

AMENDED IN ASSEMBLY MAY 25, 2012

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
(Coauthors: Assembly 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.

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 an annual* 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.

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.

Existing law limits the number of schooldays for which a pupil may be suspended from school to 5. 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, 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, 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:
- 3 48070.6. (a) On or before August 1, 2011, and annually
4 thereafter, utilizing data produced by the California Longitudinal
5 Pupil Achievement Data System pursuant to Section 60900 and
6 other available data, the Superintendent shall submit to the
7 Governor, the Legislature, and the state board a report that shall
8 be called the Annual Report on Dropouts in California. The report
9 shall include, but not be limited to, all of the following:
- 10 (1) One-year dropout rates for each of grades 7 to 12, inclusive.
 - 11 (2) Four-year cohort dropout rates for grades 9 to 12, inclusive.
 - 12 (3) Two- or three-year cohort dropout rates, as appropriate, for
13 middle schools.
 - 14 (4) Grade 9 to grade 10 promotion rates.
 - 15 (5) Percentage of high school pupils for each of grades 9 to 12,
16 inclusive, who are on track to earn sufficient credits to graduate.
 - 17 (6) The average number of nonpromotional school moves that
18 pupils make between grades 6 to 12, inclusive.
 - 19 (7) “Full-year” dropout rates for alternative schools, including
20 dropout recovery high schools, calculated using a methodology
21 developed by the Superintendent to appropriately reflect dropout
22 rates in each type of alternative school.
 - 23 (8) An explanation of the methodology or methodologies used
24 to calculate “full-year” dropout rates for alternative schools
25 pursuant to paragraph (7).
 - 26 (9) Passage rates on the high school exit examination adopted
27 pursuant to subdivision (a) of Section 60850.
 - 28 (10) Other available data relating to dropout or graduation rates
29 or pupil progress toward high school graduation.
- 30 (b) When cohort dropout rates can be calculated accurately
31 using longitudinal data, the rates described in paragraph (3) of
32 subdivision (a) shall be replaced by dropout rates for cohorts of
33 pupils entering middle school.
- 34 (c) When data is available, the report shall also include all of
35 the following:

- 1 (1) Rates at which pupils graduate in four, five, and six years,
2 pursuant to subparagraph (A) of paragraph (4) of subdivision (a)
3 of Section 52052.
- 4 (2) Percentage of high school graduates and dropouts who
5 completed courses that are certified by the University of California
6 as meeting admission requirement criteria for the University of
7 California and California State University systems.
- 8 (3) Percentage of high school graduates and dropouts who
9 completed two or more classes in career technical education.
- 10 (4) Percentage of high school graduates and dropouts who
11 completed both course sequences described in paragraphs (2) and
12 (3).
- 13 (5) Behavioral data by school and district, including suspensions
14 and expulsions.
- 15 (6) Truancy rates.
- 16 (7) GED earning rates.
- 17 (8) Chronic absentee rates, as defined in Section 60901.
- 18 (d) If possible, the data listed in subdivisions (a) and (b) shall
19 be presented in the report, organized as follows:
 - 20 (1) By state.
 - 21 (2) By county.
 - 22 (3) By district, both including and excluding charter schools.
 - 23 (4) By school.
 - 24 (e) The report shall include data from alternative middle and
25 high schools, including continuation high schools, community day
26 schools, juvenile court schools, special schools, opportunity
27 schools, and schools attended by wards of the Department of
28 Corrections and Rehabilitation, Division of Juvenile Justice.
 - 29 (f) The report may include relevant data on school climate and
30 pupil engagement from the California Healthy Kids Survey.
 - 31 (g) If possible, the data listed in subdivisions (a) and (b) and
32 paragraph (5) of subdivision (c) shall be presented for the following
33 subgroups, if the subgroup consists of at least 50 pupils, and the
34 subgroup constitutes at least 15 percent of the total population of
35 pupils at a school:
 - 36 (1) Grade level.
 - 37 (2) Ethnicity.
 - 38 (3) Gender.
 - 39 (4) Low socioeconomic status.
 - 40 (5) English learners.

