

AMENDED IN ASSEMBLY MARCH 22, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2145

**Introduced by Assembly Members Alejo and Dickinson
(Coauthor: Assembly Member Perea)**

February 23, 2012

An act to amend Sections ~~33126~~ 48070.6, 48273, 48900.8, ~~48911~~, 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.

~~(1) The Classroom Instructional Improvement and Accountability Act, an initiative measure, requires the governing board of each school maintaining an elementary or secondary school to develop and cause to be implemented for each school in the district a school accountability report card that includes assessments of various school conditions, including the suspension and expulsion rates for the most recent 3-year period. The act prohibits any change to its provisions, except a change to further its purposes enacted by a bill passed by a $\frac{2}{3}$ vote of the Legislature and signed by the Governor.~~

~~This bill would require the expulsion and suspension data to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender. The bill would state findings and declarations of the Legislature that the changes made to the act by these provisions further the purposes of the act.~~

~~(1) 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 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.

(2) 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. The bill would require the department, on an annual basis, to use CALPADS or other pupil information data gathering system established by the department to disaggregate, to the extent possible, the number and types of referrals made to a school attendance review board to be disaggregated by race, by ethnicity, special education status, English learner status learners, socioeconomic status, and gender, and to cross-tabulate all those categories by gender and special education status. The bill would require the department to make this data available to the public on its Internet Web site.

(3) 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 State Department of Education department.

This bill would require a school district to maintain that information, disaggregate the information by race, ethnicity, special education status,

~~English learner status, socioeconomic status, and gender, and submit the information to the Superintendent of Public Instruction on a yearly basis and would require the State Department of Education to make this data available on its Internet Web site.~~

This bill would require the department, on an annual basis, to use CALPADS or other pupil information data gathering system established by the department to make this expulsion and suspension data available to the public on its Internet Web site in a manner that reflects all fields collected, including, but not limited to, the district and school, the offense for which the suspension or expulsion was imposed, the total number of suspensions and expulsions imposed, and the total number of pupils suspended or expelled. The bill would also require the department, to the extent possible, to disaggregate this data by ethnicity, special education status, English learners, socioeconomic status, and gender, and to cross-tabulate all those categories by gender and special education status.

(4) Existing law limits the number of schooldays for which a pupil may be suspended from school to 5. Existing law requires a school employee to report the suspension of a pupil and the cause for the suspension to the governing board of the school district or to the school district superintendent, in accordance with regulations of the governing board. 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.

~~This bill would require the suspension report to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender and would require the report for suspensions that are extended and not followed by expulsion to include the total number of days served under the extended suspension and the location of school placement where the pupil served the extended suspension.~~

~~(5) Existing~~

~~Existing law requires a school district to maintain specified data regarding pupils who are recommended for expulsion.~~

~~This bill would require the data to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender and would require the inclusion of data regarding pupils whose suspension was extended before the expulsion. The bill also~~

would require the data to specify whether the pupil reenrolled in a regular public school or an alternative education placement after the period of expulsion.

By requiring school districts to maintain additional data and disaggregate data as specified, the bill would impose a state-mandated local program.

(6) 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.

This bill would require a school district to also maintain certain data relating to extending the period of suspension.

This bill would require the department, on an annual basis and to the extent possible, to make suspension and expulsion data available to the public on its Internet Web site in a manner that reflects all fields collected, and to disaggregate the data by ethnicity, special education status, English learners, socioeconomic status, and gender, and cross-tabulate all those categories by gender and special education status.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 33126 of the Education Code is amended
- 2 to read:
- 3 33126. (a) The school accountability report card shall provide
- 4 data by which a parent can make meaningful comparisons between
- 5 public schools that will enable him or her to make informed
- 6 decisions on the school in which to enroll his or her children.
- 7 (b) The school accountability report card shall include, but is
- 8 not limited to, assessment of the following school conditions:
- 9 (1) (A) Pupil achievement by grade level, as measured by the
- 10 standardized testing and reporting programs pursuant to Article 4
- 11 (commencing with Section 60640) of Chapter 5 of Part 33.
- 12 (B) After the state develops a statewide assessment system
- 13 pursuant to Chapter 5 (commencing with Section 60600) and

1 Chapter 6 (commencing with Section 60800) of Part 33, pupil
2 achievement by grade level, as measured by the results of the
3 statewide assessment.

