

**EDUCATION BILLS ADDRESSING DISCIPLINE REFORM AND RELATED ISSUES
SIGNED INTO LAW DURING 2011-2012**

	AB 1729	AB 2537	SB 1088	AB 1909	AB 2616
NEEDS ADDRESSED BY BILL	<p>Provides legislative intent language concerning the role of discipline in our schools and in the State.</p> <p>Requires that other means of correction be used prior to “in-school suspension” in addition to out-of-school suspension. Provides a comprehensive list of what is included as an “other means of correction,” including PBIS and restorative justice.</p> <p>Provides that other means of correction may be documented and specifies that such documentation can be accessed as a pupil record through existing absolute right to access records.</p> <p>Narrows the exception when students may be suspended for a first offense.</p>	<p>Gives additional discretion to administrators not to expel in certain circumstances and clarifies the law around expulsion and imitation firearms and medication use.</p>	<p>Facilitates the speedy reenrollment of youth who have had contact with juvenile justice system.</p> <p>Prohibits schools from denying reenrollment and effectuating an “off the record” expulsion.</p>	<p>Ensures that social workers and attorneys who represent a foster youth know of pending discretionary school removals for students with special needs, meetings for which an extended suspension and expulsion is contemplated, and expulsions for all students, and are invited to the key meetings/hearings regarding such removals, and can offer services and supports and tools to assist the students.</p> <p>Includes legislative intent language to help ensure that education rights holders are invited to all school discipline meetings.</p> <p>Creates a procedure by which attorneys for foster youth with provide contact information to educational liaisons to facilitate better communication.</p>	<p>Aligns truancy laws with best practices by giving school districts more discretion in determining whether a pupil is truant and whether a truant youth should be referred to the juvenile Court.</p> <p>Reduces court fine for truancy and prioritizes the creation of a school attendance plan with the student and parent over a referral to police.</p>
ED CODE & OTHER SECTIONS IMPACTED BY BILL	<p>Amends EC 48900 EC 48900.5</p>	<p>Amends EC 48902 EC 48915</p>	<p>Amends EC 48645.5</p>	<p>Amends EC 48853.5 EC 48911 EC 48915.5</p>	<p>Amends EC 48260 EC 48264.5</p>

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				Adds EC 48918.1 Amends W&I 317 W&I 16010	
BILL AMENDMENTS TO ED CODE & OTHER CODE SECTIONS	<u><i>SECTION 1. The Legislature finds and declares all of the following: (a) The public policy of this state is to ensure that school discipline policies and practices support the creation of safe, positive, supportive, and equitable school environments where pupils can learn. (b) The overuse of school suspension and expulsion undermines the public policy of this state and does not result in safer school environments or improved pupil behavior. Moreover, such highly punitive, exclusionary practices are associated with lower academic achievement, lower graduation rates, and a worse overall school climate. (c) Failing to teach and</i></u>	48902. (a) The principal of a school or the principal's designee shall, prior to <u>before</u> the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the pupil that may violate Section 245 of the Penal Code. . . . (b) The principal of a school or the principal's designee shall, within one schoolday after suspension or expulsion of any pupil, notify, by telephone or any	48645.5. <u>(a)</u> Each public school district and county office of education shall 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. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being	EC Code <u>SECTION 1. It is the intent of the Legislature that, for purposes of implementing this act, the notification of, and invitation to, a parent or guardian for meetings and hearings related to the discipline of the pupil also be provided to a person who holds the right to make educational decisions for a foster child pursuant to Section 361 or 726 of the Welfare and Institutions Code if the right to make educational decisions by the parent or guardian has been limited or terminated.</u> 48853.5. (a) (b) Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24 <u>of Division 3</u> , the educational liaison shall be affiliated with the local foster	48260. (a) Any <u>A</u> pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any <u>a</u> 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, is <u>shall be classified as</u> a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

