

AMENDED IN ASSEMBLY APRIL 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 740**

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**Introduced by Assembly Member McCarty**

February 16, 2021

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An act to amend Sections 48432.5, 48853.5, ~~48900~~, and ~~48900.5~~ 48911, 48911.1, 48915.5, and 48918.1 of the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 740, as amended, McCarty. Foster youth: suspension and expulsion.

*(1) Existing law requires the governing board of each high school or unified school district that assigns pupils to continuation schools to adopt rules and regulations governing procedures for the involuntary transfer of pupils to continuation schools. Existing law requires these rules and regulations to provide that written notice be given to the pupil and the pupil's parent or guardian informing them of the opportunity to request a meeting with a designee of the district superintendent of schools before the transfer. At the meeting, existing law requires the pupil or the pupil's parent or guardian to be informed of the specific facts and reasons for the proposed transfer and to have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the pupil's behalf.*

*This bill would require those rules and regulations, for the involuntary transfer of pupils to continuation schools, to provide written notice of the opportunity to request a meeting with a designee of the district superintendent of schools before the transfer, if the pupil is a foster child, to the foster child's attorney and county social worker. The bill*

would require the foster child's attorney or county social worker to have the same rights that a parent of a pupil has at the meeting. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(1)

(2) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. If the education ~~liaison~~ *liaison* is designated by the superintendent of the local educational agency, existing law requires the educational liaison to 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, and pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act.

This bill would instead require ~~the educational liaison, if designated by the superintendent of the local educational agency, to notify a foster child's attorney and the appropriate representative of the county child welfare agency of suspensions or pending suspensions, involuntary school transfers, expulsion proceedings, and pending proceedings to extend a suspension until an expulsion decision is rendered. The bill would require the foster child's attorney and the appropriate representative of the county child welfare agency~~ *county social worker* to have the same rights a parent or guardian of a child has to receive suspension and expulsion documents and related information, and to attend suspension and expulsion meetings and conferences. To the extent *a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information*. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(2) ~~Existing law prohibits a pupil from being suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed a specified act. Existing law requires suspension to only be imposed when other means of correction fail to bring about proper conduct, except that the suspension of a pupil for a first offense is authorized if the principal or superintendent of schools determines that the pupil violated one of a certain subset of~~

~~those enumerated acts or that the pupil's presence causes a danger to persons:~~

~~Before a foster child, as defined, may be suspended from school or recommended for expulsion pursuant to these provisions, this bill would require the principal of the school, superintendent of the school district, or superintendent of schools, as applicable under these provisions, to give notice, as provided, to the foster child's attorney and the appropriate representative of the county welfare agency with jurisdiction over the child, and afford the attorney and county welfare agency representative the same rights a parent or guardian has for their child to receive suspension or expulsion documents and related information, and to attend suspension and expulsion meetings and conferences. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.~~

*(3) Existing law authorizes the principal of the school, the principal's designee, or the district superintendent of schools to suspend a pupil from the school for any of specified reasons for no more than 5 consecutive schooldays. Existing law requires the suspension to be preceded by an informal conference, as specified. If a pupil is suspended without a conference before suspension, existing law requires the parent and the pupil to be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. Existing law requires, at the time of suspension, a school employee to make a reasonable effort to notify the pupil's parent or guardian in person or by telephone of the suspension. In a case where expulsion from a school or suspension for the balance of the semester from a continuation school is being processed by the governing board of school district, existing law requires, if the pupil is a foster child, the district superintendent of schools or the district superintendent's designee to invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting, as provided.*

*This bill would require, if a foster child is suspended without a conference before suspension, the foster child's attorney and county social worker to be notified of the child's right to a conference and the child's right to return to school for the purpose of the conference. The bill would require, at the time of suspension of a foster child, a school employee to make a reasonable effort to contact the foster child's attorney and county social worker. The bill would authorize notification at the time of a suspension to a parent, guardian, foster child's attorney, and county social worker to occur by email. The bill would require the*

*district superintendent of schools or the district superintendent's designee to invite the pupil's county social worker, instead of an appropriate representative of the county child welfare agency, to participate in the meeting on a foster child's expulsion from a school or suspension for the balance of the semester from a continuation school. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.*

*(4) Existing law requires at the time a pupil is assigned to a supervised suspension classroom, a school employee to notify, in person or by telephone, the pupil's parent or guardian, as specified.*

*This bill would require, if the pupil assigned to a supervised suspension classroom is a foster child, a school employee to notify the child's attorney and county social worker. The bill would authorize notification of assignment to a supervised suspension classroom to a parent, guardian, foster child's attorney, and foster child's county social worker to occur by email. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.*

*(5) If an individual with exceptional needs is a foster child and the local educational agency has 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, existing law requires the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency to be invited to participate in the individualized education program team meeting that makes a manifestation determination on expulsion pursuant to federal law.*

*This bill would require the county social worker for the individual with exceptional needs who is a foster child, instead of an appropriate representative of the county child welfare agency, to be invited to participate in the individualized education program team meeting that makes a manifestation determination. The bill would require the local educational agency to invite the attorney and county social worker for the pupil if the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is mandatory. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.*

*(6) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, existing law requires the governing board of*

*the school district to provide 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.*

*This bill would require the governing board of the school district to provide that notice to the pupil's county social worker, instead of an appropriate representative of the county child welfare agency. The bill would require the governing board of the school district to provide that notice to the pupil's attorney or county social worker if a recommendation of expulsion is required. Because the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.*

~~The~~

(7) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 *SECTION 1. Section 48432.5 of the Education Code is amended*  
2 *to read:*

3 *48432.5. (a) The governing board of each high school or*  
4 *unified school district ~~which~~ that assigns pupils to continuation*  
5 *schools shall adopt rules and regulations governing procedures for*  
6 *the involuntary transfer of pupils to continuation schools.*

7 ~~Such~~

8 *(b) The rules and regulations shall provide that written notice*  
9 *be given to the pupil and the pupil's parent or ~~guardian~~ guardian*  
10 *or, if the pupil is a foster child, the foster child's attorney and*  
11 *county social worker informing them of the opportunity to request*  
12 *a meeting with a designee of the district superintendent ~~prior to~~ of*  
13 *schools before the transfer.*

14 ~~At~~

15 *(c) At the meeting, the ~~pupil or~~ pupil, the pupil's parent or*  
16 *~~guardian~~ guardian, or, if applicable, the foster child's attorney or*

1 *county social worker* shall be informed of the specific facts and  
 2 reasons for the proposed transfer and shall have the opportunity  
 3 to inspect all documents relied upon, question any evidence and  
 4 witnesses ~~presented~~ *presented*, and present evidence on the pupil's  
 5 behalf. The pupil may designate one or more representatives and  
 6 witnesses to be present with ~~him or her~~ *the pupil* at the meeting.