4 (2) Progress toward reducing dropout rates, including the
5 one-year dropout rate listed in the California Basic Educational
6 Data System or a successor data system for the schoolsite over the
7 most recent three-year period, and the graduation rate, as defined
8 by the state board, over the most recent three-year period when
9 available pursuant to Section 52052.

10 (3) Estimated expenditures per pupil and types of services
11 funded. The assessment of estimated expenditures per pupil shall
12 reflect the actual salaries of personnel assigned to the schoolsite.
13 The assessment of estimated expenditures per pupil shall be
14 reported in total, shall be reported in subtotal by restricted and by
15 unrestricted source, and shall include a reporting of the average
16 of actual salaries paid to certificated instructional personnel at that
17 schoolsite.

18 (4) Progress toward reducing class sizes and teaching loads,
19 including the distribution of class sizes at the schoolsite by grade
20 level and the average class size, using the California Basic
21 Educational Data System or a successor data system information
22 for the most recent three-year period.

23 (5) The total number of the school's fully credentialed teachers,
24 the number of teachers relying upon emergency credentials, the
25 number of teachers working without credentials, any assignment
26 of teachers outside their subject areas of competence,
27 misassignments, including misassignments of teachers of English
28 learners, and the number of vacant teacher positions for the most
29 recent three-year period.

30 (A) For purposes of this paragraph, "vacant teacher position"
31 means a position to which a single-designated certificated employee
32 has not been assigned at the beginning of the year for an entire
33 year or, if the position is for a one-semester course, a position of
34 which a single-designated certificated employee has not been
35 assigned at the beginning of a semester for an entire semester.

36 (B) For purposes of this paragraph, "misassignment" means the
37 placement of a certificated employee in a teaching or services
38 position for which the employee does not hold a legally recognized
39 certificate or credential or the placement of a certificated employee

1 in a teaching or services position that the employee is not otherwise
2 authorized by statute to hold.

3 ~~(6) (A) Quality and currency of textbooks and other
4 instructional materials, including whether textbooks and other
5 materials meet state standards and are adopted by the state board
6 for kindergarten and grades 1 to 8, inclusive, and adopted by the
7 governing boards of school districts for grades 9 to 12, inclusive,
8 and the ratio of textbooks per pupil and the year the textbooks
9 were adopted.~~

10 ~~(B) The availability of sufficient textbooks and other
11 instructional materials, as determined pursuant to Section 60119,
12 for each pupil, including English learners, in each of the areas
13 enumerated in clauses (i) to (iv), inclusive. If the governing board
14 determines, pursuant to Section 60119 that there are insufficient
15 textbooks or instructional materials, or both, it shall include
16 information for each school in which an insufficiency exists,
17 identifying the percentage of pupils who lack sufficient
18 standards-aligned textbooks or instructional materials in each
19 subject area. The subject areas to be included are all of the
20 following:~~

21 ~~(i) The core curriculum areas of reading/language arts,
22 mathematics, science, and history/social science.~~

23 ~~(ii) Foreign language and health.~~

24 ~~(iii) Science laboratory equipment for grades 9 to 12, inclusive,
25 as appropriate.~~

26 ~~(iv) Visual and performing arts.~~

27 ~~(7) The availability of qualified personnel to provide counseling
28 and other pupil support services, including the ratio of academic
29 counselors per pupil.~~

30 ~~(8) Safety, cleanliness, and adequacy of school facilities,
31 including any needed maintenance to ensure good repair as
32 specified in Section 17014, Section 17032.5, subdivision (a) of
33 Section 17070.75, and subdivision (b) of Section 17089.~~

34 ~~(9) The annual number of schooldays dedicated to staff
35 development for the most recent three-year period.~~

36 ~~(10) Suspension and expulsion rates for the most recent
37 three-year period. This information shall be disaggregated by race,
38 ethnicity, special education status, English learner status,
39 socioeconomic status, and gender.~~

