

CLIENT NEWS BRIEF

Reminder: New and Amended State Laws Regarding County Community School and Expulsion Placements in Full Effect for the 2015-2016 School Year

Looking ahead to the 2015-2016 school year, school districts and county offices of education should ensure for full compliance with Senate Bill (SB) 1111, effective January 1, 2015. SB 1111 repealed certain Education Code provisions, while revising and adding others regarding the categories of students and the conditions under which they may be enrolled in a county community school, as well as certain student placements relative to the expulsion process.

In California, county boards of education may establish community schools. State law also sets forth the conditions under which students may be enrolled in or involuntarily transferred to community schools. Legislators proposed SB 1111 to address concerns that under prior laws, enrollment in community schools disproportionately affected students of color, and that students who were involuntarily transferred to community schools had difficulty returning to their former school district. Thus, SB 1111 narrowed the pupils who may be enrolled and established safeguards in the community school transfer process.

The most notable changes to the law under SB 1111, including important changes related to student placements in expulsion process where expulsion is not recommended by the hearing officer or administrative hearing panel, are summarized as follows:

- **Homeless Students.** "Homeless children" have been removed as a specific category of students who may be referred for enrollment in a community school.
- **SARB Referrals.** County community schools may still enroll students referred by a school district pursuant to the SARB process, but only if the district *and* county office of education determine the community school: (1) has space available, (2) will meet the child's educational needs, and (3) the parent has not objected to the transfer. The grounds on which a parent may object include: (1) reasonable concerns regarding the student's safety; (2) geographic accessibility to the community school by the student; or (3) inability to obtain transportation to the community school. Education Code section 1981 now also provides requirements regarding alternative placement options for a student whose parent or guardian objected to the referral, and the right for students to return to their prior school or other "appropriate school" in the district at the end of the semester following the semester when the acts leading to the community school referral occurred. (Ed. Code, § 1981.)
- **Probation Referrals.** Community schools are still permitted to enroll students who are on probation, with or without the supervision of a probation officer, if consistent with an order of the juvenile court. Such students who were involuntarily transferred to a community school have the right to re-enroll in their former school or *another comprehensive school* immediately after the court-ordered placement ends. (Ed. Code, §§ 1981, subd. (c)(1)(A), 1981.5.) A community school may also enroll students who are on probation or parole and not in attendance at any school, if the parent consents. (Ed. Code, § 1981, subd. (c)(2).)

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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Number 40

- **Probation Officer Supervised Students.** Students under supervision of a probation officer may be enrolled in a community school, with consent of the minor, minor's parent, and/or responsible adult appointed by the juvenile court, as applicable. For such students, the child's attorney or educational rights holder may address with the juvenile delinquency court any change of placement resulting in enrollment in a community school that is not the child's school of origin, and may, during a court hearing, raise concerns as to whether the community school meets the student's educational needs. (Ed. Code, § 1981, subd. (c)(1)(B)-(E).)
- **Expelled Students.** Community schools may still enroll students referred by a school district due to expulsion under Education Code section 48915, subdivisions (a) and (c). However, SB 1111 made a notable revision to Education Code section 48918, which now provides that if a hearing officer or administrative hearing panel does *not* recommend a student's expulsion, the student must be permitted to return to their previous classroom instructional program from which their expulsion referral was made, unless the parent requests another placement in writing. Before the parent makes a placement decision, the district superintendent must consult with the pupil's teachers and parent regarding other school placement options. If a hearing officer or administrative hearing panel finds that a pupil committed an act for which the pupil must be suspended and recommended for expulsion under Education Code section 48915, subdivision (c), but does not recommend expulsion, the pupil must be immediately reinstated and may be referred to their prior school, another comprehensive school, or continuation school. (Ed. Code, § 48918, subd. (e).) Students involuntarily transferred to a community school due to expulsion are also now entitled to re-enroll in their former school or *another comprehensive school* immediately after the expulsion ends. (Ed. Code, § 1981.5.)
- **Enrollment and Involvement in Juvenile Justice System.** Education Code section 1981 now provides that enrollment in a community school of a student due to a probation order, probation officer supervision, or expulsion must be consistent with Education Code section 48645.5, subdivision (b), i.e., such enrollment cannot be denied due to a student's contact with the juvenile justice system. (Ed. Code, § 1981, subd. (c)(4).)
- **Parent Request.** Community schools may enroll students whose school districts approve such enrollment at the request of a student's parent, but only if space is available and if it will promote the pupil's educational interests. If a parent rescinds the request to enroll their child in a community school, the pupil must be immediately re-enrolled in the school they attended at the time of the referral, or with parent consent, another appropriate school in the student's school district. (Ed. Code, § 1981, subd. (d).)
- **English Language Learners and Students with Disabilities.** SB 1111 revised Education Code section 1983 to specify county board of education responsibilities regarding English learners and students with disabilities. (Ed. Code, § 1983, subd. (g).)

School districts and county offices of education should review and revise as necessary current policies, regulations and practice to ensure consistency with the new laws. For assistance or any questions regarding SB 1111, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).