7 **A**

8 (d) A decision to transfer the pupil involuntarily shall be based  
 9 on a finding that the pupil ~~(a)~~ committed an act enumerated in  
 10 Section 48900, or ~~(b)~~ has been habitually truant or irregular in  
 11 attendance from instruction upon which ~~he or she~~ *the pupil* is  
 12 lawfully required to attend.

13 **The**

14 (e) *The* decision to transfer shall be in writing, stating the facts  
 15 and reasons for the decision, and sent to the pupil and the pupil's  
 16 parent or ~~guardian~~ *guardian or, if applicable, the foster child's*  
 17 *attorney and county social worker*. It shall indicate whether the  
 18 decision is subject to periodic review and the ~~procedure therefor~~.  
 19 *periodic review procedure*.

20 **None of the**

21 (f) *The* persons involved in the final decision to make an  
 22 involuntary transfer of a pupil to a continuation school shall be a  
 23 member of the staff of the school in which the pupil is enrolled at  
 24 the time that the decision is made.

25 **A**

26 (g) A pupil, with the concurrence of a designee of the district  
 27 ~~superintendent~~, *superintendent of schools*, may transfer voluntarily  
 28 to a continuation school in order to receive special attention such  
 29 as individualized instruction.

30 **Involuntary**

31 (h) *Involuntary* transfer to a continuation school shall be  
 32 imposed only when other means fail to bring about pupil  
 33 improvement; provided that a pupil may be involuntarily  
 34 transferred the first time ~~he or she~~ *the pupil* commits an act  
 35 enumerated in Section 48900 if the principal determines that the  
 36 pupil's presence causes a danger to persons or property or threatens  
 37 to disrupt the instructional process.

38 **No**

39 (i) *An* involuntary transfer to a continuation school shall *not*  
 40 extend beyond the end of the semester following the semester

1 during which the acts leading directly to the involuntary transfer  
2 occurred unless the local governing board of the school district  
3 adopts a procedure for yearly review of the involuntary transfer  
4 conducted pursuant to this section at the request of the ~~pupil or~~  
5 *pupil*, the pupil's parent or ~~guardian~~; *guardian, or, if applicable,*  
6 *the foster child's attorney or county social worker.*

7 **A**

8 (j) A pupil who has voluntarily transferred to a continuation  
9 school shall have the right to return to the regular high school at  
10 the beginning of the following school year and with the consent  
11 of a designee of the district ~~superintendent~~; *superintendent of*  
12 *schools*, may return at any time.

13 **SECTION 1.**

14 **SEC. 2.** Section 48853.5 of the Education Code is amended to  
15 read:

16 48853.5. (a) This section applies to a foster child. "Foster  
17 child" means a child who has been removed from the child's home  
18 pursuant to Section 309 of the Welfare and Institutions Code, is  
19 the subject of a petition filed under Section 300 or 602 of the  
20 Welfare and Institutions Code, or has been removed from the  
21 child's home and is the subject of a petition filed under Section  
22 300 or 602 of the Welfare and Institutions Code.

23 (b) The department, in consultation with the California Foster  
24 Youth Education Task Force, shall develop a standardized notice  
25 of the educational rights of foster children, as specified in Sections  
26 48850 to this section, inclusive, and Sections 48911, 48915.5,  
27 49069.5, 49076, 51225.1, and 51225.2. The notice shall include  
28 complaint process information, as applicable. The department shall  
29 make the notice available to educational liaisons for foster children  
30 for dissemination by posting the notice on its internet website. Any  
31 version of this notice prepared for use by foster children shall also  
32 include, to the greatest extent practicable, the rights established  
33 pursuant to Section 16001.9 of the Welfare and Institutions Code.  
34 In developing the notice that includes the rights in Section 16001.9  
35 of the Welfare and Institutions Code, the department shall consult  
36 with the Office of the State Foster Care Ombudsperson.

37 (c) Each local educational agency shall designate a staff person  
38 as the educational liaison for foster children. In a school district  
39 that operates a foster children services program pursuant to Chapter  
40 11.3 (commencing with Section 42920) of Part 24 of Division 3,

1 the educational liaison shall be affiliated with the local foster  
 2 children services program. The educational liaison shall do both  
 3 of the following:

4 (1) Ensure and facilitate the proper educational placement,  
 5 enrollment in school, and checkout from school of foster children.

6 (2) Assist foster children when transferring from one school to  
 7 another school or from one school district to another school district  
 8 in ensuring proper transfer of credits, records, and grades.

9 ~~(d) (1) If so designated by the superintendent of the local  
 10 educational agency, the educational liaison shall notify a foster  
 11 child's attorney and the appropriate representative of the county  
 12 child welfare agency of all of the following:~~

13 ~~(A) Suspensions or pending suspensions.~~

14 ~~(B) Involuntary school transfers.~~

15 ~~(C) Expulsion proceedings.~~

16 ~~(D) Pending proceedings to extend a suspension until an  
 17 expulsion decision is rendered.~~

18 ~~(E) If the foster child is an individual with exceptional needs,  
 19 pending manifestation determinations pursuant to Section 1415(k)  
 20 of Title 20 of the United States Code if the local educational agency  
 21 has proposed a change in placement due to an act for which the  
 22 decision to recommend expulsion is at the discretion of the  
 23 principal or the district superintendent of schools.~~

24 ~~(2) This subdivision shall not be construed to limit the obligation  
 25 of the principal or superintendent of the local educational agency  
 26 to provide notice as required by law to any person, including, but  
 27 not limited to, an educational rights holder.~~

28 ~~(3) Notice required pursuant to this subdivision shall be provided  
 29 within the same timeframe as is required to be provided to a child,  
 30 parent, guardian, or an educational rights holder.~~

31 ~~(4) A foster child's attorney and an appropriate representative  
 32 of the county child welfare agency with jurisdiction over a foster  
 33 child shall have the same rights as a parent or guardian of a child  
 34 has to suspension and expulsion documents and related  
 35 information, and to attend suspension and expulsion meetings and  
 36 conferences.~~

37 *(d) A foster child's attorney and county social worker shall have*  
 38 *the same rights a parent or guardian of a child has to receive a*  
 39 *suspension notice, expulsion notice, manifestation determination*

1 *notice, involuntary transfer notice, and other documents and*  
2 *related information.*

3 (e) This section does not grant authority to the educational  
4 liaison that supersedes the authority granted under state and federal  
5 law to a parent or legal guardian retaining educational rights, a  
6 responsible adult appointed by the court to represent the child  
7 pursuant to Section 361 or 726 of the Welfare and Institutions  
8 Code, a surrogate parent, or a foster parent exercising the authority  
9 granted under Section 56055. The role of the educational liaison  
10 is advisory with respect to placement decisions and determination  
11 of the school of origin.

