

ASSEMBLY BILL

No. 256

Introduced by Assembly Member Garcia

February 7, 2013

An act to amend Section 48900.4 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Garcia. Pupils: grounds for suspension and expulsion.

Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the superintendent of the school district or the principal of the school determines that the pupil has committed any of various specified acts, including, but not limited to, engaging in acts of bullying by means of an electronic act, as defined. Existing law prohibits a pupil from being suspended or expelled for any of those acts unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district.

Existing law also authorizes a pupil enrolled in any of grades 4 to 12, inclusive, to be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational

environment, whether or not the act relates to a school activity or school attendance.

This bill would additionally authorize a pupil enrolled in any of grades 4 to 12, inclusive, to be suspended or expelled if the superintendent or principal of the pupil’s school determines that the pupil has intentionally engaged in bullying by means of an electronic act, as defined, directed against school district personnel or pupils, that is equally as severe or pervasive, whether or not the act relates to a school activity or school attendance.

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

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

1 SECTION 1. Section 48900.4 of the Education Code is
 2 amended to read:
 3 48900.4. In addition to the grounds specified in Sections 48900
 4 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive,
 5 may be suspended from school or recommended for expulsion if
 6 the superintendent or the principal of the school in which the pupil
 7 is enrolled determines that the pupil has intentionally engaged in
 8 harassment, threats, ~~or~~ intimidation, *or bullying by means of an*
 9 *electronic act, as defined in subdivision (r) of Section 48900,*
 10 directed against school district personnel or pupils, that is
 11 sufficiently severe or pervasive to have the actual and reasonably
 12 expected effect of materially disrupting classwork, creating
 13 substantial disorder, and invading the rights of either school
 14 personnel or pupils by creating an intimidating or hostile
 15 educational environment.

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