

Date of Hearing: June 15, 2022

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 532 (Caballero) – As Amended May 12, 2022

**SENATE VOTE:** 36-0

**SUBJECT:** Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives

**SUMMARY:** Expands the rights for foster youth, homeless youth, former juvenile court school students, children of military families, migratory children, and students participating in a newcomer program (mobile students) to be exempted from local graduation requirements if certain conditions are met; requires LEAs to provide these students the option to remain in school for a fifth year to complete the statewide coursework requirements if certain conditions are met; specifies the contents of transcripts when transferred to a new LEA; and requires LEAs to annually report to the California Department of Education (CDE) on the number of students, who in the prior school year, graduated with an exemption from the LEA's local graduation requirements. Specifically, **this bill:**

- 1) Requires that LEAs consult with, rather than inform, mobile students regarding specified educational rights.
- 2) Requires that, for students in foster care or experiencing homelessness, LEAs consult with the student regarding their rights to remain in their school of origin.
- 3) Specifies that for mobile students who have had significant gaps in attendance, the determination of whether they are in their third or fourth year of high school may be based on the student's age as compared to the average age of students in their third and fourth year of high school.
- 4) Requires that the consultation with mobile students who are exempted from local graduation requirements include:
  - a) Discussion regarding how any of the requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution;
  - b) Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges; and
  - c) Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption.
- 5) Requires that, if a mobile student was not properly notified of the availability of the exemption from local graduation requirements, or declined the exemption, an LEA exempt the student at any time if an exemption is requested by the student or the person holding the right to make educational decisions for the student, and the student at one time qualified for

the exemption, even if the student is no longer homeless or the court's jurisdiction over the student has terminated.

- 6) Requires that, if an LEA determines that a mobile student who transfers between schools any time after the completion of the student's second year of high school is not reasonably able to complete the LEA's local graduation requirements within the student's fifth year of high school, but is reasonably able to complete the statewide coursework requirements, the LEA exempt a student from the LEA's graduation requirements and provide the student the option to remain in school for a fifth year to complete the statewide coursework requirements. Requires the LEA to consult with the student regarding:
  - a) The student's option to remain in school for a fifth year to complete the statewide coursework requirements;
  - b) How waiving the local graduation requirements and remaining in school for a fifth year may affect the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education; and
  - 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 California Community Colleges.
  - 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 for a fifth year to complete the statewide coursework requirements.
- 7) Requires that if a mobile student is not eligible for this exemption in the year in which they transfer between schools because the LEA 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 their fourth year of high school, the LEA reevaluate eligibility 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 calendar days of the following 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 LEA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 8) Requires that, if it is determined within the first 30 calendar days of the following academic year, that given their course completion status at that time the reevaluation that the student is not 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, the LEA provide the student with the option to receive an exemption from local graduation requirements or to stay in school for a fifth year to complete them, upon agreement with the student.
- 9) Makes this exemption apply to current and former mobile students who are enrolled in adult education programs, regardless of a student's age.

- 10) Defines, for a student who is an unaccompanied youth as defined in federal law, the “person holding the right to make educational decisions for the student” as the unaccompanied youth.
- 11) States that, if an LEA or adult school offers to exempt a mobile student from local graduation requirements it is in the sole discretion of the person holding the right to make educational decisions for the student, whether to accept the exemption, based on the student’s best educational interests.
- 12) Requires each LEA to report to the department annually on the number of students who, for the prior school year, graduated with an exemption from the local graduation requirements. Requires that this data be reported for students graduating in the fourth year and fifth year cohorts, and be disaggregated by cohort, student category, 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.
- 13) Requires an LEA to issue, and the new LEA to accept and issue, full or partial credit for all full or partial coursework satisfactorily completed by a mobile student.
- 14) Defines “partial coursework satisfactorily completed” to include any portion of an individual course, even if the student did not complete the entire course.
- 15) Requires the transferring LEA to issue the full and partial credits on an official transcript for the student and shall ensure the transcript includes all of the following:
  - a) All credits and grades earned at a school of that LEA;
  - b) All credits and grades earned at a school of any prior LEA; and
  - c) The credits and grades for each school and LEA are listed separately so it is clear where they were earned.
- 16) Requires the new LEA to transfer the credits and grades onto an official transcript with credits and grades for each school and LEA listed separately so it is clear where they were earned, and added to the credits earned from the same or equivalent course for purposes of calculating the total credits earned for the course but separately identified by the school and LEA in which the credits were earned.
- 17) Requires that if a new school or LEA has knowledge that the transcript from the transferring LEA may not include certain credits or grades for the student, it contact the prior LEA within two business days to request that it issue full or partial credits. Requires the LEA to issue appropriate credits and provide all academic and other records to the LEA within two business days of the request.
- 18) Requires that, for purposes of the official transcript, credits accepted be added to the credits earned from the same or equivalent course for purposes of calculating the total credits earned for the course but separately identified by the school and LEA in which the credits were earned.

