
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 1309
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Urgency: No
Consultant: Lynn Lorber
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Fiscal: Yes

Subject: Pupil discipline: suspension and expulsion hearings: county schools

SUMMARY

This bill establishes a new process for county offices of education, utilizing an impartial administrative panel, to consider the suspension or expulsion of a student who attends a school operated by a county office of education.

BACKGROUND

Existing law:

- 1) Authorizes the principal of a school, the principal's designee, or the district superintendent of schools to suspend a student from school for specified reasons, for up to five consecutive schooldays. Existing law requires suspension to be proceeded by an informal conference between the students, teacher, supervisor, or school employee who referred the student to the principal. Existing law authorizes a student to be suspended without affording the student an opportunity for a conference only if the principal, the principal's designee, or the district superintendent determines that an emergency situation exists. (Education Code § 48911)
- 2) Requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of students. (EC § 48918)
- 3) Authorizes the governing board of a school district, instead of conducting an expulsion hearing itself, to contract with the county hearing officer, or with the Office of Administrative Hearings for a hearing officer to conduct the hearing. (EC § 48918)
- 4) Authorizes the governing board of a school district to also appoint an impartial administrative panel of three or more certificated people, none of whom is a member of the governing board or employed on the staff of the school in which the student is enrolled. (EC § 48918)
- 5) Requires the hearing officer or administrative panel, if recommending expulsion, to prepare and submit to the governing board findings of fact in support of the recommendation. Existing law requires all findings of fact and recommendations to be based solely on the evidence considered at the hearing. (EC § 48918)

- 6) Authorizes a student or parent to file an appeal of an expulsion to the county board of education, and requires the county board of education to hold a hearing or have a hearing officer or an impartial administrative panel hear appeals. (EC § 48919 and § 48919.5)

ANALYSIS

This bill establishes a new process for county offices of education, utilizing an impartial administrative panel, to consider the suspension or expulsion of a student who attends a school operated by a county office of education. Specifically, this bill:

- 1) Prohibits a student who is enrolled in a school operated by a county office of education, and who is accused of committing an act for which a student may be suspended or expelled, from being suspended or expelled from, or otherwise denied attendance at the school, unless both of the following occur:
 - a) The principal of the school recommends the student for removal to an impartial administrative panel of three or more certificated people appointed by the county board of education.
 - b) The impartial administrative panel determines that the student has committed an act for which the student may be suspended or expelled.
- 2) Prohibits a member of the administrative hearing panel from being a member of the county board of education or be employed by the school from which the student is enrolled.
- 3) Authorizes a student who is enrolled in a school operated by a county office of education and who has been suspended or expelled from, or otherwise denied attendance at the school pursuant to this bill, within 30 days following the administrative panel's decision, to file an appeal to the county board of education which shall hold a hearing on the matter and render a decision. This bill requires the appeal hearing to be held in the same manner and have the same effect as is provided for in existing law for an appeal hearing held by a county board of education for students who have been expelled by a school district.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Current law requires a school district to abide by a detailed process for the expulsion of a student and the following appeals process which is heard by the county office of education (COE). However, state law is silent on the process for expelling a student from a COE operated school. Because a COE is the board that would hear an appeal in a typical school district expulsion case, there is an obvious violation of due process should the COE be responsible for handling both the expulsion and the appeal of the expulsion. In order to ensure that students receive due process when appealing an expulsion, SB 1309 would create a formal process for the expulsion of a student from a COE operated school."

- 2) ***Expulsion from a school operated by a county office of education.*** County offices of education typically operate county community schools for students who have been expelled from a school district, juvenile court schools for students who are in juvenile detention facilities, and provide some career technical education, and special education and related services. The Los Angeles County Office of Education also operates two comprehensive schools; it is unclear if other county offices of education operate comprehensive schools.

Existing law does not provide for a process by which a county office of education may expel a student. Anecdotally, the practice of some county offices of education of to not expel students or remove students from school; those county offices of education typically use various interventions and preventative measures to keep students in school. If those measures are unsuccessful, some county offices of education transfer such students to other county-run programs, such as a military-style charter school or dropout recovery charter school.

This bill creates a process that is based upon the existing process for school district expulsion hearings and expulsion appeals heard by county boards of education. While county offices of education may not encounter many situations where they desire to expel a student, this bill establishes a process by which the potential expulsion of a student is considered by a body that is not affiliated with the school in which the student is enrolled.

- 3) ***Suspension.*** Existing law authorizes the principal or principal's designee of a school operated by a school district to suspend a student who has committed a specified act. Existing law does not provide for a process by which a county office of education may suspend a student. This bill creates a process by which a school that is operated by a county office of education may suspend or expel a student, using the same process for either. This bill creates a higher threshold to suspend a student who attends a school operated by a county office of education than currently exists for the suspension of a student who attends a school operated by a school district.
- 4) ***Alternative approach.*** As an alternative to the provisions currently in this bill, **staff recommends amendments** to:
- a) Delete any reference to suspension.
 - b) Require a county board of education, if a principal of a school that is operated by the county office of education recommends expulsion, to contract with the Office of Administrative Hearings for a hearing officer to conduct the expulsion hearing, or appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the county board of education or employed on the staff of the school in which the student is enrolled.
 - c) Require the hearing officer or administrative panel, if the decision is to expel, to prepare and submit to the county board of education findings of fact in support of the decision to expel.

- d) Require all findings of fact to be based solely on the evidence considered at the hearing.
- e) Authorize a student who has been expelled, or the parent of that student, within 30 days following the decision of the hearing officer or administrative panel to expel the student, to file an appeal to the county board of education which shall hold a hearing on the matter and render a decision. The appeal hearing shall be held in the same manner and have the same effect as an appeal hearing held pursuant to existing law.

SUPPORT

None received.

OPPOSITION

None received.

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