

AMENDED IN SENATE JULY 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1159

Introduced by Assembly Members Blumenfield and Bloom
Member
Gonzalez
(Principal coauthor: Senator De León)

February 22, 2013

~~An act to amend Sections 60607 and 60641 of, and to add Sections 60810.5 and 60851.5 to, the Education Code, relating to pupils. An act to amend Sections 22442 and 22443.1 of, to add Sections 22442.15 and 22442.20 to, and to add Article 16 (commencing with Section 6240) to Chapter 4 of Division 3 of, the Business and Professions Code, relating to immigration services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1159, as amended, ~~Blumenfield Gonzalez. Pupils: achievement data: charter schools. Immigration services.~~

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation.

This bill would require attorneys providing immigration reform act services, as defined, to register with the State Bar, as specified. The bill would require these attorneys to provide a client with a written contract containing specified information, including an itemized list, with costs, of each service to be performed; to provide to the client a statement of accounting for the services rendered and payments made every 2 months; and to deliver to the client a copy of each document or form completed on behalf of the client. The bill would require these attorneys to comply with certain requirements relating to document retention and

the return of original documents to clients and to file with the State Bar a bond of \$100,000 in accordance with specified provisions. The bill would require these attorneys to deposit in a client trust account any funds received from the client prior to performing those services for that client, and would impose certain requirements relating to the expenditure of funds from this trust account. The bill would authorize the State Bar to charge these attorneys certain fees for the reasonable regulatory costs of administering and enforcing these provisions and would require the State Bar to adopt rules and regulations for purposes of implementing these provisions.

Existing law provides for the regulation of a person engaged in the business or acting in the capacity of an immigration consultant, and provides that a violation of these provisions is a crime. Existing law requires an immigration consultant to provide a client with a written contract containing specified information prior to providing services. Existing law requires an immigration consultant to file a bond of \$50,000 with the Secretary of State in accordance with specified provisions of law.

This bill would increase the amount of this bond to \$100,000. The bill would require that the written contract contain additional information relating to an explanation of the purpose of each service to be performed. The bill would require an immigration consultant to establish a client trust account and to deposit in this account any funds received from the client prior to performing immigration reform act services, as defined, for that client, and would impose certain requirements relating to the expenditure of funds from this trust account.

The bill would prohibit an attorney or an immigration consultant from demanding or accepting the advance payment of any funds from a person before the enactment of a specified federal act, and would require any funds received after January 1, 2014, but before the enactment of the federal act, to be refunded to the client.

Because a violation of these provisions by an immigration consultant would be a crime, this bill would impose a state-mandated local program.

This bill would provide that certain of its provisions would become operative only upon the enactment of a specified federal act relating to immigration reform.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes various programs for measuring pupil achievement, including the Standardized Testing and Reporting (STAR) Program, the high school exit examination, and English language development testing programs. Existing law requires that each pupil have an individual record of accomplishment by the end of grade 12 that includes the results of specified achievement tests, end-of-course exams, and vocational education certification exams. Existing law requires that pupil results or a record of accomplishment be private, and prohibits the release to any person without express written parental consent, subject to certain exceptions.~~

~~This bill would require the State Department of Education to provide to a school district that is the chartering authority of a charter school, in accordance with a specified federal law relating to the disclosure of pupil records, individual pupil achievement data, including test results from the STAR Program, high school exit examination, and English language development tests, as well as pupil demographic data and program data, relating to pupils who attend the charter school, except as specified. The bill would require the department to provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. Article 16 (commencing with Section 6240) is*
2 *added to Chapter 4 of Division 3 of the Business and Professions*
3 *Code, to read:*

4
5 *Article 16. Attorneys Providing Immigration Reform Act*
6 *Services*
7

8 6240. (a) *An attorney who provides immigration reform act*
9 *services, and who meets the criteria described in subdivision (c),*
10 *shall register with the State Bar as an attorney who provides*
11 *immigration reform act services, and shall demonstrate compliance*

1 *with this article, as may be required by the rules and regulations*
2 *of the State Bar.*

3 *(b) For purposes of this article, the following definitions apply:*

4 *(1) “Immigration reform act” means the federal act known as*
5 *the “Border Security, Economic Opportunity, and Immigration*
6 *Modernization Act” (S. 744, 2013).*

