



New Law Protects Charter Schools Students In Admission and Discipline

Description

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Charter schools have earned a reputation for discouraging admissions of students with disabilities or pushing out students who may have behavioral issues or special needs. In 2016, the ACLU of Southern California released a report on [How Some California Charter Schools Illegally Restrict Enrollment](#).

Starting January 1, 2018, a new law has come into effect that may help to address some of these issues. This law changes the sections of the California Education Code concerning charter schools. These changes encourage fairness and transparency in charter school admission, suspension, and expulsion procedure.

The modifications require that charter schools provide thorough descriptions of their admissions requirements and policies when petitioning for establishment. Charter schools are required to admit all students interested in attending the school until the school reaches a certain capacity. At that point, a charter school may start admitting students based on certain preferences; for example, the school may consider whether a sibling attends the school or how close a family lives to the school. The new modifications to the California Education Code require that admission preferences be approved by the chartering authority at a public hearing before being placed into effect. This ensures that charter schools are unable to discriminate against students with disabilities, economically disadvantaged students, academically low-achieving students, etc. by not allowing them to attend the school. In other words, these modifications prevent discriminatory admission procedures at charter schools by requiring transparency.

Additionally, the new modifications to the Education Code state that Charter Schools must provide due process prior to removing students. It requires that charter schools provide a thorough explanation of suspension and expulsion procedures. Charter schools are required to follow certain rules regarding suspensions and expulsions. Specifically, charter schools must adopt the following rules:

(1) If the school suspends a student for less than 10 days, it must inform the student of the reason for

suspension. If the student disagrees with the reason for suspension, the school must explain its evidence and give the student an opportunity for the pupil to present his/her side of the story.

(2) If the school suspends a student for 10 or more days or if the school expels a student for disciplinary reasons, it must describe the reason for suspension/expulsion and explain the student's basic rights. The school must also provide a hearing at which the student can present his/her side of the story and any relevant evidence.

(3) A charter school must provide written notice to a student's parent or guardian five days before that student is "involuntarily removed" by the school.

In other words, the modifications require charter schools to provide fair suspension and expulsion procedures that allow students the opportunity to understand and fight the charges raised against them.

The purpose of these changes is to encourage transparency in charter school procedure and prevent discrimination against students.

There is a webinar planned for April 17, 2018:

Ensuring Fair Admissions and Disciplinary Due Process in Charter Schools will discuss changes in the law under [AB 1360](#) and answer your questions about how charter schools can ensure equal admissions access and disciplinary due process for all students. Join experts from Public Advocates, Public Counsel, ACLU of Southern California and Policy Link on Tuesday, April 17, from 3:30 PM to 4:30 PM for [Ensuring Fair Admissions and Disciplinary Due Process](#), part of the Let's Fix School Discipline webinar series.

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