



Due Process Procedures for Charter Schools

Description

The California state legislature is considering [Senate Bill 322](#), an amendment to existing law that requires charter schools to comply with existing state laws governing suspension and expulsion of students, imposes a duty on charter schools to notify the superintendent of school districts when a student leaves the charter school, and requires charter schools to comply with state laws regarding public records and open meetings. The bill can be found [here](#).

[According to Senator Mark Leno](#), the sponsor of the bill,

“[T]his bill ensures that charter schools have nondiscriminatory admission policies, as well as suspension and expulsion policies that guarantee students appropriate due process. Charter schools are funded with taxpayer dollars, are part of the statewide public school system and have a responsibility to serve all students. Unfortunately, some charter schools have admission requirements designed to allow only the most “desirable” students and to screen out students who may have lower standardized test scores. In addition, charter schools do not currently follow the Education Code procedures for suspensions and expulsions, which can result in an unfair disciplinary process. This bill requires charter schools to admit all interested students and follow the Education Code disciplinary policies to guarantee that all of California’s students have equal access to public schools.”

Last year, I wrote about the California Court of Appeal decision in [Scott B. v. Board of Trustees of Orange County High School of the Arts](#) which ruled that charter schools are exempt from California law requiring due process hearing procedures for students undergoing an expulsion from their local public school. [You can find that article here](#). The consequences of the *Scott* decision, particularly for students with special needs and behavior challenges, are grave. The *Scott* decision gives charter schools discretion in dismissing students, and very little protection to parents in challenging those decisions.

If charter schools are indeed *public schools*, as they claim to be, they have the obligation to educate all children, regardless of social, emotional or behavioral challenges that they may face. They also have the obligation to provide due process to any child that is accused of engaging in an expellable offense. State due process procedures require that schools consider alternatives to suspension and expulsion, and schools have to meet a burden of proof prior to expelling a student. Charter schools currently have no such requirement. SB 322 would go a long way in requiring that students in charter schools receive the same rights as students in public schools.

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