

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 413 (Jones-Sawyer) – As Amended, April 1, 2019

**[Note: This bill is doubled referred to the Assembly Public Safety Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]**

**SUBJECT:** Education: at-promise youth

**SUMMARY:** Replaces the terms “at-risk” to describe youth with “at-promise” within the Education Code and the Penal Code. Specifically, **this bill:**

- 1) Defines “at-promise” as having the same definition as “at-risk,” as that term is generally understood and consistent with federal law.
- 2) Replaces the terms “at-risk” in the following sections of Education Code:
  - a) Requires that CDE monitor, as a part of its regular monitoring process, whether a local education agency (LEA) has provided schoolsite or community resources to schoolsite employees to support pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation, to include peer support or affinity clubs and organizations, safe spaces for LGBTQ or other *at-promise* pupils, counseling services, staff who have received anti-bias training, health and other curriculum materials that are inclusive of, and relevant to these pupils, online training, and other policies including related complaint procedures.
  - b) Removes an outdated reference to the At Risk Child Care Program.
  - c) Requires the California Department of Education (CDE), in awarding grants under the 21<sup>st</sup> Century High School After School Safety and Enrichment for Teens program, to include a description of plans to attract pupils, particularly pupils considered *at-promise* or in need of academic support, on a regular basis.
  - d) Expresses findings and declarations related to the “Healthy Start Support Services for Children Act” to address the need for schools’ support services to more effectively service a large enough percentage of *at-promise* children, among other needs.
  - e) Expresses findings and declarations that the goal of middle college high schools is to select *at-promise* high school students who are performing below their academic potential and place them in an alternative high school located on a community college campus.
  - f) Requires that priority for awarding scholarships under the California Youth Leadership Project be given to *at-promise* or disadvantaged youth between 14 and 18 years of age.
  - g) Expresses findings and declarations that pupils in foster care represent one of the most vulnerable and academically *at-promise* pupil groups enrolled in California schools.

- h) Encourages programs of professional preparation for teaching or services credential to operate a “field experience program,” defined as a program under which students work with truant, habitual truant, or other *at-promise* pupils enrolled in any public elementary or secondary school.
- i) Specifies that professional development training for classified school employees to update their skills and to learn best practices may include training on the best practices in the appropriate interventions and assistance for *at-promise* pupils.
- j) Expresses the intent of the Legislature that school districts operating community day schools, to the extent possible, include as a program component: school district cooperation with the county office of education, law enforcement, probation, and human services agencies personnel who work with *at-promise* pupils.
- k) Requires that the model gang violence suppression and substance abuse prevention curriculum, to be developed for grades 2, 4, and 6, to include instructional resources that address issues of ethnic diversity and *at-promise* pupils.
- l) States the intent of the Legislature to broaden the availability of learning experiences within the California Partnership Academies to interested pupils who do not meet the criteria of *at-promise* pupils, and defines *at-promise* pupils, for this purpose as a pupil enrolled in high school who is at risk of dropping out of school, as indicated by at least three of the following criteria:
  - i. Past record of irregular attendance, defined as absence from school 20 percent or more of the school year.
  - ii. Past record of underachievement in which the pupil is at least one-third of a year behind the coursework for the respective grade level, or as demonstrated by credits achieved.
  - iii. Past record of low motivation or disinterest in the regular school program.
  - iv. Disadvantaged economically.
  - v. Scoring below basic or far below basic in mathematics or English language arts on the California Assessment of Student Performance and Progress standardized tests.
  - vi. Maintaining a grade point average of 2.2 or below, or the equivalent of a C minus.

States that up to one-half of the pupils enrolled at a partnership academy may be pupils who do not meet the criteria of *at-promise* pupils.

- m) Requires the CDE to notify LEAs of the benefits of reporting pupil attendance and chronic absenteeism in fostering the development of effective supports and interventions for *at-promise* pupils.
- n) Establishes with the Scholarshare trust, the California Scholarshare Advancement Vehicle for Education to fund scholarships for beneficiaries to include, foster youth, youth in *at-promise* categories, individuals with demonstrated economic need, former and

active members of the California National Guard, individuals seeking undergraduate or post baccalaureate courses in disciplines in which the state faces shortages, including nursing and teaching.

**EXISTING LAW:**

- 1) Expresses the purpose of Part D of the federal Every Student Succeeds Act, the Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At Risk, and includes numerous provisions which use the term “at risk” to refer to students. (Section 1401, 20 U.S.C. 6421).

**FISCAL EFFECT:** The Office of Legislative Counsel has keyed this bill as non-fiscal.

**COMMENTS:**

*Need for the bill.* According to the author, “Our education and justice systems have adopted the term ‘at-risk’ to label youth living in difficult situations. This term comes from a mindset of deficit that focuses on these students’ faults. As a state, we need to transition from a stigma-provoking label and move towards ‘at-promise.’ By using a more positive approach, we encourage individuals working with our most vulnerable youth to empower them and emphasize their immense potential to succeed.”

*Defining at-promise.* A 2006 research brief, published in Child Trends, notes that “the term ‘at risk’ is used frequently to describe children and youth and has a strong intuitive meaning. However, the term has no consistent definition and can be viewed as stigmatizing certain groups. Nevertheless, it is widely used. The positive side of this confusion is that program providers have some leeway in how they define ‘at risk’ for their programs.”

According to the Faces for the Future Coalition, “as a nation and society, we often unfairly view youth from underserved communities through a deficit lens. Frequent terms used to describe these young people include ‘at risk’ and ‘marginalized,’ referring generally to young people who face situational circumstances that we believe will inevitably lead to their personal and professional failures. Labeling youth as ‘at-risk’ presumes that these children will have poor outcomes, despite never having been given a chance to prove otherwise. Moreover, these terms perpetuate destructive stereotypes of young people in our country, missing the mark completely in defining who these young people truly are and what they can contribute to our world.

Those of us who work with youth from difficult backgrounds prefer the term ‘at-promise youth.’ ‘At Promise’ references the extraordinary raw potential every young person possesses. The term views youth through a strength-based perspective. It also helps to fill in some of the details missing in the former labels, reminding us that youth have natural gifts and innate potential for greatness.”

*Arguments in support.* Sponsors note that the words used to describe people can adversely affect the way they are treated, even if it is with the best of intentions. They go on to say that this bill redirects educational efforts toward recognition of the importance of eliminating the deficit mindset that is too pervasive in schools, agencies, and communities across the country.

***Prior and related legislation.*** ACR 197 (Jones-Sawyer) Chapter 106, Statutes of 2018, encourages the people of the State of California to recognize the potential possibilities of our children, instead of focusing on their deficits.

SCR 40 (Chesbro) Chapter 133, Statutes of 2003, encourages the Legislature to establish March 28 as an annual day of recognition for those entities that have successfully developed youth participation and involvement programs and for the youth participating, and encourages the Legislature to support programs that address problem behaviors in high-risk youth.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Los Angeles County Office Of Education  
Los Angeles County Superintendent Of Schools  
Riverside County Superintendent Of Schools  
SIATech, Inc.

**Oppose**

California Right To Life Committee, Inc.

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