7 *(2) “Immigration reform act services” means consultation or*
8 *representation services related to immigration and citizenship*
9 *status, benefits, or relief under the immigration reform act.*

10 *(c) Except as provided in subdivision (d), this article shall apply*
11 *to the following:*

12 *(1) An attorney who is a member of the State Bar who provides*
13 *immigration reform act services.*

14 *(2) An attorney who is not a member of the State Bar, but who*
15 *meets both of the following:*

16 *(A) The attorney is authorized to practice law or authorized by*
17 *federal law to represent persons before the Board of Immigration*
18 *Appeals or the United States Citizenship and Immigration Services.*

19 *(B) The attorney is providing immigration reform act services*
20 *in an office or business in California.*

21 *(d) This article does not apply to an attorney providing*
22 *immigration reform act services who is either of the following:*

23 *(1) An employee of a qualified free legal service provider, that*
24 *is on the current list maintained by the Office of the Chief*
25 *Immigration Judge of the Executive Office for Immigration Review*
26 *and that meets the qualifications under Section 1003.61 of Title 8*
27 *of the Code of Federal Regulations.*

28 *(2) An employee of a nonprofit, tax-exempt corporation who*
29 *helps clients complete application forms in immigration matters*
30 *free of charge, or for a fee, including reasonable costs, consistent*
31 *with that authorized by the Board of Immigration Appeals under*
32 *Section 292.2 of Title 8 of the Code of Federal Regulations.*

33 *6241. (a) An attorney providing immigration reform act*
34 *services shall, prior to providing these services, provide the client*
35 *with a written contract in a form approved by the State Bar. The*
36 *written contract shall include, but is not limited to, all of the*
37 *following provisions:*

38 *(1) An itemized list specifying each service to be performed,*
39 *with an explanation of the purpose and process of each service.*

1 (2) *The cost of each itemized service described in paragraph*
2 *(1).*

3 (3) *An itemized list of the documents to be prepared by the*
4 *attorney, with an explanation of the purpose and process of each*
5 *document.*

6 (4) *The cost of preparation of each itemized document described*
7 *in paragraph (3).*

8 (5) *A statement of the purpose for which the attorney has been*
9 *hired and the actions to be taken by the attorney regarding each*
10 *document described in paragraph (3), including the agency and*
11 *office where each document will be filed and the approximate*
12 *processing times according to applicable published agency*
13 *guidelines.*

14 (6) *A statement informing the client that he or she may report*
15 *complaints to the Office of Immigrant Assistance of the Department*
16 *of Justice and to the State Bar of California. This statement shall*
17 *include the toll-free telephone numbers and Internet Web sites of*
18 *those entities.*

19 (b) *An attorney providing immigration reform act services shall*
20 *not, in writing or orally, make either of the following statements:*

21 (1) *A guarantee or promise regarding the results of the services.*

22 (2) *A statement that the attorney can or will obtain special*
23 *favors from, or has special influence with, the United States*
24 *Citizenship and Immigration Services or any other governmental*
25 *agency, employee, or official that may have a bearing on a client's*
26 *immigration matter.*

27 (c) *The provisions of the written contract shall be stated in*
28 *English and in the client's native language. A written contract is*
29 *void if it is not written pursuant to this subdivision.*

30 (d) *The client shall have the right to rescind the contract within*
31 *72 hours of signing the contract. The written contract shall*
32 *conspicuously state this right in both English and the client's native*
33 *language.*

34 6242. *A statement of accounting for the immigration reform*
35 *act services rendered and payments made shall be provided to the*
36 *client every two months, shall be typed or computer generated on*
37 *the attorney's letterhead, and shall display the itemized charges*
38 *and total charges for services and the client's payments offsetting*
39 *those charges. The attorney shall provide the client a written*

1 translation of the statement in the client's native language, if
2 applicable.

3 6243. An attorney providing immigration reform act services
4 shall do all of the following:

5 (a) Deliver to the client a copy of each document or form
6 completed on behalf of the client. Each document and form
7 delivered shall include the name and address of the attorney who
8 prepared the document or form.

9 (b) Retain copies of all documents and forms of a client for not
10 less than three years from the date of the last service to the client.

