An act to amend Sections 46300, 51760, 51760.5, 51763, 51766, 51767, 51768, 51769, and 51769.5 of, and to add Section 51760.1 to, the Education Code, relating to work-based learning.

LEGISLATIVE COUNSEL’S DIGEST

AB 2078, as introduced, Fuentes. Work-based learning.

Existing law authorizes school districts that maintain high schools to establish work experience programs for the purpose of providing pupils with instruction in skills, attitudes, and understandings necessary for success in employment. Existing law provides for school districts that establish work experience programs to receive apportionments based on the average daily attendance in those programs, and provides procedures for the calculation of the amount of those apportionments.

This bill would authorize school districts that maintain high schools to establish work-based learning programs, and to purchase liability insurance for pupils enrolled in programs of study involving work-based learning off school grounds. The bill would define work-based learning to mean, but not necessarily be limited to, work experience that reinforces academic subject matter as taught in the classroom, where both pupils and employers clearly understand the goals and expectations of the program. The bill would also provide for the calculation of apportionments for the average daily attendance in work-based learning programs pursuant to the same provisions that govern the calculation of apportionments for work experience programs. The bill would also
make various conforming changes so that provisions applying to work
experience programs would also apply to work-based learning.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 46300 of the Education Code is amended
to read:

46300. (a) In computing average daily attendance of a school
district or county office of education, there shall be included the
attendance of pupils while engaged in educational activities
required of those pupils and under the immediate supervision and
control of an employee of the district or county office who
possessed a valid certification document, registered as required
by law.

(b) (1) For the purposes of a work-based learning program or
a work experience education program in a secondary school that
meets the standards of the California State Plan for Vocational
Education, “immediate supervision,” in the context of off-campus
work training stations, means pupil participation in on-the-job
training as outlined under a training agreement, coordinated by
the school district under a state-approved plan, wherein the
employer and certificated school personnel share the responsibility
for on-the-job supervision.

(2) The pupil-teacher ratio in a work-based learning program
or a work experience program shall not exceed 125 pupils per
full-time equivalent certificated teacher coordinator.

Notwithstanding Section 52033, this ratio may be waived by
the State Board of Education pursuant to Article 3 (commencing
with Section 33050) of Chapter 1 of Part 20 of Division 2 under
criteria developed by the State Board of Education.

(3) A pupil enrolled in a work-based learning program or a
work experience program shall not be credited with more than one
day of attendance per calendar day, and shall be a full-time pupil
enrolled in regular classes that meet the requirements of Section
46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or
programs described in Section 48917 that require immediate
supervision, “immediate supervision” means that the person to
whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For the purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the State Board of Education; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for any pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other provision of law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative vocational education programs and community classrooms described in Section 52372.1, “immediate supervision” means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor
of the training site and certificated school personnel share the
responsibility for the supervision of on-the-job experiences.

(g) In computing the average daily attendance of a school
district, there shall be included the attendance of pupils in
kindergarten after they have completed one school year in
kindergarten only if the school district has on file for each of those
pupils an agreement made pursuant to Section 48011, approved
in form and content by the State Department of Education and
signed by the pupil’s parent or guardian, that the pupil may
continue in kindergarten for not more than an additional school
year.

SEC. 2. Section 51760 of the Education Code is amended to
read:

51760. The governing board of any district maintaining a high
school may:

(a) Provide for the instruction of pupils in the skills, attitudes,
and understandings necessary to success in employment by means
of courses of work-based learning or work experience education
as provided in this article.

(b) Provide for guidance and supervision procedures designed
to insure maximum educational benefit to students from placement
in suitable work-based learning or work experience education
courses.

(c) Provide for arranging, approving, coordinating, and awarding
credit for work-based learning or work experience education
courses, and for those purposes employ instructors, coordinators,
and other necessary personnel.

(d) Provide for the district to purchase liability insurance for
students pupils enrolled in programs of study involving work-based
learning, work experience, or vocational education at locations
off school grounds approved by the governing board, or require
students to purchase insurance and to pass on all or a portion of
the costs, at the discretion of the governing board, to the district.

SEC. 3. Section 51760.1 is added to the Education Code, to
read:

51760.1. (a) The Legislature finds and declares all of the
following:

(1) California must make more efficient use of limited resources
to do a better job of preparing pupils for an economy that demands
that workers have strong academic and career knowledge and
skills, are adaptable to change, and are prepared for lifelong learning.