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	<p><u>develop social and behavior skills in pupils leads to the depletion of funding through decreased average daily attendance, increased rates of teacher turnover, and increased pupil dropout rates.</u></p> <p><u>(d) School suspension and expulsion are disproportionately imposed on pupils of color, pupils with disabilities, lesbian, gay, bisexual, and transgender pupils, and other vulnerable pupil populations.</u></p> <p><u>(e) In 2006, the suspension rate of African American elementary and secondary pupils in this state was more than double the rate of suspensions for White, Hispanic, or Asian pupils, and there is no evidence demonstrating that pupils of color or other pupil populations misbehave at greater rates than their peers.</u></p> <p><u>(f) Research has found that nonpunitive classroom discipline and</u></p>	<p>other appropriate method chosen by the school, the appropriate law enforcement authorities of the county or the school district in which the school is situated of any acts of the pupils <u>pupil</u> that may violate subdivision (c) or (d) of Section 48900. . .</p> <p>(e) The willful failure to make any report required by this section is an infraction punishable by a fine to be paid by the principal or principal's designee who is responsible for the failure of not more than five hundred dollars (\$500).</p> <p>(f) <u>(e)</u> The principal of a school or the</p>	<p>detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.</p> <p><u>(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including:</u></p> <p><u>(1) Arrest.</u></p> <p><u>(2) Adjudication by a juvenile court.</u></p> <p><u>(3) Formal or informal supervision by a probation officer.</u></p> <p><u>(4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.</u></p>	<p>children services program.. The <u>educational</u> liaison shall do all of the following:</p> <p><u>(1) . . .(2) Assist foster children when transferring from one school to another <u>school</u> or from one school district to another <u>school district</u> in ensuring proper transfer of credits, records, and grades.</u></p> <p><u>(c) If so designated by the superintendent of the local educational agency, the educational liaison shall notify a foster child's attorney, and the appropriate representative of the county child welfare agency, of pending expulsion proceedings, if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act., or, if the foster child is an individual with exceptional needs, pending manifestation determinations pursuant to Section 1415(k) of Title 20 of the United States Code if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.</u></p>	<p>(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.</p> <p><u>(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances,</u></p>

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	<p><u><i>in-school discipline strategies are more effective and efficient than suspension and expulsion for addressing the majority of pupil misconduct.</i></u> <u><i>(g) The public policy of this state is to provide effective interventions for pupils who engage in acts of problematic behavior to help them change their behavior and avoid exclusion from school.</i></u> <u><i>(h) The public policy of this state is to ensure that school discipline policies and practices are implemented and enforced evenhandedly and are not disproportionately applied to any class or group of pupils.</i></u> <u><i>(i) The intent of this act is to clarify existing law on school discipline and ensure the discretion of superintendents of schools and principals to implement school discipline policies and practices other than school suspension and</i></u></p>	<p>principal's designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in paragraph (9) of subsection (k) of Section 1415 <u><i>1415(6)(k)</i></u> of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. . . .</p> <p>48915 (a) <u><i>(1)</i></u> Except as provided in subdivisions (c)</p>		<p><u><i>(d)</i></u> This section does not grant authority to the educational liaison that supersedes . . . law. . . <u><i>(e)</i></u> (1) At the initial detention or placement, . . . (2) If the jurisdiction of the court is terminated prior to <u><i>before</i></u> the end of an academic year, (5) The <u><i>educational</i></u> liaison, in consultation with . . . child, may, in accordance with the foster child's best interests, recommend that the foster . . . and the foster child be enrolled in any a <u><i>a</i></u> public school that pupils living in the attendance area in which the foster child resides are eligible to attend. (6) Prior to <u><i>Before</i></u> making any a <u><i>a</i></u> recommendation to move a foster child from his or her school of origin, the <u><i>educational</i></u> liaison shall provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how this <u><i>the</i></u> recommendation serves the foster child's best interest. (7) (A) If the <u><i>educational</i></u> liaison in consultation with the foster child and the person holding the right to make educational decisions for the foster child agree <u><i>agrees</i></u> . . . (B) The new school shall immediately enroll the foster child</p>	<p><u><i>are deemed to constitute a valid excuse.</i></u></p> <p>48264.5. Any A <u><i>Any A</i></u> minor who is <u><i>is</i></u> required to be reported <u><i>is</i></u> <u><i>classified</i></u> as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following: (a) The first time a truancy report is required, <u><i>issued,</i></u> the pupil may be <u><i>personally given a written warning by any peace officer specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for a period of not less than</i></u></p>

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	<p><u>expulsion.</u></p> <p>48900. A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent <u>of the school district</u> or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive. . . (g) Stolen <u>Stole</u> or attempted to steal school property or private property. . . (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose <u>purposes</u> of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both... (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that <u>the</u> act</p>	<p>and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that <u>expulsion is inappropriate, due to the particular circumstance</u> <u>determines that</u> <u>expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:</u> (4) <u>(A)</u> Causing serious physical injury to another person, except in self-defense.</p>		<p>even if the foster child has outstanding fees, . . . or is unable to produce . . . previous academic records, <u>records and</u> medical records. . . . (C) The <u>educational</u> liaison for the new school shall, within two business days of the foster child’s request for enrollment . . . The school <u>educational</u> liaison for the school last attended shall provide all records. . . (8) If a dispute arises . . . The dispute shall be resolved in accordance with the existing dispute resolution process available to any <u>a</u> pupil <u>(f)</u> For purposes of this section, “school of origin” means . . . the <u>educational</u> liaison, in consultation <u>(g)</u> This section does not supersede 48911. (a) The principal of the school, the principal’s designee, or the <u>district</u> superintendent of schools may suspend a pupil from the school (b) Suspension by the principal, the principal’s designee, or the <u>district</u> superintendent of schools shall be preceded by an informal conference e conducted by the principal or, the principal’s designee or the <u>district</u> superintendent of schools between</p>	<p>two years, or until the pupil graduates, or transfers, from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil’s school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency’s policies and procedures. <u>and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance.</u></p>

