

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2276

Introduced by Assembly Member Bocanegra

February 21, 2014

An act to amend Sections 48645.5, 49069.5, and 51225.2 of, to add Section 48647 to, and to add and repeal Section 48648 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL’S DIGEST

AB 2276, as amended, Bocanegra. Pupils: transfers from juvenile court schools.

Existing law affords various protections for the enrollment of pupils in foster care in schools, including, among others, expedited enrollment and speedy transfer of academic records when a pupil in foster care is transferring schools, and establishes procedures for the acceptance of coursework for pupils in foster care, including coursework completed in a juvenile court school. Existing law defines “pupil in foster care” for purposes of those provisions to include, among others, a person who has violated the law and has been adjudged a ward of the court, as specified. Existing law also provides for the administration and operation of juvenile court schools by county offices of education, and sets forth separate protections specifically applicable to pupils who have had contact with the juvenile justice system, including prohibiting a pupil from being denied enrollment or readmission to a public school because he or she has had contact with the juvenile justice system.

This bill would revise the definition of “pupil in foster care” referenced above to specifically include pupils who have been enrolled in juvenile court schools. The bill would specify that a pupil who has

been enrolled in a juvenile court school, upon release, shall not be denied immediate enrollment in a regular public school for specified reasons, including, but not limited to, a delay in the transfer of academic records. The bill would require a county office of education and county probation department to meet to develop a transition planning policy relating to pupils who are being released from juvenile court schools. By imposing additional requirements on local governmental entities, the bill would impose a state-mandated local program. The bill would specify that local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, as specified, regarding the immediate enrollment of pupils transferring from juvenile court schools. The bill would require the Superintendent of Public Instruction and the Board of State and Community Corrections to convene a statewide group to develop a model and study relating to the transfer of academic records and enrollment of pupils who are being transferred from juvenile court schools, and would require the statewide group to report its findings and recommendations to the Legislature on or before January 1, 2016. The bill would revise legislative findings and declarations regarding the transfer of pupils in foster care who have had contact with the juvenile justice system, and would make other clarifying and conforming changes.

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.

~~Existing law provides for the administration and operation of juvenile court schools, including, among others, public schools in juvenile halls and juvenile ranches. Existing law provides certain protections to a foster child when transferring schools, including, among others, expedited enrollment and speedy transfer of academic records.~~

~~This bill would express the Legislature's intent to enact legislation that would extend some of the protections currently provided to a foster child when transferring schools to a child transferring from a juvenile court school to another public school, including immediate enrollment in the new school and speedy transfer of academic and other records from the school last attended by the child.~~

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

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

1 *SECTION 1. Section 48645.5 of the Education Code is amended*
2 *to read:*

3 48645.5. (a) Each public school district and county office of
4 education shall accept for credit full or partial coursework
5 satisfactorily completed by a pupil while attending a public school,
6 juvenile court school, or nonpublic, nonsectarian school or agency.
7 The coursework shall be transferred by means of the standard state
8 transcript. If a pupil completes the graduation requirements of his
9 or her school district of residence while being detained, the school
10 district of residence shall issue to the pupil a diploma from the
11 school the pupil last attended before detention or, in the alternative,
12 the county superintendent of schools may issue the diploma.

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

- 16 (1) Arrest.
17 (2) Adjudication by a juvenile court.
18 (3) Formal or informal supervision by a probation officer.
19 (4) Detention for any length of time in a juvenile facility or
20 enrollment in a juvenile court school.

21 (c) *A pupil who has been enrolled in a juvenile court school,*
22 *upon release, shall not be denied immediate enrollment in a regular*
23 *public school for any of the reasons specified in subparagraph (B)*
24 *of paragraph (8) of subdivision (e) of Section 48853.5, including,*
25 *but not limited to, a delay in the transfer of academic records.*

26 *SEC. 2. Section 48647 is added to the Education Code, to 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*

1 county office of education and county probation department shall
2 convene a meeting to develop a transition planning policy to
3 improve communication regarding dates of release and the
4 educational needs for pupils who have had contact with the juvenile
5 justice system, to coordinate immediate school placement, and to
6 ensure that probation officers in the community have the
7 information they need to support the return of pupils who are being
8 transferred from juvenile court schools to regular public schools
9 in their communities.

10 SEC. 3. Section 48648 is added to the Education Code, to read:

11 48648. (a) The Superintendent and the Board of State and
12 Community Corrections shall convene a statewide group with
13 stakeholders from the community, advocacy organizations, and
14 education and probation department leaders to develop a model
15 and study existing successful county programs for the immediate
16 transfer of educational records, uniform systems for calculating
17 and awarding credits, transition planning, and immediate
18 enrollment of pupils who are being transferred from juvenile court
19 schools.

20 (b) (1) On or before January 1, 2016, the statewide group shall
21 report its findings and provide recommendations for state action
22 to the Legislature and appropriate policy committees.

23 (2) The report shall be submitted in compliance with Section
24 9795 of the Government Code.

25 (c) Pursuant to Section 10231.5 of the Government Code, this
26 section is repealed on January 1, 2020.

27 SEC. 4. Section 49069.5 of the Education Code is amended to
28 read:

29 49069.5. (a) The Legislature finds and declares ~~that the~~ all of
30 the following:

31 (1) The mobility of pupils in foster care often disrupts their
32 educational experience. ~~The Legislature also finds that efficient~~

33 (2) Efficient transfer procedures and transfer of pupil records is
34 a critical factor in the swift placement of foster children in
35 educational settings.