12 (f) (1) At the initial detention or placement, or any subsequent  
13 change in placement of a foster child, the local educational agency  
14 serving the foster child shall allow the foster child to continue the  
15 foster child's education in the school of origin for the duration of  
16 the jurisdiction of the court.

17 (2) If the jurisdiction of the court is terminated before the end  
18 of an academic year, the local educational agency shall allow a  
19 former foster child who is in kindergarten or any of grades 1 to 8,  
20 inclusive, to continue the former foster child's education in the  
21 school of origin through the duration of the academic school year.

22 (3) (A) If the jurisdiction of the court is terminated while a  
23 foster child is in high school, the local educational agency shall  
24 allow the former foster child to continue the former foster child's  
25 education in the school of origin through graduation.

26 (B) For purposes of this paragraph, a school district is not  
27 required to provide transportation to a former foster child who has  
28 an individualized education program that does not require  
29 transportation as a related service and who changes residence but  
30 remains in the former foster child's school of origin pursuant to  
31 this paragraph, unless the individualized education program team  
32 determines that transportation is a necessary related service.

33 (4) To ensure that the foster child has the benefit of matriculating  
34 with the foster child's peers in accordance with the established  
35 feeder patterns of school districts, if the foster child is transitioning  
36 between school grade levels, the local educational agency shall  
37 allow the foster child to continue in the school district of origin in  
38 the same attendance area, or, if the foster child is transitioning to  
39 a middle school or high school, and the school designated for

1 matriculation is in another school district, to the school designated  
2 for matriculation in that school district.

3 (5) (A) Paragraphs (2), (3), and (4) do not require a school  
4 district to provide transportation services to allow a foster child to  
5 attend a school or school district, unless there is an agreement with  
6 a local child welfare agency that the school district assumes part  
7 or all of the transportation costs in accordance with Section  
8 6312(c)(5) of Title 20 of the United States Code, or unless  
9 otherwise required under federal law. This paragraph does not  
10 prohibit a school district from, at its discretion, providing  
11 transportation services to allow a foster child to attend a school or  
12 school district.

13 (B) In accordance with Section 6312(c)(5) of Title 20 of the  
14 United States Code, local educational agencies shall collaborate  
15 with local child welfare agencies to develop and implement clear  
16 written procedures to address the transportation needs of foster  
17 youth to maintain them in their school of origin, when it is in the  
18 best interest of the foster youth.

19 (6) The educational liaison, in consultation with, and with the  
20 agreement of, the foster child and the person holding the right to  
21 make educational decisions for the foster child, may recommend,  
22 in accordance with the foster child's best interests, that the foster  
23 child's right to attend the school of origin be waived and the foster  
24 child be enrolled in a public school that pupils living in the  
25 attendance area in which the foster child resides are eligible to  
26 attend.

27 (7) Before making a recommendation to move a foster child  
28 from the foster child's school of origin, the educational liaison  
29 shall provide the foster child and the person holding the right to  
30 make educational decisions for the foster child with a written  
31 explanation stating the basis for the recommendation and how the  
32 recommendation serves the foster child's best interests.

33 (8) (A) If the educational liaison, in consultation with the foster  
34 child and the person holding the right to make educational decisions  
35 for the foster child, agrees that the best interests of the foster child  
36 would best be served by the foster child's transfer to a school other  
37 than the school of origin, the foster child shall immediately be  
38 enrolled in the new school.

39 (B) The new school shall immediately enroll the foster child  
40 even if the foster child has outstanding fees, fines, textbooks, or

1 other items or moneys due to the school last attended or is unable  
2 to produce clothing or records normally required for enrollment,  
3 such as previous academic records, medical records, including,  
4 but not limited to, records or other proof of immunization history  
5 pursuant to Chapter 1 (commencing with Section 120325) of Part  
6 2 of Division 105 of the Health and Safety Code, proof of  
7 residency, other documentation, or school uniforms.

8 (C) Within two business days of the foster child's request for  
9 enrollment, the educational liaison for the new school shall contact  
10 the school last attended by the foster child to obtain all academic  
11 and other records. The last school attended by the foster child shall  
12 provide all required records to the new school regardless of any  
13 outstanding fees, fines, textbooks, or other items or moneys owed  
14 to the school last attended. The educational liaison for the school  
15 last attended shall provide all records to the new school within two  
16 business days of receiving the request.

17 (9) If a dispute arises regarding the request of a foster child to  
18 remain in the school of origin, the foster child has the right to  
19 remain in the school of origin pending resolution of the dispute.  
20 The dispute shall be resolved in accordance with the existing  
21 dispute resolution process available to a pupil served by the local  
22 educational agency.

23 (10) The local educational agency and the county placing agency  
24 are encouraged to collaborate to ensure maximum use of available  
25 federal moneys, explore public-private partnerships, and access  
26 any other funding sources to promote the well-being of foster  
27 children through educational stability.

28 (11) It is the intent of the Legislature that this subdivision shall  
29 not supersede or exceed other laws governing special education  
30 services for eligible foster children.

31 (g) For purposes of this section, "school of origin" means the  
32 school that the foster child attended when permanently housed or  
33 the school in which the foster child was last enrolled. If the school  
34 the foster child attended when permanently housed is different  
35 from the school in which the foster child was last enrolled, or if  
36 there is some other school that the foster child attended with which  
37 the foster child is connected and that the foster child attended  
38 within the immediately preceding 15 months, the educational  
39 liaison, in consultation with, and with the agreement of, the foster  
40 child and the person holding the right to make educational decisions

1 for the foster child, shall determine, in the best interests of the  
 2 foster child, the school that shall be deemed the school of origin.