- 1 ~~(11) For secondary schools, the percentage of graduates who~~
2 ~~have passed course requirements for entrance to the University of~~
3 ~~California and the California State University, including the course~~
4 ~~requirements for high school graduation pursuant to Section~~
5 ~~51225.3, and the percentage of pupils enrolled in those courses,~~
6 ~~as reported by the California Basic Educational Data System or~~
7 ~~any successor data system.~~
- 8 ~~(12) The number of advanced placement courses offered, by~~
9 ~~subject.~~
- 10 ~~(13) The Academic Performance Index, including the~~
11 ~~disaggregation of subgroups as set forth in Section 52052 and the~~
12 ~~decile rankings and a comparison of schools.~~
- 13 ~~(14) When available, the percentage of pupils, including the~~
14 ~~disaggregation of subgroups, as set forth in Section 52052,~~
15 ~~completing grade 12 who successfully complete the high school~~
16 ~~exit examination, as set forth in Sections 60850 and 60851, as~~
17 ~~compared to the percentage of pupils in the district and statewide~~
18 ~~completing grade 12 who successfully complete the examination.~~
- 19 ~~(15) Contact information pertaining to organized opportunities~~
20 ~~for parental involvement.~~
- 21 ~~(16) Career technical education data measures, including all of~~
22 ~~the following:~~
 - 23 ~~(A) A list of programs offered by the school district in which~~
24 ~~pupils at the school may participate and that are aligned to the~~
25 ~~model curriculum standards adopted pursuant to Section 51226,~~
26 ~~and program sequences offered by the school district. The list~~
27 ~~should identify courses conducted by a regional occupational center~~
28 ~~or program, and those conducted directly by the school district.~~
 - 29 ~~(B) A listing of the primary representative of the career technical~~
30 ~~advisory committee of the school district and the industries~~
31 ~~represented.~~
 - 32 ~~(C) The number of pupils participating in career technical~~
33 ~~education.~~
 - 34 ~~(D) The percentage of pupils that complete a career technical~~
35 ~~education program and earn a high school diploma.~~
 - 36 ~~(E) The percentage of career technical education courses that~~
37 ~~are sequenced or articulated between a school and institutions of~~
38 ~~postsecondary education.~~
- 39 ~~(e) If the Commission on State Mandates finds a school district~~
40 ~~is eligible for a reimbursement of costs incurred complying with~~

1 ~~this section, the school district shall be reimbursed only if the~~
2 ~~information provided in the school accountability report card is~~
3 ~~accurate, as determined by the annual audit performed pursuant~~
4 ~~to Section 41020. If the information is determined to be inaccurate,~~
5 ~~the school district remains eligible for reimbursement if the~~
6 ~~information is corrected by May 15.~~

7 ~~(d) It is the intent of the Legislature that schools make a~~
8 ~~concerted effort to notify parents of the purpose of the school~~
9 ~~accountability report cards, as described in this section, and ensure~~
10 ~~that all parents receive a copy of the report card; to ensure that the~~
11 ~~report cards are easy to read and understandable by parents; to~~
12 ~~ensure that local educational agencies with access to the Internet~~
13 ~~make available current copies of the report cards through the~~
14 ~~Internet; and to ensure that administrators and teachers are available~~
15 ~~to answer any questions regarding the report cards.~~

16 *SECTION 1. Section 48070.6 of the Education Code is amended*
17 *to read:*

18 48070.6. (a) On or before August 1, 2011, and annually
19 thereafter, utilizing data produced by the California Longitudinal
20 Pupil Achievement Data System pursuant to Section 60900 and
21 other available data, the Superintendent shall submit to the
22 Governor, the Legislature, and the state board; a report that shall
23 be called the Annual Report on Dropouts in California. The report
24 shall include, but not be limited to, all of the following:

- 25 (1) One-year dropout rates for each of grades 7 to 12, inclusive.
- 26 (2) Four-year cohort dropout rates for grades 9 to 12, inclusive.
- 27 (3) Two- or three-year cohort dropout rates, as appropriate, for
28 middle schools.
- 29 (4) Grade 9 to grade 10 promotion rates.
- 30 (5) Percentage of high school pupils for each of grades 9 to 12,
31 inclusive, who are on track to earn sufficient credits to graduate.
- 32 (6) The average number of nonpromotional school moves that
33 pupils make between grades 6 to 12, inclusive.
- 34 (7) “Full-year” dropout rates for alternative schools, including
35 dropout recovery high schools, calculated using a methodology
36 developed by the Superintendent to appropriately reflect dropout
37 rates in each type of alternative school.
- 38 (8) An explanation of the methodology or methodologies used
39 to calculate “full-year” dropout rates for alternative schools
40 pursuant to paragraph (7).