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	<p>is related to <u>a</u> school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to <u>a</u> school activity or <u>school</u> attendance that occur at any time, including, but not limited to, any of the following: . . .</p> <p>(v) <u>A For a pupil subject to discipline under this section, a</u> superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section <u>that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified</u></p>	<p>(2) <u>(B)</u> Possession of any knife or other dangerous object of no reasonable use to the pupil.</p> <p>(3) <u>(C)</u> Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for <u>either of the following: the</u></p> <p><u>(i) The</u> first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.</p> <p><u>(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the</u></p>		<p>the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the <u>district</u> superintendent of schools. . .</p> <p>(c) A principal, the principal's designee, or the <u>district</u> superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the <u>district</u> superintendent of schools determines that an emergency situation exists. . . .means a situation determined by the principal, the principal's designee, or the <u>district</u> superintendent of schools . . . If a pupil is suspended without a conference <u>prior to before</u> suspension, . . .</p> <p>(d) . . . Whenever <u>If</u> a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.</p> <p>(e) A school employee shall report the suspension of the pupil, including the cause therefor <u>for the suspension</u>, to the governing board of the school district or to the school district superintendent <u>of schools</u> in accordance with the regulations of the governing board <u>of the school district.</u></p>	<p>(b) The second time a truancy report is required <u>issued</u> within the same school year, the pupil may be <u>given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years, or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies</u></p>

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	<p><i>in Section 48900.5.</i></p> <p>48900.5. <i>(a)</i> Suspension, <i>including supervised suspension as described in Section 48911.1,</i> shall be imposed only when other means of correction fail to bring about proper conduct. <i>A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069.</i> However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, <i>subject to Section 1415 of Title 20 of the United States Code,</i> for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or</p>	<p><i>pupil by a physician.</i></p> <p>(4) <i>(D)</i> Robbery or extortion.</p> <p>(5) <i>(E)</i> Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.</p> <p><i>(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.</i></p> <p>(b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to</p>		<p>(f) The parent or guardian of any a pupil shall respond without delay to any a request from school officials to attend a conference regarding his or her child's behavior. No penalties may <i>shall</i> be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference . . .</p> <p>(g) In a case where expulsion from any a school or suspension for the balance of the semester from continuation school is being processed by the governing board <i>of the school district,</i> the school district superintendent <i>of schools</i> or other person designated by the <i>district</i> superintendent <i>of schools</i> in writing may extend the suspension until the governing board <i>of the school district</i> has rendered a decision in the action. However, an extension may be granted only if the school district Superintendent <i>of schools</i> or the <i>district</i> superintendent's designee has determined. . . following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. <i>If the pupil is a foster</i></p>	<p><i>and procedures. The pupil may also be</i> assigned by the school to an afterschool or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c). (c) The third time a truancy report is required <i>issued</i> within the same school year, the pupil shall be classified <i>as</i> a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of</p>

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	<p>property or threatens to disrupt the instructional process.</p> <p><i><u>(b) Other means of correction include, but are not limited to, the following:</u></i></p> <p><i><u>(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.</u></i></p> <p><i><u>(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.</u></i></p> <p><i><u>(3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.</u></i></p> <p><i><u>(4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an</u></i></p>	<p>subdivision (d) of Section 48918, the governing board <i><u>of a school district</u></i> may order a pupil expelled upon finding that the pupil committed an act listed in <i><u>paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900.</u></i> A decision to expel <i><u>a pupil for any of those acts</u></i> shall be based on a finding of one or both of the following:</p> <p>(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</p> <p>(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.</p>		<p><i><u>child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent's designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting.</u></i> . .</p> <p>(h) For purposes of this section, a "principal's designee" is one or more administrators at the schoolsite specifically designated by the principal. . . An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the schoolsite. . . .</p> <p>48915.5. (a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, . . .</p> <p><i><u>(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has</u></i></p>	<p>the Welfare and Institutions Code. If the <i><u>school</u></i> district does not have a truancy mediation program, the pupil may be required to attend a comparable program . . .</p> <p>(d) The fourth time a truancy is reported <i><u>issued</u></i> within the same school year, the pupil shall <i><u>may</u></i> be within the jurisdiction of the juvenile court which <i><u>that</u></i> may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following: . . .</p>