36 (3) Pupils who have had contact with the juvenile justice system
37 are often denied credit or partial credit earned during enrollment
38 in juvenile court schools. Delays in school enrollment and loss of
39 earned credit can result in improper class or school placement,
40 denial of special education services, and school drop out.

1 (b) The proper and timely transfer between schools of pupils in
2 foster care is the responsibility of both the local educational agency
3 and the county placing ~~agency~~. *agency or, for juvenile court school*
4 *pupils, the county board of education that provides for the*
5 *administration and operation of a juvenile court school pursuant*
6 *to Section 48645.2.*

7 (c) As soon as the county placing *agency or county board of*
8 *education* becomes aware of the need to transfer a pupil in foster
9 care out of his or her current school, the county placing *agency or*
10 *county board of education* shall contact the appropriate person at
11 the local educational agency of the pupil. The county placing
12 *agency or county board of education* shall notify the local
13 educational agency of the date that the pupil will be leaving the
14 school and request that the pupil be transferred out.

15 (d) Upon receiving a transfer request from a county placing
16 ~~agency~~, *agency or county board of education*, the local educational
17 agency shall, within two business days, transfer the pupil out of
18 school and deliver the educational information and records of the
19 pupil to the next educational placement.

20 (e) As part of the transfer process described under subdivisions
21 (c) and (d), the local educational agency shall compile the complete
22 educational record of the pupil including a determination of seat
23 time, full or partial credits earned, current classes and grades,
24 immunization and other records, and, if applicable, a copy of the
25 pupil's plan adopted pursuant to Section 504 of the federal
26 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or
27 individualized education program adopted pursuant to the federal
28 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
29 et seq.).

30 (f) The local educational agency shall assign the duties listed
31 in this section to a person competent to handle the transfer
32 procedure and aware of the specific educational recordkeeping
33 needs of homeless, foster, and other transient children who transfer
34 between schools.

35 (g) The local educational agency shall ensure that if the pupil
36 in foster care is absent from school due to a decision to change the
37 placement of a pupil made by a court or placing agency, the grades
38 and credits of the pupil will be calculated as of the date the pupil
39 left school, and no lowering of grades will occur as a result of the
40 absence of the pupil under these circumstances.

1 (h) The local educational agency shall ensure that if the pupil
2 in foster care is absent from school due to a verified court
3 appearance or related court ordered activity, no lowering of his or
4 her grades will occur as a result of the absence of the pupil under
5 these circumstances.

6 (i) For the purposes of this section, “pupil in foster care” means
7 any child who has been removed from his or her home pursuant
8 to Section 309 of the Welfare and Institutions Code, is the subject
9 of a petition filed under Section 300 or 602 of the Welfare and
10 Institutions Code, or has been removed from his or her home and
11 is the subject of a petition filed under Section 300 or 602 of the
12 Welfare and Institutions ~~Code~~. *Code, and includes, but is not*
13 *limited to, a child who has been enrolled in a juvenile court school.*

14 *SEC. 5. Section 51225.2 of the Education Code is amended to*
15 *read:*

16 51225.2. (a) For purposes of this section, “pupil in foster care”
17 means any child who has been removed from his or her home
18 pursuant to Section 309 of the Welfare and Institutions Code, is
19 the subject of a petition filed under Section 300 or 602 of the
20 Welfare and Institutions Code, or has been removed from his or
21 her home and is the subject of a petition filed under Section 300
22 or 602 of the Welfare and Institutions ~~Code~~. *Code, and includes,*
23 *but is not limited to, a child who has been enrolled in a juvenile*
24 *court school.*

25 (b) Notwithstanding any other law, a school district and county
26 office of education shall accept coursework satisfactorily completed
27 by a pupil in foster care while attending another public school, a
28 juvenile court school, or a nonpublic, nonsectarian school or agency
29 even if the pupil did not complete the entire course and shall issue
30 that pupil full or partial credit for the coursework completed.

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

35 (d) A school district or county office of education shall not
36 require a pupil in foster care to retake a course if the pupil has
37 satisfactorily completed the entire course in a public school, a
38 juvenile court school, or a nonpublic, nonsectarian school or
39 agency. If the pupil did not complete the entire course, the school
40 district or county office of education shall not require the pupil to

1 retake the portion of the course the pupil completed unless the
2 school district or county office of education, in consultation with
3 the holder of educational rights for the pupil, finds that the pupil
4 is reasonably able to complete the requirements in time to graduate
5 from high school. When partial credit is awarded in a particular
6 course, the pupil in foster care shall be enrolled in the same or
7 equivalent course, if applicable, so that the pupil may continue
8 and complete the entire course.

9 (e) A pupil in foster care shall not be prevented from retaking
10 or taking a course to meet the eligibility requirements for admission
11 to the California State University or the University of California.

12 *SEC. 6. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

17 ~~SECTION 1. It is the intent of the Legislature to enact~~
18 ~~legislation that would extend some of the protections provided to~~
19 ~~a foster child when transferring schools to a child transferring from~~
20 ~~a juvenile court school to another public school, including, but not~~
21 ~~limited to, the following:~~

22 ~~(a) Immediate enrollment in the new school, even if the child~~
23 ~~has outstanding fees, or does not have a uniform, immunization~~
24 ~~records, or medical records.~~

25 ~~(b) Speedy transfer of all academic and other records from the~~
26 ~~last school attended by the child to the new school.~~