

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:

December 13, 2018

Type of Action Requested:

Formal Action/Request

Information Only

Other

Subject:

Legislative Proposals

FROM:

Mr. Jerry Landau
Ms. Amy Love

DISCUSSION:

2019 Legislative Proposals

RECOMMENDED COUNCIL ACTION:

Council may vote to include or not include in the Legislature a Judicial Branch proposal or to support, oppose or take no action on proposals from other entities presented to the Council.

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2019-02: satisfaction of judgment (Hon. Gerald Williams)

Requires a prevailing party in a justice court civil or small claims case to file a satisfaction of judgment with the court within 30 days of the judgment being paid in full. The opposing party may file a motion seem the judgment satisfied if a prevailing party fails to file the satisfaction of judgment.

If the prevailing party cannot be located within 30 days from the date of judgment, the defendant can file a motion to permit the posting of a bond in the amount of the judgment and deem the judgment satisfied.

2019-03: mental health report; expert (Maricopa County Superior Court)

A mental health examiner appointed to conduct Rule 11 competency evaluation is no longer required in the competency report when determining the defendant is competent with ongoing treatment with psychotropic medication to address the necessity of continuing that treatment and describing the limitations on competency caused by the medication.

2019-06: setting aside adjudications (Post-Conviction Task Force)

Enumerates criteria the court may consider in determining whether to grant an application to set aside an adjudication, including:

- the nature and circumstances of the offense upon which the adjudication is based,
- whether the applicant was subsequently convicted of a felony offense,
- whether the applicant has any pending criminal charges,
- victim input and the status of restitution owed by the person, if any, and
- any other factor relevant to the application.

Allows a person over the age of 18 whose juvenile jurisdiction was extended to seek a set aside of the adjudication. The court must provide notice to all adjudicated juveniles at disposition of the right to seek a set aside.

The clerk of court cannot charge a fee for the filing of a set aside application and must transmit a copy of the application to the county attorney from the county in which the referral was made. The court may mitigate any monetary obligations except victim restitution. If the application is granted, all remaining unpaid court ordered monetary obligations continue to be owed and are subject to all remedies until paid. When denying an application, the court must state its reasons in writing.

If a victim has made a request for post adjudication notice, the state must provide notice of the application and of the right to be present and heard at any hearing on the application. Sets

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forth exclusions to eligibility for seeking a set aside to prohibit applications from persons adjudicated delinquent for:

- a dangerous offense,
- an offense for which the person is currently required to register as a sex offender,
- an offense for which there has been a finding of sexual motivation pursuant to section ARS13-118.
- DUI if it can be alleged as a prior
- driving on a suspended license

2019-07: juvenile court; destruction of records (Post-Conviction Task Force)

Permits a person who has been adjudicated delinquent or incorrigible to apply for destruction of the person's juvenile court and ADJC records, with some exceptions. The court must provide notice to all adjudicated juveniles at the disposition of the right to seek destruction of records. The clerk of court cannot charge a fee for the application and must transmit a copy of it to the county attorney from the county where the referral was made. The county attorney may file an objection to the application.

The juvenile court may order the destruction of records if the court finds the person:

- is at least 18 years of age,
- is no longer under the jurisdiction of the juvenile court or ADJC,
- has not been convicted of a felony offense,
- does not have a criminal charge pending,
- was not adjudicated for an offense listed in section 13-501, subsection A or B (filing on a juvenile in criminal court) or Title 28, chapter 4 (DUI),
- is not currently required to register as a sex offender,
- successfully completed the terms and conditions of probation to the satisfaction of the court or was discharged from ADJC on successful completion of an individualized treatment plan,
- paid all restitution owed, and all monetary obligations owed or the court modified the amount owed for good cause.

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If a person does not qualify for destruction of records as outlined above, the court may order destruction of the records if the court finds destruction would further the rehabilitative process of the person who, based on the application:

- is at least 25 years of age,
- has not been convicted of a felony offense and does not have a criminal charge pending,
- is not currently required to register as a sex offender,
- paid all restitution and monetary obligations, unless good cause exists to modify the obligations.

The court may modify any monetary obligations, except victim restitution, for good cause. The clerk must transmit a copy of the application to the county attorney in the county in which the referral was made. The county attorney may file an objection to the application.

