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AB-982 Pupils: homework assignments for suspended pupils. (2019-2020)

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Assembly Bill No. 982

CHAPTER 779

An act to add Sections 47606.2 and 48913.5 to the Education Code, relating to pupils.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 982, Holden. Pupils: homework assignments for suspended pupils.

(1) Existing law authorizes the teacher of any class from which a pupil is suspended to require the suspended pupil to complete any assignments and tests missed during the suspension.

This bill would additionally require, upon the request of a parent, a legal guardian, or other person holding the right to make educational decisions for the pupil, or the affected pupil, a teacher to provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for 2 or more schooldays the homework that the pupil would otherwise have been assigned. The bill would also require, if a homework assignment that is requested pursuant to the bill and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that the assignment not be included in the calculation of the pupil's overall grade in the class. By imposing new duties on school districts, the bill would constitute a state-mandated local program.

(2) The Charter Schools Act of 1992 provides for the establishment and operation of charter schools. Existing law requires a petition for the establishment of a charter school to contain comprehensive descriptions of various matters and procedures and provides that the governing board of the school district shall not deny a petition for the establishment of a charter school except as supported in written findings on specified matters. One of those findings that can support the denial of a petition is that the petition does not contain 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 for any reason.

This bill would require that the suspension procedures include that, upon request by the parent, legal guardian, or other person holding the right to make educational decisions for the pupil, a teacher would be required to provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for 2 or more schooldays the homework that the pupil would otherwise have been assigned. The bill would also require, if a homework assignment that is requested pursuant to the bill and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that the assignment not be included in the calculation of the pupil's overall grade in the class. To the extent the bill would impose additional duties on county boards of education, the bill would impose a state-mandated local program.

(3) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to ensure that pupils in any of grades 1 to 12, inclusive, who are suspended from school for two schooldays or more, do not fall behind in class assignments or homework. It is not the intent of the Legislature to require a teacher to correct classroom assignments or homework missed while the pupil is suspended, or to add an additional burden on a teacher's workload.

SEC. 2. Section 47606.2 is added to the Education Code, to read:

47606.2. A petition to establish a charter school shall contain, in addition to the 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 and the explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that are required by Section 47605, a statement that the suspension procedures will include both of the following requirements:

(a) Upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.

(b) If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

SEC. 3. Section 48913.5 is added to the Education Code, to read:

48913.5. (a) Upon the request of a parent, a legal guardian or other person holding the right to make educational decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays the homework that the pupil would otherwise have been assigned.

(b) If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

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