(2) The rapid growth of California’s population and the labor force requires special efforts to attract, support, and retain businesses that pay high wages to highly skilled workers. Therefore, improvement in the overall quality of the workforce is a vital component of economic development in California.

(3) Work-based learning can be an important factor in the development of a more skilled and successful workforce for California.

(b) “Work-based learning,” as used in this article, means, but is not necessarily limited to, work experience that reinforces academic subject matter as taught in the classroom, where both pupils and employers clearly understand the goals and expectations of the program.

SEC. 4. Section 51760.5 of the Education Code is amended to read:

51760.5. (a) Notwithstanding Section 51760, attendance in work-based learning or work experience classes or programs maintained by a regional occupational center or regional occupational program shall not receive apportionments from state funds based on average daily attendance unless those classes or programs are in conformance with standards adopted pursuant to Section 52372.

A student

(b) A pupil enrolled in a vocational education class using the cooperative vocational education methodology conducted by a regional occupational center or program shall not be credited with more than 15 hours of attendance in any calendar week for purposes of the methodology.

SEC. 5. Section 51763 of the Education Code is amended to read:

51763. All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work-based learning or work experience education courses.

SEC. 6. Section 51766 of the Education Code is amended to read:

51766. Work experience education or work-based learning involving apprenticeable occupations shall be consistent with the purposes of Chapter 4 (commencing with Section 3070); of
Division 3 of the Labor Code and with standards established by the California Apprenticeship Council.

SEC. 7. Section 51767 of the Education Code is amended to read:

51767. The governing board of any school district that maintains one or more high schools may provide for the establishment and supervision of work-based learning or work experience education programs in areas outside the district, either within this state or in a contiguous state.

SEC. 8. Section 51768 of the Education Code is amended to read:

51768. The governing board of any school district providing work-based learning, work experience and work study education may provide for employment under the program of pupils in part-time jobs located in areas outside the district, either within this state or in a contiguous state, and the employment may be by any public or private employer. The districts may pay wages to persons receiving the training whether assigned within or without the district and may provide workers' compensation insurance as may be necessary, but no payments may be made to or for private employers. However, wages to individuals with exceptional needs, as defined in Section 56026, may be paid to or for private employers as part of work experience programs funded through the annual Budget Act for these individuals.

SEC. 9. Section 51769 of the Education Code is amended to read:

51769. (a) Notwithstanding any provision of this code or the Labor Code to the contrary, the school district, county superintendent of schools, or any school administered by the State Department of Education, under whose supervision work-based learning, work experience education, cooperative vocational education, or community classrooms, as defined by regulations adopted by the Superintendent of Public Instruction, or a job shadowing experience, as defined in subdivision (b), or student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations for registered student apprentices, are provided, shall be considered the employer under Division 4 (commencing with Section 3200) of the Labor Code of persons receiving this training unless the persons during the training are being paid a cash wage or salary...
by a private employer, except in the case of registered student apprentices, when the school district, county superintendent of schools, or any school administered by the State Department of Education elects to provide workers’ compensation insurance, or unless the person or firm under whom the persons are receiving work experience or occupational training elects to provide workers’ compensation insurance. A registered student apprentice is a registered apprentice who is (1) at least 16 years of age, (2) a full-time high school student in the 10th, 11th, or 12th grade, and (3) in an apprenticeship program for registered student apprentices registered with the Division of Apprenticeship Standards. An apprentice, while attending related and supplemental instruction classes, shall be considered to be in the employ of the apprentice’s employer and not subject to this section, unless the apprentice is unemployed. Whenever If this work-based learning, work experience education, cooperative vocational education, community classroom education, or job shadowing, or student apprenticeship program registered by the Division of Apprenticeship Standards for registered student apprentices, is under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 52301, the district of residence of the persons receiving the training shall be deemed the employer for the purposes of this section.

(b) For purposes of this section, “job shadowing experience” means a visit to a workplace for the purpose of career exploration for no less than three hours and no more than 25 hours in one semester, intersession, or summer school session.

SEC. 10. Section 51769.5 of the Education Code is amended to read:

51769.5. Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work-based learning or work experience education programs established pursuant to this article if all of the following occur:

(a) The work-based learning or work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited.

(b) Parental approval is obtained.
(c) The principal or the counselor of the student has determined that the progress of the student pupil toward graduation will not be impaired.