

AMENDED IN SENATE AUGUST 17, 2016
AMENDED IN SENATE AUGUST 16, 2016
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, 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.

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.

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
9 classes are conducted. The minimum schoolday for pupils in
10 attendance in approved vocational education programs, work
11 programs prescribed by the probation department pursuant to
12 Section 883 of the Welfare and Institutions Code, and work

1 experience programs shall be 180 minutes, which shall be
2 calculated on the basis of the average number of minutes of
3 attendance during not more than 10 consecutive days in which
4 classes are conducted. The county board of education shall adopt
5 and enforce a course of study and evaluate its program in
6 accordance with Sections 51040, 51041, 51050, and 51054 and
7 the provisions of Article 3 (commencing with Section 51220) of
8 Chapter 2 of Part 28, except subdivision (c) of Section 51220.

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

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

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

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

31 SEC. 2. Section 48645.5 of the Education Code is amended to
32 read:

33 48645.5. (a) Each public school district and county office of
34 education shall accept for credit full or partial coursework
35 satisfactorily completed by a pupil while attending a public school,
36 juvenile court school, or nonpublic, nonsectarian school or agency.
37 The coursework shall be transferred by means of the standard state
38 transcript. If a pupil completes the graduation requirements of his
39 or her school district of residence while being detained, the school
40 district of residence shall issue to the pupil a diploma from the

1 school the pupil last attended before detention or, in the alternative,
 2 the county superintendent of schools may issue the diploma.

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

- 6 (1) Arrest.
- 7 (2) Adjudication by a juvenile court.
- 8 (3) Formal or informal supervision by a probation officer.
- 9 (4) Detention for any length of time in a juvenile facility or
 10 enrollment in a juvenile court school.

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

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

21 SEC. 3. Section 51225.1 of the Education Code is amended to
 22 read:

23 51225.1. (a) Notwithstanding any other law, a school district
 24 shall exempt a pupil in foster care, as defined in Section 51225.2,
 25 a pupil who is a homeless child or youth, as defined in Section
 26 11434a(2) of Title 42 of the United States Code, or a former
 27 juvenile court school pupil, as defined in Section 51225.2, who
 28 transfers between schools any time after the completion of the
 29 pupil's second year of high school from all coursework and other
 30 requirements adopted by the governing board of the school district
 31 that are in addition to the statewide coursework requirements
 32 specified in Section 51225.3, unless the school district makes a
 33 finding that the pupil is reasonably able to complete the school
 34 district's graduation requirements in time to graduate from high
 35 school by the end of the pupil's fourth year of high school.

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

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

4 (2) Inform the pupil, and the person holding the right to make
5 educational decisions for the pupil, about how remaining in school
6 for a fifth year to complete the school district's graduation
7 requirements will affect the pupil's ability to gain admission to a
8 postsecondary educational institution.

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

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

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

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

29 (B) If the school district fails to provide timely notice pursuant
30 to subparagraph (A), the pupil described in subparagraph (A) shall
31 be eligible for the exemption from local graduation requirements
32 pursuant to this section once notified, even if that notification
33 occurs after the termination of the court's jurisdiction over the
34 pupil, if the pupil otherwise qualifies for the exemption pursuant
35 to this section.

36 (2) (A) Within 30 calendar days of the date that a pupil who is
37 a homeless child or youth may qualify for the exemption from
38 local graduation requirements pursuant to this section transfers
39 into a school, the school district shall notify the pupil, the person
40 holding the right to make educational decisions for the pupil, and

1 the local educational agency liaison for homeless children and
2 youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title
3 42 of the United States Code, of the availability of the exemption
4 and whether the pupil qualifies for an exemption.

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

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

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

25 (e) If a pupil in foster care, a pupil who is a homeless child or
26 youth, or a former juvenile court school pupil is exempted from
27 local graduation requirements pursuant to this section and
28 completes the statewide coursework requirements specified in
29 Section 51225.3 before the end of his or her fourth year of high
30 school and that pupil would otherwise be entitled to remain in
31 attendance at the school, a school or school district shall not require
32 or request that the pupil graduate before the end of his or her fourth
33 year of high school.

