

Legislative Changes Impacting Student Discipline

September 30 was the deadline for Governor Jerry Brown to act on bills passed by the Legislature. The Governor signed into law Assembly Bill (AB) 1729 and AB 2537. These bills alter student discipline laws in an effort to encourage alternative means of discipline besides suspension and expulsion.

AB 1729, which amends Education Code sections 48900 and 48900.5, provides superintendents and principals with more discretion to implement alternative disciplinary measures other than suspension and expulsion. Amended Education Code section 48900 changes the current law to allow superintendents and principals to implement age appropriate alternatives to suspension and expulsion that are tailored to resolve a student's specific misbehavior issue.

AB 1729 also modifies existing law requiring suspension to be imposed only when alternative means of correction are not successful. The new legislation, amending Education Code section 48900.5, now authorizes school districts to document other types of correction used and to place such documentation in the student's record. Existing law, under Education Code section 48900, listed only counseling and anger management programs as specific alternatives to suspension or expulsion. The new legislation removes this provision from Education Code section 48900 and, instead, includes these alternatives in amended Education Code section 48900.5. Amended section 48900.5 lists additional alternative methods of correction and discipline that should be considered prior to suspension, such as conferences with the student, student's parent, and school personnel, using study teams (or other intervention-related teams) to assess and implement plans to address the student's behavior, or participation in a restorative justice program.

Existing law provides that suspensions are allowed for first-time violations of certain enumerated offenses. AB 1729 does not change this law. Existing law also allows suspensions for first-time violations where the student poses a danger to persons or property or threatens to disrupt the instructional process. The new legislation, however, now only allows suspensions for first-time violations where the student poses a danger to other persons, and not where the student threatens to disrupt the instructional process.

AB 2537, amending Education Code section 48915, changes which offenses are subject to mandatory recommendations for expulsion absent a determination that expulsion would be inappropriate under the particular circumstance or that an alternative means of correction would address the student's conduct. Under existing law, principals must suspend and recommend expulsion for the possession of firearms. Amended Education Code section 48915 provides that the possession of imitation firearms is not an offense that requires automatic suspension or expulsion. The new legislation further specifies that a student's possession of over-the-counter medication or medication prescribed for the student are exceptions to the act of possessing a controlled substance for purposes of section 48915's requirements. In other words, while section 48915 generally requires a recommendation for expulsion when a student is found in possession of a controlled substance on school grounds, this general rule does not apply to the possession of over-the-counter medication or medication prescribed for a student. Additionally,

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the new legislation encourages superintendents and principals to make expulsion determinations as quickly as possible.

Modifying Education Code section 48902, AB 2537 eliminates a provision that imposes a \$500 fine on administrators for failing to notify law enforcement when students have committed particular unlawful acts as specified in section 48902.

The Governor vetoed AB 2242, which would have prohibited extended suspensions or expulsion recommendations for a student's "willful defiance or disruption of school activities." The Governor also vetoed Senate Bill (SB) 1235, which would have implemented interventions at schools that had large numbers of suspensions and expulsions.

Vetoed by the Governor, AB 2242 would have restricted the ability to extend suspensions and proceed with expulsion under section 48900(k) for disruption of school activities and willful defiance. In the Governor's veto message for AB 2242, the Governor explained that he vetoed this bill because it limited school officials' authority. The Governor emphasized the importance of teachers and school officials maintaining their discretion in managing the classroom, especially since budget cuts have resulted in increased class sizes and decreased numbers of school personnel.

Also vetoed by the Governor, SB 1235 would have encouraged school districts to implement specific interventions at schools where the number of suspensions in the prior year exceeded 25% of its total enrollment or exceeded 25% of enrollment of a significant pupil subgroup. SB 1235 would have also required that the Superintendent of Public Institution yearly compile a list of schools that suspended a high percentage of their students and to invite these schools to attend meetings to discuss strategies to resolve the issue. The Governor stated in his veto message that he vetoed SB 1235 because he preferred that school boards, and the citizens who elected them, set local policy to address student suspension.

If you have any questions regarding AB 1729 and AB 2537, or other issues related to student discipline, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or download our Client News Brief [App](#).

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