

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 2181 (Gipson) – As Amended April 1, 2024

**SUBJECT:** Juvenile court school students: graduation requirements and continued education options

**SUMMARY:** Requires a juvenile court school operated by a county office of education (COE) to exempt a student from local graduation requirements of the COE, and to permit a student to remain enrolled to complete statewide coursework requirements for graduation, under specified conditions. Specifically, **this bill:**

- 1) Requires that, if a student transfers into a juvenile court school any time after the completion of their second year of high school, is in their third or fourth year of high school, and completes the state graduation requirements, the student be exempted from local graduation requirements, unless the COE makes a finding that the student is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 2) Requires that, to determine whether a juvenile court school student is in the third or fourth year of high school, the number of credits the student has earned to the date of transfer, the length of the student's school enrollment, or, for students with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, may be used, whichever will qualify the student for the exemption.
- 3) Requires that, within 30 days of the date that the student qualifies for an exemption from local graduation requirements transfers into the juvenile court school, the COE notify the student or the person holding education rights, the student's social worker and probation officer, of the availability of the exemption and whether the student qualifies for it.
- 4) Requires that, if a juvenile court school student is exempted from local graduation requirements and completes the statewide coursework requirements before the end of the student's fourth year of high school and that student would otherwise be entitled to remain in attendance at the school, the COE not require or request that the student graduate before the end of the student's fourth year of high school.
- 5) Requires that, when a juvenile court school student qualifies for an exemption from local graduation requirements, the COE notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:
  - a) The availability of the exemption;
  - b) How any of the local graduation requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to, an institution of higher education;

- c) Information about other opportunities available to the student, including, staying enrolled in high school beyond the fourth year, possible credit recovery, and any transfer opportunities available through the California Community Colleges (CCC); and
  - d) The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption from local graduation requirements.
- 6) Removes the option for the COE to permit the student, upon agreement with the student's education rights holder, to defer the granting of the diploma until the student is released from the juvenile detention facility in order to meet local graduation requirements. Instead, requires that, if a COE determines that a juvenile court school student is reasonably able to complete the local graduation requirements after the student's fourth year of high school, the COE do all of the following:
- a) Consult with the student and the person holding the right to make educational decisions for the student regarding the student's option to remain in school after the student's fourth year to complete the local graduation requirements;
  - b) Consult with the student and the person holding the right to make educational decisions for the student, about how remaining in school after the student's fourth year of high school to complete the local graduation requirements will affect the student's ability to gain admission to an institution of higher education;
  - c) Consult with and provide information to the student about transfer opportunities available through the CCC; and
  - d) Permit the student to stay in school after the student's fourth year to complete local graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the student.
- 7) States that a juvenile court school student who is eligible for the exemption from local graduation requirements and who 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 student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.
- 8) Requires that, upon the release from a juvenile detention facility of a student who is entitled to an exemption from local graduation requirements, the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, may elect to decline the exemption for the purpose of enrolling in a school operated by a local educational agency (LEA) or a charter school to take additional coursework. Requires the COE to advise the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, to consider, when deciding whether to elect to decline the exemption, whether the student is highly likely to do all of the following:
- a) Enroll in a school operated by an LEA or a charter school;

- b) Benefit from continued instruction; and
  - c) Graduate from high school.
- 9) Requires that, if a juvenile court school student who is eligible for an exemption from local graduation requirements is not exempted or if the student or the education rights holder, as applicable, has previously deferred or declined an exemption a COE grant an exemption within 30 days if it is requested by the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, by the education rights holder.
- 10) Requires that, if a juvenile court school student is eligible for an exemption from local graduation requirements a COE not revoke that eligibility.
- 11) Requires that, if a former juvenile court school student is eligible for an exemption from local graduation requirements, that right continue to apply after the termination of the court's jurisdiction over the student.
- 12) Prohibits a COE from requiring or requesting that a juvenile court school student transfer schools in order to qualify the student for an exemption.
- 13) Prohibits a juvenile court school student, the person holding the right to make educational decisions for the student, the student's social worker, and the student's probation officer from requesting a transfer solely to qualify the student for an exemption.
- 14) Requires that, if a COE determines that a juvenile court school student is not reasonably able to complete the local graduation requirements after the student's fourth year of high school, but is reasonably able to complete the statewide coursework requirements after the student's fourth year of high school, the COE exempt the student from the local graduation requirements and provide the student the option to remain in school to complete the statewide coursework requirements. Requires the COE to consult with the student and the person holding the right to make educational decisions for the student regarding all of the following:
- a) The student's option to remain in school to complete the statewide coursework requirements;
  - b) How waiving the local educational requirements and remaining in school may affect the student'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 student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the CCC; and
  - d) The student'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 to complete the statewide coursework requirements.
- 15) Requires that, if a juvenile court school student is not eligible for an exemption from local graduation requirements in the student's third year of high school, because a COE makes a