3 (h) This section does not supersede other law governing the  
 4 educational placements in juvenile court schools, as described in  
 5 Section 48645.1, by the juvenile court under Section 602 of the  
 6 Welfare and Institutions Code.

7 (i) (1) A complaint of noncompliance with the requirements of  
 8 this section may be filed with the local educational agency under  
 9 the Uniform Complaint Procedures set forth in Chapter 5.1  
 10 (commencing with Section 4600) of Division 1 of Title 5 of the  
 11 California Code of Regulations.

12 (2) A complainant not satisfied with the decision of a local  
 13 educational agency may appeal the decision to the department  
 14 pursuant to Chapter 5.1 (commencing with Section 4600) of  
 15 Division 1 of Title 5 of the California Code of Regulations and  
 16 shall receive a written decision regarding the appeal within 60  
 17 days of the department’s receipt of the appeal.

18 (3) If a local educational agency finds merit in a complaint, or  
 19 the Superintendent finds merit in an appeal, the local educational  
 20 agency shall provide a remedy to the affected pupil.

21 (4) Information regarding the requirements of this section shall  
 22 be included in the annual notification distributed to, among others,  
 23 pupils, parents or guardians of pupils, employees, and other  
 24 interested parties pursuant to Section 4622 of Title 5 of the  
 25 California Code of Regulations.

26 ~~SEC. 2.—Section 48900 of the Education Code is amended to~~  
 27 ~~read:~~

28 ~~48900.—A pupil shall not be suspended from school or~~  
 29 ~~recommended for expulsion, unless the superintendent of the school~~  
 30 ~~district or the principal of the school in which the pupil is enrolled~~  
 31 ~~determines that the pupil has committed an act as defined pursuant~~  
 32 ~~to any of subdivisions (a) to (r), inclusive:~~

33 ~~(a) (1) Caused, attempted to cause, or threatened to cause~~  
 34 ~~physical injury to another person:~~

35 ~~(2) Willfully used force or violence upon the person of another,~~  
 36 ~~except in self-defense.~~

37 ~~(b) Possessed, sold, or otherwise furnished a firearm, knife,~~  
 38 ~~explosive, or other dangerous object, unless, in the case of~~  
 39 ~~possession of an object of this type, the pupil had obtained written~~  
 40 ~~permission to possess the item from a certificated school employee;~~

1 which is concurred in by the principal or the designee of the  
2 principal.

3 ~~(e) Unlawfully possessed, used, sold, or otherwise furnished,~~  
4 ~~or been under the influence of, a controlled substance listed in~~  
5 ~~Chapter 2 (commencing with Section 11053) of Division 10 of the~~  
6 ~~Health and Safety Code, an alcoholic beverage, or an intoxicant~~  
7 ~~of any kind.~~

8 ~~(d) Unlawfully offered, arranged, or negotiated to sell a~~  
9 ~~controlled substance listed in Chapter 2 (commencing with Section~~  
10 ~~11053) of Division 10 of the Health and Safety Code, an alcoholic~~  
11 ~~beverage, or an intoxicant of any kind, and either sold, delivered,~~  
12 ~~or otherwise furnished to a person another liquid, substance, or~~  
13 ~~material and represented the liquid, substance, or material as a~~  
14 ~~controlled substance, alcoholic beverage, or intoxicant.~~

15 ~~(e) Committed or attempted to commit robbery or extortion.~~

16 ~~(f) Caused or attempted to cause damage to school property or~~  
17 ~~private property.~~

18 ~~(g) Stole or attempted to steal school property or private~~  
19 ~~property.~~

20 ~~(h) Possessed or used tobacco, or products containing tobacco~~  
21 ~~or nicotine products, including, but not limited to, cigarettes, cigars,~~  
22 ~~miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew~~  
23 ~~packets, and betel. However, this section does not prohibit the use~~  
24 ~~or possession by a pupil of the pupil's own prescription products.~~

25 ~~(i) Committed an obscene act or engaged in habitual profanity~~  
26 ~~or vulgarity.~~

27 ~~(j) Unlawfully possessed or unlawfully offered, arranged, or~~  
28 ~~negotiated to sell drug paraphernalia, as defined in Section 11014.5~~  
29 ~~of the Health and Safety Code.~~

30 ~~(k) (1) Disrupted school activities or otherwise willfully defied~~  
31 ~~the valid authority of supervisors, teachers, administrators, school~~  
32 ~~officials, or other school personnel engaged in the performance of~~  
33 ~~their duties.~~

34 ~~(2) Except as provided in Section 48910, a pupil enrolled in~~  
35 ~~kindergarten or any of grades 1 to 3, inclusive, shall not be~~  
36 ~~suspended for any of the acts enumerated in paragraph (1), and~~  
37 ~~those acts shall not constitute grounds for a pupil enrolled in~~  
38 ~~kindergarten or any of grades 1 to 12, inclusive, to be~~  
39 ~~recommended for expulsion. This paragraph is inoperative on July~~  
40 ~~1, 2020.~~

1     ~~(3) Except as provided in Section 48910, commencing July 1,~~  
2     ~~2020, a pupil enrolled in kindergarten or any of grades 1 to 5,~~  
3     ~~inclusive, shall not be suspended for any of the acts specified in~~  
4     ~~paragraph (1), and those acts shall not constitute grounds for a~~  
5     ~~pupil enrolled in kindergarten or any of grades 1 to 12, inclusive,~~  
6     ~~to be recommended for expulsion.~~

7     ~~(4) Except as provided in Section 48910, commencing July 1,~~  
8     ~~2020, a pupil enrolled in any of grades 6 to 8, inclusive, shall not~~  
9     ~~be suspended for any of the acts specified in paragraph (1). This~~  
10    ~~paragraph is inoperative on July 1, 2025.~~

11    ~~(l) Knowingly received stolen school property or private~~  
12    ~~property.~~

13    ~~(m) Possessed an imitation firearm. As used in this section,~~  
14    ~~“imitation firearm” means a replica of a firearm that is so~~  
15    ~~substantially similar in physical properties to an existing firearm~~  
16    ~~as to lead a reasonable person to conclude that the replica is a~~  
17    ~~firearm.~~

18    ~~(n) Committed or attempted to commit a sexual assault as~~  
19    ~~defined in Section 261, 266c, 286, 287, 288, or 289 of, or former~~  
20    ~~Section 288a of, the Penal Code or committed a sexual battery as~~  
21    ~~defined in Section 243.4 of the Penal Code.~~

