



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-532 Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives. (2021-2022)

SHARE THIS:  

Date Published: 10/03/2022 02:00 PM

Senate Bill No. 532

CHAPTER 918

An act to amend Sections 49069.5, 51225.1, and 51225.2 of the Education Code, relating to pupil instruction.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 532, Caballero. Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives.

(1) Existing law requires a local educational agency, as defined, to exempt a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child who transfers between schools any time after the completion of the pupil's 2nd year of high school, or a pupil participating in an English language proficiency program for newly arrived immigrant pupils and who is in their 3rd or 4th year of high school, from all coursework and other requirements adopted by the governing body of the local educational agency that are in addition to the statewide coursework requirements necessary to receive a diploma of graduation from high school, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's 4th year of high school.

This bill, among other things, would require the local educational agency to instead consult with a pupil described-above and the person holding the right to make educational decisions for the pupil, of the option to remain in school for a 5th year if the local educational agency determines the pupil is reasonably able to complete the local educational agency's graduation requirements within the pupil's 5th year of high school and would, until January 1, 2028, require that consultation and option to be provided if the local educational agency determines the pupil is not reasonably able to complete the local graduation requirements within a 5th year but is reasonably able to complete the statewide graduation requirements within the pupil's 5th year of high school, as provided.

If the pupil does not qualify for an exemption in the year in which the pupil transfers between schools, the bill would require the local educational agency to reevaluate the pupil's eligibility for the exemption, as specified. The bill would apply these provisions to, among others, pupils described above who are enrolled in an adult education program, regardless of the pupil's age, as specified, and certain additional pupils in foster care.

(2) Existing law requires a school district, county office of education, or a school within those entities, or a charter school, to accept full credit or partial credits for coursework satisfactorily completed by certain pupils at a prior school and prohibits a requirement for the pupil to retake that coursework at the new school, except as specified. Existing law requires any partial credits to be applied to an equivalent course at the new school, as specified.

This bill would require the transferring school or entity to issue and the new school or entity to accept and issue those credits on their respective official transcript for the pupil, as specified. The bill would require a new school or entity that enrolls a pupil with a

transcript that it knows does not include any of those credits to contact the transferring school or entity within 2 business days and the transferring school or entity to issue the appropriate credits and provide all academic and other records to the new school or entity within 2 business days of the request.

(3) Existing law establishes procedures for the transfer of pupils in foster care between schools and requires the transferring local educational agency to compile the complete educational record of the pupil, including a determination of seat time, full or partial credits earned, and current classes and grades.

This bill would require the educational record to also include a determination of days of enrollment or seat time, or both if applicable, and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed, as provided.

(4) By requiring local educational agencies to perform additional duties in complying with the above requirements, the bill would impose a state-mandated local program.

(5) 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature hereby finds and declares that the high mobility of pupils is associated with poor educational outcomes and that the statewide graduation rates for foster pupils, homeless pupils, and migrant pupils are significantly less than the overall statewide graduation rate.

(b) It is, therefore, the intent of the Legislature to strengthen the existing framework of expanded opportunities for mobile pupils to achieve a high school diploma by requiring local educational agencies to do both of the following:

(1) Offer an optional fifth year of high school to mobile pupils to complete the statewide graduation course requirements, thus demonstrating proficiency and skills in those core subject areas, including English, mathematics, science, and social studies. It is not the intent of the Legislature under this option that local educational agencies waive statewide graduation course requirements or permit pupils to graduate before completing those requirements in the fifth year of high school.

(2) Consult with pupils and educational rights holders regarding how enrolling in the fifth year of high school or accepting an exemption from the local educational agency's graduation coursework requirements may potentially impact postsecondary education or vocational plans and any alternative options, to ensure informed decisionmaking.

SEC. 2. 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 are critical factors 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 the pupil's 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 days of enrollment or seat time, or both if applicable, an official transcript that meets the requirements of Section 51225.2, including full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed, as defined in subparagraph (B) of paragraph (1) of subdivision (b) of Section 51225.2, including a determination of the days of enrollment or seat time, 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 who is 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 the pupil's grades will occur as a result of the absence of the pupil under these circumstances.

(i) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, and shall receive a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(3) If a local educational agency finds merit in a complaint, or if the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

(4) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

(j) 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" has the same meaning as "foster child," as that term is defined in subdivision (a) of Section 48853.5.

