

student's fourth year of high school. (EC § 51225.1)

- 5) Requires local educational agencies to issue a diploma to any person who, beginning with the 2003-04 school year, completed grade 12 and met all other requirements to graduate from high school other than passing the high school exit exam. (EC § 60851.6)

ANALYSIS

This bill authorizes the education rights holder of a student in a juvenile court school to voluntarily defer the issuance of a high school diploma so that a student may take additional coursework beyond the minimum state requirements for high school graduation. Specifically, this bill:

- 1) Requires that, when a juvenile court school student becomes entitled to a diploma for meeting state graduation requirements, the county office of education notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:
 - a) The student's right to a diploma.
 - b) How taking coursework and other requirements adopted by the governing board of the county office of education or continuing education upon release from the juvenile detention facility will affect the student's ability to gain admission to a postsecondary educational institution.
 - c) Information about transfer opportunities available through the California Community Colleges.
 - d) The student's or the education rights holder's option to allow the student to defer or decline the diploma and take additional coursework.
- 2) Provides that, if the county office of education fails to provide timely notice that a student is eligible for a diploma, he or she is eligible once notified, even if that notification occurs after termination of the court's jurisdiction over the student.
- 3) Requires, if a county office of education makes a finding that a juvenile court school student who is entitled to a diploma could benefit from the coursework and other requirements, the county office to do both of the following:
 - a) Inform the student of his or her option to take coursework and other requirements adopted by the county office of education.
 - b) Permit the student if over the age of 18 years or the education rights holder if under the age of 18 years to defer the granting of the diploma until the student is released from the juvenile detention facility to enable the student to take coursework or meet other requirements of the county office of education.

- 4) Authorizes the student if over the age of 18 years or the education rights holder if under the age of 18 years, upon the release from a juvenile detention facility, to elect to decline the issuance of the diploma for the purpose of enrolling the student in a school operated by a local educational agency (LEA) or charter school to take additional coursework.
- 5) States the intent of the Legislature that # four occur only for students who, in the view of the student or education rights holder, are highly likely to do all of the following:
 - a) Enroll in a school operated by a LEA or charter school.
 - b) Benefit from continued instruction.
 - c) Graduate from high school.
- 6) Requires a county office of education to grant a diploma if requested by the student or the education rights holder if the student is not granted a diploma or has previously deferred or declined a diploma.
- 7) Prohibits county offices of education from revoking a student's eligibility for a diploma, and states that a student remains entitled to a diploma after the termination of the court's jurisdiction over the student.
- 8) Authorizes a complaint of noncompliance with the provisions of this bill to be filed with the LEA under the Uniform Complaint Procedures, authorizes a complainant to appeal the decision of the LEA to the California Department of Education, and requires the LEA to provide a remedy to the affected student if the LEA or Superintendent of Public Instruction funds merit in an appeal.
- 9) Requires information regarding the requirements of this bill to be included in the existing annual notification distributed to, among others, students, parents, employees, and other interested parties.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "The statutory provisions for pupils in juvenile court schools do not allow for consideration of an individual pupil's situation and whether the pupil is reasonably able to complete the additional local or county high school graduation requirements. This consideration is available for other students. In addition, county offices of education are prohibited from requiring the pupil who meets state minimum graduation requirements to complete additional coursework or other local graduation requirements. But many juvenile court schools have additional local requirements for high school graduation that are intended to better prepare pupils for success in postsecondary education and career opportunities. Some of these pupils may have time left in juvenile court facilities during which they could be attending school and completing the county office of education graduation requirements."

- 2) ***Meet minimum graduation requirements or continue with additional coursework?*** Existing law requires a county office of education to issue a diploma of graduation to a student who completes the statewide coursework requirements for graduation while attending a juvenile court school, and prohibits the county office of education from requiring the student to complete coursework or other requirements that are in addition to the statewide coursework requirements.

