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**AB-714 Pupil instruction: newcomer pupils: curriculum frameworks: high school coursework and graduation requirements: exemptions and alternatives.** (2023-2024)

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**Assembly Bill No. 714**

**CHAPTER 342**

An act to amend Sections 51225.1, 51225.2, and 60811.8 of, to add Section 33547 to, and to add Article 3.5 (commencing with Section 54450) to Chapter 4 of Part 29 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 714, McCarty. Pupil instruction: newcomer pupils: curriculum frameworks: high school coursework and graduation requirements: exemptions and alternatives.

(1) Existing law, subject to an appropriation of funds for this purpose in the annual Budget Act, requires the State Department of Social Services, in collaboration with the State Department of Education, to administer the California Newcomer Education and Well-Being Program (CalNEW) to provide services for newcomer pupils, English learners, and immigrant families by allocating funding to school districts and county offices of education, as specified. Existing law, for the purposes of CalNEW, defines "newcomer pupils" as individuals 3 through 21 years of age who were not born in any state and have not been attending one or more schools in any one or more states for more than 3 full academic years.

This bill would require the State Department of Education to (A) curate and maintain on its internet website information regarding requirements, best practices, and available state and federally funded programs for newcomer pupils and (B) publicly report on an annual basis on its internet website the enrollment of newcomer pupils, as provided.

(2) Existing law requires the Instructional Quality Commission to recommend curriculum frameworks to the State Board of Education.

This bill would require the commission to consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer pupils at all grade levels at the next regularly scheduled revision of the curriculum framework in English Language Arts and English Language Development. The bill would also require the commission to ensure that the instructional materials for pupils in kindergarten or any of grades 1 to 8, inclusive, that it recommends to the state board for adoption include resources to help teachers meet the needs of newcomer pupils.

(3) Existing law defines "a pupil participating in a newcomer program" as 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. Existing law requires local educational agencies to exempt a pupil participating in a newcomer program 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. Existing law requires local educational agencies to comply with other procedures in relation to pupils participating in newcomer programs, including, among other things, consultation and notice provisions. Existing law requires local educational agencies to issue, and new local educational agencies to accept, full or partial credit for all full or partial coursework satisfactorily completed by 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, as provided.

This bill would require that local educational agencies comply with the above-described coursework exemptions, pupil consultation and notice requirements, acceptance of coursework completed at other schools, and other requirements for newcomer pupils, as defined, instead of for pupils participating in a newcomer program. By imposing new duties on local educational agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a middle or high school pupil who is classified as an English learner from being denied participation in the standard instructional program of a school, as provided. Existing law authorizes certain pupils to be denied access to enrollment in courses that are part of the standard instructional program, including middle school or high schools pupils classified as English learners and who have recently arrived in the United States or who are 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, as provided.

This bill instead would authorize a middle or high school pupil who is classified as an English learner and who is a newcomer pupil, as defined, or is participating in a program designed to meet the transitional needs of newcomer pupils that has as a primary objective the development of English language proficiency to be denied access to enrollment in courses that are part of the standard instructional program, as provided. By imposing new requirements on local educational agencies, 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

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

**SECTION 1.** Section 33547 is added to the Education Code, immediately following Section 33546, to read:

**33547.** At the next regularly scheduled revision of the curriculum framework in English Language Arts and English Language Development, the commission shall consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer pupils at all grade levels, and shall ensure that the instructional materials for pupils in kindergarten or any of grades 1 to 8, inclusive, that it recommends to the state board for adoption include resources for teachers to help them meet these needs.

**SEC. 2.** 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 newcomer pupil, 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 newcomer pupil 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 newcomer pupil, 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 newcomer 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 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 "newcomer pupil" 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 newcomer pupil 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 newcomer pupil 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 newcomer pupil 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 newcomer pupil 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 newcomer pupil 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 newcomer pupil, 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 newcomer pupil 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 newcomer pupil 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 "newcomer pupil" 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 newcomer pupil 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 an 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, or 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 newcomer pupil, 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 of 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 newcomer pupil, 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 newcomer pupil.

(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 newcomer pupil 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. 3.** 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) "Newcomer pupil" has the same meaning as "immigrant children and youth," as defined in Section 7011(5) of Title 20 of the United States Code.