1 (9) Passage rates on the high school exit examination adopted
2 pursuant to subdivision (a) of Section 60850.

3 (10) Other available data relating to dropout or graduation rates
4 or pupil progress toward high school graduation.

5 (b) When cohort dropout rates can be calculated accurately
6 using longitudinal data, the rates described in paragraph (3) of
7 subdivision (a) shall be replaced by dropout rates for cohorts of
8 pupils entering middle school.

9 (c) When data is available, the report shall also include all of
10 the following:

11 (1) Rates at which pupils graduate in four, five, and six years,
12 pursuant to subparagraph (A) of paragraph (4) of subdivision (a)
13 of Section 52052.

14 (2) Percentage of high school graduates and dropouts who
15 completed courses that are certified by the University of California
16 as meeting admission requirement criteria for the University of
17 California and California State University systems.

18 (3) Percentage of high school graduates and dropouts who
19 completed two or more classes in career technical education.

20 (4) Percentage of high school graduates and dropouts who
21 completed both course sequences described in paragraphs (2) and
22 (3).

23 (5) Behavioral data by school and district, including suspensions
24 and expulsions.

25 (6) Truancy rates.

26 (7) GED earning rates.

27 (8) Chronic absentee rates, as defined in Section 60901.

28 (d) If possible, the data listed in subdivisions (a) and (b) shall
29 be presented in the report, organized as follows:

30 (1) By state.

31 (2) By county.

32 (3) By district, both including and excluding charter schools.

33 (4) By school.

34 (e) The report shall include data from alternative middle and
35 high schools, including continuation high schools, community day
36 schools, juvenile court schools, special schools, opportunity
37 schools, and schools attended by wards of the Department of
38 Corrections and Rehabilitation, Division of Juvenile Justice.

39 (f) The report may include relevant data on school climate and
40 pupil engagement from the California Healthy Kids Survey.

1 (g) If possible, the data listed in subdivisions (a) and (b) *and*
 2 *paragraph (5) of subdivision (c)* shall be presented for the
 3 following subgroups, if the subgroup consists of at least 50 pupils,
 4 and the subgroup constitutes at least 15 percent of the total
 5 population of pupils at a school:

- 6 (1) Grade level.
- 7 (2) Ethnicity.
- 8 (3) Gender.
- 9 (4) Low socioeconomic status.
- 10 (5) English learners.
- 11 (6) Special education status.

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

16 (i) The Superintendent or his or her designee shall make an oral
 17 presentation of the contents of the report to the state board at a
 18 regularly scheduled meeting of the *state* board.

19 (j) The Superintendent shall make the contents of the report
 20 available on the department’s Internet Web site in a format that is
 21 easy for the public to access and understand.

22 (k) If inclusion of school-level data would render the written
 23 report unwieldy, the data may be omitted from the written report
 24 and posted on the department’s Internet Web site.

25 (l) It is the intent of the Legislature that the report prepared by
 26 the Superintendent be usable by schools, districts, policymakers,
 27 researchers, parents, and the public, for purposes of identifying
 28 and understanding trends, causal relations, early warning indicators,
 29 and potential points of intervention to address the high rate of
 30 dropouts in California.

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

33 (n) For purposes of this section, “dropout recovery high school”
 34 has the same meaning as defined in subparagraph ~~(C)~~ (D) of
 35 paragraph (4) of subdivision (a) of Section 52052.