22    ~~(o) Harassed, threatened, or intimidated a pupil who is a~~  
23    ~~complaining witness or a witness in a school disciplinary~~  
24    ~~proceeding for purposes of either preventing that pupil from being~~  
25    ~~a witness or retaliating against that pupil for being a witness, or~~  
26    ~~both.~~

27    ~~(p) Unlawfully offered, arranged to sell, negotiated to sell, or~~  
28    ~~sold the prescription drug Soma.~~

29    ~~(q) Engaged in, or attempted to engage in, hazing. For purposes~~  
30    ~~of this subdivision, “hazing” means a method of initiation or~~  
31    ~~preinitiation into a pupil organization or body, whether or not the~~  
32    ~~organization or body is officially recognized by an educational~~  
33    ~~institution, that is likely to cause serious bodily injury or personal~~  
34    ~~degradation or disgrace resulting in physical or mental harm to a~~  
35    ~~former, current, or prospective pupil. For purposes of this~~  
36    ~~subdivision, “hazing” does not include athletic events or~~  
37    ~~school-sanctioned events.~~

38    ~~(r) Engaged in an act of bullying. For purposes of this~~  
39    ~~subdivision, the following terms have the following meanings:~~

- 1 (1) ~~“Bullying” means any severe or pervasive physical or verbal~~  
2 ~~act or conduct, including communications made in writing or by~~  
3 ~~means of an electronic act, and including one or more acts~~  
4 ~~committed by a pupil or group of pupils as defined in Section~~  
5 ~~48900.2, 48900.3, or 48900.4, directed toward one or more pupils~~  
6 ~~that has or can be reasonably predicted to have the effect of one~~  
7 ~~or more of the following:~~
- 8 (A) ~~Placing a reasonable pupil or pupils in fear of harm to that~~  
9 ~~pupil’s or those pupils’ person or property.~~
  - 10 (B) ~~Causing a reasonable pupil to experience a substantially~~  
11 ~~detrimental effect on the pupil’s physical or mental health.~~
  - 12 (C) ~~Causing a reasonable pupil to experience substantial~~  
13 ~~interference with the pupil’s academic performance.~~
  - 14 (D) ~~Causing a reasonable pupil to experience substantial~~  
15 ~~interference with the pupil’s ability to participate in or benefit from~~  
16 ~~the services, activities, or privileges provided by a school.~~
- 17 (2) (A) ~~“Electronic act” means the creation or transmission~~  
18 ~~originated on or off the schoolsite, by means of an electronic~~  
19 ~~device, including, but not limited to, a telephone, wireless~~  
20 ~~telephone, or other wireless communication device, computer, or~~  
21 ~~pager, of a communication, including, but not limited to, any of~~  
22 ~~the following:~~
- 23 (i) ~~A message, text, sound, video, or image.~~
  - 24 (ii) ~~A post on a social network internet website, including, but~~  
25 ~~not limited to:~~
- 26 (I) ~~Posting to or creating a burn page. “Burn page” means an~~  
27 ~~internet website created for the purpose of having one or more of~~  
28 ~~the effects listed in paragraph (1).~~
  - 29 (H) ~~Creating a credible impersonation of another actual pupil~~  
30 ~~for the purpose of having one or more of the effects listed in~~  
31 ~~paragraph (1). “Credible impersonation” means to knowingly and~~  
32 ~~without consent impersonate a pupil for the purpose of bullying~~  
33 ~~the pupil and such that another pupil would reasonably believe, or~~  
34 ~~has reasonably believed, that the pupil was or is the pupil who was~~  
35 ~~impersonated.~~
  - 36 (H) ~~Creating a false profile for the purpose of having one or~~  
37 ~~more of the effects listed in paragraph (1). “False profile” means~~  
38 ~~a profile of a fictitious pupil or a profile using the likeness or~~  
39 ~~attributes of an actual pupil other than the pupil who created the~~  
40 ~~false profile.~~

1     ~~(iii) (I) An act of cyber sexual bullying.~~  
2     ~~(II) For purposes of this clause, “cyber sexual bullying” means~~  
3 ~~the dissemination of, or the solicitation or incitement to~~  
4 ~~disseminate, a photograph or other visual recording by a pupil to~~  
5 ~~another pupil or to school personnel by means of an electronic act~~  
6 ~~that has or can be reasonably predicted to have one or more of the~~  
7 ~~effects described in subparagraphs (A) to (D), inclusive, of~~  
8 ~~paragraph (1). A photograph or other visual recording, as described~~  
9 ~~in this subclause, shall include the depiction of a nude, semi-nude,~~  
10 ~~or sexually explicit photograph or other visual recording of a minor~~  
11 ~~where the minor is identifiable from the photograph, visual~~  
12 ~~recording, or other electronic act.~~  
13     ~~(III) For purposes of this clause, “cyber sexual bullying” does~~  
14 ~~not include a depiction, portrayal, or image that has any serious~~  
15 ~~literary, artistic, educational, political, or scientific value or that~~  
16 ~~involves athletic events or school-sanctioned activities.~~  
17     ~~(B) Notwithstanding paragraph (1) and subparagraph (A), an~~  
18 ~~electronic act shall not constitute pervasive conduct solely on the~~  
19 ~~basis that it has been transmitted on the internet or is currently~~  
20 ~~posted on the internet.~~  
21     ~~(3) “Reasonable pupil” means a pupil, including, but not limited~~  
22 ~~to, a pupil with exceptional needs, who exercises average care,~~  
23 ~~skill, and judgment in conduct for a person of that age, or for a~~  
24 ~~person of that age with the pupil’s exceptional needs.~~  
25     ~~(s) A pupil shall not be suspended or expelled for any of the~~  
26 ~~acts enumerated in this section unless the act is related to a school~~  
27 ~~activity or school attendance occurring within a school under the~~  
28 ~~jurisdiction of the superintendent of the school district or principal~~  
29 ~~or occurring within any other school district. A pupil may be~~  
30 ~~suspended or expelled for acts that are enumerated in this section~~  
31 ~~and related to a school activity or school attendance that occur at~~  
32 ~~any time, including, but not limited to, any of the following:~~  
33     ~~(1) While on school grounds.~~  
34     ~~(2) While going to or coming from school.~~  
35     ~~(3) During the lunch period whether on or off the campus.~~  
36     ~~(4) During, or while going to or coming from, a~~  
37 ~~school-sponsored activity.~~  
38     ~~(t) A pupil who aids or abets, as defined in Section 31 of the~~  
39 ~~Penal Code, the infliction or attempted infliction of physical injury~~  
40 ~~to another person may be subject to suspension, but not expulsion,~~

