

AMENDED IN SENATE JUNE 5, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 216

Introduced by Assembly Members Stone and Maienschein

January 31, 2013

An act to amend Section 51225.3 of, and to add Section 51225.1 to, the Education Code, relating to high school graduation requirements, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 216, as amended, Stone. High school graduation requirements: pupils in foster care.

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.

Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would recast those provisions, and would, instead, require a school district to exempt a ~~foster youth~~ *pupil in foster care* who transfers between schools any time after the completion of the pupils

2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements, unless the school district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. *The bill would require a school district that determines that a pupil in foster care is reasonably able to complete the school district's graduation requirements within the pupil's 5th year of high school to take specified actions, including permitting the pupil to stay in school for a 5th year to complete the graduation requirements.* The bill would allow either the number of credits the pupil has earned to date or the length of the pupil's school enrollment to be used to determine whether *a* the pupil is in the 3rd or 4th year of high school, whichever would qualify the pupil for the exemption. The bill would require the school district to notify, within 30 *calendar* days of the transfer, a pupil *in foster care* who may qualify for the exemption ~~and~~, the person holding the right to make educational decisions for the pupil, *and the pupil's social worker*, of the availability of the exemption ~~and to inform them~~ *and* whether the pupil qualifies for the exemption. The bill would require the school district to notify the pupil, and the ~~adult~~ *person* holding the right to make educational decisions for the pupil, of the effect the waived requirements will have on the pupil's ability to gain admission to postsecondary educational institutions. The bill would prohibit a school or school district from requiring or requesting that the pupil graduate before the end of his or her 4th year of high school if a pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school, *and from requiring or requesting a pupil in foster care to transfer schools in order to qualify the pupil for an exemption.*

By requiring school districts to perform additional duties in complying with the exemption requirement, this 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 51225.1 is added to the Education Code,
2 to read:

3 51225.1. (a) Notwithstanding any other law, a school district
4 shall exempt a ~~foster youth~~ *pupil in foster care, as defined in*
5 *Section 51225.2*, who transfers between schools any time after the
6 completion of the pupil’s second year of high school from all
7 coursework and other requirements adopted by the governing board
8 of the school district that are in addition to the statewide
9 coursework requirements specified in Section 51225.3, unless the
10 school district makes a finding that the pupil is reasonably able to
11 complete the school district’s graduation requirements in time to
12 graduate from high school by the end of the pupil’s fourth year of
13 high school.

14 (b) *If the school district determines that the pupil in foster care*
15 *is reasonably able to complete the school district’s graduation*
16 *requirements within the pupil’s fifth year of high school, the district*
17 *shall do all of the following:*

18 (1) *Inform the pupil of his or her option to remain in school for*
19 *a fifth year to complete the school district’s graduation*
20 *requirements.*

21 (2) *Inform the pupil, and the person holding the right to make*
22 *educational decisions for the pupil, about how remaining in school*
23 *for a fifth year to complete the school district’s graduation*
24 *requirements will affect the pupil’s ability to gain admission to a*
25 *postsecondary educational institution.*

26 (3) *Provide information to the pupil about transfer opportunities*
27 *available through the California Community Colleges.*

28 (4) *Permit the pupil to stay in school for a fifth year to complete*
29 *the school district’s graduation requirements upon agreement with*
30 *the pupil, if the pupil is 18 years of age or older, or, if the pupil is*
31 *under 18 years of age, upon agreement with the person holding*
32 *the right to make educational decisions for the pupil.*

33 (b)

1 (c) To determine whether a pupil *in foster care* is in the third
2 or fourth year of high school, either the number of credits the pupil
3 has earned to the date of transfer or the length of the pupil's school
4 enrollment may be used, whichever will qualify the pupil for the
5 exemption.

6 ~~(e)~~

7 (d) Within 30 *calendar* days of the date that a pupil *in foster*
8 *care* who may qualify for the exemption from local graduation
9 requirements pursuant to this section transfers into a school, the
10 school district shall notify the pupil ~~and, the adult person~~ holding
11 the right to make educational decisions for the pupil, ~~and the~~
12 ~~pupil's social worker,~~ of the availability of the exemption and ~~shall~~
13 ~~inform the pupil and the adult holding the right to make educational~~
14 ~~decisions for the pupil that whether the pupil qualifies or does not~~
15 ~~qualify for an exemption.~~

16 ~~(d)~~

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

24 ~~(e)~~

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

33 ~~(f)~~

34 (g) If a pupil *in foster care* is exempted from local graduation
35 requirements pursuant to this section and that pupil would
36 otherwise be entitled to remain in attendance at the school, nothing
37 in this section shall be construed to require a pupil to accept the
38 exemption, or to deny a pupil enrollment in or the ability to
39 complete courses for which he or she is otherwise eligible,
40 including courses necessary to attend a four-year state university,

1 regardless of whether those courses are required for statewide
2 graduation requirements.

3 ~~(g)~~

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

9 ~~(h)~~

10 (i) If a pupil *in foster care* is exempted from local graduation
11 requirements pursuant to this section, a school district shall not
12 revoke the exemption.

