

AMENDED IN SENATE JULY 3, 2024
AMENDED IN ASSEMBLY APRIL 29, 2024
AMENDED IN ASSEMBLY APRIL 15, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2711

Introduced by Assembly Member Ramos

February 14, 2024

An act to amend ~~Section 48900.5 of, to amend, repeal, and add Sections 48900, 48901.1, and 48915 of, and to add Section 48901.2 to, Sections 48900 and 48901.1 of the Education Code, relating to pupil discipline.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2711, as amended, Ramos. Suspensions and expulsions: ~~tobacco: alcohol: drug paraphernalia: voluntary disclosures.~~

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, including, among other acts, that the pupil (1) unlawfully possessed, used, sold, or otherwise furnished, or had been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind, or (2) possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, or (3) unlawfully possessed drug paraphernalia. Existing law requires suspension to only be imposed when other means of correction, as provided, fail to bring about proper conduct and authorizes a school

district to document the other means of correction used and place that documentation in the pupil's record: *betel*.

~~This bill would, commencing July 1, 2026, require specified conditions to be met before suspending a pupil, regardless of their grade of enrollment, from school on the basis of (1) unlawfully possessing, using, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind or (2) having possessed or used tobacco products, as defined, and would remove unlawfully possessing drug paraphernalia from the list of acts for which a pupil may be suspended. The bill would, commencing July 1, 2026, require specified conditions to be met before suspending a charter school pupil in kindergarten or any of grades 1 to 12, inclusive, solely on the basis of (1) unlawfully possessing, using, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, or (2) having possessed or used tobacco products.~~

~~This bill would, commencing July 1, 2026, remove those 3 acts described above from the list of acts for which a pupil, regardless of their grade of enrollment, may be recommended for expulsion for, subject to specified exceptions. The bill would, commencing July 1, 2026, prohibit a charter school pupil in kindergarten or any of grades 1 to 12, inclusive, from being recommended for expulsion solely on the basis of (1) unlawfully possessing, using, or being under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind, or (2) having possessed or used tobacco products, subject to specified exceptions.~~

~~The bill would instead require a school district to document the other means of correction used before suspending a pupil, and would expressly include as another means of correction the enrollment in a substance use or mental health prevention, treatment, or services program or a tobacco cessation program. By imposing additional duties on school districts, the bill would impose a state-mandated local program. The bill would encourage school districts, county offices of education, and charter schools to implement, among other things, campuswide programs and activities that provide mentoring and school counseling to all pupils, including pupils who are at risk of drug use and abuse.~~

~~This bill would also make legislative findings and declarations relating to these provisions.~~

~~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.~~

This bill would prohibit the suspension of a pupil who voluntarily discloses, in order to seek help through services or supports, their use of a controlled substance, alcohol, intoxicants of any kind, or a tobacco product, solely for that disclosure.

Existing law requires a petition to establish a charter school to include, among other things, a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason, as specified.

This bill would prohibit the suspension of a pupil enrolled in a charter school in kindergarten or any of grades 1 to 12, inclusive, who voluntarily discloses, in order to seek help through services or supports, the pupil's use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind, solely for that disclosure.

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

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

- 1 SECTION 1. Section 48900 of the Education Code is amended
- 2 to read:
- 3 48900. A pupil shall not be suspended from school or
- 4 recommended for expulsion, unless the superintendent of the school
- 5 district or the principal of the school in which the pupil is enrolled
- 6 determines that the pupil has committed an act as defined pursuant
- 7 to any of subdivisions (a) to (r), inclusive:
- 8 (a) (1) Caused, attempted to cause, or threatened to cause
- 9 physical injury to another person.
- 10 (2) Willfully used force or violence upon the person of another,
- 11 except in self-defense.
- 12 (b) Possessed, sold, or otherwise furnished a firearm, knife,
- 13 explosive, or other dangerous object, unless, in the case of
- 14 possession of an object of this type, the pupil had obtained written
- 15 permission to possess the item from a certificated school employee,
- 16 which is concurred in by the principal or the designee of the
- 17 principal.

1 (c) (1) Unlawfully possessed, used, sold, or otherwise furnished,
2 or been under the influence of, a controlled substance listed in
3 Chapter 2 (commencing with Section 11053) of Division 10 of the
4 Health and Safety Code, an alcoholic beverage, or an intoxicant
5 of any kind.

6 (2) *Pupils who voluntarily disclose their use of a controlled*
7 *substance, alcohol, or an intoxicant of any kind in order to seek*
8 *help through services or supports shall not be suspended solely*
9 *for that disclosure.*

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

17 (e) Committed or attempted to commit robbery or extortion.

18 (f) Caused or attempted to cause damage to school property or
19 private property.

20 (g) Stole or attempted to steal school property or private
21 property.

