

ASSEMBLY BILL

No. 2063

Introduced by Assembly Member Gallagher

February 17, 2016

An act to amend Sections 51760.3 and 51769 of the Education Code, and to amend Section 3368 of the Labor Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2063, as introduced, Gallagher. Work-based learning opportunities: work experience education, registered student apprentices, and job shadowing.

Existing law authorizes a school district to offer work experience education, and requires a pupil to be at least 16 years of age to receive credit for completing a work experience education program, except under specified circumstances. Existing law specifies that a pupil may participate in a job shadowing experience for a maximum of 40 hours in one semester. Existing law requires a pupil to be at least 16 years of age and in 10th, 11th, or 12th grade in order to receive credit for participation in a student apprenticeship program.

This bill would lower the minimum age for participation in work experience education from 16 to 14 years of age, except under specified circumstances. The bill would lower the minimum age to receive credit for participation in a student apprenticeship program as a registered student apprentice from 16 to 14 years of age, and would authorize pupils in 9th grade to participate in a student apprenticeship program. The bill would increase the number of hours a pupil is authorized to participate in a job shadowing experience from 25 hours to 40 hours per semester.

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 51760.3 of the Education Code is
2 amended to read:
3 51760.3. The governing board of any school district offering
4 work experience education pursuant to the authority of Section
5 51760 shall grant credit to pupils satisfactorily completing a work
6 experience education program, in an amount not to exceed a total
7 of 40 semester credits, of which no more than 10 credits may be
8 conferred in any one semester, provided the pupil meets all of the
9 following requirements:
10 (a) At the time of enrollment, the pupil is at least ~~16~~ 14 years
11 of age. Pupils under the age of ~~16~~ 14 years may receive credit for
12 work experience education under the following conditions:
13 (1) The pupil is enrolled in grade 11 or a higher grade.
14 (2) The principal of the school in which the pupil is enrolled
15 certifies that the pupil is in need of immediate work experience
16 education in order to pursue employment opportunities.
17 (3) The principal of the school in which the pupil is enrolled
18 certifies that there is a probability that the pupil will no longer be
19 enrolled as a full-time pupil without being provided the opportunity
20 to enroll in a work experience education program.
21 (4) The pupil's individualized education ~~program~~ *program*,
22 adopted pursuant to the requirements of Part 30 (commencing with
23 Section 56000), prescribes the type of training for which
24 participation in a work experience program is deemed appropriate.
25 (b) During the course of the pupil's enrollment in the program,
26 the pupil receives as a minimum the equivalent of one instructional
27 period per week of classroom instruction or counseling by a
28 certificated employee. The instruction or counseling shall be
29 offered in sessions scheduled intermittently throughout the
30 semester.
31 (c) The work experience education program meets all of the
32 requirements of law governing these programs.
33 SEC. 2. Section 51769 of the Education Code is amended to
34 read:

1 51769. (a) Notwithstanding any provision of this code or the
2 Labor Code to the contrary, the school district, county
3 superintendent of schools, or any school administered by the State
4 Department of Education, under whose supervision work
5 experience education, cooperative vocational education, or
6 community classrooms, as defined by regulations adopted by the
7 ~~Superintendent of Public Instruction~~, *Superintendent*, or a job
8 shadowing experience, as defined in subdivision (b), or student
9 apprenticeship programs registered by the Division of
10 Apprenticeship Standards of the Department of Industrial Relations
11 for registered student apprentices, are provided, shall be considered
12 the employer under Division 4 (commencing with Section 3200)
13 of the Labor Code of persons receiving this training unless the
14 persons during the training are being paid a cash wage or salary
15 by a private employer, except in the case of registered student
16 apprentices, when the school district, county superintendent of
17 schools, or any school administered by the State Department of
18 Education elects to provide workers' compensation insurance, or
19 unless the person or firm under whom the persons are receiving
20 work experience or occupational training elects to provide workers'
21 compensation insurance. A registered student apprentice is a
22 registered apprentice who is (1) at least ~~16~~ *14* years of age, (2) a
23 full-time high school ~~student~~ *pupil* in the *9th*, 10th, 11th, or 12th
24 grade, and (3) in an apprenticeship program for registered student
25 apprentices registered with the Division of Apprenticeship
26 Standards. An apprentice, while attending related and supplemental
27 instruction classes, shall be considered to be in the employ of the
28 apprentice's employer and not subject to this section, unless the
29 apprentice is unemployed. Whenever this work experience
30 education, cooperative vocational education, community classroom
31 education, or job shadowing, or student apprenticeship program
32 registered by the Division of Apprenticeship Standards for
33 registered student apprentices, is under the supervision of a regional
34 occupational center or program operated by two or more school
35 districts pursuant to Section 52301, the district of residence of the
36 persons receiving the training shall be deemed the employer for
37 the purposes of this section.

38 (b) For purposes of this section, "job shadowing experience"
39 means a visit to a workplace for the purpose of career exploration

1 for no less than three hours and no more than ~~25~~ 40 hours in one
2 semester, intersession, or summer school session.

3 SEC. 3. Section 3368 of the Labor Code is amended to read:
4 3368. Notwithstanding any provision of this code or the
5 Education Code to the contrary, the school district, county
6 superintendent of schools, or any school administered by the State
7 Department of Education under whose supervision work experience
8 education, cooperative vocational education, or community
9 classrooms, as defined by regulations adopted by the
10 Superintendent of Public Instruction, or student apprenticeship
11 programs registered by the Division of Apprenticeship Standards
12 for registered student apprentices, are provided, shall be considered
13 the employer under Division 4 (commencing with Section 3200)
14 of persons receiving this training unless the persons during the
15 training are being paid a cash wage or salary by a private employer.
16 However, in the case of students being paid a cash wage or salary
17 by a private employer in supervised work experience education or
18 cooperative vocational education, or in the case of registered
19 student apprentices, the school district, county superintendent of
20 schools, or any school administered by the State Department of
21 Education may elect to provide workers' compensation coverage,
22 unless the person or firm under whom the persons are receiving
23 work experience or occupational training elects to provide workers'
24 compensation coverage. If the school district or other educational
25 agency elects to provide workers' compensation coverage for
26 students being paid a cash wage or salary by a private employer
27 in supervised work experience education or cooperative vocational
28 education, it may only be for a transitional period not to exceed
29 three months. A registered student apprentice is a registered
30 apprentice who is (1) at least ~~16~~ 14 years of age, (2) a full-time
31 high school student in the 9th, 10th, 11th, or 12th grade, and (3)
32 in an apprenticeship program for registered student apprentices
33 registered with the Division of Apprenticeship Standards. An
34 apprentice, while attending related and supplemental instruction
35 classes, shall be considered to be in the employ of the apprentice's
36 employer and not subject to this section, unless the apprentice is
37 unemployed. Whenever this work experience education,
38 cooperative vocational education, community classroom education,
39 or student apprenticeship program registered by the Division of
40 Apprenticeship Standards for registered student apprentices, is

1 under the supervision of a regional occupational center or program
2 operated by two or more school districts pursuant to Section 52301
3 of the Education Code, the district of residence of the persons
4 receiving the training shall be deemed the employer for the
5 purposes of this section.

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