13 (j) *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 (k) *A school district shall not require or request a pupil in foster*
19 *care to transfer schools in order to qualify the pupil for an*
20 *exemption pursuant to this section.*

21 SEC. 2. Section 51225.3 of the Education Code, as amended
22 by Section 3 of Chapter 621 of the Statutes of 2011, is amended
23 to read:

24 51225.3. (a) A pupil shall complete all of the following while
25 in grades 9 to 12, inclusive, in order to receive a diploma of
26 graduation from high school:

27 (1) At least the following numbers of courses in the subjects
28 specified, each course having a duration of one year, unless
29 otherwise specified:

30 (A) Three courses in English.

31 (B) Two courses in mathematics.

32 (C) Two courses in science, including biological and physical
33 sciences.

34 (D) Three courses in social studies, including United States
35 history and geography; world history, culture, and geography; a
36 one-semester course in American government and civics; and a
37 one-semester course in economics.

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

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

4 (ii) For purposes of this subparagraph, “a course in career
5 technical education” means a course in a district-operated career
6 technical education program that is aligned to the career technical
7 model curriculum standards and framework adopted by the state
8 board, including courses through a regional occupational center
9 or program operated by a county superintendent of schools or
10 pursuant to a joint powers agreement.

11 (iii) This subparagraph does not require a school or school
12 district that currently does not offer career technical education
13 courses to start new career technical education programs for
14 purposes of this section.

15 (iv) If a school district or county office of education elects to
16 allow a career technical education course to satisfy the requirement
17 imposed by this subparagraph, the governing board of the school
18 district or county office of education, before offering that
19 alternative to pupils, shall notify parents, teachers, pupils, and the
20 public at a regularly scheduled meeting of the governing board of
21 all of the following:

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

24 (II) The impact that offering career technical education courses,
25 pursuant to this subparagraph, will have on the availability of
26 courses that meet the eligibility requirements for admission to the
27 California State University and the University of California, and
28 whether the career technical education courses to be offered
29 pursuant to this subparagraph are approved to satisfy those
30 eligibility requirements. If a school district elects to allow a career
31 technical education course to satisfy the requirement imposed by
32 this subparagraph, the school district shall comply with subdivision
33 (m) of Section 48980.

34 (III) The distinction, if any, between the high school graduation
35 requirements of the school district or county office of education,
36 and the eligibility requirements for admission to the California
37 State University and the University of California.

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

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

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 educational institution. Requirements for graduation
12 and specified alternative modes for completing the prescribed
13 course of study shall be made available to pupils, parents, and the
14 public.

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

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

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

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

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

39 (5) The extent to which the career technical education courses
40 chosen by pupils are aligned with the California Career Technical

1 Education Standards, and prepare pupils for employment, advanced
2 training, and postsecondary education.

3 (6) The number of career technical education courses that also
4 satisfy the visual and performing arts requirement, and the number
5 of career technical education courses that also satisfy the foreign
6 language requirement.

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

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

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

20 (f) This section shall become inoperative on the earlier of the
21 following two dates:

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

39 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
40 unless a later enacted statute, that becomes operative on or before

1 January 1, 2018, deletes or extends the dates on which it becomes
2 inoperative and is repealed.

3 SEC. 3. Section 51225.3 of the Education Code, as added by
4 Section 4 of Chapter 621 of the Statutes of 2011, is amended to
5 read:

6 51225.3. (a) A pupil shall complete all of the following while
7 in grades 9 to 12, inclusive, in order to receive a diploma of
8 graduation from high school:

9 (1) At least the following numbers of courses in the subjects
10 specified, each course having a duration of one year, unless
11 otherwise specified:

12 (A) Three courses in English.

13 (B) Two courses in mathematics.

14 (C) Two courses in science, including biological and physical
15 sciences.

16 (D) Three courses in social studies, including United States
17 history and geography; world history, culture, and geography; a
18 one-semester course in American government and civics; and a
19 one-semester course in economics.

20 (E) One course in visual or performing arts or foreign language.
21 For purposes of satisfying the requirement specified in this
22 subparagraph, a course in American Sign Language shall be
23 deemed a course in foreign language.

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

26 (2) Other coursework requirements adopted by the governing
27 board of the school district.

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

1 (c) If a pupil completed a career technical education course that
2 met the requirements of subparagraph (E) of paragraph (1) of
3 subdivision (a) of Section 51225.3, as amended by the act adding
4 this section, before the inoperative date of that section, that course
5 shall be deemed to fulfill the requirements of subparagraph (E) of
6 paragraph (1) of subdivision (a) of this section.

7 (d) This section shall become operative upon the date that
8 Section 51225.3, as amended by the act adding this section,
9 becomes inoperative.

10 SEC. 4. If the Commission on State Mandates determines
11 that this act contains costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

15 SEC. 5. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the Constitution and shall go into
18 immediate effect. The facts constituting the necessity are:

19 In order to ensure that pupils in foster care who are eligible for
20 foster care benefits are eligible to graduate from high school in
21 the 2012–13 academic year, it is necessary for this act to take effect
22 immediately.