

**ASSEMBLY BILL**

**No. 1806**

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**Introduced by Assembly Member Bloom**

February 18, 2014

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An act to amend Sections 48915.5, 48918.1, 51225.1, and 51225.2 of the Education Code, relating to pupil services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1806, as introduced, Bloom. Pupil services: homeless children or youth.

(1) Existing law, if an individual with exceptional needs is a foster child, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, requires the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency to be invited to participate in the individualized education program team meeting that makes a manifestation determination, as specified.

This bill, if an individual with exceptional needs is a homeless child or youth, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, would require the designated local educational agency liaison for homeless children and youth to be invited to participate in the individualized education program team meeting that makes a manifestation determination, as specified.

(2) Existing law, if the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined, requires the

governing board of the school district to provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency, as specified. Existing law, if a recommendation of expulsion is required and the pupil is a foster child, as defined, authorizes the governing board of the school district to provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency, as specified.

This bill, if the decision to recommend expulsion is a discretionary act and the pupil is a homeless child or youth, as defined, would require the governing board of the school district to provide notice of the expulsion hearing to the designated local educational agency liaison for homeless children and youth, as specified. The bill, if a recommendation of expulsion is required and the pupil is a homeless child or youth, as defined, would authorize the governing board of the school district to provide notice of the expulsion hearing to the designated local educational agency liaison for homeless children and youth, as specified.

(3) Existing law requires a school district to exempt a pupil in foster care, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements unless the school district makes a finding that the pupil is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's 4th year of high school. Existing law requires, among other things, the school district to take specified actions if it determines that the pupil in foster care is reasonably able to complete the school district's graduation requirements within the pupil's 5th year of high school.

This bill would extend these provisions to a pupil who is a homeless child or youth, as defined. By requiring school districts to perform additional duties in complying with the exemption requirements, the bill would impose a state-mandated local program.

(4) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care, as defined, while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue that pupil full or partial credit

for the coursework completed. Existing law prohibits a school district or county office of education from, among other things, requiring a pupil in foster care to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. Existing law provides that a pupil in foster care shall not be prohibited from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.

This bill would extend these provisions to a pupil who is a homeless child or youth, as defined. By requiring a school district and county office of education to perform additional duties in complying with the requirements to accept coursework, the bill would impose a state-mandated local program.

(5) 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 48915.5 of the Education Code is  
2 amended to read:

3 48915.5. (a) An individual with exceptional needs, as defined  
4 in Section 56026, may be suspended or expelled from school in  
5 accordance with Section 1415(k) of Title 20 of the United States  
6 Code, the discipline provisions contained in Sections 300.530 to  
7 300.537, inclusive, of Title 34 of the Code of Federal Regulations,  
8 and other provisions of this part that do not conflict with federal  
9 law and regulations.

10 (b) A free appropriate public education for individuals with  
11 exceptional needs suspended or expelled from school shall be in  
12 accordance with Section 1412(a)(1) of Title 20 of the United States  
13 Code and Section 300.530(d) of Title 34 of the Code of Federal  
14 Regulations.

1 (c) If an individual with exceptional needs is excluded from  
2 schoolbus transportation, the pupil is entitled to be provided with  
3 an alternative form of transportation at no cost to the pupil or parent  
4 or guardian provided that transportation is specified in the pupil's  
5 individualized education program.

6 (d) If the individual with exceptional needs is a foster child, as  
7 defined in Section 48853.5, and the local educational agency has  
8 proposed a change of placement due to an act for which a decision  
9 to recommend expulsion is at the discretion of the principal or the  
10 district superintendent of schools, the attorney for the individual  
11 with exceptional needs and an appropriate representative of the  
12 county child welfare agency shall be invited to participate in the  
13 individualized education program team meeting that makes a  
14 manifestation determination pursuant to Section 1415(k) of Title  
15 20 of the United States Code. The invitation may be made using  
16 the most cost-effective method possible, which may include, but  
17 is not limited to, electronic mail or a telephone call.