22 (h) (1) Possessed or used tobacco, or products containing
23 tobacco or nicotine products, including, but not limited to,
24 cigarettes, cigars, miniature cigars, clove cigarettes, smokeless
25 tobacco, snuff, chew packets, and betel. However, this section
26 does not prohibit the use or possession by a pupil of the pupil's
27 own prescription products.

28 (2) *Pupils who voluntarily disclose their use of a tobacco*
29 *product in order to seek help through services or supports shall*
30 *not be suspended solely for that disclosure.*

31 (i) Committed an obscene act or engaged in habitual profanity
32 or vulgarity.

33 (j) Unlawfully possessed or unlawfully offered, arranged, or
34 negotiated to sell drug paraphernalia, as defined in Section 11014.5
35 of the Health and Safety Code.

36 (k) (1) Disrupted school activities or otherwise willfully defied
37 the valid authority of supervisors, teachers, administrators, school
38 officials, or other school personnel engaged in the performance of
39 their duties.

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

7 (3) Except as provided in Section 48910, a pupil enrolled in any
8 of grades 6 to 8, inclusive, shall not be suspended for any of the
9 acts specified in paragraph (1). This paragraph is inoperative on
10 July 1, 2029.

11 (4) Except as provided in Section 48910, commencing July 1,
12 2024, a pupil enrolled in any of grades 9 to 12, inclusive, shall not
13 be suspended for any of the acts specified in paragraph (1). This
14 paragraph is inoperative on July 1, 2029.

15 (5) (A) A certificated or classified employee may refer a pupil
16 to school administrators for appropriate and timely in-school
17 interventions or supports from the list of other means of correction
18 specified in subdivision (b) of Section 48900.5 for any of the acts
19 enumerated in paragraph (1).

20 (B) A school administrator shall, within five business days,
21 document the actions taken pursuant to subparagraph (A) and place
22 that documentation in the pupil's record to be available for access,
23 to the extent permissible under state and federal law, pursuant to
24 Section 49069.7. The school administrator shall, by the end of the
25 fifth business day, also inform the referring certificated or classified
26 employee, verbally or in writing, what actions were taken and, if
27 none, the rationale used for not providing any appropriate or timely
28 in-school interventions or supports.

29 (l) Knowingly received stolen school property or private
30 property.

31 (m) Possessed an imitation firearm. As used in this section,
32 "imitation firearm" means a replica of a firearm that is so
33 substantially similar in physical properties to an existing firearm
34 as to lead a reasonable person to conclude that the replica is a
35 firearm.

36 (n) Committed or attempted to commit a sexual assault as
37 defined in Section 261, 266c, 286, 287, 288, or 289 of, or former
38 Section 288a of, the Penal Code or committed a sexual battery as
39 defined in Section 243.4 of the Penal Code.

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

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

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

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

(1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on the pupil’s physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with the pupil’s academic performance.

(D) Causing a reasonable pupil to experience substantial interference with the pupil’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) “Electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1 (i) A message, text, sound, video, or image.

2 (ii) A post on a social network internet website, including, but
3 not limited to:

4 (I) Posting to or creating a burn page. “Burn page” means an
5 internet website created for the purpose of having one or more of
6 the effects listed in paragraph (1).

7 (II) Creating a credible impersonation of another actual pupil
8 for the purpose of having one or more of the effects listed in
9 paragraph (1). “Credible impersonation” means to knowingly and
10 without consent impersonate a pupil for the purpose of bullying
11 the pupil and such that another pupil would reasonably believe, or
12 has reasonably believed, that the pupil was or is the pupil who was
13 impersonated.

14 (III) Creating a false profile for the purpose of having one or
15 more of the effects listed in paragraph (1). “False profile” means
16 a profile of a fictitious pupil or a profile using the likeness or
17 attributes of an actual pupil other than the pupil who created the
18 false profile.

19 (iii) (I) An act of cyber sexual bullying.

20 (II) For purposes of this clause, “cyber sexual bullying” means
21 the dissemination of, or the solicitation or incitement to
22 disseminate, a photograph or other visual recording by a pupil to
23 another pupil or to school personnel by means of an electronic act
24 that has or can be reasonably predicted to have one or more of the
25 effects described in subparagraphs (A) to (D), inclusive, of
26 paragraph (1). A photograph or other visual recording, as described
27 in this subclause, shall include the depiction of a nude, semi-nude,
28 or sexually explicit photograph or other visual recording of a minor
29 where the minor is identifiable from the photograph, visual
30 recording, or other electronic act.

31 (III) For purposes of this clause, “cyber sexual bullying” does
32 not include a depiction, portrayal, or image that has any serious
33 literary, artistic, educational, political, or scientific value or that
34 involves athletic events or school-sanctioned activities.

35 (B) Notwithstanding paragraph (1) and subparagraph (A), an
36 electronic act shall not constitute pervasive conduct solely on the
37 basis that it has been transmitted on the internet or is currently
38 posted on the internet.

39 (3) “Reasonable pupil” means a pupil, including, but not limited
40 to, a pupil with exceptional needs, who exercises average care,

1 skill, and judgment in conduct for a person of that age, or for a
2 person of that age with the pupil's exceptional needs.

