

AMENDED IN SENATE AUGUST 17, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1933

Introduced by Assembly Member Brownley

(Principal coauthor: Senator Liu)

**(Coauthors: Assembly Members Ammiano, Carter, Gaines, Miller,
and Torlakson)**

February 17, 2010

An act to amend Section 48853.5 of the Education Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as amended, Brownley. Foster children: education.

Existing law requires a local educational agency, at the initial detention or placement or any subsequent change in placement of a foster child, to allow the foster child to continue his or her education in the school of origin, as defined, for the duration of the school year.

This bill would instead require a local educational agency to allow the foster child to continue at the school of origin at the foster child's initial detention, placement, or any subsequent change in placement for the duration of the jurisdiction of the court, and would require the local educational agency to allow the child to continue his or her education at that school of origin for the duration of the school year if the court's jurisdiction is terminated prior to the end of the academic year. The bill would specify other requirements for a foster child's placement in school when the foster child is transitioning between school grade levels, as

specified. By requiring local educational agencies to perform additional duties, this bill would impose a state-mandated local program.

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.
State-mandated local program: yes.

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

1 SECTION 1. Section 48853.5 of the Education Code is
2 amended to read:

3 48853.5. (a) This section applies to a child (hereafter “foster
4 child”) who has been removed from his or her home pursuant to
5 Section 309 of the Welfare and Institutions Code, is the subject of
6 a petition filed under Section 300 or 602 of the Welfare and
7 Institutions Code, or has been removed from his or her home and
8 is the subject of a petition filed under Section 300 or 602 of the
9 Welfare and Institutions Code.

10 (b) Each local educational agency shall designate a staff person
11 as the educational liaison for foster children. In a school district
12 that operates a foster children services program pursuant to Chapter
13 11.3 (commencing with Section 42920) of Part 24, the educational
14 liaison shall be affiliated with the local foster children services
15 program. The liaison shall do all of the following:

16 (1) Ensure and facilitate the proper educational placement,
17 enrollment in school, and checkout from school of foster children.

18 (2) Assist foster children when transferring from one school to
19 another or from one school district to another in ensuring proper
20 transfer of credits, records, and grades.

21 (c) This section does not grant authority to the educational
22 liaison that supersedes the authority granted under state and federal
23 law to a parent or guardian retaining educational rights, a
24 responsible adult appointed by the court to represent the child
25 pursuant to Section 361 or 726 of the Welfare and Institutions
26 Code, a surrogate parent, or a foster parent exercising the authority

1 granted under Section 56055. The role of the educational liaison
2 is advisory with respect to placement decisions and determination
3 of school of origin.

4 (d) (1) At the initial detention or placement, or any subsequent
5 change in placement of a foster child, the local educational agency
6 serving the foster child shall allow the foster child to continue his
7 or her education in the school of origin for the duration of the
8 jurisdiction of the court.

9 (2) If the jurisdiction of the court is terminated prior to the end
10 of an academic year, the child shall be allowed to continue his or
11 her education in the school of origin through the duration of the
12 academic school year.

13 (3) To ensure that the foster child has the benefit of matriculating
14 with his or her peers in accordance with the established feeder
15 patterns of school districts, if the child is transitioning between
16 school grade levels, the local educational agency shall allow the
17 child to continue in the school district of origin in the same
18 attendance area, or, if the child is transitioning to a middle school
19 or high school, and the school designated for matriculation is in
20 another school district, to the school designated for matriculation
21 in that school district.

22 (4) *It is the intent of the Legislature that paragraphs (2) and*
23 *(3) of subdivision (d) shall not be construed to require a school*
24 *district to provide transportation services to allow a child to attend*
25 *a school or school district, unless otherwise required under federal*
26 *law.*

27 ~~(4)~~

28 (5) The liaison, in consultation with and the agreement of the
29 foster child and the person holding the right to make educational
30 decisions for the foster child may, in accordance with the foster
31 child's best interests, recommend that the foster child's right to
32 attend the school of origin be waived and the foster child be
33 enrolled in any public school that pupils living in the attendance
34 area in which the foster child resides are eligible to attend.

35 ~~(5)~~

36 (6) Prior to making any recommendation to move a foster child
37 from his or her school of origin, the liaison shall provide the foster
38 child and the person holding the right to make educational decisions
39 for the foster child with a written explanation stating the basis for

1 the recommendation and how this recommendation serves the
2 foster child’s best interest.

3 ~~(6)~~

4 (7) (A) If the liaison in consultation with the foster child and
5 the person holding the right to make educational decisions for the
6 foster child agree that the best interests of the foster child would
7 best be served by his or her transfer to a school other than the
8 school of origin, the foster child shall immediately be enrolled in
9 the new school.

10 (B) The new school shall immediately enroll the foster child
11 even if the foster child has outstanding fees, fines, textbooks, or
12 other items or moneys due to the school last attended or is unable
13 to produce records or clothing normally required for enrollment,
14 such as previous academic records, medical records, proof of
15 residency, other documentation, or school uniforms.

16 (C) The liaison for the new school shall, within two business
17 days of the foster child’s request for enrollment, contact the school
18 last attended by the foster child to obtain all academic and other
19 records. All required records shall be provided to the new school
20 regardless of any outstanding fees, fines, textbooks, or other items
21 or moneys owed to the school last attended. The school liaison for
22 the school last attended shall provide all records to the new school
23 within two business days of receiving the request.

24 ~~(7)~~

25 (8) If a dispute arises regarding the request of a foster child to
26 remain in the school of origin, the foster child has the right to
27 remain in the school of origin pending resolution of the dispute.
28 The dispute shall be resolved in accordance with the existing
29 dispute resolution process available to any pupil served by the
30 local educational agency.

31 ~~(8)~~

32 (9) The local educational agency and the county placing agency
33 are encouraged to collaborate to ensure maximum utilization of
34 available federal moneys, explore public-private partnerships, and
35 access any other funding sources to promote the well-being of
36 foster children through educational stability.

37 (10) *It is the intent of the Legislature that subdivision (d) shall*
38 *not supersede or exceed other laws governing special education*
39 *services for eligible foster children.*

1 (e) For purposes of this section, “school of origin” means the
2 school that the foster child attended when permanently housed or
3 the school in which the foster child was last enrolled. If the school
4 the foster child attended when permanently housed is different
5 from the school in which the foster child was last enrolled, or if
6 there is some other school that the foster child attended with which
7 the foster child is connected and that the foster child attended
8 within the immediately preceding 15 months, the liaison, in
9 consultation with and the agreement of the foster child and the
10 person holding the right to make educational decisions for the
11 foster child, shall determine, in the best interests of the foster child,
12 the school that shall be deemed the school of origin.

13 (f) This section does not supersede other law governing the
14 educational placements in juvenile court schools, as described in
15 Section 48645.1, by the juvenile court under Section 602 of the
16 Welfare and Institutions Code.

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.