36 SEC. 2. Section 48273 of the Education Code is amended to
 37 read:

38 48273. (a) The governing board of each school district shall
 39 adopt rules and regulations to require the appropriate officers and
 40 employees of the district to gather and transmit to the ~~county~~

1 ~~superintendent of schools department~~ the number and types of
2 referrals to school attendance review boards and of requests for
3 petitions to the juvenile court pursuant to Section 48263. ~~The~~
4 ~~referrals shall be disaggregated by race, ethnicity, special education~~
5 ~~status, English learner status, socioeconomic status, and gender.~~
6 ~~The county superintendent of schools shall submit this data to the~~
7 ~~department annually. The department shall make this data available~~
8 ~~on its Internet Web site.~~

9 *(b) On an annual basis, the department, using the California*
10 *Longitudinal Pupil Achievement Data System or other pupil*
11 *information data gathering system established by the department,*
12 *shall, to the extent possible, disaggregate the number and types*
13 *of referrals by ethnicity, special education status, English learners,*
14 *socioeconomic status, and gender, and cross-tabulate all those*
15 *categories by gender and special education status. The department*
16 *shall make this data available to the public on its Internet Web*
17 *site.*

18 SEC. 3. Section 48900.8 of the Education Code is amended to
19 read:

20 48900.8. (a) For purposes of notification to parents, and for
21 the reporting of expulsion or suspension offenses to the department,
22 each school district shall specifically identify, by offense
23 committed, in all appropriate official records of a pupil each
24 suspension or expulsion of that pupil for the commission of any
25 of the offenses set forth in Section 48900, 48900.2, 48900.3,
26 48900.4, 48900.7, or 48915.

27 ~~(b) The school district shall maintain the information required~~
28 ~~pursuant to subdivision (a), disaggregate that information by race,~~
29 ~~ethnicity, special education status, English learner status,~~
30 ~~socioeconomic status, and gender, and submit the information to~~
31 ~~the Superintendent on a yearly basis in the manner prescribed by~~
32 ~~the Superintendent. The department shall make this data available~~
33 ~~on its Internet Web site.~~

34 *(b) 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 make this expulsion and suspension data available to the*
38 *public on its Internet Web site in a manner that reflects all fields*
39 *collected, including, but not limited to, the district and school, the*
40 *offense for which the suspension or expulsion was imposed, the*

1 *total number of suspensions and expulsions imposed, and the total*
2 *number of pupils suspended or expelled. The department shall, to*
3 *the extent possible, disaggregate this data by ethnicity, special*
4 *education status, English learners, socioeconomic status, and*
5 *gender, and cross-tabulate all those categories by gender and*
6 *special education status.*

7 ~~SEC. 4. Section 48911 of the Education Code is amended to~~
8 ~~read:~~

9 ~~48911. (a) The principal of the school, the principal's designee,~~
10 ~~or the superintendent of schools may suspend a pupil from the~~
11 ~~school for any of the reasons enumerated in Section 48900, and~~
12 ~~pursuant to Section 48900.5, for no more than five consecutive~~
13 ~~school days.~~

14 ~~(b) Suspension by the principal, the principal's designee, or the~~
15 ~~superintendent of schools shall be preceded by an informal~~
16 ~~conference conducted by the principal or the principal's designee~~
17 ~~or the superintendent of schools between the pupil and, whenever~~
18 ~~practicable, the teacher, supervisor, or school employee who~~
19 ~~referred the pupil to the principal, the principal's designee, or the~~
20 ~~superintendent of schools. At the conference, the pupil shall be~~
21 ~~informed of the reason for the disciplinary action and the evidence~~
22 ~~against him or her and shall be given the opportunity to present~~
23 ~~his or her version and evidence in his or her defense.~~

24 ~~(c) A principal, the principal's designee, or the superintendent~~
25 ~~of schools may suspend a pupil without affording the pupil an~~
26 ~~opportunity for a conference only if the principal, the principal's~~
27 ~~designee, or the superintendent of schools determines that an~~
28 ~~emergency situation exists. "Emergency situation," as used in this~~
29 ~~article, means a situation determined by the principal, the~~
30 ~~principal's designee, or the superintendent of schools to constitute~~
31 ~~a clear and present danger to the life, safety, or health of pupils or~~
32 ~~school personnel. If a pupil is suspended without a conference~~
33 ~~before suspension, both the parent and the pupil shall be notified~~
34 ~~of the pupil's right to a conference and the pupil's right to return~~
35 ~~to school for the purpose of a conference. The conference shall be~~
36 ~~held within two school days, unless the pupil waives this right or~~
37 ~~is physically unable to attend for any reason, including, but not~~
38 ~~limited to, incarceration or hospitalization. The conference shall~~
39 ~~then be held as soon as the pupil is physically able to return to~~
40 ~~school for the conference.~~