3 (s) A pupil shall not be suspended or expelled for any of the
4 acts enumerated in this section unless the act is related to a school
5 activity or school attendance occurring within a school under the
6 jurisdiction of the superintendent of the school district or principal
7 or occurring within any other school district. A pupil may be
8 suspended or expelled for acts that are enumerated in this section
9 and related to a school activity or school attendance that occur at
10 any time, including, but not limited to, any of the following:

11 (1) While on school grounds.

12 (2) While going to or coming from school.

13 (3) During the lunch period whether on or off the campus.

14 (4) During, or while going to or coming from, a
15 school-sponsored activity.

16 (t) A pupil who aids or abets, as defined in Section 31 of the
17 Penal Code, the infliction or attempted infliction of physical injury
18 to another person may be subject to suspension, but not expulsion,
19 pursuant to this section, except that a pupil who has been adjudged
20 by a juvenile court to have committed, as an aider and abettor, a
21 crime of physical violence in which the victim suffered great bodily
22 injury or serious bodily injury shall be subject to discipline pursuant
23 to subdivision (a).

24 (u) As used in this section, "school property" includes, but is
25 not limited to, electronic files and databases.

26 (v) For a pupil subject to discipline under this section, a
27 superintendent of the school district or principal is encouraged to
28 provide alternatives to suspension or expulsion, using a
29 research-based framework with strategies that improve behavioral
30 and academic outcomes, that are age appropriate and designed to
31 address and correct the pupil's specific misbehavior as specified
32 in Section 48900.5.

33 (w) (1) A suspension or expulsion shall not be imposed against
34 a pupil based solely on the fact that they are truant, tardy, or
35 otherwise absent from school activities.

36 (2) It is the intent of the Legislature that the Multi-Tiered System
37 of Supports, which includes restorative justice practices,
38 trauma-informed practices, social and emotional learning, and
39 schoolwide positive behavior interventions and support, be used
40 to help pupils gain critical social and emotional skills, receive

1 support to help transform trauma-related responses, understand
2 the impact of their actions, and develop meaningful methods for
3 repairing harm to the school community.

4 *SEC. 2. Section 48901.1 of the Education Code is amended to*
5 *read:*

6 48901.1. Notwithstanding Section 47610 or any other law, the
7 following provisions apply to charter schools:

8 (a) (1) A pupil enrolled in a charter school in kindergarten or
9 any of grades 1 to 5, inclusive, shall not be suspended on the basis
10 of having disrupted school activities or otherwise willfully defied
11 the valid authority of supervisors, teachers, administrators, school
12 officials, or other school personnel engaged in the performance of
13 their duties, and those acts shall not constitute grounds for a pupil
14 enrolled in a charter school in kindergarten or any of grades 1 to
15 12, inclusive, to be recommended for expulsion.

16 ~~(b)~~

17 (2) A pupil enrolled in a charter school in any of grades 6 to 8,
18 inclusive, shall not be suspended on the basis of having disrupted
19 school activities or otherwise willfully defied the valid authority
20 of supervisors, teachers, administrators, school officials, or other
21 school personnel engaged in the performance of their duties. This
22 subdivision is inoperative on July 1, 2029.

23 ~~(c)~~

24 (3) Except as provided in Section 48910, commencing July 1,
25 2024, a pupil enrolled in a charter school in any of grades 9 to 12,
26 inclusive, shall not be suspended for any of the acts ~~specified~~
27 *described* in paragraph (1). This paragraph is inoperative on July
28 1, 2029.

29 ~~(d) (1)~~

30 (4) (A) A certificated or noncertificated employee may refer a
31 pupil to charter school administrators for appropriate and timely
32 in-school interventions or supports from the list specified in
33 subdivision (b) of Section 48900.5 for any of the acts ~~enumerated~~
34 *described* in paragraph (1).

35 ~~(2)~~

36 (B) A charter school administrator shall, within five business
37 days, document the actions taken pursuant to ~~paragraph (1)~~
38 *subparagraph (A)* and place that documentation in the pupil's
39 record to be available for access, to the extent permissible under
40 state and federal law, pursuant to Section 49069.7. The charter

1 school administrator shall, by the end of the fifth business day,
2 also inform the referring certificated or noncertificated employee,
3 verbally or in writing, what actions were taken and, if none, the
4 rationale used for not providing any appropriate or timely in-school
5 interventions or supports.

6 *(b) A pupil enrolled in a charter school in kindergarten or any*
7 *of grades 1 to 12, inclusive, who voluntarily discloses their use of*
8 *a tobacco product, controlled substance, alcohol, or an intoxicant*
9 *of any kind in order to seek help through services or supports shall*
10 *not be suspended solely for that disclosure.*

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12
13 **All matter omitted in this version of the bill**
14 **appears in the bill as amended in the**
15 **Assembly, April 29, 2024. (JR11)**
16