

# FIX SCHOOL DISCIPLINE BILLS

## AB 2276 – FACT SHEET

(Help ensure that juvenile justice youth have a successful education transition; Amends Education Code §§ 48645.5 and 49069.5; Adds § 48647; Adds § 48648)

### WITH YOUR HELP, SEVERAL SCHOOL REFORM BILLS WERE SIGNED INTO LAW THIS YEAR!

We need your help to make certain that school districts around the state change their local policies to follow the law and educate everyone about the changes.

#### What problem does AB 2276 fix?

In California, of the 60,000 juvenile detention youth tracked by the Department of Education in 2011, only 21% were enrolled in their local school within 30 days of release from custody. In addition, children in our juvenile justice system are often denied credit or partial credit earned while enrolled in juvenile court schools. Delays in school enrollment and loss of earned credit have resulted in improper class or school placement, denial of special education services, and high dropout rates for these youth. Careful transition planning will prevent these youth from reoffending and will increase their likelihood of long-term success.

#### How does AB 2276 address this problem?

AB 2276 makes it clear that youth who have contact with the juvenile justice system have the right to:

1. Immediate enrollment in district schools upon reentry into the community, if they lack proof of immunization and other records, and/or have unpaid fees;
2. Transfer of school records to the new school within 2 business days; and
3. Partial credits and proper application of partial credits to same or similar courses that lead to graduation, not to electives!



#### What else does AB 2276 do?

**Joint Transition Policy:** It requires county offices of education and probation departments to develop a **joint transition and planning policy** to ensure all youth are effectively reintegrated into the district school system. The joint policy must include, but is not limited to, collaboration with relevant local educational agencies to improve communication regarding release dates and the students' educational needs, to coordinate immediate school placement, and to ensure that probation officers have the information they need to support the students' return to public schools.

**Memoranda of Understanding:** AB 2276 **strongly encourages** school districts to develop policies and memoranda of understanding with juvenile court schools and probation to ensure youth are able to immediately and successfully transfer back to school!

**Statewide Taskforce:** Once funding is appropriated, AB 2276 **creates a statewide taskforce** to develop a model and study existing successful county programs and policies for effective educational transition planning, educational record transfer, credit calculation and immediate enrollment.

At the end of this fact sheet, you can find the exact text of AB 2276. The bill goes into effect on January 1, 2015!

### **How can you help make certain your school district follows the new law?**

California law is clear: school board rules and policies governing enrollment must be consistent with law and parents have a right to be informed in advance about school rules, including those that deal with reentry from the juvenile justice system. Educ. Code §§ 51101; 48980.

When the new law takes effect, you can help make certain your school district is following it by:

1. **Sending a letter to your County Office of Education and Probation Department** asking for:
  - a. A timeline when they will develop the joint transition and planning policy required by AB 2276?

**So, what EXACTLY does the law say?** The specific changes to existing law are below. The additions are in red and the repealed sections are in blue:

### **California Education Code § 48645.5 - Amended**

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

.....

- b. A meeting on the legal changes and information about how they will work to track and monitor youth reentering and help ensure successful reenrollment in a regular school?
  - c. A public hearing on these important issues at which parents and students can testify!
2. **Advocating** for the school district and your local school to review their policies and to develop a formal agreement with the County Office of Education and Probation Department to ensure youth returning from the juvenile justice system have a strong system of support in place and a warm hand off, which is **strongly encouraged** by AB 2276.
3. **Spread the word:** Educate parents, students, public defenders and others about the new laws.
4. **Report any problems:** If you see that students' rights are being violated or a school district refuses to follow the law, go to [FixSchoolDiscipline.org](http://FixSchoolDiscipline.org) and click on "Get Support" to report any problems you see.
5. **Help ensure funding is appropriated for the statewide taskforce.** Write to Governor Brown about the importance of providing funds in the next budget cycle to create the statewide group required by AB 2276 to study and develop models for effective transition policies and practices for juvenile justice youth in California.

### **California Education Code § 48647 - Added**

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

*(b) As part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to improve communication regarding dates of release and the educational needs of pupils who have had contact with the juvenile justice system, to coordinate immediate school placement and enrollment, and to ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities.*

### **California Education Code § 48648 - Added**

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

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

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

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

### **California Education Code § 49069.5 - Amended.**

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

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

~~*(a) (2) The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient*~~ *Efficient* transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.

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

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

*(c) As soon as the county placing agency or county office of education becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency or county office of*

*education* shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.

(d) Upon receiving a transfer request from a county placing *agency or notification of enrollment from the new local educational* agency, the local educational agency *receiving the transfer request or notification* shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.

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

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

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

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

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

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

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

