g) of Section 48911, an indication of that
5 fact.

6 (E) If the suspension was extended pursuant to subdivision (g)
7 of Section 48911, the total number of days served under the
8 extended suspension.

9 ~~(F) The location of school placement where the pupil served~~
10 ~~the extended suspension if the suspension was extended pursuant~~
11 ~~to subdivision (g) of Section 48911.~~

12 *(F) If the suspension was extended pursuant to subdivision (g)*
13 *of Section 48911, whether an educational program or instructional*
14 *support was provided to the pupil, and a description of the type*
15 *of program or support provided.*

16 (G) Whether the expulsion order was suspended.

17 (H) The type of referral made after the expulsion.

18 (I) The disposition of the pupil after the end of the period of
19 expulsion.

20 (2) The Superintendent also may require a school district to
21 report this data as part of the coordinated compliance review. If a
22 school district does not report outcome data as required by this
23 subdivision, the Superintendent may not apportion any further
24 money to the school district pursuant to Section 48664 until the
25 school district is in compliance with this subdivision. Before
26 withholding the apportionment of funds to a school district pursuant
27 to this subdivision, the Superintendent shall give written notice to
28 the governing board of the school district that the school district
29 has failed to report the data required by paragraph (1) and that the
30 school district has 30 calendar days from the date of the written
31 notice of noncompliance to report the requested data and thereby
32 avoid the withholding of the apportionment of funds.

33 (f) If the county superintendent of schools is unable for any
34 reason to serve the expelled pupils of a school district within the
35 county, the governing board of that school district may enter into
36 an agreement with a county superintendent of schools in another
37 county to provide education services for the district's expelled
38 pupils.

39 SEC. 5. Section 48916.2 is added to the Education Code, to
40 read:

1 48916.2. (a) On an annual basis, the department, using the
2 California Longitudinal Pupil Achievement Data System or other
3 pupil information data gathering system established by the
4 department, shall, to the extent possible, make the data described
5 in subdivision (e) of Section 48916.1 available to the public on its
6 Internet Web site in a manner that reflects all fields collected. The
7 department shall disaggregate this data by ethnicity, special
8 education status, English learners, socioeconomic status, and
9 gender, and cross-tabulate all those categories by gender and
10 special education status.

11 (b) *The department shall make the data for the preceding school*
12 *year available by July 1 of each year. If reliable data is not*
13 *available by July 1, the Superintendent, on or before that date,*
14 *shall report to the Legislature regarding the reasons for the delay*
15 *and the date that he or she anticipates the data will become*
16 *available.*

17 (c) *In accordance with subdivision (b) of Section 49083 and*
18 *subdivision (g) of Section 60900, disaggregated data shall not be*
19 *made publicly available in a manner that reveals personally*
20 *identifiable information about an individual pupil.*

21 (d) *The manner in which the data is displayed on the*
22 *department's Internet Web site shall not result in pupil suspensions*
23 *being counted more than one time against the overall suspension*
24 *numbers for a school, school district, county, or the state.*