**EXISTING LAW:**

- 1) Requires LEAs to accept coursework satisfactorily completed in another school by a student in foster care, a student who is homeless, a student who transfers from juvenile court schools, a student from a military family, a migrant student, or a student enrolled in a newcomer program even if the student did not complete an entire course. Requires that, when partial credit is awarded in a particular course, the student be enrolled in the same or equivalent course. (EC 51225.2)
- 2) Requires each LEA to designate a staff person as the educational liaison for foster children, and requires the liaison to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades. (EC 48853.5)
- 3) Requires, within two business days of the foster child's request for enrollment, the educational liaison for the new school to contact the school last attended by the foster child to obtain all academic and other records. Requires the last school attended by the foster child shall provide all required records and requires the educational liaison for the school last attended provide all records to the new school within two business days of receiving the request. (EC 48853.5)
- 4) Requires a local educational agency (LEA), when a student transfers from one school to another, to compile the complete educational record of the student, including a determination of seat time, full or partial credits earned, current classes and grades, and other records. (EC 49069.5)

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

**COMMENTS:**

***Need for the bill.*** The author states, "This bill aims to strengthen Education Code 51225.1, which currently provides expanded opportunities to achieve a high school diploma for highly mobile students (students who experiencing homelessness, are in foster care, formerly in juvenile court school, are in military families, are migrant or in the newcomer program), that experience a school move after their second year in high school. Currently Ed. Code 51225.1 provides students with the option to opt into a 5th year of high school to complete LEA coursework requirements that are in addition to the statewide coursework requirements, or graduate with an exemption from LEA coursework requirements in their fourth year of high school."

***State and local graduation requirements.*** Current law establishes state high school graduation requirements for public school students (including those attending charter schools) which must be met while students are enrolled in grades 9 through 12. These are:

- Three year-long courses in English;
- Two year-long courses in mathematics;
- Two year-long courses in science, including biological and physical sciences;

- Three year-long courses in social studies, including United States history and geography and world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics;
- One year-long course in visual or performing arts, world languages, or career technical education;
- Two courses in physical education, unless the student has been exempted pursuant to this code; and
- One one-semester course in ethnic studies, commencing with students graduating in the 2029–30 school year.

Current law also permits school districts to establish local graduation requirements which exceed those of the state.

To be eligible for admission to the California State University and the University of California, students must meet additional requirements in mathematics, science, world languages, visual and performing arts, and specified electives.

***Effect of mobility on academic outcomes.*** Numerous studies indicate that student mobility is associated with poor educational outcomes. One meta-analysis (Mehana, 2004) on the effects of school mobility on reading and math achievement in the elementary grades found the equivalent of a 3–4 month performance disadvantage in achievement. Another (Reynolds, 2009) found that frequent mobility was associated with significantly lower reading and math achievement by up to a third of a standard deviation, and that students who moved three or more times had rates of school dropout that was nearly one-third of a standard deviation higher than those who were school stable. One longitudinal study (Temple, 1999) found that half of the one year difference between mobile and non-mobile students could be attributed to mobility, and that it is “frequent, rather than occasional, mobility that significantly increases the risk of underachievement.” And another longitudinal study (Herbers, 2014) found that students who experience more school changes between kindergarten and twelfth grade are less likely to complete high school on time, complete fewer years of school, and attain lower levels of occupational prestige, even when controlling for poverty. Results of this study indicated more negative outcomes associated with moves later in the grade school career, particularly between fourth and eighth grade.