1 pursuant to this section, except that a pupil who has been adjudged  
2 by a juvenile court to have committed, as an aider and abettor, a  
3 crime of physical violence in which the victim suffered great bodily  
4 injury or serious bodily injury shall be subject to discipline pursuant  
5 to subdivision (a):

6 ~~(u) As used in this section, “school property” includes, but is~~  
7 ~~not limited to, electronic files and databases.~~

8 ~~(v) For a pupil subject to discipline under this section, a~~  
9 ~~superintendent of the school district or principal is encouraged to~~  
10 ~~provide alternatives to suspension or expulsion, using a~~  
11 ~~research-based framework with strategies that improve behavioral~~  
12 ~~and academic outcomes, that are age appropriate and designed to~~  
13 ~~address and correct the pupil’s specific misbehavior as specified~~  
14 ~~in Section 48900.5.~~

15 ~~(w) (1) It is the intent of the Legislature that alternatives to~~  
16 ~~suspension or expulsion be imposed against a pupil who is truant,~~  
17 ~~tardy, or otherwise absent from school activities.~~

18 ~~(2) It is further the intent of the Legislature that the Multi-Tiered~~  
19 ~~System of Supports, which includes restorative justice practices,~~  
20 ~~trauma-informed practices, social and emotional learning, and~~  
21 ~~schoolwide positive behavior interventions and support, may be~~  
22 ~~used to help pupils gain critical social and emotional skills, receive~~  
23 ~~support to help transform trauma-related responses, understand~~  
24 ~~the impact of their actions, and develop meaningful methods for~~  
25 ~~repairing harm to the school community.~~

26 ~~(x) Before suspending or recommending for expulsion a foster~~  
27 ~~child, as defined in subdivision (a) of Section 48853.5, pursuant~~  
28 ~~to this section, the superintendent of the school district or the~~  
29 ~~principal of the school in which the foster child is enrolled shall~~  
30 ~~give notice, pursuant to subdivision (d) of Section 48853.5, to the~~  
31 ~~foster child’s attorney and the appropriate representative of the~~  
32 ~~county welfare agency with jurisdiction over the foster child and~~  
33 ~~shall afford rights, as described in paragraph (4) of subdivision (d)~~  
34 ~~of Section 48853.5, to the foster child’s attorney and the~~  
35 ~~appropriate representative of the county welfare agency with~~  
36 ~~jurisdiction over the foster child.~~

37 ~~SEC. 3.—Section 48900.5 of the Education Code is amended to~~  
38 ~~read:~~

39 ~~48900.5. (a) Suspension, including supervised suspension as~~  
40 ~~described in Section 48911.1, shall be imposed only when other~~

1 means of correction fail to bring about proper conduct. A school  
2 district may document the other means of correction used and place  
3 that documentation in the pupil's record, which may be accessed  
4 pursuant to Section 49069.7. However, a pupil, including an  
5 individual with exceptional needs, as defined in Section 56026,  
6 may be suspended, subject to Section 1415 of Title 20 of the United  
7 States Code, for any of the reasons enumerated in Section 48900  
8 upon a first offense, if the principal or superintendent of schools  
9 determines that the pupil violated subdivision (a), (b), (c), (d), or  
10 (e) of Section 48900 or that the pupil's presence causes a danger  
11 to persons.

12 ~~(b) Other means of correction include, but are not limited to,~~  
13 ~~the following:~~

14 ~~(1) A conference between school personnel, the pupil's parent~~  
15 ~~or guardian, and the pupil.~~

16 ~~(2) Referrals to the school counselor, psychologist, social~~  
17 ~~worker, child welfare attendance personnel, or other school support~~  
18 ~~service personnel for case management and counseling.~~

19 ~~(3) Study teams, guidance teams, resource panel teams, or other~~  
20 ~~intervention-related teams that assess the behavior, and develop~~  
21 ~~and implement individualized plans to address the behavior in~~  
22 ~~partnership with the pupil and the pupil's parents.~~

23 ~~(4) Referral for a comprehensive psychosocial or~~  
24 ~~psychoeducational assessment, including for purposes of creating~~  
25 ~~an individualized education program, or a plan adopted pursuant~~  
26 ~~to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.~~  
27 ~~Sec. 794(a)).~~

28 ~~(5) Enrollment in a program for teaching prosocial behavior or~~  
29 ~~anger management.~~

30 ~~(6) Participation in a restorative justice program.~~

31 ~~(7) A positive behavior support approach with tiered~~  
32 ~~interventions that occur during the schoolday on campus.~~

33 ~~(8) After school programs that address specific behavioral issues~~  
34 ~~or expose pupils to positive activities and behaviors, including,~~  
35 ~~but not limited to, those operated in collaboration with local parent~~  
36 ~~and community groups.~~

37 ~~(9) Any of the alternatives described in Section 48900.6.~~

38 ~~(e) Before a foster child, as defined in subdivision (a) of Section~~  
39 ~~48853.5, may be suspended, including supervised suspension as~~  
40 ~~described in Section 48911.1, pursuant to this section, the principal~~

1 ~~or superintendent of schools shall give notice, pursuant to~~  
2 ~~subdivision (d) of Section 48853.5, to the foster child's attorney~~  
3 ~~and the appropriate representative of the county welfare agency~~  
4 ~~with jurisdiction over the foster child and shall afford rights, as~~  
5 ~~described in paragraph (4) of subdivision (d) of Section 48853.5,~~  
6 ~~to the foster child's attorney and the appropriate representative of~~  
7 ~~the county welfare agency with jurisdiction over the foster child.~~

8 *SEC. 3. Section 48911 of the Education Code is amended to*  
9 *read:*

10 48911. (a) The principal of the school, the principal's designee,  
11 or the district superintendent of schools may suspend a pupil from  
12 the school for any of the reasons enumerated in Section 48900,  
13 and pursuant to Section 48900.5, for no more than five consecutive  
14 schooldays.

