

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2300

Introduced by Assembly Member Swanson

February 24, 2012

An act to add Section 48900.9 to the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Swanson. Pupil records: suspensions: community service: disclosure.

Existing law authorizes a superintendent or principal of a school to suspend or recommend for expulsion a pupil who commits one or more enumerated acts. Existing law authorizes the principal of a school, the principal's designee, the superintendent of schools, or the governing board of a school district to require a pupil to perform community service, as defined, during the pupil's nonschool hours as part of or instead of disciplinary action, subject to specified exceptions.

Existing law requires that, for purposes of notification to parents and the reporting of expulsion or suspension offenses to the State Department of Education, a school district specifically identify, by offense committed, in all appropriate official records of a pupil, each suspension or expulsion of that pupil for the commission of specified offenses.

This bill would prohibit a school, at the request of a pupil or the pupil's parent or guardian, from disclosing to a postsecondary educational institution the pupil's disciplinary records relating to a

suspension *or suspensions*, if ~~the~~ *each* suspension was for a minor offense and the pupil completed 5 hours of community service *for each suspension*, as specified. The bill would require a school district to adopt a policy regarding which behaviors are minor offenses for purposes of these provisions, and would also require that the pupil and the pupil's parent or guardian be informed of the option to perform community service. By imposing these additional duties on schools and school districts, 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 48900.9 is added to the Education Code,
2 to read:

3 48900.9. (a) At the request of a pupil or a pupil's parent or
4 guardian, a school shall not disclose to a postsecondary educational
5 institution, when providing transcript data or other pupil
6 information to that institution, the pupil's disciplinary records
7 relating to a suspension *or suspensions*, if:

8 (1) ~~The~~ *Each* suspension was for a minor offense specified in
9 the policy adopted by the school district pursuant to subdivision
10 (b).

11 (2) The pupil has completed five hours of approved community
12 service *for each suspension* and submitted proof of completion
13 pursuant to subdivisions (d) and (e). *The community service shall*
14 *be performed during nonschool hours.*

15 (b) A school district shall adopt a policy regarding which
16 behaviors constitute minor offenses for purposes of this section.
17 The behaviors identified in this policy shall include, but not be
18 limited to, the willful defiance of a teacher's authority and the
19 habitual use of ~~profanity~~. *profanity, pursuant to Section 48900.*

1 (c) When a suspension is imposed for a minor offense specified
2 in the school district's policy, the pupil and the pupil's parent or
3 guardian shall be informed of the option to perform community
4 service.

5 (d) If the pupil opts to perform community service, he or she
6 shall obtain approval from the school before commencing the
7 community service. The school may reject community service that
8 it finds has little or no educational value.

9 (e) Upon completion of the five hours of community service, a
10 pupil shall submit proof of completion using either of the
11 following:

12 (1) A note from a school employee, if the community service
13 is completed at a school within the school district that the pupil
14 attends.

15 (2) A letter from an employee or volunteer of the program or
16 agency, if the community service is completed through a program
17 that is not operated by the school district.

18 (f) It is the intent of the Legislature that this section be construed
19 to not eliminate or change the obligation of a school to report
20 suspension offenses to the department or otherwise report or
21 maintain disciplinary data.

22 SEC. 2. 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.