11 (c) Return to a client all original documents that the client has
12 provided to the attorney in support of the client's application,
13 including, but not limited to, original birth certificates, rental
14 agreements, utility bills, employment stubs, Department of Motor
15 Vehicle licenses with dates of entry, and passports. An original
16 document that does not need to be submitted to immigration
17 authorities as an original document shall be returned by the
18 attorney immediately after making a copy or reproduction thereof.

19 6244. (a) (1) Prior to providing immigration reform act
20 services, an attorney shall file with the State Bar a bond of one
21 hundred thousand dollars (\$100,000) executed by a corporate
22 surety admitted to do business in this state and conditioned upon
23 compliance with this article. The total aggregate liability on the
24 bond shall be limited to one hundred thousand dollars (\$100,000).

25 (2) The bond may be terminated pursuant to Section 995.440
26 of, and Article 13 (commencing with Section 996.310) of Chapter
27 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

28 (b) The bond required by this section shall be in favor of, and
29 payable to, the State Bar of California and shall be for the benefit
30 of any person damaged by any fraud, misstatement,
31 misrepresentation, unlawful act or omission, or failure to provide
32 the immigration reform act services of the attorney or the agents,
33 representatives, or employees of the attorney, while acting within
34 the scope of that employment or agency.

35 (c) An attorney shall notify the State Bar's office in writing
36 within 30 days when the surety bond required by this section is
37 renewed, and of any change of name, address, telephone number,
38 or agent for service of process.

39 (d) The State Bar shall post information on its Internet Web site
40 demonstrating that an attorney is registered to provide immigration

1 *reform act services and is in compliance with the requirements of*
2 *this section. The State Bar shall update the information at least*
3 *every 30 days. The State Bar shall remove this information if the*
4 *attorney is out of compliance with the requirements of this section.*

5 *(e) The State Bar shall adopt rules and regulations specifying*
6 *the process by which a person may make a claim to recover*
7 *damages from the bond.*

8 6245. *(a) An attorney who provides immigration reform act*
9 *services shall deposit in a client trust account any funds received*
10 *from the client prior to performing those services for that client.*

11 *(b) The attorney providing the immigration reform act services*
12 *for the client may withdraw funds received from that client only*
13 *in compliance with either of the following:*

14 *(1) After completing one or more of the itemized services*
15 *described in paragraph (1) of subdivision (a) of Section 6241, and*
16 *only in the amount identified as the cost of that service or those*
17 *services pursuant to paragraph (2) of subdivision (a) of Section*
18 *6241.*

19 *(2) After completing one or more of the itemized documents*
20 *described in paragraph (3) of subdivision (a) of Section 6241, and*
21 *only in the amount identified as the cost of the preparation of that*
22 *document or those documents pursuant to paragraph (4) of*
23 *subdivision (a) of Section 6241.*

24 6246. *(a) It is unlawful for an attorney to demand or accept*
25 *the advance payment of any funds from a person for immigration*
26 *reform act services before the enactment of the immigration reform*
27 *act.*

28 *(b) Any funds received after January 1, 2014, but before the*
29 *enactment of the immigration reform act, shall be refunded to the*
30 *client.*

31 *(c) This section shall become operative on January 1, 2014.*

32 6247. *The State Bar may charge and collect registration,*
33 *renewal, and filing fees from attorneys providing immigration*
34 *reform act services for the reasonable regulatory costs of*
35 *administering and enforcing this article.*

36 6248. *(a) The State Bar shall adopt rules and regulations for*
37 *purposes of implementing and enforcing this article.*

38 *(b) Except as provided in Section 6246, this article shall become*
39 *operative only upon the enactment of the immigration reform act.*

1 SEC. 2. Section 22442 of the Business and Professions Code
2 is amended to read:

3 22442. (a) Every person engaged in the business, or acting in
4 the capacity of, an immigration consultant who enters into a
5 contract or agreement with a client to provide services shall, prior
6 to providing any services, provide the client with a written contract,
7 the contents of which shall be prescribed by the Department of
8 Consumer Affairs in regulations.

9 (b) The written contract shall include all provisions relating to
10 the following:

11 (1) The services to be performed. *Each service to be performed*
12 *shall be itemized with an explanation of the purpose and process*
13 *of each service.*

14 (2) ~~The costs of the services~~ *cost of each itemized service* to be
15 performed.

