

Assembly Bill No. 2276

CHAPTER 901

An act to amend Sections 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.

[Approved by Governor September 30, 2014. Filed with
Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2276, 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. 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 require a pupil who has had contact with the juvenile justice system to be immediately enrolled in a public school, in accordance with specified provisions. The bill would require a county office of education and county probation department to have a joint 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 strongly encourage local educational agencies to enter into memoranda of understanding and create joint policies, as specified, regarding the immediate transfer of educational records and enrollment of pupils transferring from juvenile court schools. The bill, subject to an appropriation in the annual Budget Act, would require the Superintendent of Public Instruction, in consultation with the Board of State and Community Corrections, to convene a statewide group to develop a model and study programs and policies 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.

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

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

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

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

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

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

SEC. 2. Section 48647 is added to the Education Code, to read:

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

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

ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities.

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

48648. (a) Subject to an appropriation in the annual Budget Act for this purpose, the Superintendent, in consultation with the Board of State and Community Corrections, shall convene a statewide group with stakeholders from the community, advocacy organizations, and education and probation department leaders to develop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of pupils who are being transferred from juvenile court schools.

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

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

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

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

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

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

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

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

(b) The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency, including the county office of education for pupils in foster care who are enrolled in juvenile court schools, and the county placing agency, which includes the county probation department.

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

(d) Upon receiving a transfer request from a county placing agency or notification of enrollment from the new local educational agency, the local educational agency receiving the transfer request or notification shall, within

two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.

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

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

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

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

(i) For purposes of this section, the following definitions apply:

(1) "County placing agency" means a county social services department or county probation department.

(2) "Local educational agency" means a school district, a county office of education, a charter school participating as a member of a special education local plan area, or a special education local plan area.

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

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