

# CLIENT NEWS BRIEF

## Legislative Update: California's Charter School Students Win New Protections

A new law aims to ensure equal access for students seeking to enroll in charter schools and to end the practice of dismissing, or "counseling out," charter school students without due process. Assembly Bill (AB) 1360 takes effect on January 1, 2018.

The bill gives charter authorizers a new tool for ensuring that charters do not engage in discriminatory admissions practices and provides students more due process during disciplinary proceedings. A description of the bill's key elements is below.

**Admissions Preferences:** The Charter Schools Act has always given charter school authorizers the final say regarding charter school admissions preferences. However, the charter authorizer will now be required to hold a public hearing on the admissions preferences prior to their adoption. Any adopted preferences must comply with federal law, the California Constitution, and Education Code section 200, which prohibit discriminatory admissions preferences. For efficiency, charter authorizers may wish to conduct this public hearing on admissions preferences at the same time as the public hearing regarding interest in the charter school, which is required within 30 days of the submission of the charter petition.

**Parental Involvement:** While the bill allows charter schools to encourage parents and guardians to participate, charter schools are now required to inform parents and guardians of applicants and current students that parental involvement is not a requirement for acceptance or continued enrollment at the charter school.

**Student Discipline and Dismissal:** While existing law requires charter petitions to include the procedures by which a student can be suspended or expelled, AB 1360 extends beyond this requirement and provides additional due process protections. The changes follow a California Court of Appeal decision, *Scott B. v. Board of Trustees of Orange County High School of Arts* (2013) 217 Cal.App.4th 117, which allowed for the dismissal of charter school students with minimal due process protections. In addition to the procedures for suspending or expelling a student, charter school petitions must now also include procedures that will be used to involuntarily remove students from the charter school. The bill requires, at minimum, for charter school petitions to explain "how the charter school will comply with federal and state constitutional procedural and substantive due process requirements." In order to ensure these due process requirements are met, the bill contains specific language that must be contained in the charter petition and specific processes that the charter school must follow when disciplining or removing a student.

**Notification:** AB 1360 requires school districts to notify charter schools if a student is expelled or leaves the school district without graduating or completing the school year. The district should provide this information to the charter school within 30 days, if the charter school provides evidence of enrollment. This is a new obligation for school districts.

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## Takeaways

Charter school authorizers, including school boards and county boards of education, should be aware of these important changes required by AB 1360. Charter schools should ensure that their petitions, policies, and practices regarding admissions preferences, student discipline and dismissal, and parental involvement are updated and in compliance with AB 1360. Charter authorizers should integrate the new requirements into their board policies regarding charter schools, and should remain aware of these changes when reviewing charter school petitions.

If you have any questions about AB 1360 or charter schools in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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