Any records of a referral or citation that did not result in further action or that resulted in a successful completion of diversion must be destroyed by the juvenile court, the clerk of the court and the juvenile probation department within 90 days after the person becomes 18 years of age. Within six months of notification by the superior court that a person's juvenile records were destroyed, the Department of Child Safety must destroy all delinquency court, juvenile probation, and ADJC records in its possession regarding the delinquency matter.

2019-10: detention; dangerous offenses (Eric Meaux, Maricopa Juvenile Chief)

Gives the court discretion to place a juvenile on intensive probation if the juvenile is at least 14 years of age and is adjudicated for a new felony while on probation. Current law mandates automatic enhanced supervision for this population.

2019-11: juvenile offenders; disposition (Eric Meaux, Maricopa Juvenile Chief)

The juvenile court may place a juvenile on intensive probation who is at least 14 years of age and adjudicated of any new felony offense while on probation. Current law requires IPS for this population despite ARS 8-352, which requires the probation officer to make a recommendation as to supervision based on the risk and individualized needs of the child and gives the court discretion to enhance supervision levels.

Removes language mandating the court hold a hearing for certain drug/alcohol probation violations, thereby giving juvenile probation departments discretion to provide individualized supervision for substance abuse treatment.

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2019-12: Restoration of civil rights (Post-Conviction Task Force)

Clarifies and consolidates various statutes pertaining to restoration of civil rights. Provides for automatic restoration of civil rights for any person convicted of a felony who has paid all victim restitution in full and is discharged from probation or prison. If a person has not paid victim restitution in full, the person can apply to the superior court for restoration. Restoration is then discretionary with the court. If the court denies an application to have a person's civil rights restored, the court must state its reasons for the denial in writing.

If restoration of civil rights is discretionary, a victim has the right to be present and be heard at any proceeding in which the defendant has filed an application. If the victim made a request for postconviction notice, the attorney for the state must provide the victim with notice of the defendant's application and of the applicable victim's rights.

A person must be notified in writing at sentencing of the right to seek restoration of civil rights. The person, person's attorney or probation officer may apply. The Clerk may not impose a filing fee for this application. The clerk must notify DPS if a person's civil rights are restored and DPS must update the person's criminal history with an annotation that the person's civil rights have been restored and any exceptions ordered but may not redact or remove any part of the person's record. A law enforcement agency is not required to redact or remove a record or information from the record of a person whose civil rights are restored. DPS and the Board of Fingerprinting may consider a conviction of a person whose civil rights have been restored when evaluating an application for a fingerprint clearance card.

Deletes the term "gun" when referring to restoration of the right to possess a gun or firearm. "Gun" is not defined, but "firearm" is; otherwise, current statutes on firearm rights not changed.

Civil rights include the right to vote, the right to hold public office of trust or profit and the right to serve as a juror. Defines "final discharge" as completion of probation or receipt of a certificate of absolute discharge from DOC or the US Bureau of Prisons.

2019-D: Detention officers; duties (MCSO)

Enumerates circumstances when a detention officer may arrest a person who has an outstanding warrant to include a person who is:

- incarcerated in a jail facility or who surrenders to a jail facility where the detention officer is employed
- at a hospital facility or a state, justice or municipal court facility.

A detention officer may take custody of a person who is remanded into custody by a judicial officer during a court proceeding. Defines "detention officer."

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ADDENDUM

2019-C: schools; graduation requirements; adjustment (Judge Quigley, Pima Juvenile Court)

Modifies high school graduation requirements for qualified pupils to mandate only core academic courses (English, social studies, math, science and fine arts) or career and technical education. Qualified pupils include those who have experienced homelessness, foster care or other out-of-home placement, or court ordered confinement.

Rough Draft
November 02, 2018 01:22 PM
Folder 194, Drafter TODD BAYNE

REFERENCE TITLE: schools; graduation requirements; adjustment

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

S. B. _____

Introduced by _____

AN ACT

AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-701.02; RELATING TO SCHOOL CURRICULA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-701.01, Arizona Revised Statutes, is amended
3 to read:

4 15-701.01. High schools; graduation; requirements; community
5 college or university courses; transfer from
6 other schools; academic credit; exemption

7 A. The state board of education shall:

8 1. Prescribe a minimum course of study, as defined in section
9 15-101 and incorporating the academic standards adopted by the state board
10 ~~of education~~, for the graduation of pupils from high school.