1 ~~(d) At the time of suspension, a school employee shall make a~~
2 ~~reasonable effort to contact the pupil's parent or guardian in person~~
3 ~~or by telephone. Whenever a pupil is suspended from school, the~~
4 ~~parent or guardian shall be notified in writing of the suspension.~~

5 ~~(e) (1) A school employee shall report the suspension of the~~
6 ~~pupil, including the cause therefor, to the governing board of the~~
7 ~~school district or to the school district superintendent in accordance~~
8 ~~with the regulations of the governing board. For suspensions~~
9 ~~extended pursuant to subdivision (g) that are not followed by~~
10 ~~expulsion, the report shall include the total number of days served~~
11 ~~under that extended suspension and the location of school~~
12 ~~placement where the pupil served the extended suspension.~~

13 ~~(2) The information reported pursuant to paragraph (1) shall be~~
14 ~~disaggregated by race, ethnicity, special education status, English~~
15 ~~learner status, socioeconomic status, and gender. The county~~
16 ~~superintendent of schools shall submit this data to the department~~
17 ~~annually. The department shall make this data available on its~~
18 ~~Internet Web site.~~

19 ~~(f) (1) The parent or guardian of any pupil shall respond without~~
20 ~~delay to any request from school officials to attend a conference~~
21 ~~regarding his or her child's behavior.~~

22 ~~(2) No penalties may be imposed on a pupil for failure of the~~
23 ~~pupil's parent or guardian to attend a conference with school~~
24 ~~officials. Reinstatement of the suspended pupil shall not be~~
25 ~~contingent upon attendance by the pupil's parent or guardian at~~
26 ~~the conference.~~

27 ~~(g) If expulsion from any school or suspension for the balance~~
28 ~~of the semester from continuation school is being processed by~~
29 ~~the governing board, the school district superintendent or other~~
30 ~~person designated by the superintendent in writing may extend the~~
31 ~~suspension until the governing board has rendered a decision in~~
32 ~~the action. However, an extension may be granted only if the school~~
33 ~~district superintendent or the superintendent's designee has~~
34 ~~determined, following a meeting in which the pupil and the pupil's~~
35 ~~parent or guardian are invited to participate, that the presence of~~
36 ~~the pupil at the school or in an alternative school placement would~~
37 ~~cause a danger to persons or property or a threat of disrupting the~~
38 ~~instructional process. If the pupil or the pupil's parent or guardian~~
39 ~~has requested a meeting to challenge the original suspension~~
40 ~~pursuant to Section 48914, the purpose of the meeting shall be to~~

1 ~~decide upon the extension of the suspension order under this section~~
2 ~~and may be held in conjunction with the initial meeting on the~~
3 ~~merits of the suspension.~~

4 ~~(h) (1) For the purposes of this section, a “principal’s designee”~~
5 ~~is any one or more administrators at the schoolsite specifically~~
6 ~~designated by the principal, in writing, to assist with disciplinary~~
7 ~~procedures.~~

8 ~~(2) If there is not an administrator in addition to the principal~~
9 ~~at the schoolsite, a certificated person at the schoolsite may be~~
10 ~~specifically designated by the principal, in writing, as a “principal’s~~
11 ~~designee,” to assist with disciplinary procedures. The principal~~
12 ~~may designate only one person at a time as the principal’s primary~~
13 ~~designee for the school year.~~

14 ~~(3) An additional person meeting the requirements of this~~
15 ~~subdivision may be designated, in writing, by the principal to act~~
16 ~~for the purposes of this article when both the principal and the~~
17 ~~principal’s primary designee are absent from the schoolsite. The~~
18 ~~name of the person, and the names of any person or persons~~
19 ~~designated as “principal’s designee,” shall be on file in the~~
20 ~~principal’s office.~~

21 ~~This section is not an exception to, nor does it place any~~
22 ~~limitation on, Section 48903.~~

23 ~~SEC. 5.~~

24 ~~SEC. 4.~~ Section 48916.1 of the Education Code is amended to
25 read:

26 48916.1. (a) At the time an expulsion of a pupil is ordered,
27 the governing board of the school district shall ensure that an
28 educational program is provided to the pupil who is subject to the
29 expulsion order for the period of the expulsion. Except for pupils
30 expelled pursuant to subdivision (d) of Section 48915, the
31 governing board of a school district is required to implement the
32 provisions of this section only to the extent funds are appropriated
33 for this purpose in the annual Budget Act or other legislation, or
34 both.