16 (3) There shall be printed on the face of the contract in 10-point
17 boldface type a statement that the immigration consultant is not
18 an attorney and may not perform the legal services that an attorney
19 performs.

20 (4) The written contract shall list the documents to be prepared
21 by the immigration consultant, ~~and~~ shall explain the purpose and
22 process of each document, *and shall list the cost for preparing*
23 *each document.*

24 (5) The written contract shall state the purpose for which the
25 immigration consultant has been hired and the actions to be taken
26 by the immigration consultant regarding each document, including
27 the agency and office where each document will be filed and the
28 approximate processing times according to current published
29 agency guidelines.

30 (6) The written contract shall include a provision that informs
31 the client that he or she may report complaints relating to
32 immigration consultants to the Office of Immigrant Assistance of
33 the Department of Justice. The written contract shall also include
34 a provision stating that complaints concerning the unauthorized
35 practice of law may be reported to the State Bar of California.
36 These required provisions shall include the toll-free telephone
37 numbers and Internet Web sites of those entities.

38 (c) An immigration consultant ~~may~~ *shall* not include provisions
39 in the written contract relating to *either of* the following:

1 (1) Any guarantee or promise, unless the immigration consultant
2 has some basis in fact for making the guarantee or promise.

3 (2) Any statement that the immigration consultant can or will
4 obtain special favors from or has special influence with the United
5 States Citizenship and Immigration Services, or any other
6 governmental agency, employee, or official, that may have a
7 bearing on a client’s immigration matter.

8 (d) The provisions of the written contract shall be stated both
9 in English and in the client’s native language.

10 (e) A written contract is void if it is not written pursuant to
11 subdivision (d).

12 (f) The client shall have the right to rescind the contract within
13 72 hours of signing the contract. The contents of this subdivision
14 shall be conspicuously set forth in the written contract in both
15 English and the client’s native language.

16 (g) An immigration consultant ~~may~~ shall not make the
17 statements described in subdivision (c) orally to a client.

18 (h) This section does not apply to employees of nonprofit,
19 tax-exempt corporations who help clients complete application
20 forms in an immigration matter free of charge or for a fee, including
21 reasonable costs, consistent with that authorized by the Board of
22 Immigration Appeals under Section 292.2 of Title 8 of the Code
23 of Federal Regulations.

24 *SEC. 3. Section 22442.15 is added to the Business and*
25 *Professions Code, to read:*

26 *22442.15. (a) An immigration consultant who provides*
27 *immigration reform act services shall establish and deposit into*
28 *a client trust account any funds received from a client prior to*
29 *performing those services for that client.*

30 *(b) For purposes of this section, the following definitions apply:*

31 *(1) “Immigration reform act” means the federal act known as*
32 *the “Border Security, Economic Opportunity, and Immigration*
33 *Modernization Act” (S.744, 2013).*

34 *(2) “Immigration reform act services” means consultation or*
35 *representation services related to immigration and citizenship*
36 *status, benefits, or relief under the immigration reform act.*

37 *(c) The immigration consultant providing immigration reform*
38 *act services for the client may withdraw funds received from that*
39 *client only in compliance with either of the following:*

1 (1) After completing one or more of the itemized services
 2 described in paragraph (1) of subdivision (b) of Section 22442,
 3 and only in the amount identified as the cost of that service or
 4 those services pursuant to paragraph (2) of subdivision (b) of
 5 Section 22442.

6 (2) After completing one or more of the documents listed, and
 7 only in the amounts listed, pursuant to paragraph (4) of subdivision
 8 (b) of Section 22442.

9 (d) This section shall become operative only upon the enactment
 10 of the immigration reform act.

11 SEC. 4. Section 22442.20 is added to the Business and
 12 Professions Code, to read:

13 22442.20. (a) It is unlawful for an immigration consultant to
 14 demand or accept the advance payment of any funds from a person
 15 for immigration reform act services before the enactment of the
 16 immigration reform act, as defined in subdivision (b) of Section
 17 22442.15.

18 (b) Any funds received after January 1, 2014, but before the
 19 enactment of the immigration reform act, as defined in subdivision
 20 (b) of Section 22442.15, shall be refunded to the client.