finding that the student is reasonably able to complete the LEA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, a COE reevaluate eligibility in the student's next academic year and provide written notice to the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer, if applicable, whether the student qualifies for an exemption within the first 30 days of the student's next academic year, based on the course completion status of the student at the time of reevaluation to determine if the student continues to be reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

- 16) Requires that, if it is determined within the first 30 calendar days of the student's next academic year, that given their course completion status at the time of the reevaluation, the student is not reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the COE provide the student with the option to receive an exemption from all local graduation requirements or to stay in school after the student's fourth year to complete the local graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the student, and provide notification of the availability of these options.
- 17) Requires that, if the student stays in high school after the fourth year, the COE reevaluate eligibility at least annually within 30 calendar days of the beginning of the student's subsequent academic year.
- 18) States that, if a COE offers to exempt a juvenile court school student from local graduation requirements, it is in the sole discretion of the person holding the right to make educational decisions for the student or the student themselves if they are 18 years of age or older whether to accept the exemption, based on the student's best educational interests.
- 19) Requires each COE to report to the California Department of Education (CDE) annually on the number of court school students who, for the prior school year, graduated with an exemption from the local graduation requirements. Requires that this data be reported for court school students graduating in the fourth year cohort or in subsequent year cohorts, and be disaggregated by cohort, race, and disability status. Requires the CDE to make this data publicly available on an annual basis aligned with other reporting timelines for the California School Dashboard graduation data.
- 20) Defines "local graduation requirements" to mean the coursework and other requirements for high school graduation adopted by the county board of education.

**EXISTING LAW:**

- 1) Requires each public school district and COE to accept for credit full or partial coursework satisfactorily completed by a student while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. (Education Code (EC) 48645.5)
- 2) Requires that, if a student completes the graduation requirements of his or her school district of residence while being detained, the school district of residence issue to the student a

diploma from the school the student last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma. (EC 48645.5)

- 3) Prohibits a student from being denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, as specified. (EC 48645.5)
- 4) Requires that a student who has had contact with the juvenile justice system be immediately enrolled in a public school. (EC 48645.5)
- 5) Requires that, if a student completes the statewide coursework requirements for graduation while attending a juvenile court school, the COE issue to the student a diploma of graduation and not require the student to complete coursework or other requirements that are in addition to the statewide coursework requirements. (EC 48645.5)
- 6) Requires that, when a juvenile court school student becomes entitled to a diploma, the COE notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:
  - a) The student's right to a diploma;
  - b) How taking coursework and other requirements adopted by the governing board of the COE or continuing education upon release from the juvenile detention facility will affect the student's ability to gain admission to a postsecondary educational institution;
  - c) Information about transfer opportunities available through the CCC; and
  - d) The student's or the education rights holder's, as applicable, option to allow the student to defer or decline the diploma and take additional coursework. (EC 48645.7)
- 7) Requires that, if a COE makes a finding that a juvenile court school student who is entitled to a diploma could benefit from the coursework and other requirements adopted by the governing board of the COE, it do both of the following:
  - a) Inform the student of his or her option to take coursework and other requirements adopted by the governing board of the COE; and
  - b) Permit the student, upon agreement with the person holding the right to make educational decisions for the student, to take coursework or other requirements adopted by the governing board of the COE, and to defer the granting of the diploma until the student is released from the juvenile detention facility. (EC 48645.7)
- 8) Requires that, upon the release from a juvenile detention facility of a student who is entitled to a diploma, the person holding the right to make educational decisions for the student, may elect to decline the issuance of the diploma for the purpose of enrolling the student in a school operated by an LEA or charter school to take additional coursework. (EC 48645.7)
- 9) Requires the COE to advise the person holding the right to make educational decisions for the student, to consider, when deciding whether to elect to decline the diploma, whether the student is highly likely to do all of the following:

- a) Enroll in a school operated by an LEA or charter school;
  - b) Benefit from continued instruction; and
  - c) Graduate from high school. (EC 48645.7)
- 10) Requires that, if a juvenile court school student who is entitled to receive a diploma is not granted a diploma or if the student or the education rights holder, as applicable, has previously deferred or declined a diploma, a COE to grant a diploma if it is so requested.
- 11) Prohibits, if a juvenile court school student is entitled to a diploma, a COE from revoking that eligibility.
- 12) States that, if a former juvenile court school student is entitled to a diploma, that right continues to apply after the termination of the court's jurisdiction over the student. (EC 48645.7)

**FISCAL EFFECT:** This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

**COMMENTS:**

***Need for the bill.*** According to the author, “AB 2181 is a crucial step towards ensuring that current court school students have the same opportunities that former court school students, and other mobile student populations (military-connected children, foster youth, homeless youth, etc.) have to remain in high school beyond completion of the state minimum graduation requirements should they choose. This is especially important in cases in which students, despite not being academically prepared and in some cases, may prefer to continue with high school education to catch up but have no choice other than to move forward with little tools and ensure their success upon graduation. We should continue to focus on advancing opportunities for high school students to better prepare them for their future endeavors.

This is not just about providing students an option to stay in school; it is about creating a more inclusive and equitable education system that empowers all students to reach their full potential by engaging in A-G courses, dual enrollment, and Career Technical Education opportunities. We must do our part in ensuring that students are equipped for success.”

***Major provisions of this bill.*** This bill aligns the rights of students enrolled in juvenile court schools with the rights of those students once they transfer back to an LEA or charter school. These are the rights afforded to other highly mobile subgroups of students, like foster, homeless, and migrant students.

Under current law, students in juvenile court schools who complete state coursework requirements for graduation are automatically issue a diploma, unless the student chooses to defer receipt of a diploma in order to continue to be enrolled while detained. This bill would eliminate the process whereby a student defers receipt of a diploma, and instead require that students in their 3<sup>rd</sup> or 4<sup>th</sup> year of high school who meet state graduation requirements be exempted from local graduation requirements of the COE, unless it is determined that they can meet those requirements. It also permits students who are determined to be able to complete the

local graduation requirements after the student's fourth year of high school, to remain enrolled after the student's fourth year of high school.

According to the author, these changes are necessary for the following reasons:

- COEs have also noted that greater statutory clarification will better support court school students staying in high school longer if that option is best for the student. Advocacy organizations and education agencies have pointed to the possible unintended negative consequences of court school students graduating too soon, before they have a chance to gain college- and career-preparatory skills to support them in their next steps beyond high school.
- Current law creates a disparity between options for former court school students and current court school students to stay in high school upon completion of the state minimum graduation requirements. It is unclear for students who move from being a current court school student and a former court school student, and back again, which statute applies (EC section 51225.1 or EC sections 48645.5 and 48645.7).
- Post-secondary options for current court school students are improving quickly, but still remain limited in some locales. Graduating a court school student from high school too soon may result in limited education opportunities while the student remains detained.

***Data on students enrolled in juvenile court schools.*** A 2023 report by the Youth Law Center, *Out of Sight, Out of Mind*, finds a “lack of meaningful data that measures the outcomes most relevant to court school students. This lack of data makes it difficult for policymakers and stakeholders, including the court schools themselves, to adequately track successes, as well as areas in need of improvement.”

The report found that, with respect to graduation rates, “available data does not meaningfully capture graduation rates for juvenile court school students; for example, there are four different graduation rate metrics currently available for court schools, each of which can show very different results in the same school, as is discussed in more detail in the full report.” Utilizing the 4-year Adjusted Cohort Graduation Rate, the report found:

- During the 2018-2019 school year, juvenile court schools' reported graduation rates ranged from 3.6% to 75%, while the statewide graduation rate for all public schools was 84.5%; and
- During the 2021-2022 school year, the reported graduation rates for court schools ranged from 0% to 66.7%, while the statewide graduation rate was 87%.