35 (b) Notwithstanding any other law, any educational program
36 provided pursuant to subdivision (a) may be operated by the school
37 district, the county superintendent of schools, or a consortium of
38 districts or in joint agreement with the county superintendent of
39 schools.

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

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

15 (e) (1) Each school district shall maintain the following data:

16 (A) The number of pupils recommended for expulsion.

17 (B) The grounds for each recommended expulsion.

18 (C) Whether the pupil was subsequently expelled.

19 (D) ~~Whether~~ *If* the suspension preceding the expulsion was
20 extended pursuant to subdivision (g) of Section 48911, *an*
21 *indication of that fact*.

22 (E) If the suspension was extended pursuant to subdivision (g)
23 of Section 48911, *the total number of days served under the*
24 *extended suspension*.

25 (F) The location of school placement where the pupil served
26 the extended suspension if the suspension was extended pursuant
27 to subdivision (g) of Section 48911.

28 (G) Whether the expulsion order was suspended.

29 (H) The type of referral made after the expulsion.

30 (I) The disposition of the pupil after the end of the period of
31 expulsion, ~~including whether the pupil reenrolled in a regular~~
32 ~~public school or an alternative educational placement~~.

33 ~~(2) The school district shall disaggregate the information~~
34 ~~maintained pursuant to paragraph (1), by race, ethnicity, special~~
35 ~~education status, English learner status, socioeconomic status, and~~
36 ~~gender, and submit the information to the Superintendent on a~~
37 ~~yearly basis in the manner prescribed by the Superintendent. The~~
38 ~~department shall make this data available on its Internet Web site.~~

39 (3)

1 (2) The Superintendent also may require a school district to
2 report this data as part of the coordinated compliance review. If a
3 school district does not report outcome data as required by this
4 subdivision, the Superintendent may not apportion any further
5 money to the school district pursuant to Section 48664 until the
6 school district is in compliance with this subdivision. Before
7 withholding the apportionment of funds to a school district pursuant
8 to this subdivision, the Superintendent shall give written notice to
9 the governing board of the school district that the school district
10 has failed to report the data required by paragraph (1) and that the
11 school district has 30 calendar days from the date of the written
12 notice of noncompliance to report the requested data and thereby
13 avoid the withholding of the apportionment of funds.

14 (f) If the county superintendent of schools is unable for any
15 reason to serve the expelled pupils of a school district within the
16 county, the governing board of that school district may enter into
17 an agreement with a county superintendent of schools in another
18 county to provide education services for the district's expelled
19 pupils.

20 ~~SEC. 6. The Legislature finds and declares that the changes~~
21 ~~made to Section 33126 of the Education Code by Section 1 of this~~
22 ~~act further the purposes of the Classroom Instructional~~
23 ~~Improvement and Accountability Act.~~

24 ~~SEC. 7. If the Commission on State Mandates determines that~~
25 ~~this act contains costs mandated by the state, reimbursement to~~
26 ~~local agencies and school districts for those costs shall be made~~
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
28 ~~4 of Title 2 of the Government Code.~~

29 *SEC. 5. Section 48916.2 is added to the Education Code, to*
30 *read:*

31 *48916.2. On an annual basis, the department, using the*
32 *California Longitudinal Pupil Achievement Data System or other*
33 *pupil information data gathering system established by the*
34 *department, shall, to the extent possible, make the data described*
35 *in subdivision (e) of Section 48916.1 available to the public on its*
36 *Internet Web site in a manner that reflects all fields collected. The*
37 *department shall disaggregate this data by ethnicity, special*
38 *education status, English learners, socioeconomic status, and*

- 1 *gender, and cross-tabulate all those categories by gender and*
- 2 *special education status.*

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