11 2. Prescribe competency requirements for the graduation of pupils
12 from high school incorporating the academic standards in at least the
13 areas of reading, writing, mathematics, science and social studies. The
14 academic standards prescribed by the state board ~~of education~~ in social
15 studies shall include personal finance and American civics education. The
16 state board ~~of education~~ may consider ~~the establishment of~~ ESTABLISHING a
17 required separate personal finance course for ~~the purpose of~~ the
18 graduation of pupils from high school. ~~Beginning in the 2016-2017 school~~
19 ~~year~~; The competency requirements for social studies shall include a
20 requirement that, in order to graduate from high school or obtain a high
21 school equivalency diploma, a pupil must correctly answer at least sixty
22 of the one hundred questions listed on a test that is identical to the
23 civics portion of the naturalization test used by the United States
24 citizenship and immigration services. A district school or charter school
25 shall document on the pupil's transcript that the pupil has passed a test
26 that is identical to the civics portion of the naturalization test used by
27 the United States citizenship and immigration services as required by this
28 section.

29 3. Develop and adopt competency tests pursuant to section 15-741.
30 English language learners who are subject to article 3.1 of this chapter
31 are subject to the assessments prescribed in section 15-741.

32 B. The governing board of a school district shall:

33 1. Prescribe curricula that include the academic standards in the
34 required subject areas pursuant to subsection A, paragraph 1 of this
35 section.

36 2. Prescribe criteria for the graduation of pupils from the high
37 schools in the school district. These criteria shall include
38 accomplishment of the academic standards in at least reading, writing,
39 mathematics, science and social studies, as determined by district
40 assessment. Other criteria may include additional measures of academic
41 achievement and attendance. Pursuant to the prescribed graduation
42 requirements adopted by the state board of education, the governing board
43 may approve a rigorous computer science course that would fulfill a
44 mathematics course required for graduation from high school. The
45 governing board may approve a rigorous computer science course only if the

1 rigorous computer science course includes significant mathematics content
2 and the governing board determines the high school where the rigorous
3 computer science course is offered has sufficient capacity, infrastructure
4 and qualified staff, including competent teachers of computer science.
5 The school district governing board or charter school governing body may
6 determine the method and manner in which to administer a test that is
7 identical to the civics portion of the naturalization test used by the
8 United States citizenship and immigration services. A pupil who does not
9 obtain a passing score on the test that is identical to the civics portion
10 of the naturalization test may retake the test until the pupil obtains a
11 passing score.

12 C. The governing board may prescribe the course of study and
13 competency requirements for the graduation of pupils from high school that
14 are in addition to or higher than the course of study and competency
15 requirements that the state board prescribes.

16 D. The governing board may prescribe competency requirements for
17 the passage of pupils in courses that are required for graduation from
18 high school.

19 E. A teacher shall determine whether to pass or fail a pupil in a
20 course in high school on the basis of the competency requirements, if any
21 have been prescribed. The governing board, if it reviews the decision of
22 a teacher to pass or fail a pupil in a course in high school as provided
23 in section 15-342, paragraph 11, shall base its decision on the competency
24 requirements, if any have been prescribed.

25 F. Graduation requirements established by the governing board may
26 be met by a pupil who passes courses in the required or elective subjects
27 at a community college or university, if the course is at a higher level
28 than the course taught in the high school attended by the pupil or, if the
29 course is not taught in the high school, the level of the course is equal
30 to or higher than the level of a high school course. The governing board
31 shall determine ~~if~~ **WHETHER** the subject matter of the community college or
32 university course is appropriate to the specific requirement the pupil
33 intends it to fulfill and ~~if~~ **WHETHER** the level of the community college or
34 university course is less than, equal to or higher than a high school
35 course, and the governing board shall award one-half of a Carnegie unit
36 for each three semester hours of credit that the pupil earns in an
37 appropriate community college or university course. If a pupil is not
38 satisfied with the decision of the governing board regarding the amount of
39 credit granted or the subjects for which credit is granted, the pupil may
40 request that the state board of education review the decision of the
41 governing board, and the state board shall make the final determination of
42 the amount of credit to be given the pupil and for which subjects. The
43 governing board shall not limit the number of credits that is required for
44 high school graduation and that may be met by taking community college or
45 university courses. For the purposes of this subsection:

1 1. "Community college" means an educational institution that is
2 operated by a community college district as defined in section 15-1401 or
3 a postsecondary educational institution under the jurisdiction of an
4 Indian tribe recognized by the United States department of the interior.

