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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

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**Bill No:** AB 365 **Hearing Date:** June 7, 2017  
**Author:** Muratsuchi  
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**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Pupil instruction: coursework and graduation requirements: children of military families

## SUMMARY

This bill 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.

## BACKGROUND

Existing law:

- 1) Requires school districts to exempt students in foster care, those who are homeless, and students who transfer from juvenile court schools who transfer between schools any time after the completion of the students' second year of high school from all coursework and other requirements that are in addition to state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (Education Code § 51225.1)
- 2) Requires a school district or a county office of education to accept coursework satisfactorily completed in another school by a student in foster care, a student who is homeless, and a student who transfers from juvenile court schools, even if the student did not complete an entire course, and requires that a student be issued full or partial credit for work completed. (EC § 51225.2)
- 3) Establishes the Interstate Compact on Educational Opportunity for Military Children (Compact). With respect to graduation requirements, the Compact:
  - a) Requires local education agencies (LEAs) to use best efforts to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA, or provide reasonable justification for a denial .
  - b) Requires that, if a waiver is not granted to a student who would qualify to graduate from the sending school, the local LEA use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

- c) Requires that, should a transferring high school senior be ineligible to graduate after all alternatives have been considered, the sending and receiving local education agency (LEA) make best efforts to ensure the receipt of a diploma from the sending LEA if the student meets the sending LEA's graduation requirements. (EC § 49701)
- 4) Prohibits a school district of residence from prohibiting the transfer of a student who is a child of an active military duty parent to a school in any school district, if the school district to which the parents of the student applies approves the application for transfer. (EC § 48301)
- 5) Establishes the Uniform Complaint Procedures, through which the public can register complaints regarding certain educational programs and rights. (California Code Regulations, Title 5, Section 4600 et seq.)

## ANALYSIS

This bill 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. Specifically, this bill:

- 1) Defines "a pupil who is a child of a military family," for purposes of the act, as a school-aged child enrolled in grades K-12 who is living in the household of an active duty service member. This is the same definition used in current law for purposes of Interstate Compact on Educational Opportunity for Military Children.
- 2) Requires school districts to exempt a student of a military family who transfers between schools any time after the completion of the student's second year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 3) Requires that, if the school district determines that the student is reasonably able to complete the school district's graduation requirements within the students' fifth year of high school, the district:
  - a) Inform the student of her option to remain in school for a fifth year to complete the school district's graduation requirements.
  - b) Inform the student about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
  - c) Provide information to the student about transfer opportunities available through the California Community Colleges.

- d) Permit the student to stay in school for a fifth year to complete the school district's graduation requirements.
- 4) Requires that, within 30 calendar days of the date that a student who is a child of a military family may qualify for this exemption, the school district notify the student and the student's parent or guardian of the availability of the exemption.
- 5) Requires that, if the school district fails to provide this notice the student remain eligible for the exemption.
- 6) Places other requirements on school districts intended to ensure that students are not required to graduate before the end of their fourth year of high school, that students are aware of the impact of the waived graduation requirements on postsecondary educational institution admission, and that the exemption continues to be in effect even if the student no longer meets the definition of a child of a military family.
- 7) Prohibits a student from transferring solely to qualify for the exemption.
- 8) Requires a school district or a county office of education to accept coursework satisfactorily completed by a student of a military family while attending another public school, including a school operated by the United States Department of Defense, even if the student did not complete the entire course, and requires that the student be issued full or partial credit for work completed.
- 9) Prohibits a student who is a child of a military family from being required to take a course if the student has satisfactorily completed the entire course in another school.
- 10) Prohibits a student who is a child of a military family from being prevented from retaking or taking a course to meet the eligibility requirements for the California State University or the University of California.
- 11) Makes these rights subject to complaint under the Uniform Complaint Procedures.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Students who are in foster care, homeless, or former juvenile court wards frequently transfer between school districts. Current law provides students from these circumstances with an exemption from certain coursework and requirements that are adopted by the governing board of a school district, once a student has completed their second year of high school. Current law also allows the acceptance of partial or full transfer credits for coursework that has been satisfactorily completed by these students. These exemptions and the acceptance of transfer credits help to ensure that students who are in foster care, homeless, or former juvenile wards graduate from high school in a timely manner."

Another group of students of who frequently transfer between school districts are children of active military personnel. Current law does not extent similar exemptions or acceptance of transfer credits to these students.”

- 2) ***Interstate Compact on Educational Opportunity for Military Children.*** The federal Department of Defense (DOD), in collaboration with the National Center for Interstate Compacts and the Council of State Governments, developed the Interstate Compact on Educational Opportunity for Military Children (Compact) to address educational transition issues of children of military families.