18 *(e) If the individual with exceptional needs is a homeless child  
19 or youth, as defined in Section 11434a(2) of Title 42 of the United  
20 States Code, and the local educational agency has proposed a  
21 change of placement due to an act for which a decision to  
22 recommend expulsion is at the discretion of the principal or the  
23 district superintendent of schools, the local educational agency  
24 liaison for homeless children and youth designated pursuant to  
25 Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code  
26 shall be invited to participate in the individualized education  
27 program team meeting that makes a manifestation determination  
28 pursuant to Section 1415(k) of Title 20 of the United States Code.  
29 The invitation may be made using the most cost-effective method  
30 possible, which may include, but is not limited to, electronic mail  
31 or a telephone call.*

32 SEC. 2. Section 48918.1 of the Education Code is amended to  
33 read:

34 48918.1. (a) ~~H(1)~~ *If the decision to recommend expulsion is  
35 a discretionary act and the pupil is a foster child, as defined in  
36 Section 48853.5, the governing board of the school district shall  
37 provide notice of the expulsion hearing to the pupil's attorney and  
38 an appropriate representative of the county child welfare agency  
39 at least 10 calendar days before the date of the hearing. The notice  
40 may be made using the most cost-effective method possible, which*

1 may include, but is not limited to, electronic mail or a telephone  
2 call.

3 ~~(b)~~

4 (2) If a recommendation of expulsion is required and the pupil  
5 is a foster child, as defined in Section 48853.5, the governing board  
6 of the school district may provide notice of the expulsion hearing  
7 to the pupil's attorney and an appropriate representative of the  
8 county child welfare agency at least 10 calendar days before the  
9 date of the hearing. The notice may be made using the most  
10 cost-effective method possible, which may include, but is not  
11 limited to, electronic mail or a telephone call.

12 *(b) (1) If the decision to recommend expulsion is a discretionary*  
13 *act and the pupil is a homeless child or youth, as defined in Section*  
14 *11434a(2) of Title 42 of the United States Code, the governing*  
15 *board of the school district shall provide notice of the expulsion*  
16 *hearing to the local educational agency liaison for homeless*  
17 *children and youth designated pursuant to Section*  
18 *11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10*  
19 *calendar days before the date of the hearing. The notice may be*  
20 *made using the most cost-effective method possible, which may*  
21 *include, but is not limited to, electronic mail or a telephone call.*

22 *(2) If a recommendation of expulsion is required and the pupil*  
23 *is a homeless child or youth, as defined in Section 11434a(2) of*  
24 *Title 42 of the United States Code, the governing board of the*  
25 *school district may provide notice of the expulsion hearing to the*  
26 *local educational agency liaison for homeless children and youth*  
27 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*  
28 *the United States Code at least 10 calendar days before the date*  
29 *of the hearing. The notice may be made using the most*  
30 *cost-effective method possible, which may include, but is not limited*  
31 *to, electronic mail or a telephone call.*

32 SEC. 3. Section 51225.1 of the Education Code is amended to  
33 read:

34 51225.1. (a) Notwithstanding any other law, a school district  
35 shall exempt a pupil in foster care, as defined in Section 51225.2,  
36 *or a pupil who is a homeless child or youth, as defined in Section*  
37 *11434a(2) of Title 42 of the United States Code, who transfers*  
38 *between schools any time after the completion of the pupil's second*  
39 *year of high school from all coursework and other requirements*  
40 *adopted by the governing board of the school district that are in*

1 addition to the statewide coursework requirements specified in  
2 Section 51225.3, unless the school district makes a finding that  
3 the pupil is reasonably able to complete the school district's  
4 graduation requirements in time to graduate from high school by  
5 the end of the pupil's fourth year of high school.