5 2. "University" means a university under the jurisdiction of the
6 Arizona board of regents.

7 G. A pupil who transfers from a private school shall be provided
8 with a list that indicates those credits that have been accepted and
9 denied by the school district. A pupil may request to take an examination
10 in each particular course in which credit has been denied. The school
11 district shall accept the credit for each particular course in which the
12 pupil takes an examination and receives a passing score on a test designed
13 and evaluated by a teacher in the school district who teaches the subject
14 matter on which the examination is based. In addition to the above
15 requirements, the governing board of a school district may prescribe
16 requirements for the acceptance of the credits of pupils who transfer from
17 a private school.

18 H. If a pupil who was previously enrolled in a charter school or
19 school district enrolls in a school district in this state, the school
20 district shall accept credits earned by the pupil in courses or
21 instructional programs at the charter school or school district. The
22 governing board of a school district may adopt a policy concerning the
23 application of transfer credits for the purpose of determining whether a
24 credit earned by a pupil who was previously enrolled in a school district
25 or charter school will be assigned as an elective or core credit.

26 I. A pupil who transfers credit from a charter school, a school
27 district or Arizona online instruction shall be provided with a list that
28 indicates which credits have been accepted as elective credits and which
29 credits have been accepted as core credits by the school district or
30 charter school. Within ten school days after receiving the list, the
31 pupil may request to take an examination in each particular course in
32 which core credit has been denied. The school district or charter school
33 shall accept the credit as a core credit for each particular course in
34 which the pupil takes an examination and receives a passing score on a
35 test that is aligned to the competency requirements adopted pursuant to
36 this section and that is designed and evaluated by a teacher in the school
37 district or charter school who teaches the subject matter on which the
38 examination is based. If a pupil is enrolled in a school district or
39 charter school and that pupil also participates in Arizona online
40 instruction between May 1 and July 31, the school district or charter
41 school shall not require proof of payment as a condition of the school
42 district or charter school accepting credits earned from the online course
43 provider.

44 J. The state board of education shall adopt rules to allow high
45 school pupils who can demonstrate competency in a particular academic

1 course or subject to obtain academic credit for the course or subject
2 without enrolling in the course or subject.

3 K. Pupils who earn a Grand Canyon diploma pursuant to article 6 of
4 this chapter are exempt from the graduation requirements prescribed in
5 this section. Pupils who earn a Grand Canyon diploma are entitled to all
6 the rights and privileges of persons who graduate with a high school
7 diploma issued pursuant to this section, including access to postsecondary
8 scholarships and other forms of student financial aid and access to all
9 forms of postsecondary education. Notwithstanding any other law, a pupil
10 who is eligible for a Grand Canyon diploma may elect to remain in high
11 school through grade twelve and shall not be prevented from enrolling at a
12 high school after the pupil becomes eligible for a Grand Canyon diploma.
13 A pupil who is eligible for a Grand Canyon diploma and who elects not to
14 pursue one of the options prescribed in section 15-792.03 may only be
15 readmitted to that high school or another high school in this state
16 pursuant to policies adopted by the school district of readmission.

17 L. PUPILS WHO QUALIFY FOR AN ADJUSTMENT PURSUANT TO SECTION
18 15-701.02 AND WHO COMPLETE THE REQUIREMENTS PRESCRIBED IN SECTION
19 15-701.02 ARE EXEMPT FROM THE GRADUATION REQUIREMENTS PRESCRIBED IN THIS
20 SECTION.

21 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,
22 is amended by adding section 15-701.02, to read:

23 15-701.02. Credits required for graduation; adjustment;
24 qualifications; requirements

25 A. NOTWITHSTANDING ANY OTHER LAW, THE STATE BOARD OF EDUCATION
26 SHALL ADJUST THE MINIMUM NUMBER OF CREDITS NECESSARY FOR HIGH SCHOOL
27 GRADUATION FOR A PUPIL WHO IS IN GRADE NINE, TEN, ELEVEN OR TWELVE AND WHO
28 MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

29 1. SATISFIES THE REQUIREMENTS FOR HOMELESS CHILDREN AND YOUTHS AS
30 DEFINED IN 42 UNITED STATES CODE SECTION 11434a.

31 2. IS A FORMER DEPENDENT CHILD OR FOSTER CHILD AS DEFINED IN
32 SECTION 8-501 OR HAS BEEN PLACED IN OUT-OF-HOME PLACEMENT AS DEFINED IN
33 SECTION 8-501.

