

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 421

Introduced by Senator Hernandez

February 21, 2013

An act to amend Section 51225.3 of, and to add Section 52244 to, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 421, as amended, Hernandez. Pupil instruction: International Baccalaureate Diploma Program: advanced placement courses.

(1) Existing law authorizes a system of incentives to encourage high schools to operate International Baccalaureate Diploma Programs, and to encourage pupils in these schools to enroll in, attempt, and pass the International Baccalaureate course of study and examinations that lead to the International Baccalaureate Diploma. Existing law requires the Superintendent of Public Instruction, from funds appropriated for the purpose of the International Baccalaureate Diploma Program, to annually allocate to each school district, on behalf of each high school or middle school within the district that offers the program, up to \$25,000 for each participating high school and middle school to cover the costs of professional development required by the program and to help pay the test fees for low- and middle-income pupils in need of financial assistance.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements.

This bill would ~~require a pupil to complete either an International Baccalaureate Diploma Program or the specified courses in order to receive a diploma of graduation from high school~~ *authorize the governing board of a school district to deem a student to have completed the specified courses if that student successfully completed the International Baccalaureate Diploma Program.*

(2) Existing law authorizes a school district receiving economic impact aid funds to expend any portion of those funds to pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged pupils, as defined.

This bill would establish a grant program, administered by the State Department of Education, for the purpose of awarding grants to cover the costs of advanced placement examination fees or International Baccalaureate examination fees, or both, for eligible economically disadvantaged high school pupils, as defined. The bill would authorize a school district to apply to the department for grant funding under the program based on the number of economically disadvantaged pupils in the school district who will take the next offered advanced placement examinations and would require that grants be expended only to pay the fees required of eligible economically disadvantaged high school pupils to take an advanced placement or International Baccalaureate examination, or both. The bill would require funding priority be given to advanced placement examination fees if there is insufficient funding allocated to the grant program in a given fiscal year. The bill would require the department to make every effort to obtain and allocate federal funding for purposes of the program before expending any state funds and require all federal and state funds obtained by the department for the purpose of the program to be expended for those purposes only and prohibit those funds from being used to fund any other program.

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

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

- 1 SECTION 1. Section 51225.3 of the Education Code, as
- 2 amended by Section 3 of Chapter 621 of the Statutes of 2011, is
- 3 amended to read:
- 4 51225.3. (a) A pupil shall complete ~~all of the following~~ *the*
- 5 *requirements described in paragraphs (1) and (2) while in grades*

1 9 to 12, inclusive, in order to receive a diploma of graduation from
2 high school:

3 (1) ~~Either an International Baccalaureate Diploma Program, as~~
4 ~~set forth in Chapter 12.5 (commencing with Section 52920), or at~~
5 *At least the following numbers of courses in the subjects specified,*
6 *each course having a duration of one year, unless otherwise*
7 *specified:*

8 (A) Three courses in English.

9 (B) Two courses in mathematics.

10 (C) Two courses in science, including biological and physical
11 sciences.

12 (D) Three courses in social studies, including United States
13 history and geography; world history, culture, and geography; a
14 one-semester course in American government and civics; and a
15 one-semester course in economics.

16 (E) One course in visual or performing arts, foreign language,
17 or, commencing with the 2012–13 school year, career technical
18 education.

19 (i) For purposes of satisfying the requirement specified in this
20 subparagraph, a course in American Sign Language shall be
21 deemed a course in foreign language.

22 (ii) For purposes of this subparagraph, “a course in career
23 technical education” means a course in a district-operated career
24 technical education program that is aligned to the career technical
25 model curriculum standards and framework adopted by the state
26 board, including courses through a regional occupational center
27 or program operated by a county superintendent of schools or
28 pursuant to a joint powers agreement.

29 (iii) This subparagraph does not require a school or school
30 district that currently does not offer career technical education
31 courses to start new career technical education programs for
32 purposes of this section.

33 (iv) If a school district or county office of education elects to
34 allow a career technical education course to satisfy the requirement
35 imposed by this subparagraph, the governing board of the school
36 district or county office of education, before offering that
37 alternative to pupils, shall notify parents, teachers, pupils, and the
38 public at a regularly scheduled meeting of the governing board of
39 all of the following:

1 (I) The intent to offer career technical education courses to fulfill
2 the graduation requirement specified in this subparagraph.