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	<p><u>individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).</u></p> <p><u>(5) Enrollment in a program for teaching prosocial behavior or anger management.</u></p> <p><u>(6) Participation in a restorative justice program.</u></p> <p><u>(7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.</u></p> <p><u>(8) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.</u></p> <p><u>(9) Any of the alternatives described in Section 48900.6.</u></p>	<p>(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:</p> <p>(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of</p>		<p><u>proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.</u></p> <p>48918.1. <u>(a) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide written notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may</u></p>	<p>(2) Payment of a fine by the pupil of not more than one hundred <u>fifty</u> dollars (\$100) <u>(\$50)</u> for which a parent or <u>legal</u> guardian of the pupil may be jointly liable. <u>The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.</u></p> <p>...</p>

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		<p>the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.</p> <p><u>The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.</u></p> <p>(2) Brandishing a knife at another person.</p> <p>(3) Unlawfully selling a controlled substance listed in</p>		<p><u>include, but is not limited to, electronic mail or a telephone call.</u></p> <p><u>(b) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide written notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.</u></p> <p>W& I Code 317. (a) (1) . . . (2) When it appears to the court that a parent or Indian custodian in an Indian child custody proceeding desires counsel . . . the provisions of subsection (b) of Section 1912 of the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) <u>Section 1912(b) of Title 25 of the United States Code</u> and Section 23.13 of Title 25 of the Code of Federal Regulations are applicable <u>shall apply</u>. . . .</p> <p>(e) (1) Counsel shall be charged in general with the representation of the child's interests. . . .</p>	

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		<p>Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.</p> <p>(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.</p> <p>(5) Possession of an explosive.</p> <p>(d) The governing board <u>of a school district</u> shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions: . . .</p> <p>(e) Upon</p>		<p>(4) <u>(A) At least once every year, if the list of educational liaisons is available on the Internet Web site for the State Department of Education, both of the following shall apply:</u></p> <p><u>(i) Counsel shall provide his or her contact information to the educational liaison, as described in subdivision (b) of Section 48853.5 of the Education Code, of each local educational agency serving counsel's foster child clients in the county of jurisdiction. (ii) If counsel is part of a firm or organization representing foster children, the firm or organization may provide its contact information in lieu of contact information for the individual counsel. The firm or organization may designate a person or persons within the firm or organization to receive communications from educational liaisons.</u></p> <p><u>(B) The child's caregiver or other person holding the right to make educational decisions for the child may provide the contact information of the child's attorney to the child's local educational agency.</u></p> <p><u>(C) Counsel for the child and counsel's agent may, but are not</u></p>	

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	AB 1729	AB 2537	SB 1088	AB 1909	AB 2616
		<p>recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board <i>of a school district</i> may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following: (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</p>		<p>required to, disclose to an individual who is being assessed for the possibility of placement pursuant to Section 361.3 the fact that the child is in custody. . . . (6) The changes made to this subdivision during the 2011–12 Regular Session of the Legislature by the act adding paragraphs <i>subparagraph (C) of paragraph (4) and paragraph (5)</i> are declaratory of existing law. . . . (g) . . .if counsel is to be provided to a child . . ., the court shall first utilize <i>use</i> the services of the public defender prior to <i>before</i> appointing private counsel. . . (h) . . .if counsel is to be appointed to provide legal counsel . . . the court shall first utilize <i>use</i> the services of the alternate public defender prior to <i>before</i> appointing private counsel. . .</p> <p>16010. (a) When a child is placed in foster care, the case plan . . . shall include. . . a summary of the health and education information or records, including . . . the child’s grade level performance, <i>performance</i>; the child’s school record, <i>record</i>; assurances that the child’s placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement,</p>	

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		<p>(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.</p> <p>(f) The governing board <i>of a school district</i> shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study <i>which that</i> meets all of the conditions specified in subdivision (d).. .</p>		<p><i>placement</i>; the number of school transfers the child has already experienced; <i>experienced</i>; the child's educational progress, . . including . . academic proficiency scores; <i>scores</i>; credits earned toward graduation; <i>graduation</i>; a record of the child's immunizations and allergies; <i>allergies</i>; the child's known medical problems; <i>problems</i>; . . . past . . hospitalizations; <i>hospitalizations</i>; a record of the child's relevant mental health history; <i>history</i>; the child's known. . medications; <i>medications</i>; . . . <i>The health and education summary may also include the name and contact information for the educational liaison, as described in subdivision (b) of Section 48853.5 of the Education Code, of the child's local educational agency</i></p> <p>(b) Additionally, a court report or assessment required pursuant to . . . subdivision (b) <i>(c)</i> of Section 366.22 shall include a copy of the current health and education summary</p>	