SEC. 3. Section 51225.1 of the Education Code is amended to read:

51225.1. (a) Notwithstanding any other law, a local educational agency, as defined in subdivision (t), shall exempt a pupil in foster care, as defined in subdivision (t), a pupil who is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, a former juvenile court school pupil, as defined in Section 51225.2, a pupil who is a child of a military family, as defined in Section 49701, or a pupil who is a migratory child, as defined in subdivision (a) of Section 54441, who transfers between schools any time after the completion of the pupil's second year of high school, or a pupil participating in a newcomer program, as defined in Section 51225.2, and who is in their third or fourth year of high school, from all coursework and other requirements adopted by the governing body that are in addition to the statewide coursework requirements specified in Section 51225.3, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

(b) If the local educational agency determines that the pupil in foster care, the pupil who is a homeless child or youth, the former juvenile court school pupil, the pupil who is a child of a military family, the pupil who is a migratory child, or the pupil participating in a newcomer program is reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school, the local educational agency shall do all of the following:

(1) Consult with the pupil and the person holding the right to make educational decisions for the pupil regarding the pupil's option to remain in school for a fifth year to complete the local educational agency's graduation requirements.

(2) Consult with the pupil, and the person holding the right to make educational decisions for the pupil, about how remaining in school for a fifth year to complete the local educational agency's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.

(3) Consult with and provide information to the pupil about transfer opportunities available through the California Community Colleges.

(4) Permit the pupil to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil.

(5) For a pupil in foster care or a pupil who is a homeless child or youth, consult with the pupil, and the person holding the right to make educational decisions for the pupil, regarding the pupil's option to remain in the pupil's school of origin, pursuant to Section 48852.7 for a pupil who is a homeless child or youth, or Section 48853.5 for a pupil in foster care.

(c) To determine whether a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child is in the third or fourth year of high school, the number of credits the pupil has earned to the date of transfer, the length of the pupil's school enrollment, or, for pupils with significant gaps in school attendance, the pupil's age as compared to the average age of pupils in the third or fourth year of high school, may be used, whichever will qualify the pupil for the exemption. In the case of a pupil participating in a newcomer program, enrollment in grade 11 or 12, based on the average age of pupils in the third or fourth year of high school, may be used to determine whether the pupil is in the pupil's third or fourth year of high school.

(d) (1) (A) Within 30 calendar days of the date that a pupil in foster care who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the local educational agency shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once notified, even if that notification occurs after the termination of the court's jurisdiction over the pupil, if the pupil otherwise qualifies for the exemption pursuant to this section.

(2) (A) Within 30 calendar days of the date that a pupil who is a homeless child or youth who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the local educational agency shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once notified, even if that notification occurs after the pupil is no longer a homeless child or youth, if the pupil otherwise qualifies for the exemption pursuant to this section.

(3) (A) Within 30 calendar days of the date that a former juvenile court school pupil who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the local educational agency shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once notified, even if that notification occurs after termination of the court's jurisdiction over the pupil, if the pupil otherwise qualifies for the exemption pursuant to this section.

(4) (A) Within 30 calendar days of the date that a pupil who is a child of a military family who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the local educational agency shall notify the pupil and the pupil's parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once

notified, even if that notification occurs after the pupil no longer meets the definition of "children of military families" under Section 49701, if the pupil otherwise qualifies for the exemption pursuant to this section.

(5) (A) Within 30 calendar days of the date that a pupil who is a migratory child who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the local educational agency shall notify the pupil and the pupil's parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once notified, even if that notification occurs after the pupil no longer meets the definition of "migratory child" if the pupil otherwise qualifies for the exemption pursuant to this section.

(6) (A) Within 30 calendar days of the date that a pupil participating in a newcomer program who may qualify for the exemption from local graduation requirements pursuant to this section commences participation in a newcomer program at a school, the local educational agency shall notify the pupil and the pupil's parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

(B) If the local educational agency fails to provide timely notice pursuant to subparagraph (A), the pupil described in subparagraph (A) shall be eligible for the exemption from local graduation requirements pursuant to this section once notified, even if that notification occurs after the pupil no longer meets the definition of a "pupil participating in a newcomer program" if the pupil otherwise qualifies for the exemption pursuant to this section.

(e) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program is exempted from local graduation requirements pursuant to this section and completes the statewide coursework requirements specified in Section 51225.3 before the end of the pupil's fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school, including a charter school, or school district shall not require or request that the pupil graduate before the end of the pupil's fourth year of high school.

(f) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program is exempted from local graduation requirements pursuant to this section, in addition to providing notification of the exemption pursuant to subdivision (d), the local educational agency shall consult with the pupil and the person holding the right to make educational decisions for the pupil. The consultation shall include all of the following:

(1) Discussion regarding how any of the requirements that are waived may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution.

(2) Discussion and information about other options available to the pupil, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.

