

Date of Hearing: June 24, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
SB 1400 (Hancock) – As Amended: May 15, 2014

SENATE VOTE: 34-0

SUBJECT: Community colleges: protective orders.

SUMMARY: Authorizes a California Community College (CCC) district to require a student whom the district has a protective order against to apply for reinstatement. Specifically, this bill:

- 1) Provides that if good cause for the issuance of a protective order, requested by a CCC district to protect a campus or any person on a campus, is issued by a court against a student of the CCC district, the CCC district may require the student to apply for reinstatement after the expiration of that order.
- 2) Provides that if the CCC district requires a student to apply for reinstatement, it must do so before the expiration of the protective order.
- 3) Provides that if a student applies for reinstatement, a review of the reinstatement application shall be conducted and, at a minimum, include consideration of all of the following:
 - a) The gravity of the offense;
 - b) Evidence of subsequent offenses, if any; and,
 - c) The likelihood that the student would cause substantial disruption if he or she is reinstated;
- 4) Requires the CCC governing board or designee to take one of the following actions after conducting a reinstatement review:
 - a) Deny reinstatement;
 - b) Permit reinstatement;
 - c) Permit conditional reinstatement, and specify the conditions under which reinstatement will be permitted.

EXISTING LAW:

- 1) Provides that a CCC district governing board is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Provides that the expulsion shall be accompanied by a hearing.

- 2) Authorizes the governing board of a CCC district to require a student seeking admission to disclose his or her prior expulsion from another CCC and authorizes the governing board to deny enrollment, permit enrollment, or permit conditional enrollment to a student who has been expelled, or is being considered for expulsion, from another CCC for specified offenses within the preceding five years.

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS: Purpose of this bill. According to the author, under existing law, if a district is successful in obtaining a protective order against a student who is considered an imminent threat of bodily harm to a district or persons that regularly are present on a district or campus of the district, that student is barred from the campuses of the district for the period of time of the protective order. At the conclusion of the protective order, the student is free to reregister for courses regardless of whether or not the circumstances surrounding the restraining order have changed. The author believes that allowing a student to re-enroll at the expiration of the protective order without any sort of review of the student's violation, rehabilitative efforts since the offense and the student's ability to no longer cause a continuing danger to the physical safety of the campus is problematic and can place the safety of the campus community at great risk.

This bill would permit a CCC district to require a student to apply for reinstatement prior to the expiration of a protective order, and allow the CCC district to conduct a review in order to evaluate the severity of the offense for which the order was issued, evidence of any later offenses, rehabilitative efforts since the offense, and indication that the student would no longer pose a serious threat to the college campus.

Arguments in support. A number of CCC districts are in support of this bill, arguing that current law authorizes a district to expel a student for good cause. That expulsion must be done consistent with the requirements of due process which includes a hearing by a campus body. The standard of proof in a student expulsion hearing is preponderance of the evidence, while the standard of proof to obtain a restraining order is clear and convincing evidence. Currently, if a CCC district is successful in obtaining a protective order against a student, that student is generally barred from the district property for the duration of the protective order. At the conclusion of the order, the student is free to reenroll. Allowing a student to reenroll without any sort of review of continued threat to the campus community is problematic. Proponents believe that this bill appropriately balances the due process rights of the individual students and the safety of the campus community.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
California School Employees Association
Los Angeles Community College District
Los Rios Community College District
Peralta Community College District
Rio Hondo Community College District
San Diego Community College District
South Orange County Community College District

West Kern Community College District
Yosemite Community College District

Opposition

None on file.

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