

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN SENATE MAY 10, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2306

Introduced by Assembly Member Frazier

February 18, 2016

An act to amend Sections 48645.3, 48645.5, ~~48647~~, 51225.1, and 51225.2 of the Education Code, relating to juvenile court school pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2306, as amended, Frazier. Juvenile court school pupils.

Existing law provides for the administration and operation of juvenile court schools by the county board of education, and requires the county office of education and the county probation department to have a joint transition planning policy to, among other things, coordinate school placement and enrollment. *education.*

This bill would express the Legislature's intent that juvenile court schools have a rigorous curriculum that includes a course of study that prepares pupils for high school graduation and career entry and fulfills the requirements for admission to the California State University and the University of California. ~~The bill would require the joint transition planning policy to contain specified information relating to assisting eligible youth in completing the Free Application for Federal Student Aid (FAFSA) and admission applications for postsecondary educational institutions, thereby imposing a state-mandated local program.~~

Existing law prescribes the course of study a pupil is required to complete while in grades 9 to 12, inclusive, in order to receive a diploma of graduation, and authorizes the governing board of a school district to prescribe other coursework requirements that are in addition to the statewide requirements. Existing law exempts pupils in foster care and pupils who are homeless children or youths from local graduation requirements and also requires a school district and county office of education to accept coursework satisfactorily completed by those pupils while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school.

This bill would make that exemption and requirement to accept coursework satisfactorily completed applicable to former juvenile court school pupils, as defined. The bill would also require a county office of education to issue a diploma of graduation to a pupil who completes statewide coursework requirements for graduation while attending a juvenile court school but does not complete coursework and other requirements that are in addition to the statewide graduation requirements. By placing additional requirements on school districts and county offices of education, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 48645.3 of the Education Code is
- 2 amended to read:
- 3 48645.3. (a) Juvenile court schools shall be conducted in a
- 4 manner as shall be prescribed by the county board of education to
- 5 best accomplish the provisions of Section 48645. The minimum
- 6 schoolday shall be 240 minutes. Minimum schooldays shall be
- 7 calculated on the basis of the average number of minutes of
- 8 attendance during not more than 10 consecutive days in which

1 classes are conducted. The minimum schoolday for pupils in
2 attendance in approved vocational education programs, work
3 programs prescribed by the probation department pursuant to
4 Section 883 of the Welfare and Institutions Code, and work
5 experience programs shall be 180 minutes, which shall be
6 calculated on the basis of the average number of minutes of
7 attendance during not more than 10 consecutive days in which
8 classes are conducted. The county board of education shall adopt
9 and enforce a course of study and evaluate its program in
10 accordance with Sections 51040, 51041, 51050, and 51054 and
11 the provisions of Article 3 (commencing with Section 51220) of
12 Chapter 2 of Part 28.

13 (b) Juvenile court schools shall not be closed on any weekday
14 of the calendar year, except those weekdays adopted by the county
15 board of education as school holidays or set aside by the county
16 board of education for inservice purposes. However, the county
17 board of education may close juvenile court schools when it deems
18 the closing is necessary to accommodate contingencies.

19 (c) (1) The county board of education may adopt and enforce
20 a course of study that enhances instruction in mathematics and
21 English language arts for pupils attending juvenile court schools,
22 as determined by statewide assessments or objective local
23 evaluations and assessments as approved by the county
24 superintendent of schools.

25 (2) The enhanced course of study adopted pursuant to paragraph
26 (1) shall meet the standards adopted pursuant to Section 60605.8,
27 as appropriate, and shall be tailored to meet the needs of the
28 individual pupil to increase the pupil's academic literacy and
29 reading fluency.

30 (d) It is the intent of the Legislature that pupils in juvenile court
31 schools have a rigorous curriculum that includes a course of study
32 preparing them for high school graduation and career entry and
33 fulfilling the requirements for admission to the University of
34 California and the California State University.