***Mobile student graduation rates.*** Below is a table of the statewide graduation rates for mobile students, compared to the overall statewide graduation rate:

Student Group	2018-19 4-Year Cohort Students	2019-20 5-Year Cohort Students	2018-19 Four-Year Graduates	2019-20 Five-Year Graduates	2018-19 4-Year Rate	2019-20 5-Year Rate
Statewide	494,337	494,635	417,496	430,108	84.5%	87.0%
Foster Students	7,647	7,665	4,279	4,767	56.0%	62.2%
Homeless Students	34,470	34,563	24,122	25,852	70.0%	74.8%

Migrant Students	5,621	5,628	4,586	4,778	81.6%	84.9%
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*Source: Data from CDE, compiled by Senate Education Committee*

***Expanding the 5<sup>th</sup> year option.*** Under existing law, LEAs must offer a 5<sup>th</sup> year option to mobile students that qualify for the local graduation requirement exemption in order to meet those *local graduation requirements* (or exempt them from those requirements if the student so chooses). This bill would extend the requirement to offer a 5<sup>th</sup> year option to mobile students in order to satisfy just the *statewide graduation requirements* if it appears they won't reasonably be able to satisfy the statewide requirements within four years. Under the local control funding formula, 5<sup>th</sup> year students continue to generate average daily attendance.

***Who issues and who accepts credit, and how is it counted?*** Current law requires that LEAs accept coursework satisfactorily completed in another school by a student in foster care, a student who is homeless, a student who transfers from juvenile court schools, a student from a military family, and a migrant or newcomer student, even if the student did not complete an entire course, and requires that a student be issued full or partial credit for work completed.

According to some advocates, this provision is sometimes rendered ineffective because sending school districts do not issue partial credit when students leave. As a result, there is no partial credit for the receiving school district to accept. Districts participating in a professional learning network convened by the California Collaborative for Educational Excellence (CCEE) report that this is sometimes the case.

Additionally, inconsistency in course titles causes some school districts to record partial credit in core academic subjects as elective credit, instead of as credit in the subject in which the credit was earned. This may lead to students accruing elective credit instead of the credit toward graduation they have earned in a prior school.

***California's partial credit model policy.*** In response to long-standing concerns about challenges students in foster care face in obtaining partial credit for completed coursework, in 2013 the California Child Welfare Council and numerous other agencies and organizations published California's Partial Credit Model Policy, a statewide model policy to provide guidance to school districts, county offices of education, and child welfare agencies on how to implement the partial credit mandate in current law. The California School Boards Association turned this partial credit model policy into a model board policy with corresponding administrative regulations, which school districts can adopt. The manual provides a partial credit calculation formula and implementation tools for use by school staff and social workers. The partial credit formula used in the model policy is shown in the table below:

7 CLASS PERIODS = 0.5 CREDITS PER SUBJECT	
7-13 class periods = 0.5 credits per subject	42-48 class periods = 3 credits per subject
14-20 class periods = 1 credit per subject	49-55 class periods = 3.5 credits per subject
21-27 class periods = 1.5 credits per subject	56-62 class periods = 4.0 credits per subject
28-34 class periods = 2 credits per subject	63-69 class periods = 4.5 credits per subject
35-41 class periods = 2.5 credits per subject	70+ class periods = 5 credits per subject

***Should these provisions be extended to all students?*** The right to acceptance of partial credit is one of a number of rights afforded to groups of highly mobile students, such as students in foster care, students who are homeless, and students of migrant workers. These rights include the right to be exempted from local graduation requirements when students transfer into a new school after 10<sup>th</sup> grade. ***The Committee may wish to consider*** whether all students should have rights related to partial credit and exemption from local graduation requirements, as many students who do not fall into one of the named categories change schools and encounter the same challenges.

***Recommended Committee amendments. Staff recommends that the bill be amended to:***

- Conform the definition of foster youth to a correction expected to be made by the education trailer bill to the 2022-23 budget.
- Establish a sunset of five years on the provision requiring that mobile students be offered a fifth year of instruction to fulfill state graduation requirements.
- Make conforming changes to the transcript and notice requirements.
- Technical and conforming changes in other sections.