Existing law requires a school district to exempt a student who *transfers from* a juvenile court school any time after completion of grade 10 from local graduation requirements that are in addition to the coursework required by the state, unless the school district makes a finding that the student is reasonably able to complete the additional coursework in time to graduate from high school by the end of the student's fourth year of high school. Students who are enrolled in a juvenile court school are not exempt from locally imposed graduation requirements that exceed state requirements (if the county office of education that operates the juvenile court school requires coursework beyond the state graduation requirements). Students who are issued diplomas in juvenile court schools become ineligible to return to their school district of residence, as they have already graduated from high school.

This bill strikes a balance between ensuring that students in juvenile court schools receive diplomas and ensuring that they are able to take full advantage of the educational opportunities provided to all other students. This bill allows for individualized decision-making for juvenile court school students to meet their varying educational needs, and is based upon existing statute relative to foster youth, homeless youth, and former juvenile court school students.

- 3) ***Decision to forgo a diploma to continue with additional coursework.*** This bill permits a student who is over the age of 18 years, or the education rights holder if the students under the age of 18 years, to defer the granting of a diploma until the student is released from the juvenile detention facility to enable the student to take coursework or meet other requirements of the county office of education. This bill allows the decision about whether to forgo a diploma upon meeting the minimum state graduation requirements to be based on the individual needs and situation of the student. This bill states legislative intent that the decision to forgo a diploma be based on the belief of the student or education rights holder that the student is highly likely to enroll in a comprehensive school, benefit from continued instruction, and graduate from high school. **The author wishes to amend** this bill to strike reference to intent, thereby requiring that a student or education rights holder is to base the decision to forgo a diploma on those factors.
- 4) ***No age or time limit.*** This bill requires a county office of education to issue a diploma to a former juvenile court school student who met the state graduation requirements while attending a juvenile court school. This bill does not impose an age or time limit; a person could seek their diploma several years after transferring from a juvenile court school. This policy is consistent with existing law that requires local educational agencies to issue a diploma to any person who, beginning with the 2003-04 school year, met all other requirements to

graduate from high school other than passing the high school exit exam.

- 5) **Uniform Complaint Procedures.** This bill authorizes a complaint of noncompliance with the provisions of this bill to be filed with the local educational agency (LEA) under the Uniform Complaint Procedures (UCP), authorizes a complainant to appeal the decision of the LEA to the California Department of Education, and requires the LEA to provide a remedy to the affected student if the LEA or Superintendent of Public Instruction funds merit in an appeal.

A state audit was recently completed and released on January 31, 2017. The audit found that the California Department of Education's (CDE) oversight of the UCP process is inadequate. The audit made several recommendations, including the suggestion that the Legislature codify UCP regulations to identify and ensure consistent time frames for the CDE to complete all investigations of complaints and reviews of appeals, and allow LEAs to extend investigations without agreement by the complainant under exceptional circumstances and within reason. <http://www.bsa.ca.gov/pdfs/reports/2016-109.pdf>

Recently developed supplemental report language states the following:

The Superintendent of Public Instruction shall report to the Legislature no later than November 30, 2017, with recommendations for any legislative changes to the Uniform Complaint Procedures (UCP) process on timeframes for completion of investigations and reviews of appeals. The required report shall also include an update on the Department of Education's efforts to centralize tracking of UCP complaints and appeals and to streamline UCP processes across divisions.

- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose:
- a) Potential costs should the Commission on State Mandates determine there is reimbursable workload associated with this bill. However, cost may be minimal as this bill mirrors a process for former juvenile court school students and grants discretion to the education rights holder to elect to enroll a student in a LEA program once released.
 - b) Unknown cost associated with the Uniform Complaints Process for noncompliance with this bill. Costs are contingent to the number of complaints submitted.
 - c) Minor cost, if any, to CDE for appeals associated with complainants not satisfied with the decision of an LEA.

SUPPORT

Orange County Department of Education (co-sponsor)
Riverside County Superintendent of Schools (co-sponsor)

Association of California School Administrators
California School Boards Association
Los Angeles County Office of Education
Small School Districts Association

OPPOSITION

None received

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