35 SEC. 2. Section 48645.5 of the Education Code is amended to
36 read:

37 48645.5. (a) Each public school district and county office of
38 education shall accept for credit full or partial coursework
39 satisfactorily completed by a pupil while attending a public school,
40 juvenile court school, or nonpublic, nonsectarian school or agency.

1 The coursework shall be transferred by means of the standard state
 2 transcript. If a pupil completes the graduation requirements of his
 3 or her school district of residence while being detained, the school
 4 district of residence shall issue to the pupil a diploma from the
 5 school the pupil last attended before detention or, in the alternative,
 6 the county superintendent of schools may issue the diploma.

7 (b) A pupil shall not be denied enrollment or readmission to a
 8 public school solely on the basis that he or she has had contact
 9 with the juvenile justice system, including, but not limited to:

- 10 (1) Arrest.
- 11 (2) Adjudication by a juvenile court.
- 12 (3) Formal or informal supervision by a probation officer.
- 13 (4) Detention for any length of time in a juvenile facility or
- 14 enrollment in a juvenile court school.

15 (c) Pursuant to subparagraph (B) of paragraph (8) of subdivision
 16 (f) of Section 48853.5, a pupil who has had contact with the
 17 juvenile justice system shall be immediately enrolled in a public
 18 school.

19 (d) If a pupil completes the statewide coursework requirements
 20 for graduation specified in Section 51225.3 while attending a
 21 juvenile court school, the county office of education shall issue to
 22 the pupil a diploma of graduation and shall not require the pupil
 23 to complete coursework or other requirements that are in addition
 24 to the statewide coursework requirements.

25 ~~SEC. 3. Section 48647 of the Education Code is amended to~~
 26 ~~read:~~

27 ~~48647. (a) Local educational agencies are strongly encouraged~~
 28 ~~to enter into memoranda of understanding and create joint policies,~~
 29 ~~systems, including data sharing systems, transition centers, and~~
 30 ~~other joint structures that will allow for the immediate transfer of~~
 31 ~~educational records, create uniform systems for calculating and~~
 32 ~~awarding course credit, and allow for the immediate enrollment~~
 33 ~~of pupils transferring from juvenile court schools.~~

34 ~~(b) As part of their existing responsibilities for coordinating~~
 35 ~~education and services for youth in the juvenile justice system, the~~
 36 ~~county office of education and county probation department shall~~
 37 ~~have a joint transition planning policy that includes collaboration~~
 38 ~~with relevant local educational agencies to improve communication~~
 39 ~~regarding dates of release and the educational needs of pupils who~~
 40 ~~have had contact with the juvenile justice system, to coordinate~~

1 ~~immediate school placement and enrollment, and to ensure that~~
2 ~~probation officers in the community have the information they~~
3 ~~need to support the return of pupils who are being transferred from~~
4 ~~juvenile court schools to public schools in their communities. The~~
5 ~~joint transition planning policy shall describe how the county office~~
6 ~~of education and the county probation department shall assist~~
7 ~~eligible youth in completing the Free Application for Federal~~
8 ~~Student Aid (FAFSA) and admission applications for~~
9 ~~postsecondary educational institutions.~~

10 ~~SEC. 4.~~

11 *SEC. 3.* Section 51225.1 of the Education Code is amended to
12 read:

13 51225.1. (a) Notwithstanding any other law, a school district
14 shall exempt a pupil in foster care, as defined in Section 51225.2,
15 a pupil who is a homeless child or youth, as defined in Section
16 11434a(2) of Title 42 of the United States Code, or a former
17 juvenile court school pupil who transfers between schools any
18 time after the completion of the pupil's second year of high school
19 from all coursework and other requirements adopted by the
20 governing board of the school district that are in addition to the
21 statewide coursework requirements specified in Section 51225.3,
22 unless the school district makes a finding that the pupil is
23 reasonably able to complete the school district's graduation
24 requirements in time to graduate from high school by the end of
25 the pupil's fourth year of high school.