15 (b) Suspension by the principal, the principal's designee, or the  
16 district superintendent of schools shall be preceded by an informal  
17 conference conducted by the principal, the principal's designee,  
18 or the district superintendent of schools between the pupil and,  
19 whenever practicable, the teacher, supervisor, or school employee  
20 who referred the pupil to the principal, the principal's designee,  
21 or the district superintendent of schools. At the conference, the  
22 pupil shall be informed of the reason for the disciplinary action,  
23 including the other means of correction that were attempted before  
24 the suspension as required under Section 48900.5, and the evidence  
25 against ~~him or her~~, *the pupil*, and shall be given the opportunity  
26 to present ~~his or her~~ *the pupil's* version and evidence in ~~his or her~~  
27 *the pupil's* defense.

28 (c) A principal, the principal's designee, or the district  
29 superintendent of schools may suspend a pupil without affording  
30 the pupil an opportunity for a conference only if the principal, the  
31 principal's designee, or the district superintendent of schools  
32 determines that an emergency situation exists. "Emergency  
33 situation," as used in this article, means a situation determined by  
34 the principal, the principal's designee, or the district superintendent  
35 of schools to constitute a clear and present danger to the life, safety,  
36 or health of pupils or school personnel. If a pupil is suspended  
37 without a conference before suspension, ~~both the pupil and the~~  
38 ~~pupil's parent and the pupil or guardian, or if the pupil is a foster~~  
39 ~~child, the foster child's attorney and county social worker shall~~  
40 be notified of the pupil's right to a conference and the pupil's right

1 to return to school for the purpose of a conference. The conference  
2 shall be held within two schooldays, unless the pupil waives this  
3 right or is physically unable to attend for any reason, including,  
4 but not limited to, incarceration or hospitalization. The conference  
5 shall then be held as soon as the pupil is physically able to return  
6 to school for the conference.

7 (d) At the time of suspension, a school employee shall make a  
8 reasonable effort to contact the pupil's parent or ~~guardian in person~~  
9 *guardian or, if applicable, the foster child's attorney and county*  
10 *social worker in person, by email, or by telephone.* If a pupil is  
11 suspended from school, the parent or guardian *or, if applicable,*  
12 *the foster child's attorney and county social worker* shall be  
13 notified in writing of the suspension.

14 (e) A school employee shall report the suspension of the pupil,  
15 including the cause for the suspension, to the governing board of  
16 the school district or to the district superintendent of schools in  
17 accordance with the regulations of the governing board of the  
18 school district.

19 (f) (1) The parent or guardian of a pupil *or, if applicable, the*  
20 *foster child's attorney and county social worker* shall respond  
21 without delay to a request from school officials to attend a  
22 conference regarding ~~his or her~~ *the* child's behavior.

23 (2) ~~No penalties~~ *Penalties* shall *not* be imposed on a pupil for  
24 failure of the pupil's parent or guardian *or, if applicable, the foster*  
25 *child's attorney and county social worker* to attend a conference  
26 with school officials. Reinstatement of the suspended pupil shall  
27 not be contingent upon attendance by the pupil's parent or guardian  
28 *or, if applicable, the foster child's attorney and county social*  
29 *worker* at the conference.

30 (g) In a case where expulsion from a school or suspension for  
31 the balance of the semester from continuation school is being  
32 processed by the governing board of the school district, the district  
33 superintendent of schools or other person designated by the district  
34 superintendent of schools in writing may extend the suspension  
35 until the governing board of the school district has rendered a  
36 decision in the action. However, an extension may be granted only  
37 if the district superintendent of schools or the district  
38 superintendent's designee has determined, following a meeting in  
39 which the pupil and the pupil's parent or guardian are invited to  
40 participate, that the presence of the pupil at the school or in an

1 alternative school placement would cause a danger to persons or  
2 property or a threat of disrupting the instructional process. If the  
3 pupil is a foster child, as defined in Section 48853.5, the district  
4 superintendent of schools or the district superintendent's designee,  
5 including, but not limited to, the educational liaison for the school  
6 district, shall also invite the pupil's attorney and ~~an appropriate~~  
7 ~~representative of the county child welfare agency~~ *the county social*  
8 *worker* to participate in the meeting. If the ~~pupil or the pupil, the~~  
9 ~~pupil's parent or guardian~~ *guardian, or, if applicable, the foster*  
10 *child's attorney or county social worker* has requested a meeting  
11 to challenge the original suspension pursuant to Section 48914,  
12 the purpose of the meeting shall be to decide upon the extension  
13 of the suspension order under this section and may be held in  
14 conjunction with the initial meeting on the merits of the suspension.

15 (h) (1) For purposes of this section, a "principal's designee" is  
16 one or more administrators at the schoolsite specifically designated  
17 by the principal, in writing, to assist with disciplinary procedures.

18 (2) In the event that there is not an administrator in addition to  
19 the principal at the schoolsite, a certificated person at the schoolsite  
20 may be specifically designated by the principal, in writing, as a  
21 "principal's designee," to assist with disciplinary procedures. The  
22 principal may designate only one person at a time as the principal's  
23 primary designee for the school year.

24 (3) An additional person meeting the requirements of this  
25 subdivision may be designated by the principal, in writing, to act  
26 for purposes of this article when both the principal and the  
27 principal's primary designee are absent from the schoolsite. The  
28 name of the person, and the names of any person or persons  
29 designated as "principal's designee," shall be on file in the  
30 principal's office.

31 (i) This section is not an exception to, ~~nor does it to, and does~~  
32 ~~not~~ place any limitation on, Section 48903.

33 *SEC. 4. Section 48911.1 of the Education Code is amended to*  
34 *read:*

35 48911.1. (a) A pupil suspended from a school for any of the  
36 reasons enumerated in Sections 48900 and 48900.2 may be  
37 assigned, by the principal or the principal's designee, to a  
38 supervised suspension classroom for the entire period of suspension  
39 if the pupil poses no imminent danger or threat to the campus,

1 pupils, or staff, or if an action to expel the pupil has not been  
 2 initiated.

3 (b) Pupils assigned to a supervised suspension classroom shall  
 4 be separated from other pupils at the schoolsite for the period of  
 5 suspension in a separate classroom, building, or site for pupils  
 6 under suspension.

7 (c) School districts may continue to claim apportionments for  
 8 each pupil assigned to and attending a supervised suspension  
 9 classroom provided as follows:

10 (1) The supervised suspension classroom is staffed as otherwise  
 11 provided by law.

12 (2) Each pupil has access to appropriate counseling services.

