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Education

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Education

Education; suspension and expulsion

Education Code §48900 (amended).

AB 343 (Clute); 1985 STAT. Ch 318

Support: Department of Finance; Governor's Office of Education,
Planning and Policy

Existing law authorizes a school to suspend¹ or recommend for expulsion² any pupil³ who steals, or attempts to steal, school or private property.⁴ Chapter 318 authorizes the suspension or recommendation for expulsion of any pupil who knowingly receives stolen school property or private property.⁵

1. CAL. EDUC. CODE §48925(d) (definition of suspension).

2. *Id.* §48925(b) (definition of expulsion).

3. *Id.* §48925(e) (definition of pupil).

4. *Id.* §48900(g). Existing law authorizes, in addition, the suspension, or recommendation for expulsion, of any pupil who (1) attempts to cause, threatens to cause or causes physical injury to another; (2) possesses, furnishes, or sells a weapon without the permission of a school official; (3) possesses, uses, furnishes, sells, or purports to sell a controlled substance, alcohol beverage, or intoxicant illegally; (4) commits robbery or extortion; (5) damages, or attempts to damage, school or private property; (6) possesses or uses tobacco, except as provided by Education Code §48901; (7) engages in obscenity, profanity, or vulgarity; (8) unlawfully possesses, offers, arranges, or negotiates to sell drug paraphernalia; or (9) disrupts school activities or defies the authority of school officials. *Id.* §48900(a)-(k).

5. CAL. EDUC. CODE §48900(l). Chapter 318 restores language enacted by 1984 Cal. Stat. c. 23 but chaptered out by a later enactment, 1984 Cal. Stat. c. 536, which amended the same section of the Education Code. *Compare* 1983 Cal. Stat. c. 498, §91, at 651 (enacting CAL. EDUC. CODE §48900) with 1984 Cal. Stat. c. 23, §1, at 30 (amending CAL. EDUC. CODE §48900) and 1984 Cal. Stat. c. 536, §1, at 319 (amending CAL. EDUC. CODE §48900). When the same section of a statute is amended by two acts enacted in the same session, any portion of the first act which is omitted from the subsequent act will be deemed to have been omitted deliberately. CAL. GOV'T. CODE §9605.