21 SEC. 5. Section 22443.1 of the Business and Professions Code
 22 is amended to read:

23 22443.1. (a) (1) Prior to engaging in the ~~business~~ business,
 24 or acting in the ~~capacity~~ capacity, of an immigration consultant,
 25 each person shall file with the Secretary of State a bond of ~~fifty~~
 26 ~~thousand dollars~~ (~~\$50,000~~) *one hundred thousand dollars*
 27 *(\$100,000)* executed by a corporate surety admitted to do business
 28 in this state and conditioned upon compliance with this chapter.
 29 The total aggregate liability on the bond shall be limited to ~~fifty~~
 30 ~~thousand dollars~~ (~~\$50,000~~) *one hundred thousand dollars*
 31 *(\$100,000)*.

32 (2) The bond may be terminated pursuant to Section 995.440
 33 of, and Article 13 (commencing with Section 996.310) of Chapter
 34 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

35 (b) The bond required by this section shall be in favor of, and
 36 payable to, the people of the State of California and shall be for
 37 the benefit of any person damaged by any fraud, misstatement,
 38 misrepresentation, unlawful act or omission, or failure to provide
 39 the services of the immigration consultant or the agents,
 40 representatives, or employees of the immigration ~~consultant~~

1 *consultant*, while acting within the scope of that employment or
2 agency.

3 (c) An immigration consultant who is required to file a surety
4 bond with the Secretary of State shall also file a disclosure form
5 with the Secretary of State that contains all of the following
6 information:

7 (1) The immigration consultant's name, date of birth, residence
8 address, business address, residence telephone number, and
9 business telephone number.

10 (2) The name and address of the immigration consultant's agent
11 for service of process if one is required to be or has been appointed.

12 (3) Whether the immigration consultant has ever been convicted
13 of a violation of this chapter or of Section 6126.

14 (4) Whether the immigration consultant has ever been arrested
15 or convicted of a crime.

16 (5) If applicable, the name, business address, business telephone
17 number, and agent for service of process of the corporation or
18 partnership employing the immigration consultant.

19 (d) An immigration consultant shall notify the Secretary of
20 State's office in writing within 30 days when the surety bond
21 required by this section is renewed, and of any change of name,
22 address, telephone number, or agent for service of process.

23 (e) The Secretary of State shall post information on its Internet
24 Web site demonstrating that an immigration consultant is in
25 compliance with the bond required by this section and has
26 satisfactorily passed the background check required under Section
27 22441.1, and shall also post a copy of the immigration consultant's
28 photograph. The Secretary of State shall ensure that the information
29 is current and shall update the information at least every 30 days.
30 The Secretary of State shall only post this information and
31 photograph on its Internet Web site if the person has filed and
32 maintained the bond, filed the disclosure form and photograph
33 required to be filed with the Secretary of State, and passed the
34 background check required by Section 22441.1.

35 (f) The Secretary of State shall develop the disclosure form
36 required to file a bond under this section and make it available to
37 any immigration consultant filing a bond pursuant to this section.

38 (g) An immigration consultant shall submit all of the following
39 with the disclosure form:

1 (1) A copy of valid and current photo identification to determine
 2 the immigration consultant’s identity, such as a California driver’s
 3 license or identification card, passport, or other identification
 4 acceptable to the Secretary of State.

5 (2) A photograph of himself or herself with the dimensions and
 6 in the style that would be acceptable to the U.S. Department of
 7 State for obtaining a United States passport, as instructed by the
 8 Secretary of State. An immigration consultant bonded on or before
 9 December 31, 2006, shall submit the photograph on or before July
 10 1, 2007.

11 (h) The Secretary of State shall charge and collect a filing fee
 12 to cover the cost of filing the bond.

13 (i) The Secretary of State shall enforce the provisions of this
 14 chapter that govern the filing and maintenance of bonds.

15 (j) This section does not apply to employees of nonprofit,
 16 tax-exempt corporations who help clients complete application
 17 forms in an immigration matter free of charge or for a fee, including
 18 reasonable costs, consistent with that authorized by the Board of
 19 Immigration Appeals under Section 292.2 of Title 8 of the Code
 20 of Federal Regulations.