(3) Consideration of the pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

(g) A pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program who is eligible for the exemption from local graduation requirements pursuant to this section and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the pupil is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

(h) (1) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program is not exempted from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil within 30 days of the date of the exemption request, if an exemption is requested by the pupil or the person holding the right to make educational decisions for the pupil and the pupil qualifies for the exemption.

(2) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program who was eligible for an exemption pursuant to this section, was not properly notified of the availability of the exemption pursuant to subdivision (d), or declined the exemption, a local educational agency nonetheless shall exempt the pupil within 30 days of the date of the exemption request, if an exemption is requested by the pupil or the person holding the right to make educational decisions for the pupil, and the pupil at one time qualified for the exemption, even if the pupil is no longer homeless, a child of a military

family, a pupil who is a migratory child, a pupil participating in a newcomer program, or the court's jurisdiction over the pupil has terminated.

(i) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program is exempted from local graduation requirements pursuant to this section, a local educational agency shall not revoke the exemption.

(j) (1) If a pupil in foster care is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the pupil while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(2) If a pupil who is a homeless child or youth is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the pupil is no longer a homeless child or youth while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(3) If a former juvenile court school pupil is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the pupil while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(4) If a pupil who is a child of a military family is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the pupil no longer meets the definition of "children of military families" under Section 49701 while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(5) If a pupil who is a migratory child is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the pupil no longer meets the definition of "migratory child" while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(6) If a pupil participating in a newcomer program is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the pupil no longer meets the definition of a "pupil participating in a newcomer program" while the pupil is enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

(k) A local educational agency shall not require or request a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child to transfer schools in order to qualify the pupil for an exemption pursuant to this section.

(l) (1) A pupil in foster care, the person holding the right to make educational decisions for the pupil, the pupil's social worker, or the pupil's probation officer shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

(2) A pupil who is a homeless child or youth, the person holding the right to make educational decisions for the pupil, or the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

(3) A former juvenile court school pupil, the person holding the right to make educational decisions for the pupil, the pupil's social worker, or the pupil's probation officer shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

(4) A pupil who is a child of a military family, or the pupil's parent or guardian, shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

(5) A pupil who is a migratory child, or the pupil's parent or guardian, shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

(m) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(3) If a local educational agency finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

(4) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

(n) (1) If a local educational agency determines that a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, or a pupil who is a migratory child and who transfers between schools any time after the completion of the pupil's second year of high school, or a pupil participating in a newcomer program who is in their third or fourth year of high school, is not reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school, but is reasonably able to complete the statewide coursework requirements specified in Section 51225.3 within the pupil's fifth year of high school, the local educational agency shall exempt a pupil from the local educational agency's graduation requirements and provide the pupil the option to remain in school for a fifth year to complete the statewide coursework requirements. The local educational agency shall consult with the pupil and the person holding the right to make educational decisions for the pupil regarding all of the following:

(A) The pupil's option to remain in school for a fifth year to complete the statewide coursework requirements.

(B) How waiving the local educational requirements and remaining in school for a fifth year may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to a institution of higher education.

(C) Whether any other options are available to the pupil, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.

(D) The pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

(2) This subdivision shall become inoperative on January 1, 2028.

(o) (1) If a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child is not eligible for an exemption pursuant to this section in the year in which the pupil transfers between schools, or for a pupil participating in a newcomer program, is not eligible for an exemption pursuant to this section in the pupil's third year of high school, because the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, a local educational agency nonetheless shall reevaluate eligibility and provide written notice to the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer, if applicable, whether the pupil qualifies for an exemption within the first 30 calendar days of the following academic year, based on the course completion status of the pupil at the time of reevaluation to determine if the pupil continues to be reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

(2) If it is determined within the first 30 calendar days of the following academic year, that given their course completion status at that time the reevaluation conducted pursuant to paragraph (1) that the pupil is not reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the local educational agency shall provide the pupil with the option to receive an exemption from all coursework and other requirements adopted by the governing body of the local educational agency that are in addition to the statewide coursework requirements specified in Section 51225.3 or to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil and provide notification of the availability of these options pursuant to subdivisions (b) and (d).

(p) (1) This section shall apply to a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program, who is enrolled in an adult education program, regardless of the pupil's age.

(2) This section shall apply to a pupil who is enrolled in an adult education program who, while enrolled in high school, was a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program.

(q) For a pupil who is an unaccompanied youth as defined in Section 11434a(6) of Title 42 of the United States Code, the "person holding the right to make educational decisions for the pupil" is the unaccompanied youth.

(r) If a local educational agency or adult school offers to exempt a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program from all coursework and other requirements adopted by the governing body of the local educational

agency that are in addition to the statewide coursework requirements specified in Section 51225.3, it is in the sole discretion of the person holding the right to make educational decisions for the pupil, or the pupil themselves if they are 18 years of age or older, an unaccompanied youth as defined in Section 11434a(6) of Title 42 of the United States Code, or an unaccompanied minor who holds their own education rights, whether to accept the exemption, based on the pupil's best educational interests.

