
School Safety Legislative Update

*by Laura Preston, Legislative Advocate
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As of January 1, 2013, six new bills on school safety will become law. The major changes are outlined below.

AB 1729 (Ammiano)

- Removes the consideration of whether a pupil's presence is a danger to property or threatens to disrupt the instructional process when a principal is determining whether to suspend a pupil on the first offense. Authorizes a superintendent or principal to use his/her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's misbehavior on the first offense. Discretion remains to suspend upon a first offense if the principal determines the pupil's presence is a danger to people.
- Authorizes a school district to document other means of correction used and to place that documentation in the pupil's record.
- Adds a list of what "other means of correction" could include:
 1. A conference between the school and pupil's parent/guardian and the pupil;
 2. Referral to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling;
 3. Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess behavior and develop and implement individualized plans to address the behavior;
 4. Referral for a comprehensive psychological or psychoeducational assessment;
 5. Enrollment in a pro-social behavior or anger management program;
 6. Participation in a restorative justice program;
 7. Positive behavior support approach with tiered interventions that occur during the school day on campus;
 8. After-school programs to address specific behavior issues or expose pupils to positive activities and behaviors.

AB 1732 (Campos)

- Expands the definition of bullying via an "electronic act" using a post on a social network Internet Web site to include:
 1. Posting to or creating a burn page. A burn page is described in the bill to mean "an Internet Web site created for the purpose of having one or more effects of bullying outlined in existing law";
 2. Creating a credible impersonation of another pupil for the purpose of bullying as in existing law;
 3. Creating a false profile. A false profile is identified as "a profile or a fictitious pupil or profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile".

AB 1909 (Ammiano)

- Requires the educational liaison or other employee designated by the superintendent to notify a foster child's attorney and the appropriate representative of the county child welfare agency, or a pending expulsion or suspension hearing;
- Authorizes school districts to provide a written notice of an expulsion hearing, if the decision to recommend expulsion is mandatory and the pupil is a foster child, to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the hearing date;
- Requires the counsel or firm representing a foster youth to annually provide his/her contact information to the educational liaisons of each school district serving his/her/their clients;
- Authorizes the foster child's notification to include contact information for a representative of the placing agency who can communicate with the pupil's school district and pupil's attorney about educational matters;
- States Legislative intent language that the notification of and invitation to a parent/guardian for meetings/hearings related to discipline of a foster youth also be extended to the person who holds the right to make educational decisions for the foster child.

AB 2537 (Alejo)

- Deletes the infraction and fine imposed on a principal or principal's designee who fails to notify the appropriate law enforcement agency of a student's act that may result in suspension, expulsion, or criminal liability of the pupil;
- Specifies that unlawful possession of any controlled substance does not include the possession of over-the-counter medication for use by the pupil for medical purposes or prescription medication for the pupil;

- If a principal or superintendent make a determination to recommend expulsion, he/she is encouraged to do so as quickly as possible to ensure the pupil does not lose additional instructional time;
- Possessing an imitation firearm is not a mandatory suspension or expellable offense but it still can be imposed if deemed necessary by the superintendent or principal;
- Authorizes a superintendent or principal to not recommend expulsion if he or she finds that the student should not be expelled based on the circumstance or if he or she believes an alternative correction would address the conduct. This does not apply to the Big 5 expellable offenses (firearm possession, unlawfully selling a controlled substance, brandishing a knife, committing or attempting to commit a sexual assault, possession of an explosive).

AB 2616 (Carter)

- Makes changes to the first time a student is truant. The pupil and as appropriate, the parent/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 attendance. Deletes the requirement that a pupil may be given a written warning by a peace officer upon the first truancy report;
- For a second truancy report, the pupil may be assigned to an afterschool or weekend study program and the pupil may be given a written warning by a peace officer;
- There is no change in the requirement for a third truancy report;
- For a fourth truancy report, makes it permissive to refer a pupil to juvenile court and reduces the fine to \$50 (from \$100) and prohibits the fine to be subjected to state penalties.

SB 1088 (Price)

- A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he/she had been arrested, adjudicated by a juvenile court, had been formally or informally supervised by a probation officer, or was detained for any length of time in a juvenile facility or was enrolled in a juvenile court school.