21 *SEC. 6. No reimbursement is required by this act pursuant to*
 22 *Section 6 of Article XIII B of the California Constitution because*
 23 *the only costs that may be incurred by a local agency or school*
 24 *district will be incurred because this act creates a new crime or*
 25 *infraction, eliminates a crime or infraction, or changes the penalty*
 26 *for a crime or infraction, within the meaning of Section 17556 of*
 27 *the Government Code, or changes the definition of a crime within*
 28 *the meaning of Section 6 of Article XIII B of the California*
 29 *Constitution.*

30 ~~SECTION 1. Section 60607 of the Education Code is amended~~
 31 ~~to read:~~

32 ~~60607. (a) Each pupil shall have an individual record of~~
 33 ~~accomplishment by the end of grade 12 that includes the results~~
 34 ~~of the achievement test required and administered annually as part~~
 35 ~~of the Standardized Testing and Reporting (STAR) Program~~
 36 ~~established pursuant to Article 4 (commencing with Section~~
 37 ~~60640), results of end-of-course exams he or she has taken, and~~
 38 ~~the vocational education certification exams he or she chose to~~
 39 ~~take.~~

1 ~~(b) It is the intent of the Legislature that school districts and~~
2 ~~schools use the results of the academic achievement tests~~
3 ~~administered annually as part of the statewide pupil assessment~~
4 ~~program to provide support to pupils and parents or guardians in~~
5 ~~order to assist pupils in strengthening their development as learners,~~
6 ~~and thereby to improve their academic achievement and~~
7 ~~performance in subsequent assessments.~~

8 ~~(c) (1) Any pupil results or a record of accomplishment shall~~
9 ~~be private, and may not be released to any person, other than the~~
10 ~~pupil's parent or guardian and a teacher, counselor, or administrator~~
11 ~~directly involved with the pupil, without the express written consent~~
12 ~~of either the parent or guardian of the pupil if the pupil is a minor,~~
13 ~~or the pupil if the pupil has reached the age of majority or is~~
14 ~~emancipated.~~

15 ~~(2) (A) Notwithstanding paragraph (1), a pupil or his or her~~
16 ~~parent or guardian may authorize the release of pupil results or a~~
17 ~~record of accomplishment to a postsecondary educational~~
18 ~~institution for purposes of credit, placement, or admission.~~

19 ~~(B) Notwithstanding paragraph (1), the results of an individual~~
20 ~~pupil on the California Standards Test may be released to a~~
21 ~~postsecondary educational institution for purposes of credit,~~
22 ~~placement, or admission.~~

23 ~~(C) Notwithstanding paragraph (1), the department shall provide~~
24 ~~to a school district individual pupil demographic data, program~~
25 ~~data, and achievement data, including, but not limited to, the results~~
26 ~~of the standards-based achievement tests that are part of the STAR~~
27 ~~Program, relating to pupils who attend a charter school for which~~
28 ~~the school district is the chartering authority, but shall not include~~
29 ~~data from a charter school that is described in subdivision (g) of~~
30 ~~Section 47605.1. To the extent this data is available, the department~~
31 ~~shall provide the data to the school district, along with the unique~~
32 ~~pupil identification number of each of those pupils, in accordance~~
33 ~~with the federal Family Educational Rights and Privacy Act of~~
34 ~~1974 (20 U.S.C. Sec. 1232g).~~

35 ~~SEC. 2. Section 60641 of the Education Code is amended to~~
36 ~~read:~~

37 ~~60641. (a) The department shall ensure that school districts~~
38 ~~comply with each of the following requirements:~~

1 ~~(1) The standards-based achievement test provided for in Section~~
2 ~~60642.5 is scheduled to be administered to all pupils during the~~
3 ~~period prescribed in subdivision (b) of Section 60640.~~

4 ~~(2) The individual results of each pupil test administered~~
5 ~~pursuant to Section 60640 shall be reported, in writing, to the~~
6 ~~parent or guardian of the pupil. The written report shall include a~~
7 ~~clear explanation of the purpose of the test, the score of the pupil,~~
8 ~~and the intended use by the school district of the test score. This~~
9 ~~subdivision does not require teachers or other school district~~
10 ~~personnel to prepare individualized explanations of the test score~~
11 ~~of each pupil.~~

12 ~~(3) (A) The individual results of each pupil test administered~~
13 ~~pursuant to Section 60640 also shall be reported to the school and~~
14 ~~teachers of a pupil. The school district shall include the test results~~
15 ~~of a pupil in his or her pupil records. However, except as provided~~
16 ~~in this section, individual pupil test results only may be released~~
17 ~~with the permission of either the pupil's parent or guardian if the~~
18 ~~pupil is a minor, or the pupil if the pupil has reached the age of~~
19 ~~majority or is emancipated.~~