26 (b) If the school district determines that the pupil in foster care,
27 the pupil who is a homeless child or youth, or the former juvenile
28 court school pupil is reasonably able to complete the school
29 district's graduation requirements within the pupil's fifth year of
30 high school, the school district shall do all of the following:

31 (1) Inform the pupil of his or her option to remain in school for
32 a fifth year to complete the school district's graduation
33 requirements.

34 (2) Inform the pupil, and the person holding the right to make
35 educational decisions for the pupil, about how remaining in school
36 for a fifth year to complete the school district's graduation
37 requirements will affect the pupil's ability to gain admission to a
38 postsecondary educational institution.

39 (3) Provide information to the pupil about transfer opportunities
40 available through the California Community Colleges.

1 (4) Permit the pupil to stay in school for a fifth year to complete
2 the school district's graduation requirements upon agreement with
3 the pupil, if the pupil is 18 years of age or older, or, if the pupil is
4 under 18 years of age, upon agreement with the person holding
5 the right to make educational decisions for the pupil.

6 (c) To determine whether a pupil in foster care, a pupil who is
7 a homeless child or youth, or a former juvenile court school pupil
8 is in the third or fourth year of high school, either the number of
9 credits the pupil has earned to the date of transfer or the length of
10 the pupil's school enrollment may be used, whichever will qualify
11 the pupil for the exemption.

12 (d) (1) (A) Within 30 calendar days of the date that a pupil in
13 foster care who may qualify for the exemption from local
14 graduation requirements pursuant to this section transfers into a
15 school, the school district shall notify the pupil, the person holding
16 the right to make educational decisions for the pupil, and the pupil's
17 social worker or probation officer of the availability of the
18 exemption and whether the pupil qualifies for an exemption.

19 (B) If the school district fails to provide timely notice pursuant
20 to subparagraph (A), the pupil described in subparagraph (A) shall
21 be eligible for the exemption from local graduation requirements
22 pursuant to this section once notified, even if that notification
23 occurs after the termination of the court's jurisdiction over the
24 pupil, if the pupil otherwise qualifies for the exemption pursuant
25 to this section.

26 (2) (A) Within 30 calendar days of the date that a pupil who is
27 a homeless child or youth may qualify for the exemption from
28 local graduation requirements pursuant to this section transfers
29 into a school, the school district shall notify the pupil, the person
30 holding the right to make educational decisions for the pupil, and
31 the local educational agency liaison for homeless children and
32 youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title
33 42 of the United States Code, of the availability of the exemption
34 and whether the pupil qualifies for an exemption.

35 (B) If the school district fails to provide timely notice pursuant
36 to subparagraph (A), the pupil described in subparagraph (A) shall
37 be eligible for the exemption from local graduation requirements
38 pursuant to this section once notified, even if that notification
39 occurs after the pupil is no longer a homeless child or youth, if the
40 pupil otherwise qualifies for the exemption pursuant to this section.

1 (3) (A) Within 30 calendar days of the date that a former
2 juvenile court school pupil may qualify for the exemption from
3 local graduation requirements pursuant to this section transfers
4 into a school, the school district shall notify the pupil, the person
5 holding the right to make educational decisions for the pupil, and
6 the pupil's social worker or probation officer of the availability of
7 the exemption and whether the pupil qualifies for an exemption.

8 (B) If the school district fails to provide timely notice pursuant
9 to subparagraph (A), the pupil described in subparagraph (A) shall
10 be eligible for the exemption from local graduation requirements
11 pursuant to this section once notified, even if that notification
12 occurs after termination of the court's jurisdiction over the pupil,
13 if the pupil otherwise qualifies for the exemption pursuant to this
14 section.

15 (e) If a pupil in foster care, a pupil who is a homeless child or
16 youth, or a former juvenile court school pupil is exempted from
17 local graduation requirements pursuant to this section and
18 completes the statewide coursework requirements specified in
19 Section 51225.3 before the end of his or her fourth year of high
20 school and that pupil would otherwise be entitled to remain in
21 attendance at the school, a school or school district shall not require
22 or request that the pupil graduate before the end of his or her fourth
23 year of high school.