3 (II) The impact that offering career technical education courses,
4 pursuant to this subparagraph, will have on the availability of
5 courses that meet the eligibility requirements for admission to the
6 California State University and the University of California, and
7 whether the career technical education courses to be offered
8 pursuant to this subparagraph are approved to satisfy those
9 eligibility requirements. If a school district elects to allow a career
10 technical education course to satisfy the requirement imposed by
11 this subparagraph, the school district shall comply with subdivision
12 (m) of Section 48980.

13 (III) The distinction, if any, between the high school graduation
14 requirements of the school district or county office of education,
15 and the eligibility requirements for admission to the California
16 State University and the University of California.

17 (F) Two courses in physical education, unless the pupil has been
18 exempted pursuant to the provisions of this code.

19 (2) Other coursework requirements adopted by the governing
20 board of the school district.

21 (3) *The governing board of a school district may deem a student*
22 *to have met the requirements of paragraph (1) for a diploma of*
23 *graduation from high school if that student has successfully*
24 *completed the International Baccalaureate Diploma Program, as*
25 *set forth in Chapter 12.5 (commencing with Section 52920).*

26 (b) The governing board, with the active involvement of parents,
27 administrators, teachers, and pupils, shall adopt alternative means
28 for pupils to complete the prescribed course of study that may
29 include practical demonstration of skills and competencies,
30 supervised work experience or other outside school experience,
31 career technical education classes offered in high schools, courses
32 offered by regional occupational centers or programs,
33 interdisciplinary study, independent study, and credit earned at a
34 postsecondary educational institution. Requirements for graduation
35 and specified alternative modes for completing the prescribed
36 course of study shall be made available to pupils, parents, and the
37 public.

38 (c) Notwithstanding any other law, a school district shall exempt
39 a pupil in foster care from all coursework and other requirements
40 adopted by the governing board of the school district that are in

1 addition to the statewide coursework requirements specified in
2 this section if the pupil, while he or she is in grade 11 or 12,
3 transfers into the district from another school district or between
4 high schools within the district, unless the school district makes a
5 finding that the pupil is reasonably able to complete the additional
6 requirements in time to graduate from high school while he or she
7 remains eligible for foster care benefits pursuant to state law. A
8 school district shall notify a pupil in foster care who is granted an
9 exemption pursuant to this subdivision, and, as appropriate, the
10 person holding the right to make educational decisions for the
11 pupil, if any of the requirements that are waived will affect the
12 pupil's ability to gain admission to a postsecondary educational
13 institution and shall provide information about transfer
14 opportunities available through the California Community
15 Colleges.

16 (d) On or before July 1, 2017, the department shall submit a
17 comprehensive report to the appropriate policy committees of the
18 Legislature on the addition of career technical education courses
19 to satisfy the requirement specified in subparagraph (E) of
20 paragraph (1) of subdivision (a), including, but not limited to, the
21 following information:

22 (1) A comparison of the pupil enrollment in career technical
23 education courses, foreign language courses, and visual and
24 performing arts courses for the 2005–06 to 2011–12 school years,
25 inclusive, to the pupil enrollment in career technical education
26 courses, foreign language courses, and visual and performing arts
27 courses for the 2012–13 to 2016–17 school years, inclusive.

28 (2) The reasons, reported by school districts, that pupils give
29 for choosing to enroll in a career technical education course to
30 satisfy the requirement specified in subparagraph (E) of paragraph
31 (1) of subdivision (a).

32 (3) The type and number of career technical education courses
33 that were conducted for the 2005–06 to 2011–12 school years,
34 inclusive, compared to the type and number of career technical
35 education courses that were conducted for the 2012–13 to 2016–17
36 school years, inclusive.

37 (4) The number of career technical education courses that
38 satisfied the subject matter requirements for admission to the
39 University of California or the California State University.

1 (5) The extent to which the career technical education courses
2 chosen by pupils are aligned with the ~~California Career Technical~~
3 ~~Education Standards~~ *career technical education standards*, and
4 prepare pupils for employment, advanced training, and
5 postsecondary education.

6 (6) The number of career technical education courses that also
7 satisfy the visual and performing arts requirement, and the number
8 of career technical education courses that also satisfy the foreign
9 language requirement.

