

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*: *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 express the intent of the Legislature to ensure a pupil attending a comprehensive high school who is accused of an expellable offense receives due process, including an expulsion hearing and the right to appeal an expulsion, and to enact future legislation to provide a pupil attending a comprehensive high school operated by a county office of education a process for an expulsion hearing and a right to appeal an expulsion.~~

This bill would prohibit a school operated by a county office of education from suspending, expelling, or otherwise denying attendance to a pupil accused of certain offenses without a hearing before an impartial administrative panel. The bill would authorize a pupil suspended from, expelled from, or otherwise denied attendance to a school operated by a county office of education to appeal the administrative panel's decision 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: ~~no~~-yes.
 State-mandated local program: ~~no~~-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
 26 a hearing on the matter and render a decision. The appeal hearing

1 *shall be held in the same manner and have the same effect as an*
2 *appeal hearing held pursuant to Section 48919.*

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

8 ~~SECTION 1. It is the intent of the Legislature to ensure a pupil~~
9 ~~attending a comprehensive high school who is accused of an~~
10 ~~expellable offense receives due process, including an expulsion~~
11 ~~hearing and the right to appeal an expulsion. It is further the intent~~
12 ~~of the Legislature to enact future legislation to provide a pupil~~
13 ~~attending a comprehensive high school operated by a county office~~
14 ~~of education a process for an expulsion hearing and a right to~~
15 ~~appeal an expulsion.~~