(s) Each local educational agency shall report to the department annually on the number of pupils who, for the prior school year, graduated with an exemption from the local educational agency's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for pupils graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The department shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data. For purposes of this subdivision, "pupil category" means the categories of pupils identified in subdivision (a).

(t) For purposes of this section, the following terms have the following meanings:

- (1) "Governing body" means the governing board of a school district or the governing body of a charter school, as applicable.
- (2) "Local educational agency" means a school district or charter school.
- (3) "Pupil in foster care" has the same meaning as foster child, defined in subdivision (a) of Section 48853.5.
- (4) "School" means a public school, including a charter school, that maintains any of grades 9 to 12, inclusive.
- (5) "Unaccompanied youth" means an unaccompanied youth between 12 to 24 years of age, inclusive, who is experiencing homelessness, as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

SEC. 4. Section 51225.2 of the Education Code is amended to read:

51225.2. (a) For purposes of this section, the following definitions apply:

- (1) "Former juvenile court school pupil" means a pupil who, upon completion of the pupil's second year of high school, transfers to a school district or charter school, excluding a school district operated by the Division of Juvenile Justice of the Department of Corrections and Rehabilitation, from a juvenile court school.
- (2) "Local educational agency" means a school district, county office of education, or charter school.
- (3) "Partial coursework satisfactorily completed" includes any portion of an individual course, even if the pupil did not complete the entire course.
- (4) "Pupil in foster care" has the same meaning as "foster child," as that term is defined in subdivision (a) of Section 48853.5.
- (5) "Pupil participating in a newcomer program" means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.
- (6) "Pupil who is a child of a military family" means a pupil who meets the definition of "children of military families" under Section 49701.
- (7) "Pupil who is a homeless child or youth" means a pupil who meets the definition of "homeless children and youths" in Section 11434a(2) of Title 42 of the United States Code.
- (8) "Pupil who is a migratory child" means a pupil who meets the definition of "currently migratory child" under subdivision (a) of Section 54441.

(b) (1) Notwithstanding any other law, a local educational agency shall issue, and the new local educational agency shall accept, full or partial credit for all full or partial coursework satisfactorily completed by a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program, while attending a public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school.

(2) The transferring local educational agency shall issue the full and partial credits on an official transcript for the pupil and shall ensure the transcript includes all of the following:

- (A) All full and partial credits and grades earned based on any measure of full or partial coursework being satisfactorily completed, including a determination of the days of enrollment or seat time, or both, if applicable, at a school of that local

educational agency or a prior local educational agency, or any other public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school.

(B) The credits and grades for each school and local educational agency listed separately so it is clear where they were earned.

(C) A complete record of the pupil's seat time, including both period attendance and days of enrollment.

(3) The new local educational agency shall transfer the credits and grades onto an official transcript of the new local educational agency for the pupil in the same manner as described in subparagraph (B) of paragraph (2) and pursuant to the requirements of subdivision (c).

(4) If the new school or new local educational agency has knowledge that the transcript from the transferring local educational agency may not include certain credits or grades for the pupil, it shall contact the prior local educational agency within two business days to request that the prior local educational agency issue full or partial credits pursuant to this paragraph. The prior local educational agency shall issue appropriate credits and provide all academic and other records to the new local educational agency within two business days of the request.

(5) For purposes of coursework completed by a pupil who is a child of a military family, "public school" includes schools operated by the United States Department of Defense.

(c) (1) The credits accepted pursuant to subdivision (b) shall be applied for enrollment purposes as specified in subdivision (d) to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school.

(2) For purposes of the official transcript, the credits accepted pursuant to subdivision (b) shall be added to the credits earned from the same or equivalent course for purposes of calculating the total credits earned for the course but shall separately identify the school and local educational agency in which the credits were earned.

(d) A local educational agency shall not require a pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. If the pupil did not complete the entire course, the local educational agency shall not require the pupil to retake the portion of the course the pupil completed unless the local educational agency, in consultation with the holder of educational rights for the pupil, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the pupil in foster care, the pupil who is a homeless child or youth, the former juvenile court school pupil, the pupil who is a child of a military family, the pupil who is a migratory child, or the pupil participating in a newcomer program shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course.

(e) A pupil in foster care, a pupil who is a homeless child or youth, a former juvenile court school pupil, a pupil who is a child of a military family, a pupil who is a migratory child, or a pupil participating in a newcomer program shall not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.

(f) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(3) If a local educational agency finds merit in a complaint, or if the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

(4) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

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.