10 (7) Annual pupil dropout and graduation rates for the 2011–12
11 to 2014–15 school years, inclusive.

12 (e) For purposes of completing the report described in
13 subdivision (d), the Superintendent may use existing state resources
14 and federal funds. If state or federal funds are not available or
15 sufficient, the Superintendent may apply for and accept grants,
16 and receive donations and other financial support from public or
17 private sources for purposes of this section.

18 (f) For purposes of completing the report described in
19 subdivision (d), the Superintendent may accept support, including,
20 but not limited to, financial and technical support, from high school
21 reform advocates, teachers, chamber organizations, industry
22 representatives, research centers, parents, and pupils.

23 (g) This section shall not require a school or school district that
24 currently does not offer an International Baccalaureate Diploma
25 Program to start an International Baccalaureate Diploma Program
26 for purposes of this section.

27 (h) This section shall become inoperative on the earlier of the
28 following two dates:

29 (1) On July 1, immediately following the first fiscal year after
30 the enactment of the act that adds this paragraph in which the
31 number of career technical education courses that, as determined
32 by the department, satisfy the foreign language requirement for
33 admission to the California State University and the University of
34 California is at least twice the number of career technical education
35 courses that meet these admission requirements as of January 1,
36 2012. This section shall be repealed on the following January 1,
37 unless a later enacted statute, that becomes operative on or before
38 that date, deletes or extends the dates on which it becomes
39 inoperative and is repealed. It is the intent of the Legislature that
40 new career technical education courses that satisfy the foreign

1 language requirement for admission to the California State
2 University and the University of California focus on world
3 languages aligned with career preparation, emphasizing real-world
4 application and technical content in related career and technical
5 education courses.

6 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
7 unless a later enacted statute, that becomes operative on or before
8 January 1, 2018, deletes or extends the dates on which it becomes
9 inoperative and is repealed.

10 SEC. 2. Section 51225.3 of the Education Code, as added by
11 Section 4 of Chapter 621 of the Statutes of 2011, is amended to
12 read:

13 51225.3. (a) A pupil shall complete ~~all of the following~~ *the*
14 *requirements described in paragraphs (1) and (2)* while in grades
15 9 to 12, inclusive, in order to receive a diploma of graduation from
16 high school:

17 (1) ~~Either an International Baccalaureate Diploma Program, as~~
18 ~~set forth in Chapter 12.5 (commencing with Section 52920), or at~~
19 *At least the following numbers of courses in the subjects specified,*
20 *each course having a duration of one year, unless otherwise*
21 *specified:*

22 (A) Three courses in English.

23 (B) Two courses in mathematics.

24 (C) Two courses in science, including biological and physical
25 sciences.

26 (D) Three courses in social studies, including United States
27 history and geography; world history, culture, and geography; a
28 one-semester course in American government and civics; and a
29 one-semester course in economics.

30 (E) One course in visual or performing arts or foreign language.
31 For purposes of satisfying the requirement specified in this
32 subparagraph, a course in American Sign Language shall be
33 deemed a course in foreign language.

34 (F) Two courses in physical education, unless the pupil has been
35 exempted pursuant to the provisions of this code.

36 (2) Other coursework requirements adopted by the governing
37 board of the school district.

38 (3) *The governing board of a school district may deem a student*
39 *to have met the requirements of paragraph (1) for a diploma of*
40 *graduation from high school if that student has successfully*

1 *completed the International Baccalaureate Diploma Program, as*
2 *set forth in Chapter 12.5 (commencing with Section 52920).*

3 (b) The governing board, with the active involvement of parents,
4 administrators, teachers, and pupils, shall adopt alternative means
5 for pupils to complete the prescribed course of study that may
6 include practical demonstration of skills and competencies,
7 supervised work experience or other outside school experience,
8 career technical education classes offered in high schools, courses
9 offered by regional occupational centers or programs,
10 interdisciplinary study, independent study, and credit earned at a
11 postsecondary~~education~~ *educational* institution. Requirements
12 for graduation and specified alternative modes for completing the
13 prescribed course of study shall be made available to pupils,
14 parents, and the public.

