

AMENDED IN SENATE APRIL 24, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1088

**Introduced by Senator Price
(Coauthor: Senator De León)**

(Coauthors: Assembly Members Dickinson and Hall)

February 15, 2012

An act to amend Sections 48645.5 and 48916 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1088, as amended, Price. Pupils: readmission.

(1) Existing law requires each school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. If a pupil completes the graduation requirements of his or her school district of residence while being detained in a juvenile facility, as specified, the school district of residence is required to issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools is authorized to issue the diploma.

This bill would prohibit a school from denying enrollment or readmission to a pupil solely on the basis that he or she has had contact with the juvenile justice system, as specified.

(2) Existing law requires the governing board of a school district, when it issues an order for expulsion, to set a date when the expelled pupil is ~~required~~ to be reviewed for readmission to a school maintained by the district or to the school the pupil last attended, not later than the

last day of the semester following the semester in which the expulsion occurred.

This bill would additionally require the governing board of the school district, if it denies the readmission of an expelled pupil *and the pupil or the pupil's parent or guardian requests a reevaluation*, to set a date not later than the last day of the semester following the semester in which the readmission was denied to reevaluate the pupil for readmission to a regular school district program or to the school the pupil last attended before the expulsion, subject to specified requirements. By requiring the governing board of a school district to conduct additional readmission evaluations, this bill would impose a state-mandated local program.

(3) 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 48645.5 of the Education Code is
- 2 amended to read:
- 3 48645.5. (a) Each public school district and county office of
- 4 education shall accept for credit full or partial coursework
- 5 satisfactorily completed by a pupil while attending a public school,
- 6 juvenile court school, or nonpublic, nonsectarian school or agency.
- 7 The coursework shall be transferred by means of the standard state
- 8 transcript. If a pupil completes the graduation requirements of his
- 9 or her school district of residence while being detained, the school
- 10 district of residence shall issue to the pupil a diploma from the
- 11 school the pupil last attended before detention or, in the alternative,
- 12 the county superintendent of schools may issue the diploma.
- 13 (b) A pupil shall not be denied enrollment or readmission to a
- 14 public school solely on the basis that he or she has had contact
- 15 with the juvenile justice system, including, but not limited to:
- 16 (1) Arrest.

- 1 (2) Adjudication by a juvenile court.
- 2 (3) Formal or informal supervision by a probation officer.
- 3 (4) Detention for any length of time in a juvenile facility or
- 4 enrollment in a juvenile court school.

5 SEC. 2. Section 48916 of the Education Code is amended to
6 read:

7 48916. (a) An expulsion order shall remain in effect until the
8 governing board, in the manner prescribed in this article, orders
9 the readmission of a pupil. At the time an expulsion of a pupil is
10 ordered for an act other than those described in subdivision (c) of
11 Section 48915, the governing board shall set a date, not later than
12 the last day of the semester following the semester in which the
13 expulsion occurred, when the pupil shall be reviewed for
14 readmission to a school maintained by the district or to the school
15 the pupil last attended. If an expulsion is ordered during summer
16 session or the intersession period of a year-round program the
17 governing board shall set a date, not later than the last day of the
18 semester following the summer session or intersession period in
19 which the expulsion occurred, when the pupil shall be reviewed
20 for readmission to a school maintained by the district or to the
21 school the pupil last attended. For a pupil who has been expelled
22 pursuant to subdivision (c) of Section 48915, the governing board
23 shall set a date of one year from the date the expulsion occurred,
24 when the pupil shall be reviewed for readmission to a school
25 maintained by the district, except that the governing board may
26 set an earlier date for readmission on a case-by-case basis.

27 (b) The governing board shall recommend a plan of
28 rehabilitation for the pupil at the time of the expulsion order, which
29 may include, but not be limited to, periodic review as well as
30 assessment at the time of review for readmission. The plan may
31 also include recommendations for improved academic performance,
32 tutoring, special education assessments, job training, counseling,
33 employment, community service, or other rehabilitative programs.

34 (c) The governing board of each school district shall adopt rules
35 and regulations establishing a procedure for the filing and
36 processing of requests for readmission and the process for the
37 required review of all expelled pupils for readmission. Upon
38 completion of the readmission process, the governing board shall
39 readmit the pupil, unless the governing board makes a finding that
40 the pupil has not met the conditions of the rehabilitation plan or

1 continues to pose a danger to campus safety or to other pupils or
2 employees of the school district. A description of the procedure
3 shall be made available to the pupil and the pupil's parent or
4 guardian at the time the expulsion order is entered.

5 (d) If the governing board denies the readmission of an expelled
6 pupil pursuant to subdivision (c), the governing board shall make
7 a determination either to continue the placement of the pupil in
8 the alternative educational program initially selected for the pupil
9 during the period of the expulsion order or to place the pupil in
10 another program that may include, but need not be limited to,
11 serving expelled pupils, including placement in a county
12 community school. ~~The~~ *At the request of the pupil or the pupil's*
13 *parent or guardian, the* governing board shall also set a date, not
14 later than the last day of the semester following the semester in
15 which the readmission was denied, to reevaluate the pupil for
16 readmission to a regular school district program or to the school
17 the pupil last attended before the expulsion.

18 (e) The governing board shall provide written notice to the
19 expelled pupil and the pupil's parent or guardian describing the
20 reasons for denying the pupil readmittance into the regular school
21 district program, and, if applicable, specifying the date on which
22 the pupil will be reevaluated for readmission. The written notice
23 shall also include the determination of the educational program
24 for the expelled pupil pursuant to subdivision (d). The expelled
25 pupil shall enroll in that educational program unless the parent or
26 guardian of the pupil elects to enroll the pupil in another school
27 district.

28 (f) (1) Reevaluation of a pupil for readmission shall be
29 conducted in the same manner as the initial readmission procedure
30 and in accordance with the requirements of subdivision (c).

31 (2) Before a pupil is to be reevaluated for readmission, the pupil
32 shall provide to the governing board written documentation
33 detailing how the pupil has addressed the reasons given by the
34 governing board for the initial denial of readmission.

35 SEC. 3. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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