24 (f) If a pupil in foster care, a pupil who is a homeless child or
25 youth, or a former juvenile court school pupil is exempted from
26 local graduation requirements pursuant to this section, the school
27 district shall notify the pupil and the person holding the right to
28 make educational decisions for the pupil how any of the
29 requirements that are waived will affect the pupil's ability to gain
30 admission to a postsecondary educational institution and shall
31 provide information about transfer opportunities available through
32 the California Community Colleges.

33 (g) A pupil in foster care, a pupil who is a homeless child or
34 youth, or a former juvenile court school pupil who is eligible for
35 the exemption from local graduation requirements pursuant to this
36 section and would otherwise be entitled to remain in attendance
37 at the school shall not be required to accept the exemption or be
38 denied enrollment in, or the ability to complete, courses for which
39 he or she is otherwise eligible, including courses necessary to

1 attend an institution of higher education, regardless of whether
2 those courses are required for statewide graduation requirements.

3 (h) If a pupil in foster care, a pupil who is a homeless child or
4 youth, or a former juvenile court school pupil is not exempted
5 from local graduation requirements or has previously declined the
6 exemption pursuant to this section, a school district shall exempt
7 the pupil at any time if an exemption is requested by the pupil and
8 the pupil qualifies for the exemption.

9 (i) If a pupil in foster care, a pupil who is a homeless child or
10 youth, or a former juvenile court school pupil is exempted from
11 local graduation requirements pursuant to this section, a school
12 district shall not revoke the exemption.

13 (j) (1) If a pupil in foster care is exempted from local graduation
14 requirements pursuant to this section, the exemption shall continue
15 to apply after the termination of the court’s jurisdiction over the
16 pupil while he or she is enrolled in school or if the pupil transfers
17 to another school or school district.

18 (2) If a pupil who is a homeless child or youth is exempted from
19 local graduation requirements pursuant to this section, the
20 exemption shall continue to apply after the pupil is no longer a
21 homeless child or youth while he or she is enrolled in school or if
22 the pupil transfers to another school or school district.

23 (3) If a former juvenile court school pupil is exempted from
24 local graduation requirements pursuant to this section, the
25 exemption shall continue to apply after the termination of the
26 court’s jurisdiction over the pupil while he or she is enrolled in
27 school or if the pupil transfers to another school or school district.

28 (k) A school district shall not require or request a pupil in foster
29 care, a pupil who is a homeless child or youth, or a former juvenile
30 court school pupil to transfer schools in order to qualify the pupil
31 for an exemption pursuant to this section.

32 (l) (1) A pupil in foster care, the person holding the right to
33 make educational decisions for the pupil, the pupil’s social worker,
34 or the pupil’s probation officer shall not request a transfer solely
35 to qualify the pupil for an exemption pursuant to this section.

36 (2) A pupil who is a homeless child or youth, the person holding
37 the right to make educational decisions for the pupil, or the local
38 educational agency liaison for homeless children and youth
39 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of

1 the United States Code, shall not request a transfer solely to qualify
2 the pupil for an exemption pursuant to this section.

3 (3) A former juvenile court school pupil, the person holding the
4 right to make educational decisions for the pupil, the pupil's social
5 worker, or the pupil's probation officer shall not request a transfer
6 solely to qualify the pupil for an exemption pursuant to this section.

7 (m) (1) A complaint of noncompliance with the requirements
8 of this section may be filed with the local educational agency under
9 the Uniform Complaint Procedures set forth in Chapter 5.1
10 (commencing with Section 4600) of Division 1 of Title 5 of the
11 California Code of Regulations.

12 (2) A complainant not satisfied with the decision of a local
13 educational agency may appeal the decision to the department
14 pursuant to Chapter 5.1 (commencing with Section 4600) of
15 Division 1 of Title 5 of the California Code of Regulations and
16 shall receive a written decision regarding the appeal within 60
17 days of the department's receipt of the appeal.

18 (3) If a local educational agency finds merit in a complaint, or
19 the Superintendent finds merit in an appeal, the local educational
20 agency shall provide a remedy to the affected pupil.