***Arguments in support.*** The Alliance for Children’s Right writes, “SB 532 addresses school stability and academic achievement by expanding and strengthening the rights of highly mobile students by requiring local educational agencies (LEAs) to provide those students the option to remain in school for a fifth year to complete the statewide coursework requirements if certain conditions are met to positively impact postsecondary education and employment. In addition, SB 532 works to ensure students and their parent/educational rights holder are provided information about available alternatives to make an informed decision about their options, including how the options may affect the student’s postsecondary plans. To reduce the achievement gap, current law requires schools to calculate partial credit so that highly mobile youth receive credit for the coursework completed when they must change schools to prevent undue disruptions and delays in achieving graduation. SB 532 supports a more holistic and collaborative approach on educational options between highly mobile students and schools through a more active consultation about graduation options to promote informed decision making, and expands and strengthens existing educational rights to positively impact postsecondary education and vocational opportunities.”

***Related legislation.*** AB 150 (Cooper) of the 2019-20 Session would have required, when students in foster care and other specified students leave an LEA that the student be issued partial credit for coursework satisfactorily completed, required that the new LEA contact the prior

school to request that the students' full or partial credits be delivered on a transcript, and requires that partial credit earned in a prior school be accepted as credit in the subject in which the coursework was taken. This bill was held in the Senate Education Committee.

AB 2475 (B. Rubio) of the 2021-22 Session would have defined “school of origin” for purposes of foster youth educational rights to remain enrolled in a school when a residential placement changes, to include non-public, nonsectarian schools (NPSs), and requires an NPS, commencing in the 2022-23 school year, to provide assurances in its application for state certification that it agrees to serve as the school of origin of a foster youth and allow these students to continue their education in the school. This bill was held in the Assembly Appropriations Committee.

AB 1055 (Ramos), Chapter 287, Statutes of 2021 revises the definition of students in foster care for purposes of the Local Control Funding Formula (LCFF) and for purposes of specified educational rights of students in foster care, to include those students subject to a voluntary placement agreement and by eliminating the requirement that a dependent child of the court of an Indian tribe also meet the definition of a dependent child of a county court

AB 104 (Gonzalez), Chapter 41, Statutes of 2021, required, as an urgency measure, LEAs to adopt policies allowing parents to request that students be retained in the 2021-22 academic year; creates a process for parents to request that students receive a “pass” or “no pass” instead of a letter grade in the 2020-21 academic year and requires that specified institutions of higher education accept a “pass” for credit for admissions purposes; and requires that students who were in their third or fourth year of high school in the 2020-21 and who are not on track to graduate in the 2020–21 or 2021–22 school years be exempted from local graduation requirements and be given the opportunity to complete the coursework required for graduation.

AB 2121 (Caballero), Chapter 581, Statutes of 2018, extends to currently migratory students (migrant students) certain rights currently afforded to other groups of highly mobile students regarding exemptions from local graduation requirements and acceptance of partial credit.

AB 365 (Muratsuchi), Chapter 739, Statutes of 2017, extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit which are currently afforded to other groups of highly mobile students.

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 county office of education to issue a diploma of graduation to a student who completes statewide coursework requirements for graduation while attending a juvenile court school.

AB 1166 (Bloom), Chapter 1166, Statutes of 2015, allows students in foster care and those who are homeless to be eligible for the exemption from local graduation requirements even if they are not notified of this right within 30 days of enrollment, and allows homeless students to be exempt even if they are no longer homeless or if they transfer to another school or district.

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.



AB 490 (Steinberg), Chapter 862, Statutes of 2003, requires LEAs to accept full or partial coursework for credit while attending a public school, juvenile court schools, or nonpublic school or agency, among numerous other changes related to the education of foster youth in the areas of educational placement, coursework credit, records transfer, and educational programs offered to foster youth.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Los Angeles County Office of Education (co-sponsor)

National Center for Youth Law (co-sponsor)

School House Connection (co-sponsor)

ACLU of California

Alliance for Children's Rights

American Civil Liberties Union/Northern California/Southern California/San Diego and Imperial Counties

California Association for Bilingual Education

California Teachers Association

California Youth Connection

Californians Together

Ceres Unified School District

Children Now

Children Youth and Family Collaborative

Disability Rights California

John Burton Advocates for Youth

Law Foundation of Silicon Valley

Lawyers Committee for Civil Rights of the San Francisco Bay Area

Monterey County Office of Education

National Association of Social Workers, California Chapter

Parent Institute for Quality Education

Patterson Joint Unified School District

Public Advocates

Public Advocates INC.

Public Counsel

Santa Clara County Office of Education

Youth Law Center

### **Opposition**

None on file

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