(4) "Partial coursework satisfactorily completed" includes any portion of an individual course, even if the pupil did not complete the entire course.

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

(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 newcomer pupil, 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 newcomer pupil 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 newcomer pupil 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 newcomer pupil 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. 4.** Article 3.5 (commencing with Section 54450) is added to Chapter 4 of Part 29 of Division 4 of Title 2 of the Education Code, to read:

#### **Article 3.5. Newcomer Pupils**

**54450.** (a) For purposes of this section, "newcomer pupil" has the same meaning as "immigrant children and youth," as defined in Section 7011(5) of Title 20 of the United States Code.

(b) The department shall conduct all of the following activities in support of the education of newcomer pupils:

(1) Curate and maintain on its internet website information regarding requirements and best practices for newcomer pupils under current law, and available state and federally funded programs and resources that are supportive of these pupils' success in school. This information shall include, but not be limited, to all of the following:



(A) The requirements of Sections 51225.1, 51225.2, and 60811.8 for newcomer pupils.

(B) The requirement to provide English language development instruction for those newcomer pupils classified as English learners, and best practices for English language development instruction for newcomer pupils.

(C) Local discretion in grade placement of newcomer pupils.

(D) Local discretion to enroll pupils for more than four years of high school instruction.

(E) Information about how the use of coursework completed in languages other than English in other countries may fulfill the world language course requirement for graduation pursuant to Section 51225.3 and the admissions requirements of the University of California and the California State University.

(F) Resources for the evaluation of foreign transcripts.

(G) Resources for support of newcomer pupils with disabilities.

(H) Information about the California Newcomer Education and Well-Being Program (CalNEW) program authorized by Section 13265 of the Welfare and Institutions Code.

(I) Information about programs authorized under the California Community Schools Partnership Act (Chapter 6 commencing with Section 8900) of Part 6 of Division 1 of Title 1).

(2) Publicly report on an annual basis on its internet website on the enrollment of newcomer pupils, using data currently collected pursuant to federal law, including statewide and local educational agency and charter school enrollment, disaggregated by country of origin.

**SEC. 5.** Section 60811.8 of the Education Code is amended to read:

**60811.8.** (a) Commencing in the 2019–20 school year, a middle school or high school pupil who is classified as an English learner, except as specified in subdivision (d), shall not be denied participation in the standard instructional program of a school by being denied any of the following:

(1) Enrollment in courses that are part of the standard instructional program of the school that the pupil attends. For purposes of this section, “standard instructional program” means, at a minimum, core curriculum courses, as defined in clause (i) of subparagraph (B) of paragraph (6) of subdivision (b) of Section 33126, courses required to meet state and local graduation requirements, and courses required for middle school grade promotion.

(2) Enrollment in a full course load of courses that are part of the standard instructional program.

(3) Enrollment in courses that are not part of a school’s standard instructional program that either meet the subject matter requirements for purposes of recognition for college admission pursuant to Section 66205.5 or are advanced courses, such as honors or advanced placement courses, on the sole basis of a pupil’s classification as an English learner.

(b) Nothing in this section shall be construed to require a school to create supplemental courses in languages other than English.

(c) For purposes of this section, “pupil” includes a pupil attending a school operated by a school district or a county office of education, a charter school, or the state special schools for the blind and the deaf.

(d) (1) Provided that, pursuant to federal law, the pupil’s course of study is designed to remedy any academic deficits incurred during participation and that the pupil’s course of study is reasonably calculated to enable that pupil to attain parity of participation in the standard instructional program within a reasonable length of time after the pupil enters the school system, the following pupils may be denied access to enrollment in a course described in paragraph (1) of subdivision (a):

(A) (i) A middle school or high school pupil who is classified as an English learner and who is a newcomer pupil.

(ii) For purposes of clause (i), “newcomer pupil” has the same meaning as “immigrant children and youth,” as defined in Section 7011(5) of Title 20 of the United States Code.

(B) A middle school or high school pupil who is classified as an English learner and who is participating in a program designed to meet the academic and transitional needs of newcomer pupils that has as a primary objective the development of English language proficiency.

(2) This section shall not be construed to prohibit, restrict, or discourage the enrollment of a pupil described in paragraph (1) in courses described in paragraph (1) of subdivision (a).

**SEC. 6.** 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.