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SB-445 Pupil instruction and services: homeless children: foster children. (2015-2016)

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Senate Bill No. 445

CHAPTER 289

An act to amend Section 48859 of, and to add Section 48852.7 to, the Education Code, relating to pupil instruction and services.

[Approved by Governor September 09, 2015. Filed with Secretary of State September 09, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 445, Liu. Pupil instruction and services: homeless children: foster children.

(1) The federal McKinney-Vento Homeless Assistance Act sets forth specified requirements relating to the education of homeless children and youth, as defined. Under existing state law, a local educational agency liaison for homeless children and youth is required to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency, as specified.

This bill would require a local educational agency serving a homeless child, once a child becomes a homeless child, to allow the homeless child to continue his or her education in the school of origin through the duration of the homelessness, and would set forth related requirements governing the enrollment of homeless children. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

(2) Existing law requires a pupil placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency, unless one of certain circumstances applies. Existing law requires each local educational agency to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison for foster children to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades. Existing law defines a local educational agency for purposes of these provisions, the provisions above relating to homeless children and youth, and other related provisions to include a school district, a county office of education, a charter school participating as a member of a special education local plan area, or a special education local plan area.

This bill would revise the definition of a local educational agency for purposes of those provisions to include all charter schools. To the extent this would impose additional duties on charter schools, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48852.7 is added to the Education Code, to read:

48852.7. (a) At the point of any change or any subsequent change in residence once a child becomes a homeless child, the local educational agency serving the homeless child shall allow the homeless child to continue his or her education in the school of origin through the duration of homelessness.

(b) If the homeless child's status changes before the end of the academic year so that he or she is no longer homeless, either of the following apply:

(1) If the homeless child is in high school, the local educational agency shall allow the formerly homeless child to continue his or her education in the school of origin through graduation.

(2) If the homeless child is in kindergarten or any of grades 1 to 8, inclusive, the local educational agency shall allow the formerly homeless child to continue his or her education in the school of origin through the duration of the academic school year.

(c) To ensure that the homeless child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, the following apply:

(1) If the homeless child is transitioning between school grade levels, the local educational agency shall allow the homeless child to continue in the school district of origin in the same attendance area.

(2) If the homeless child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the local educational agency shall allow the homeless child to continue to the school designated for matriculation in that school district.

(3) The new school shall immediately enroll the homeless child even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code, proof of residency, other documentation, or school uniforms.

(d) It is the intent of the Legislature that this section shall not supersede or exceed other laws governing special education services for eligible homeless children.

(e) (1) The federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) shall govern the procedures for transportation and dispute resolution with respect to homeless children and school of origin.

(2) This section does not require a school district to provide transportation to a former homeless child who has an individualized education program that does not require transportation as a related service and who changes residence but remains in his or her school of origin pursuant to this section, unless the individualized education program team determines that transportation is a necessary related service, or the federal McKinney-Vento Homeless Assistance Act requires transportation to be provided.

(3) This section does not require a school district to provide transportation services to allow a homeless child to attend a school or school district, unless otherwise required under the federal McKinney-Vento Homeless Assistance Act or other federal law. A school district may, at its discretion, provide transportation services to allow a homeless child to attend a school or school district.

(f) For purposes of this section, the following definitions apply:

(1) "Homeless child" has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.

(2) "School of origin" means the school that the homeless child attended when permanently housed or the school in which the homeless child was last enrolled. If the school the homeless child attended when permanently housed is different from the school in which the homeless child was last enrolled, or if there is some other school that the homeless child attended with which the homeless child is connected and that the homeless child attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the homeless child and the person holding the right to make educational decisions for the homeless child, shall determine, in the best interests of the homeless child, the school that shall be deemed the school of origin.

SEC. 2. Section 48859 of the Education Code is amended to read:

48859. For purposes of this chapter, the following terms have the following meanings:

(a) "County placing agency" means the county social services department or county probation department.

(b) "Educational authority" means an entity designated to represent the interests of a child for educational and related services.

(c) "Local educational agency" means a school district, a county office of education, a charter school, or a special education local plan area.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.