34 3. IS A DELINQUENT JUVENILE OR AN INCORRIGIBLE CHILD WHO HAS BEEN
35 ORDERED BY A COURT TO ONE OF THE FOLLOWING:

36 (a) A PROBATION DEPARTMENT PURSUANT TO SECTION 8-341, SUBSECTION A,
37 PARAGRAPH 1, SUBDIVISION (b).

38 (b) A PRIVATE AGENCY PURSUANT TO SECTION 8-341, SUBSECTION A,
39 PARAGRAPH 1, SUBDIVISION (d).

40 (c) THE DEPARTMENT OF JUVENILE CORRECTIONS PURSUANT TO SECTION
41 8-341, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (e).

42 (d) RECEIVE RESIDENTIAL TREATMENT SERVICES PURSUANT TO SECTION
43 8-341.01.

44 B. A PUPIL WHO QUALIFIES FOR AN ADJUSTMENT PRESCRIBED IN THIS
45 SECTION SHALL TAKE ALL REQUIRED STATEWIDE ASSESSMENTS PURSUANT TO SECTION

1 15-741 OR AN ACHIEVEMENT ASSESSMENT FROM THE MENU OF ACHIEVEMENT
2 ASSESSMENTS PURSUANT TO SECTION 15-741.02.

3 C. A PUPIL WHO QUALIFIES FOR AN ADJUSTMENT PRESCRIBED IN THIS
4 SECTION MUST CORRECTLY ANSWER AT LEAST SIXTY OF THE ONE HUNDRED QUESTIONS
5 LISTED ON A TEST THAT IS IDENTICAL TO THE CIVICS PORTION OF THE
6 NATURALIZATION TEST USED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION
7 SERVICES AS PRESCRIBED IN SECTION 15-701.01, SUBSECTION A, PARAGRAPH 2,
8 UNLESS THE PUPIL IS EXEMPT PURSUANT TO SECTION 15-763. THE PUPIL MAY
9 FULFILL ADDITIONAL LOCALLY MANDATED GRADUATION REQUIREMENTS.

10 D. A PUPIL WHO QUALIFIES FOR AN ADJUSTMENT PRESCRIBED IN THIS
11 SECTION OR A PERSON WHO IS AUTHORIZED TO MAKE EDUCATIONAL DECISIONS FOR
12 THE PUPIL MAY REQUEST QUALIFICATION FOR AN ADJUSTMENT PURSUANT TO THIS
13 SECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL ESTABLISH A UNIFORM
14 PROCESS FOR REQUESTING QUALIFICATION FOR AN ADJUSTMENT PURSUANT TO THIS
15 SECTION.

16 E. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL POST INFORMATION
17 REGARDING AN ADJUSTMENT PRESCRIBED IN THIS SECTION AND SHALL IDENTIFY AND
18 INFORM PUPILS WHO MAY QUALIFY FOR AN ADJUSTMENT. IF A SCHOOL DISTRICT OR
19 CHARTER SCHOOL DETERMINES THAT A PUPIL MAY QUALIFY FOR AN ADJUSTMENT
20 PRESCRIBED IN THIS SECTION, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
21 INFORM THE PUPIL AND THE PERSON WHO IS AUTHORIZED TO MAKE EDUCATIONAL
22 DECISIONS FOR THE PUPIL, IN WRITING, OF THE FOLLOWING:

23 1. THE PUPIL'S ELIGIBILITY FOR AN ADJUSTMENT PURSUANT TO THIS
24 SECTION AND THE QUALIFICATION PROCESS. IF THE PUPIL IS A FOSTER CHILD,
25 THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOTIFY THE PUPIL'S ASSIGNED
26 SPECIALIST WITH THE DEPARTMENT OF CHILD SAFETY.

27 2. THE PUPIL'S RIGHT TO STAY IN SCHOOL TO COMPLETE GRADUATION
28 REQUIREMENTS OF THE SCHOOL DISTRICT OR CHARTER SCHOOL UNTIL THE PUPIL
29 REACHES TWENTY-TWO YEARS OF AGE.