6 (b) If the school district determines that the pupil in foster care,  
7 *or the pupil who is a homeless child or youth*, is reasonably able  
8 to complete the school district's graduation requirements within  
9 the pupil's fifth year of high school, the *school* district shall do all  
10 of the following:

11 (1) Inform the pupil of his or her option to remain in school for  
12 a fifth year to complete the school district's graduation  
13 requirements.

14 (2) Inform the pupil, and the person holding the right to make  
15 educational decisions for the pupil, about how remaining in school  
16 for a fifth year to complete the school district's graduation  
17 requirements will affect the pupil's ability to gain admission to a  
18 postsecondary educational institution.

19 (3) Provide information to the pupil about transfer opportunities  
20 available through the California Community Colleges.

21 (4) Permit the pupil to stay in school for a fifth year to complete  
22 the school district's graduation requirements upon agreement with  
23 the pupil, if the pupil is 18 years of age or older, or, if the pupil is  
24 under 18 years of age, upon agreement with the person holding  
25 the right to make educational decisions for the pupil.

26 (c) To determine whether a pupil in foster care, *or a pupil who*  
27 *is a homeless child or youth*, is in the third or fourth year of high  
28 school, either the number of credits the pupil has earned to the  
29 date of transfer or the length of the pupil's school enrollment may  
30 be used, whichever will qualify the pupil for the exemption.

31 (d) ~~Within~~ (1) *Within* 30 calendar days of the date that a pupil  
32 in foster care who may qualify for the exemption from local  
33 graduation requirements pursuant to this section transfers into a  
34 school, the school district shall notify the pupil, the person holding  
35 the right to make educational decisions for the pupil, and the pupil's  
36 social worker, of the availability of the exemption and whether  
37 the pupil qualifies for an exemption.

38 (2) *Within 30 calendar days of the date that a pupil who is a*  
39 *homeless child or youth may qualify for the exemption from local*  
40 *graduation requirements pursuant to this section transfers into a*

1 *school, the school district shall notify the pupil, the person holding*  
2 *the right to make educational decisions for the pupil, and the local*  
3 *educational agency liaison for homeless children and youth*  
4 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*  
5 *the United States Code, of the availability of the exemption and*  
6 *whether the pupil qualifies for an exemption.*

7 (e) If a pupil in foster care, *or a pupil who is a homeless child*  
8 *or youth*, is exempted from local graduation requirements pursuant  
9 to this section and completes the statewide coursework  
10 requirements specified in Section 51225.3 before the end of his or  
11 her fourth year in high school and that pupil would otherwise be  
12 entitled to remain in attendance at the school, a school or school  
13 district shall not require or request that the pupil graduate before  
14 the end of his or her fourth year of high school.

15 (f) If a pupil in foster care, *or a pupil who is a homeless child*  
16 *or youth*, is exempted from local graduation requirements pursuant  
17 to this section, the school district shall notify the pupil and the  
18 person holding the right to make educational decisions for the  
19 pupil how any of the requirements that are waived will affect the  
20 pupil's ability to gain admission to a postsecondary educational  
21 institution and shall provide information about transfer  
22 opportunities available through the California Community  
23 Colleges.

24 (g) A pupil in foster care, *or a pupil who is a homeless child or*  
25 *youth*, who is eligible for the exemption from local graduation  
26 requirements pursuant to this section and would otherwise be  
27 entitled to remain in attendance at the school shall not be required  
28 to accept the exemption or be denied enrollment in, or the ability  
29 to complete, courses for which he or she is otherwise eligible,  
30 including courses necessary to attend an institution of higher  
31 education, regardless of whether those courses are required for  
32 statewide graduation requirements.

33 (h) If a pupil in foster care, *or a pupil who is a homeless child*  
34 *or youth*, is not exempted from local graduation requirements or  
35 has previously declined the exemption pursuant to this section, a  
36 school district shall exempt the pupil at any time if an exemption  
37 is requested by the pupil and the pupil qualifies for the exemption.