34 (f) If a pupil in foster care, a pupil who is a homeless child or
35 youth, or a former juvenile court school pupil is exempted from
36 local graduation requirements pursuant to this section, the school
37 district shall notify the pupil and the person holding the right to
38 make educational decisions for the pupil how any of the
39 requirements that are waived will affect the pupil's ability to gain
40 admission to a postsecondary educational institution and shall

1 provide information about transfer opportunities available through
2 the California Community Colleges.

3 (g) A pupil in foster care, a pupil who is a homeless child or
4 youth, or a former juvenile court school pupil who is eligible for
5 the exemption from local graduation requirements pursuant to this
6 section and would otherwise be entitled to remain in attendance
7 at the school shall not be required to accept the exemption or be
8 denied enrollment in, or the ability to complete, courses for which
9 he or she is otherwise eligible, including courses necessary to
10 attend an institution of higher education, regardless of whether
11 those courses are required for statewide graduation requirements.

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

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

22 (j) (1) If a pupil in foster care is exempted from local graduation
23 requirements pursuant to this section, the exemption shall continue
24 to apply after the termination of the court's jurisdiction over the
25 pupil while he or she is enrolled in school or if the pupil transfers
26 to another school or school district.

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

32 (3) If a former juvenile court school pupil is exempted from
33 local graduation requirements pursuant to this section, the
34 exemption shall continue to apply after the termination of the
35 court's jurisdiction over the pupil while he or she is enrolled in
36 school or if the pupil transfers to another school or school district.

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

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

5 (2) A pupil who is a homeless child or youth, the person holding
 6 the right to make educational decisions for the pupil, or the local
 7 educational agency liaison for homeless children and youth
 8 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
 9 the United States Code, shall not request a transfer solely to qualify
 10 the pupil for an exemption pursuant to this section.

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

15 (m) (1) A complaint of noncompliance with the requirements
 16 of this section may be filed with the local educational agency under
 17 the Uniform Complaint Procedures set forth in Chapter 5.1
 18 (commencing with Section 4600) of Division 1 of Title 5 of the
 19 California Code of Regulations.

20 (2) A complainant not satisfied with the decision of a local
 21 educational agency may appeal the decision to the department
 22 pursuant to Chapter 5.1 (commencing with Section 4600) of
 23 Division 1 of Title 5 of the California Code of Regulations and
 24 shall receive a written decision regarding the appeal within 60
 25 days of the department’s receipt of the appeal.

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

29 (4) Information regarding the requirements of this section shall
 30 be included in the annual notification distributed to, among others,
 31 pupils, parents or guardians of pupils, employees, and other
 32 interested parties pursuant to Section 4622 of Title 5 of the
 33 California Code of Regulations.

34 SEC. 4. Section 51225.2 of the Education Code is amended to
 35 read:

36 51225.2. (a) For purposes of this section, the following
 37 definitions apply:

38 (1) “Pupil in foster care” means a child who has been removed
 39 from his or her home pursuant to Section 309 of the Welfare and
 40 Institutions Code, is the subject of a petition filed under Section

1 300 or 602 of the Welfare and Institutions Code, or has been
2 removed from his or her home and is the subject of a petition filed
3 under Section 300 or 602 of the Welfare and Institutions Code.

4 (2) “Pupil who is a homeless child or youth” means a pupil who
5 meets the definition of “homeless child or youth” in Section
6 11434a(2) of Title 42 of the United States Code.

7 (3) “Former juvenile court school pupil” means a pupil who,
8 upon completion of the pupil’s second year of high school, transfers
9 to a school district, excluding a school district operated by the
10 ~~Department~~ *Division of Juvenile Justice, Justice of the Department*
11 *of Corrections and Rehabilitation*, from a juvenile court school.

12 (b) Notwithstanding any other law, a school district and county
13 office of education shall accept coursework satisfactorily completed
14 by a pupil in foster care, a pupil who is a homeless child or youth,
15 or a former juvenile court school pupil while attending another
16 public school, a juvenile court school, or a nonpublic, nonsectarian
17 school or agency even if the pupil did not complete the entire
18 course and shall issue that pupil full or partial credit for the
19 coursework completed.

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

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

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

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

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

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

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

25 SEC. 5. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.