***Juvenile court schools.*** According to the CDE, the purpose of juvenile court schools is to provide mandated, compulsory public education services for juvenile offenders who are under the protection or authority of the county juvenile justice system and are incarcerated in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, or regional youth educational facilities. Juvenile court schools are operated through COEs.

The juvenile court school provides opportunities for students to complete a course of study leading to a high school diploma. A minimum day program for juvenile court schools is 240 minutes. Students must take all required public education assessments.

Upon release, or after the court terminates jurisdiction, students of ages sixteen to eighteen who are not exempt from compulsory school attendance are required to continue their public education. These students are provided planning and transition services critical to a successful transfer back to a public school.

***Arguments in support.*** The Alameda County Office of Education writes, “Existing laws require COEs to graduate juvenile court school students when they complete the state minimum graduation requirement of 130 credits and to notify students of the option to decline the diploma and take additional high school coursework. Court school students have typically experienced multiple school transfers with different high school graduation requirements in each district, ranging from 200 to 230 credits, making credit completion for graduation difficult. Current policies provide an alternative graduation option for court school students, but can have the unintended negative consequence of court school students graduating too soon with limited skills and fewer education opportunities for them while they remained detained.

Other mobile student populations—such as former court school students, foster youth, homeless youth, youth in migrant families, and newcomer youth—experience similar challenges; existing laws provide these student populations with a possible exemption from local graduation requirements but also offer a wide array of options for them to stay in high school longer to complete local graduation requirements. These policies do not afford current court school students the same opportunities that other mobile student groups have to remain in high school beyond completion of the state minimum graduation requirements.

AB 2181 will create parity for current court school students by aligning the statute governing current court school students with statutes governing other mobile student populations, allowing current court school students to benefit from additional education opportunities before graduating. This bill is particularly vital given that some youth are staying in county juvenile facilities for longer periods of time because of the realignment of the California Division of Juvenile Justice under Senate Bill 823 (2020).”

***Recommended Committee amendments.*** Staff recommends that this bill be amended to delete subdivision (d) of section 48645.7, as this provision is no longer necessary.

***Related legislation.*** AB 1124 (Cervantes), Chapter 754, Statutes of 2017, permits the education rights holders of students enrolled in juvenile court schools to voluntarily defer or decline the issuance of a diploma for meeting state graduation requirements so that a student may take additional coursework at the juvenile court school or, once released, at a school operated by an LEA.

SB 304 (Portantino) of the 2017-18 Session would have expanded the components of the joint transition planning policy relative to coordinating education and services for youth in the juvenile justice system, developed by the COE the county probation department, to include specified information. This bill was vetoed by the Governor, who stated:



I signed Assembly Bill 2276 in 2014, which requires a COE and probation department to develop a joint transition planning policy to assist students transitioning from juvenile court schools to other schools. I believe this provides sufficient guidance to get the job done.

AB 2306 (Frazier) Chapter 464, Statutes of 2016, requires school districts to exempt former juvenile court school students who transfer into school districts after their second year in high school from local graduation requirements that exceed those of the state, and requires a COE to issue a diploma of graduation to a student who completes state coursework requirements for graduation while attending a juvenile court school.

AB 167 (Adams) Chapter 224, Statutes of 2009, grants students in foster care an exemption from coursework adopted by a school district in addition to statewide requirements while the student is in grades 11 and 12.

SB 1088 (Price) Chapter 381, Statutes of 2012, prohibits a school district from denying enrollment or readmission of a student solely on the basis that he/she had contact with the juvenile justice system.

AB 2276 (Bocanegra) Chapter 901, Statutes of 2014, requires a student who has had contact with the juvenile justice system to be immediately enrolled in a public school, and requires the SPI to convene a statewide group of stakeholders to study and report on juvenile court school transition.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Alameda County Board of Education  
Alameda County Office of Education  
Association of California School Administrators  
California County Superintendents  
California School Boards Association  
Los Angeles County Office of Education  
Milpa Collective  
Office of the Riverside County Superintendent of Schools  
Pacific Juvenile Defender Center  
Youth Leadership Institute  
1 individual

**Opposition**

None on file

**Analysis Prepared by:** Tanya Lieberman / ED. / (916) 319-2087