30 3. WHETHER THE REQUEST FOR AN ADJUSTMENT PRESCRIBED IN THIS SECTION
31 HAS BEEN APPROVED OR DENIED, AND IF THE REQUEST IS DENIED, THE GROUNDS FOR
32 THE DENIAL. A SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT REQUIRED TO
33 APPROVE A REQUEST FOR AN ADJUSTMENT PURSUANT TO THIS SECTION IF THE SCHOOL
34 DISTRICT OR CHARTER SCHOOL DETERMINES THAT THE PUPIL IS REASONABLY ABLE TO
35 COMPLETE THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S REGULAR GRADUATION
36 REQUIREMENTS BY THE END OF THE PUPIL'S FOURTH YEAR OF ENROLLMENT IN HIGH
37 SCHOOL. A DENIAL OF A REQUEST DOES NOT PRECLUDE A PUPIL FROM REQUESTING
38 QUALIFICATION FOR AN ADJUSTMENT IN A SUBSEQUENT SCHOOL YEAR.

39 F. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL ENSURE THE FOLLOWING
40 FOR A PUPIL WHO HAS BEEN APPROVED FOR AN ADJUSTMENT PRESCRIBED IN THIS
41 SECTION:

42 1. PRIORITY PLACEMENT IN CLASSES REQUIRED FOR THE PUPIL TO GRADUATE
43 PURSUANT TO THIS SECTION.

44 2. TIMELY ASSISTANCE AND ADVICE FROM COUNSELORS OR OTHER QUALIFIED
45 PERSONNEL TO IMPROVE THE PUPIL'S COLLEGE OR CAREER READINESS.

1 G. A PUPIL WHO IS ELIGIBLE FOR AN ADJUSTMENT PRESCRIBED IN THIS
2 SECTION AND WHO WOULD OTHERWISE BE ENTITLED TO REMAIN IN ATTENDANCE IN
3 HIGH SCHOOL:
4 1. IS NOT REQUIRED TO ACCEPT AN ADJUSTMENT PRESCRIBED IN THIS
5 SECTION.
6 2. MAY NOT BE DENIED ENROLLMENT IN COURSES FOR WHICH THE PUPIL IS
7 OTHERWISE ELIGIBLE, INCLUDING COURSES NECESSARY TO ATTEND AN INSTITUTION
8 OF HIGHER EDUCATION.
9 H. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT REVOKE A PUPIL'S
10 ADJUSTMENT PRESCRIBED IN THIS SECTION AFTER THE ADJUSTMENT HAS BEEN
11 APPROVED.
12 I. IF A PUPIL WHO HAS BEEN PREVIOUSLY APPROVED FOR AN ADJUSTMENT
13 PURSUANT TO THIS SECTION TRANSFERS TO A DIFFERENT SCHOOL DISTRICT OR
14 CHARTER SCHOOL, THAT SCHOOL DISTRICT OR CHARTER SCHOOL SHALL APPROVE THE
15 SAME ADJUSTMENT FOR THAT PUPIL.
16 J. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT REQUIRE OR REQUEST A
17 PUPIL WHO IS ELIGIBLE FOR AN ADJUSTMENT PRESCRIBED IN THIS SECTION TO
18 TRANSFER TO A DIFFERENT SCHOOL IN ORDER TO QUALIFY FOR THE ADJUSTMENT.
19 K. A PUPIL OR THE PERSON WHO IS AUTHORIZED TO MAKE EDUCATIONAL
20 DECISIONS FOR THE PUPIL MAY FILE A COMPLAINT WITH THE SCHOOL DISTRICT OR
21 CHARTER SCHOOL FOR A VIOLATION OF THIS SECTION, INCLUDING A WRONGFUL
22 DENIAL OF A REQUEST FOR AN ADJUSTMENT PURSUANT TO THIS SECTION. IF THE
23 SCHOOL DISTRICT OR CHARTER SCHOOL DETERMINES THAT IT HAS VIOLATED THIS
24 SECTION, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL RECTIFY THE
25 VIOLATION. THE PUPIL OR THE PERSON WHO IS AUTHORIZED TO MAKE EDUCATIONAL
26 DECISIONS FOR THE PUPIL MAY APPEAL THE DETERMINATION OF THE SCHOOL
27 DISTRICT OR THE CHARTER SCHOOL TO THE DEPARTMENT OF EDUCATION. IF THE
28 DEPARTMENT DETERMINES THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE
29 DEPARTMENT SHALL DIRECT THE SCHOOL DISTRICT OR CHARTER SCHOOL TO RECTIFY
30 THE VIOLATION.