15 (c) Notwithstanding any other law, a school district shall exempt
16 a pupil in foster care from all coursework and other requirements
17 adopted by the governing board of the school district that are in
18 addition to the statewide coursework requirements specified in
19 this section if the pupil, while he or she is in grade 11 or 12,
20 transfers into the district from another school district or between
21 high schools within the district, unless the school district makes a
22 finding that the pupil is reasonably able to complete the additional
23 requirements in time to graduate from high school while he or she
24 remains eligible for foster care benefits pursuant to state law. A
25 school district shall notify a pupil in foster care who is granted an
26 exemption pursuant to this subdivision, and, as appropriate, the
27 person holding the right to make educational decisions for the
28 pupil, if any of the requirements that are waived will affect the
29 pupil's ability to gain admission to a postsecondary educational
30 institution and shall provide information about transfer
31 opportunities available through the California Community
32 Colleges.

33 (d) If a pupil completed a career technical education course that
34 met the requirements of subparagraph (E) of paragraph (1) of
35 subdivision (a) of Section 51225.3, as amended by the act adding
36 this section, before the inoperative date of that section, that course
37 shall be deemed to fulfill the requirements of subparagraph (E) of
38 paragraph (1) of subdivision (a) of this section.

39 (e) This section shall not require a school or school district that
40 currently does not offer an International Baccalaureate Diploma

1 Program to start an International Baccalaureate *Diploma* Program
2 for purposes of this section.

3 (f) This section shall become operative upon the date that
4 Section 51225.3, as amended by the act adding this section,
5 becomes inoperative.

6 SEC. 3. Section 52244 is added to the Education Code, to read:

7 52244. (a) There is hereby established a grant program for the
8 purpose of awarding grants to cover the costs of advanced
9 placement examination fees or International Baccalaureate
10 examination fees, or both, for eligible economically disadvantaged
11 high school pupils. The department shall administer this program.

12 (b) An “eligible economically disadvantaged high school pupil”
13 means a pupil who is either from a family whose annual household
14 income is below 200 percent of the federal poverty level or a pupil
15 who is eligible for a federal free or reduced-price meal program.

16 (c) A school district may apply to the department for grant
17 funding pursuant to this section, based on the number of
18 economically disadvantaged pupils in the school district enrolled
19 in advanced placement courses who will take the next offered
20 advanced placement examinations. A school district that applies
21 to the department for this purpose shall designate school district
22 staff to whom pupils may submit applications for grants and shall
23 institute a plan to notify pupils of the availability of financial
24 assistance pursuant to this section. Grants shall be expended only
25 to pay the fees required of eligible economically disadvantaged
26 high school pupils to take an advanced placement or International
27 Baccalaureate examination, or both.

28 (d) An eligible economically disadvantaged high school pupil
29 who is enrolled in an advanced placement or International
30 Baccalaureate course, or both, may apply to the designated school
31 district staff for a grant pursuant to this section. A pupil who
32 receives a grant shall pay five dollars (\$5) of the examination fee.

33 (e) School districts and county superintendents of schools may
34 join together and form collaboratives or consortia in order to
35 participate in the grant program established by this section.

36 (f) Grants provided pursuant to this section may not be used to
37 supplant fee waivers available to low-income pupils who take
38 advanced placement or International Baccalaureate examinations.

39 (g) If the total school district applications exceed the total funds
40 available pursuant to this section, the department shall prorate the

1 grants based upon the ratio of the total amount requested to the
2 total amount budgeted by the state for this purpose. Funding
3 priority shall be given to advanced placement examination fees if
4 there is insufficient funding allocated for the grant program in a
5 given fiscal year.

6 (h) To facilitate program administration and school district
7 reimbursement, the department may enter into a contract with the
8 provider of advanced placement or International Baccalaureate
9 examinations. For purposes of the contract authorized pursuant to
10 this subdivision, the department is exempt from the requirements
11 of Part 2 (commencing with Section 10100) of Division 2 of the
12 Public Contract Code and from the requirements of Article 6
13 (commencing with Section 999) of Chapter 6 of Division 4 of the
14 Military and Veterans Code.

15 (i) The department shall make every effort to obtain and allocate
16 federal funding for purposes of this program before expending any
17 state funds. All state and federal funds obtained by the department
18 for purposes of this program shall be expended for these purposes
19 only and are prohibited from being used to fund any other program.