1 (6) Special education status.

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

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

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

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

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

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

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

26 SEC. 2. Section 48273 of the Education Code is amended to
27 read:

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

34 (b) (1) On an annual basis, the department, using the California
35 Longitudinal Pupil Achievement Data System or other pupil
36 information data gathering system established by the department,
37 shall, to the extent possible, disaggregate the number and types of
38 referrals by ethnicity, special education status, English learners,
39 socioeconomic status, and gender, and cross-tabulate all those
40 categories by gender and special education status. The department

1 shall make this data available to the public on its Internet Web
2 site.

3 (2) The department shall make the data for the preceding school
4 year available by July 1 of each year. If reliable data is not available
5 by July 1, the Superintendent, on or before that date, shall report
6 to the Legislature regarding the reasons for the delay and the date
7 that he or she anticipates the data will become available.

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

12 (4) The manner in which the data is displayed on the
13 department’s Internet Web site shall not result in pupil suspensions
14 being counted more than one time against the overall suspension
15 numbers for a school, school district, county, or the state.

16 SEC. 3. Section 48900.8 of the Education Code is amended to
17 read:

18 48900.8. (a) For purposes of notification to parents, and for
19 the reporting of expulsion or suspension offenses to the department,
20 each school district shall specifically identify, by offense
21 committed, in all appropriate official records of a pupil, each
22 suspension or expulsion of that pupil for the commission of any
23 of the offenses set forth in Section 48900, 48900.2, 48900.3,
24 48900.4, 48900.7, or 48915.

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

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 available
40 by July 1, the Superintendent, on or before that date, shall report

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

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

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

11 SEC. 4. Section 48916.1 of the Education Code is amended to
12 read:

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

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

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

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

- 1 (e) (1) Each school district shall maintain the following data:
- 2 (A) The number of pupils recommended for expulsion.
- 3 (B) The grounds for each recommended expulsion.
- 4 (C) Whether the pupil was subsequently expelled.
- 5 (D) If the suspension preceding the expulsion was extended
- 6 pursuant to subdivision (g) of Section 48911, an indication of that
- 7 fact.
- 8 (E) If the suspension was extended pursuant to subdivision (g)
- 9 of Section 48911, the total number of days served under the
- 10 extended suspension.
- 11 ~~(F) If the suspension was extended pursuant to subdivision (g)~~
- 12 ~~of Section 48911, whether an educational program or instructional~~
- 13 ~~support was provided to the pupil, and a description of the type of~~
- 14 ~~program or support provided.~~
- 15 ~~(G)~~
- 16 (F) Whether the expulsion order was suspended.
- 17 ~~(H)~~
- 18 (G) The type of referral made after the expulsion.
- 19 ~~(I)~~
- 20 (H) The disposition of the pupil after the end of the period of
- 21 expulsion.
- 22 (2) The Superintendent also may require a school district to
- 23 report this data as part of the coordinated compliance review. If a
- 24 school district does not report outcome data as required by this
- 25 subdivision, the Superintendent may not apportion any further
- 26 money to the school district pursuant to Section 48664 until the
- 27 school district is in compliance with this subdivision. Before
- 28 withholding the apportionment of funds to a school district pursuant
- 29 to this subdivision, the Superintendent shall give written notice to
- 30 the governing board of the school district that the school district
- 31 has failed to report the data required by paragraph (1) and that the
- 32 school district has 30 calendar days from the date of the written
- 33 notice of noncompliance to report the requested data and thereby
- 34 avoid the withholding of the apportionment of funds.
- 35 (f) If the county superintendent of schools is unable for any
- 36 reason to serve the expelled pupils of a school district within the
- 37 county, the governing board of that school district may enter into
- 38 an agreement with a county superintendent of schools in another
- 39 county to provide education services for the district’s expelled
- 40 pupils.

1 SEC. 5. Section 48916.2 is added to the Education Code, to
2 read:

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

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

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

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