13 (3) The supervised suspension classroom promotes completion  
 14 of schoolwork and tests missed by the pupil during the suspension.

15 (4) Each pupil is responsible for contacting ~~his or her~~ *the pupil's*  
 16 teacher or teachers to receive assignments to be completed while  
 17 the pupil is assigned to the supervised suspension classroom. The  
 18 teacher shall provide all assignments and tests that the pupil will  
 19 miss while suspended. If no classroom work is assigned, the person  
 20 supervising the suspension classroom shall assign schoolwork.

21 (d) At the time a pupil is assigned to a supervised suspension  
 22 classroom, a school employee shall notify, ~~in person or~~ *person, by*  
 23 *email, or by telephone, the pupil's parent or guardian. Whenever*  
 24 *guardian, or if the pupil is a foster child, the foster child's attorney*  
 25 *and county social worker. If a pupil is assigned to a supervised*  
 26 *suspension classroom for longer than one class period, a school*  
 27 *employee shall notify, in writing, the pupil's parent or* ~~guardian.~~  
 28 *guardian or, if applicable, the foster child's attorney and social*  
 29 *worker.*

30 (e) This section does not place any limitation on a school  
 31 district's ability to transfer a pupil to an opportunity school or class  
 32 or a continuation education school or class.

33 (f) Apportionments claimed by a school district for pupils  
 34 assigned to supervised suspension shall be used specifically to  
 35 mitigate the cost of implementing this section.

36 *SEC. 5. Section 48915.5 of the Education Code is amended to*  
 37 *read:*

38 48915.5. (a) An individual with exceptional needs, as defined  
 39 in Section 56026, may be suspended or expelled from school in  
 40 accordance with Section 1415(k) of Title 20 of the United States

1 Code, the discipline provisions contained in Sections 300.530 to  
2 300.537, inclusive, of Title 34 of the Code of Federal Regulations,  
3 and other provisions of this part that do not conflict with federal  
4 law and regulations.

5 (b) A free appropriate public education for individuals with  
6 exceptional needs suspended or expelled from school shall be in  
7 accordance with Section 1412(a)(1) of Title 20 of the United States  
8 Code and Section 300.530(d) of Title 34 of the Code of Federal  
9 Regulations.

10 (c) If an individual with exceptional needs is excluded from  
11 schoolbus transportation, the pupil is entitled to be provided with  
12 an alternative form of transportation at no cost to the pupil or parent  
13 or guardian ~~provided if~~ that transportation is specified in the pupil's  
14 individualized education program.

15 (d) If the individual with exceptional needs is a foster child, as  
16 defined in Section 48853.5, and the local educational agency has  
17 proposed a change of ~~placement due to an act for which a decision~~  
18 ~~to recommend expulsion is at the discretion of the principal or the~~  
19 ~~district superintendent of schools,~~ *placement*, the attorney ~~for the~~  
20 ~~individual with exceptional needs and an appropriate representative~~  
21 ~~of the county child welfare agency and the county social worker~~  
22 *for the individual with exceptional needs* shall be invited to  
23 participate in the individualized education program team meeting  
24 that makes a manifestation determination pursuant to Section  
25 1415(k) of Title 20 of the United States Code. The invitation may  
26 be made using the most cost-effective method possible, which may  
27 include, but is not limited to, ~~electronic mail~~ *email* or a telephone  
28 call.

29 (e) If the individual with exceptional needs is a homeless child  
30 or youth, as defined in Section 11434a(2) of Title 42 of the United  
31 States Code, and the local educational agency has proposed a  
32 change of placement due to an act for which a decision to  
33 recommend expulsion is at the discretion of the principal or the  
34 district superintendent of schools, the local educational agency  
35 liaison for homeless children and youth designated pursuant to  
36 Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code  
37 shall be invited to participate in the individualized education  
38 program team meeting that makes a manifestation determination  
39 pursuant to Section 1415(k) of Title 20 of the United States Code.  
40 The invitation may be made using the most cost-effective method

1 possible, which may include, but is not limited to, ~~electronic mail~~  
2 *email* or a telephone call.

3 *SEC. 6. Section 48918.1 of the Education Code is amended to*  
4 *read:*

5 48918.1. (a) ~~(1) If the decision to recommend expulsion is a~~  
6 ~~discretionary act is expulsion~~ and the pupil is a foster child, as  
7 defined in Section 48853.5, the governing board of the school  
8 district shall provide notice of the expulsion hearing to the pupil's  
9 attorney and ~~an appropriate representative of the county child~~  
10 ~~welfare agency county social worker~~ at least 10 calendar days  
11 before the date of the hearing. The notice may be made using the  
12 most cost-effective method possible, which may include, but is  
13 not limited to, ~~electronic mail~~ *email* or a telephone call.

14 ~~(2) If a recommendation of expulsion is required and the pupil~~  
15 ~~is a foster child, as defined in Section 48853.5, the governing board~~  
16 ~~of the school district may provide notice of the expulsion hearing~~  
17 ~~to the pupil's attorney and an appropriate representative of the~~  
18 ~~county child welfare agency at least 10 calendar days before the~~  
19 ~~date of the hearing. The notice may be made using the most~~  
20 ~~cost-effective method possible, which may include, but is not~~  
21 ~~limited to, electronic mail or a telephone call.~~

22 (b) (1) If the decision to recommend expulsion is a discretionary  
23 act and the pupil is a homeless child or youth, as defined in Section  
24 11434a(2) of Title 42 of the United States Code, the governing  
25 board of the school district shall provide notice of the expulsion  
26 hearing to the local educational agency liaison for homeless  
27 children and youth designated pursuant to Section  
28 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10  
29 calendar days before the date of the hearing. The notice may be  
30 made using the most cost-effective method possible, which may  
31 include, but is not limited to, ~~electronic mail~~ *email* or a telephone  
32 call.

33 (2) If a recommendation of expulsion is required and the pupil  
34 is a homeless child or youth, as defined in Section 11434a(2) of  
35 Title 42 of the United States Code, the governing board of the  
36 school district may provide notice of the expulsion hearing to the  
37 local educational agency liaison for homeless children and youth  
38 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
39 the United States Code at least 10 calendar days before the date  
40 of the hearing. The notice may be made using the most

1 cost-effective method possible, which may include, but is not  
2 limited to, ~~electronic mail~~ *email* or a telephone call.

3 ~~SEC. 4.~~

4 *SEC. 7.* If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

O