38 (i) If a pupil in foster care, *or a pupil who is a homeless child*  
39 *or youth*, is exempted from local graduation requirements pursuant  
40 to this section, a school district shall not revoke the exemption.

1 (j) If a pupil in foster care is exempted from local graduation  
 2 requirements pursuant to this section, the exemption shall continue  
 3 to apply after the termination of the court’s jurisdiction over the  
 4 pupil while he or she is enrolled in school or if the pupil transfers  
 5 to another school or school district.

6 (k) A school district shall not require or request a pupil in foster  
 7 care, *or a pupil who is a homeless child or youth*, to transfer  
 8 schools in order to qualify the pupil for an exemption pursuant to  
 9 this section.

10 (l) ~~A(1)~~ A pupil in foster care, the person holding the right to  
 11 make educational decisions for the pupil, the pupil’s social worker,  
 12 or the pupil’s probation officer shall not request a transfer solely  
 13 to qualify the pupil for an exemption pursuant to this section.

14 (2) *A pupil who is a homeless child or youth, the person holding*  
 15 *the right to make educational decisions for the pupil, or the local*  
 16 *educational agency liaison for homeless children and youth*  
 17 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*  
 18 *the United States Code, shall not request a transfer solely to qualify*  
 19 *the pupil for an exemption pursuant to this section.*

20 SEC. 4. Section 51225.2 of the Education Code is amended to  
 21 read:

22 51225.2. (a) ~~For(1)~~ For purposes of this section, “pupil in  
 23 foster care” means ~~any~~ a child who has been removed from his or  
 24 her home pursuant to Section 309 of the Welfare and Institutions  
 25 Code, is the subject of a petition filed under Section 300 or 602  
 26 of the Welfare and Institutions Code, or has been removed from  
 27 his or her home and is the subject of a petition filed under Section  
 28 300 or 602 of the Welfare and Institutions Code.

29 (2) *For purposes of this section, “pupil who is a homeless child*  
 30 *or youth” means a pupil who meets the definition of “homeless*  
 31 *child or youth” in Section 11434a(2) of Title 42 of the United*  
 32 *States Code.*

33 (b) Notwithstanding any other law, a school district and county  
 34 office of education shall accept coursework satisfactorily completed  
 35 by a pupil in foster care *or a pupil who is a homeless child* while  
 36 attending another public school, a juvenile court school, or a  
 37 nonpublic, nonsectarian school or agency even if the pupil did not  
 38 complete the entire course and shall issue that pupil full or partial  
 39 credit for the coursework completed.

1 (c) The credits accepted pursuant to subdivision (b) shall be  
2 applied to the same or equivalent course, if applicable, as the  
3 coursework completed in the prior public school, juvenile court  
4 school, or nonpublic, nonsectarian school or agency.

5 (d) A school district or county office of education shall not  
6 require a pupil in foster care *or a pupil who is a homeless child or*  
7 *youth* to retake a course if the pupil has satisfactorily completed  
8 the entire course in a public school, a juvenile court school, or a  
9 nonpublic, nonsectarian school or agency. If the pupil did not  
10 complete the entire course, the school district or county office of  
11 education shall not require the pupil to retake the portion of the  
12 course the pupil completed unless the school district or county  
13 office of education, in consultation with the holder of educational  
14 rights for the pupil, finds that the pupil is reasonably able to  
15 complete the requirements in time to graduate from high school.  
16 When partial credit is awarded in a particular course, the pupil in  
17 foster care *or the pupil who is a homeless child or youth* shall be  
18 enrolled in the same or equivalent course, if applicable, so that the  
19 pupil may continue and complete the entire course.

20 (e) A pupil in foster care *or a pupil who is a homeless child or*  
21 *youth* shall not be prevented from retaking or taking a course to  
22 meet the eligibility requirements for admission to the California  
23 State University or the University of California.

24 SEC. 5. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.