21 (4) Information regarding the requirements of this section shall
22 be included in the annual notification distributed to, among others,
23 pupils, parents or guardians of pupils, employees, and other
24 interested parties pursuant to Section 4622 of Title 5 of the
25 California Code of Regulations.

26 ~~SEC. 5.~~

27 *SEC. 4.* Section 51225.2 of the Education Code is amended to
28 read:

29 51225.2. (a) For purposes of this section, the following
30 definitions apply:

31 (1) "Pupil in foster care" means a child who has been removed
32 from his or her home pursuant to Section 309 of the Welfare and
33 Institutions Code, is the subject of a petition filed under Section
34 300 or 602 of the Welfare and Institutions Code, or has been
35 removed from his or her home and is the subject of a petition filed
36 under Section 300 or 602 of the Welfare and Institutions Code.

37 (2) "Pupil who is a homeless child or youth" means a pupil who
38 meets the definition of "homeless child or youth" in Section
39 11434a(2) of Title 42 of the United States Code.

1 (3) “Former juvenile court school pupil” means a pupil who,
2 upon completion of the pupil’s second year of high school, transfers
3 to a school district from a juvenile court school.

4 (b) Notwithstanding any other law, a school district and county
5 office of education shall accept coursework satisfactorily completed
6 by a pupil in foster care, a pupil who is a homeless child or youth,
7 or a former juvenile court school pupil while attending another
8 public school, a juvenile court school, or a nonpublic, nonsectarian
9 school or agency even if the pupil did not complete the entire
10 course and shall issue that pupil full or partial credit for the
11 coursework completed.

12 (c) The credits accepted pursuant to subdivision (b) shall be
13 applied to the same or equivalent course, if applicable, as the
14 coursework completed in the prior public school, juvenile court
15 school, or nonpublic, nonsectarian school or agency.

16 (d) A school district or county office of education shall not
17 require a pupil in foster care, a pupil who is a homeless child or
18 youth, or a former juvenile court school pupil to retake a course
19 if the pupil has satisfactorily completed the entire course in a public
20 school, a juvenile court school, or a nonpublic, nonsectarian school
21 or agency. If the pupil did not complete the entire course, the school
22 district or county office of education shall not require the pupil to
23 retake the portion of the course the pupil completed unless the
24 school district or county office of education, in consultation with
25 the holder of educational rights for the pupil, finds that the pupil
26 is reasonably able to complete the requirements in time to graduate
27 from high school. When partial credit is awarded in a particular
28 course, the pupil in foster care, the pupil who is a homeless child
29 or youth, or the former juvenile court school pupil shall be enrolled
30 in the same or equivalent course, if applicable, so that the pupil
31 may continue and complete the entire course.

32 (e) A pupil in foster care, a pupil who is a homeless child or
33 youth, or a former juvenile court school pupil shall not be prevented
34 from retaking or taking a course to meet the eligibility requirements
35 for admission to the California State University or the University
36 of California.

37 (f) (1) A complaint of noncompliance with the requirements
38 of this section may be filed with the local educational agency under
39 the Uniform Complaint Procedures set forth in Chapter 5.1

1 (commencing with Section 4600) of Division 1 of Title 5 of the
2 California Code of Regulations.

3 (2) A complainant not satisfied with the decision of a local
4 educational agency may appeal the decision to the department
5 pursuant to Chapter 5.1 (commencing with Section 4600) of
6 Division 1 of Title 5 of the California Code of Regulations and
7 shall receive a written decision regarding the appeal within 60
8 days of the department's receipt of the appeal.

9 (3) If a local educational agency finds merit in a complaint, or
10 the Superintendent finds merit in an appeal, the local educational
11 agency shall provide a remedy to the affected pupil.

12 (4) Information regarding the requirements of this section shall
13 be included in the annual notification distributed to, among others,
14 pupils, parents or guardians of pupils, employees, and other
15 interested parties pursuant to Section 4622 of Title 5 of the
16 California Code of Regulations.

17 ~~SEC. 6.~~

18 *SEC. 5.* If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.