The goal of the Compact is to ensure that the children of military families are afforded the same opportunities for educational success as other children, and are not penalized or delayed in achieving their educational goals. States participating in the Compact work to coordinate graduation requirements, transfer of records, course placement, and other administrative policies. According to the DOD, all 50 States and the District of Columbia participate in the interstate compact. California adopted the Compact in the state’s Education Code in 2009.

The compact addresses a number of topics, including:

- a) Timely enrollment.
- b) Transfer of school records.
- c) School placement.
- d) Eligibility for enrollment and participation in school programs, athletics, and extracurricular activities.
- e) On-time graduation.

With respect to graduation requirements, the Compact:

- a) Requires local educational agencies (LEAs) to use best efforts to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA or provide reasonable justification for a denial.
- b) Requires that, if a waiver is not granted, the LEA use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.
- c) Requires that, should a high school senior transferring be ineligible to graduate after all alternatives have been considered, the sending and receiving LEAs to make best efforts to ensure the receipt of a diploma from the sending LEA if she or he meets the sending LEA’s graduation requirements.

The Compact does not speak to partial credit for coursework completed in other LEAs or in other states.

A 2014 California Department of Education (CDE) review of the implementation of the Interstate Compact on Educational Opportunity for Military Children (Compact) in California found variations in implementation across districts. The report suggested that California undertake a more comprehensive effort to ensure that school district personnel and military families are maximally familiar with the provisions of the Compact so that its provisions are applied consistently. The report also found that California's membership in the Compact has substantially aided both school districts and military families by alleviating many of the educational difficulties military children encounter in their frequent moves from a school in one state to a school in another state.

This bill would establish stronger pupil rights with respect to exemption from local graduation requirements and acceptance of partial credit than are contained in the Compact.

- 3) ***Transiency of children of military families affects school completion.*** According to the Department of Defense (DOD), children from military families move an average of six to nine times during a school career, and these students frequently face challenges in meeting graduation requirements. A 2012 report by the Military Child Education Coalition for the U.S. Army found that “graduation requirements, tiered diplomas, prerequisite courses, grading variations, and state high stakes testing are all challenges to the student in transition.”
- 4) ***Number of students of military families in California.*** According to the DOD, California is home to the largest number of active duty military in the country, with 155,000 active duty personnel, representing 13.5 percent of the national force. According to the State Department of Education's task force report “Compact on Educational Opportunity for Military Children,” in 2012 there were 67,300 school-aged military children in California (ages 5–18).
- 5) ***Related and prior legislation.*** SB 455 (Newman) of this Session establishes that a student whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order has complied with the residency requirements for school attendance in any school district. SB 455 is pending in the Assembly Education Committee.

AB 2306 (Frazier Chapter 464, Statutes of 2016) required 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 required a county office of education to issue a diploma of graduation to a pupil who completes statewide coursework requirements for graduation while attending a juvenile court school.

AB 306 (Hadley, Chapter 771, Statutes of 2016) prohibited a school district of residence from prohibiting the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parents of the pupil applies approves the application for transfer.

AB 2341 (Quirk-Silva, 2013-14 Session) would have added an indicator to the California Longitudinal Pupil Achievement Data System (CALPADS) to identify pupils of military families, and would have required local education agencies (LEAs) to report enrollment of pupils of military families, as specified. AB 2341 was held in the Senate Appropriations Committee.

AB 2202 (Block, Chapter 402, Statutes of 2012) extended the sunset from January 1, 2013 to January 1, 2014, for provisions related to the Superintendent of Public Instruction (SPI) reconvening a task force to review the impact of the Interstate Compact on Educational Opportunity for Military Children (Compact) on school districts and students, and issue a final report to the Legislature by December 1, 2013.

AB 343 (Saldana, Chapter 237, Statutes of 2009) enacted the Compact, which addresses issues experienced by children of military families who frequently transfer between schools.

AB 2049 (Saldana, Chapter 589, Statutes of 2008) required SPI to convene and support a task force to review and make recommendations regarding the Compact.

AB 1809 (Saldana, 2007-08 Session) would have established the Interstate Commission on Educational Opportunities for Military Families and ratified the Compact, to remove barriers to educational success imposed on children of military families due to frequent moves and deployment of their parents. This bill was held in the Assembly Appropriations Committee.

AB 2102 (Saldana, Chapter 608, Statutes of 2006) established procedures, including requiring the California Department of Education to establish a formal liaison with the United States Department of Defense and school districts that enroll military dependents, to facilitate and smooth the transfer of school-age military dependents and their school records.

**SUPPORT**

California School Boards Association

**OPPOSITION**

None received

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