20 ~~(B) Notwithstanding subparagraph (A), a pupil or his or her~~
21 ~~parent or guardian may authorize the release of individual pupil~~
22 ~~results to a postsecondary educational institution for purposes of~~
23 ~~credit, placement, determination of readiness for college-level~~
24 ~~coursework, or admission.~~

25 ~~(C) Notwithstanding subparagraph (A), the department shall~~
26 ~~provide to a school district individual pupil results for pupils~~
27 ~~attending a charter school for which the school district is the~~
28 ~~chartering authority, but shall not include data from a charter school~~
29 ~~that is described in subdivision (g) of Section 47605.1. To the~~
30 ~~extent this data is available, the department shall provide the data~~
31 ~~to the school district, along with the unique pupil identification~~
32 ~~number of each of those pupils, in accordance with the federal~~
33 ~~Family Educational Rights and Privacy Act of 1974 (20 U.S.C.~~
34 ~~Sec. 1232g).~~

35 ~~(4) The districtwide, school-level, and grade-level results of the~~
36 ~~STAR Program in each of the grades designated pursuant to Section~~
37 ~~60640, but not the score or relative position of an individually~~
38 ~~ascertainable pupil, shall be reported to the governing board of the~~
39 ~~school district at a regularly scheduled meeting, and the~~
40 ~~countywide, school-level, and grade-level results for classes and~~

1 programs under the jurisdiction of the county office of education
2 shall be similarly reported to the county board of education at a
3 regularly scheduled meeting.

4 (b) ~~The publisher of the standards-based achievement tests~~
5 ~~provided for in Section 60642.5 shall make the individual pupil,~~
6 ~~grade, school, school district, and state results available to the~~
7 ~~department pursuant to paragraph (9) of subdivision (a) of Section~~
8 ~~60643 by August 8 of each year in which the achievement test is~~
9 ~~administered for those schools for which the last day of test~~
10 ~~administration, including makeup days, is on or before June 25.~~
11 ~~The department shall make the grade, school, school district, and~~
12 ~~state results available on the Internet by August 15 of each year~~
13 ~~in which the achievement test is administered for those schools~~
14 ~~for which the last day of test administration, including makeup~~
15 ~~days, is on or before June 25.~~

16 (c) ~~The department shall take all reasonable steps to ensure that~~
17 ~~the results of the test for all pupils who take the test by June 25~~
18 ~~are made available on the Internet by August 15, as set forth in~~
19 ~~subdivision (b).~~

20 (d) ~~The department shall ensure that a California Standards Test~~
21 ~~that is augmented for purposes of determining credit, placement,~~
22 ~~or readiness for college-level coursework of a pupil in a~~
23 ~~postsecondary educational institution inform a pupil in grade 11~~
24 ~~that he or she may request that the results from that assessment be~~
25 ~~released to a postsecondary educational institution.~~

26 SEC. 3. ~~Section 60810.5 is added to the Education Code, to~~
27 ~~read:~~

28 60810.5. ~~The department shall provide to a school district the~~
29 ~~individual results of the English language development tests~~
30 ~~administered pursuant to Section 60810 for pupils who attend a~~
31 ~~charter school for which the school district is the chartering~~
32 ~~authority. To the extent this data is available, the department shall~~
33 ~~provide the data to the school district, along with the unique pupil~~
34 ~~identification number of each of those pupils, in accordance with~~
35 ~~the federal Family Educational Rights and Privacy Act of 1974~~
36 ~~(20 U.S.C. Sec. 1232g).~~

37 SEC. 4. ~~Section 60851.5 is added to the Education Code, to~~
38 ~~read:~~

39 60851.5. ~~The department shall provide to a school district the~~
40 ~~individual results of the high school exit examination for pupils~~

1 ~~who attend a charter school for which the school district is the~~
2 ~~chartering authority. To the extent this data is available, the~~
3 ~~department shall provide the data to the school district, along with~~
4 ~~the unique pupil identification number of each of those pupils, in~~
5 ~~accordance with the federal Family Educational Rights and Privacy~~
6 ~~Act of 1974 (20 U.S.C. Sec. 1232g).~~

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