

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 81

Introduced by Assembly Member Audra Strickland
(Coauthors: Assembly Members Adams, DeVore, Gilmore, Jeffries,
Nestande, Price, and Smyth)
(Coauthors: Senators Cox and Runner)

December 22, 2008

An act to ~~add Section 49069.7 to~~ *amend Section 48850 of* the Education Code, relating to interscholastic athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 81, as amended, Audra Strickland. Interscholastic athletics: pupils in foster care.

Existing law recognizes that the California Interscholastic Federation is a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools.

~~Existing law requires that, with respect to a pupil in foster care, as soon as a county placing agency becomes aware of the need to transfer that pupil out of his or her current school, the county placing agency contact the appropriate person at the local educational agency of the pupil and notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out. Existing law further requires that, upon receiving a transfer request from a county placing agency, the local educational agency of the pupil transfer the pupil out of the school and deliver the educational~~

~~information and records of the pupil to the next educational placement within 2 business days.~~

Existing law expresses the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held and that, in fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils.

~~This bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that, no later than January 15, 2010, the transfer of a pupil in foster care pursuant to a court order or the transfer of a pupil in foster care pursuant to the determination of a social worker that changes are needed in that pupil’s home setting are valid changes of residence for the purposes of eligibility for interscholastic athletic activities that a foster child who changes residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48850 of the Education Code is amended
2 to read:
3 48850. (a) (1) It is the intent of the Legislature to ensure that
4 all pupils in foster care and those who are homeless as defined by
5 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
6 Sec. 11301 et seq.) have a meaningful opportunity to meet the
7 challenging state pupil academic achievement standards to which
8 all pupils are held. In fulfilling their responsibilities to these pupils,
9 educators, county placing agencies, care providers, advocates, and
10 the juvenile courts shall work together to maintain stable school
11 placements and to ensure that each pupil is placed in the least
12 restrictive educational programs, and has access to the academic
13 resources, services, and extracurricular and enrichment activities

1 that are available to all pupils, *including, but not necessarily limited*
2 *to, interscholastic sports administered by the California*
3 *Interscholastic Federation*. In all instances, educational and school
4 placement decisions must be based on the best interests of the
5 child.

6 (2) *A foster child who changes residences pursuant to a court*
7 *order or decision of a child welfare worker shall be immediately*
8 *deemed to meet all residency requirements for participation in*
9 *interscholastic sports or other extracurricular activities.*

10 (b) Every county office of education shall make available to
11 agencies that place children in licensed children's institutions
12 information on educational options for children residing in licensed
13 children's institutions within the jurisdiction of the county office
14 of education for use by the placing agencies in assisting parents
15 and foster children to choose educational placements.

16 (c) For purposes of individuals with exceptional needs residing
17 in licensed children's institutions, making a copy of the annual
18 service plan, prepared pursuant to subdivision (b) of Section 56205,
19 available to those special education local plan areas that have
20 revised their local plans pursuant to Section 56836.03 shall meet
21 the requirements of subdivision (b).

22 SECTION 1. Section 49069.7 is added to the Education Code,
23 to read:

24 ~~49069.7. The California Interscholastic Federation shall amend~~
25 ~~its constitution and bylaws to require that, no later than January~~
26 ~~15, 2010, either of the following is a valid change of residence for~~
27 ~~the purposes of eligibility for interscholastic athletic activities:~~

28 (a) ~~A pupil in foster care has been transferred pursuant to a court~~
29 ~~order.~~

30 (b) ~~A pupil in foster care has been transferred pursuant to the~~
31 ~~determination of a social worker that changes are needed in that~~
32 ~~pupil's home setting.~~