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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~~ 48645.5 and 49069.5 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, *as defined*, 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 further clarify that the definition of “pupil in foster care” referenced above specifically includes 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 public school for specified reasons, including, but not limited to, a delay in the transfer of educational records. The bill would require a county office of education and county probation department to develop a transition planning policy that includes collaboration with relevant local educational agencies relating to pupils who are being released from juvenile court schools. By imposing additional requirements on local governmental entities with respect to the collaboration between a county office of education, the county probation department, and other relevant local educational agencies, the bill would impose a state-mandated local program. The bill would specify that *strongly encourage* 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 educational 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 and appropriate policy committees 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.

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 48645.5 of the Education Code is
2 amended 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 public
23 school for any of the reasons specified in subparagraph (B) of
24 paragraph (8) of subdivision (e) of Section 48853.5, including, but
25 not limited to, a delay in the transfer of educational 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
36 county office of education and county probation department shall
37 develop a transition planning policy that includes collaboration
38 with relevant local educational agencies to improve communication

1 regarding dates of release and the educational needs for pupils
2 who have had contact with the juvenile justice system, to
3 coordinate immediate school placement, and to ensure that
4 probation officers in the community have the information they
5 need to support the return of pupils who are being transferred from
6 juvenile court schools to public schools in their communities.

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

8 48648. (a) The Superintendent and the Board of State and
9 Community Corrections shall convene a statewide group with
10 stakeholders from the community, advocacy organizations, and
11 education and probation department leaders to develop a model
12 and study existing successful county programs for the immediate
13 transfer of educational records, uniform systems for calculating
14 and awarding credits, transition planning, and immediate
15 enrollment of pupils who are being transferred from juvenile court
16 schools.

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

20 (2) The report shall be submitted in compliance with Section
21 9795 of the Government Code.

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

24 SEC. 4. Section 49069.5 of the Education Code is amended to
25 read:

26 49069.5. (a) The Legislature finds and declares all of the
27 following:

28 (1) The mobility of pupils in foster care often disrupts their
29 educational experience.

30 (2) Efficient transfer procedures and transfer of pupil records
31 is a critical factor in the swift placement of foster children in
32 educational settings.

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

38 (b) The proper and timely transfer between schools of pupils in
39 foster care is the responsibility of both the local educational agency,
40 including the county office of education for pupils in foster care

1 who are enrolled in juvenile court schools, and the county placing
2 agency, which includes the county probation department.

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

11 (d) Upon receiving a transfer request from a county placing
12 agency, which includes the county probation department, or a local
13 educational agency, including the county office of education for
14 pupils in foster care who are enrolled in juvenile court schools,
15 ~~the receiving~~ local educational agency *receiving the transfer*
16 *request* shall, within two business days, transfer the pupil out of
17 school and deliver the educational information and records of the
18 pupil to the next educational placement.

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

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

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

39 (h) The local educational agency shall ensure that, if the pupil
40 in foster care is absent from school due to a verified court

1 appearance or related court ordered activity, no lowering of his or
2 her grades will occur as a result of the absence of the pupil under
3 these circumstances.

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

12 ~~SEC. 5. Section 51225.2 of the Education Code is amended to~~
13 ~~read:~~

14 ~~51225.2. (a) For purposes of this section, “pupil in foster care”~~
15 ~~means a child who has been removed from his or her home~~
16 ~~pursuant to Section 309 of the Welfare and Institutions Code, is~~
17 ~~the subject of a petition filed under Section 300 or 602 of the~~
18 ~~Welfare and Institutions Code, or has been removed from his or~~
19 ~~her home and is the subject of a petition filed under Section 300~~
20 ~~or 602 of the Welfare and Institutions Code, and includes, but is~~
21 ~~not limited to, a child who has been enrolled in a juvenile court~~
22 ~~school.~~

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

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

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

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

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

10 ~~SEC. 6.~~

11 *SEC. 5.* If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.