

Introduced by Senator Liu
(Coauthor: Assembly Member Ammiano)

February 6, 2013

An act to amend Section 48850 of, and to add Section 48852.5 to, the Education Code, relating to homeless children and youths.

LEGISLATIVE COUNSEL'S DIGEST

SB 177, as introduced, Liu. Homeless Youth Education Success Act.

Existing law states 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 state pupil academic achievement standards, and requires educators, juvenile courts, and certain other persons to work together to, among other things, ensure that each pupil has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. Existing law requires a foster child who changes residences pursuant to a court order or decision of a child welfare worker to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

This bill would require a homeless child or youth, as defined, to also be immediately deemed to meet those residency requirements. The bill would require public schools and county offices of education to immediately enroll a homeless child or youth seeking enrollment, thereby imposing a state-mandated local program. The bill would require the State Department of Education and the Department of Social Services to convene a workgroup to accomplish specified objectives relating to homeless children and youth, as defined.

The bill would, if a local educational agency designates a local educational liaison for homeless children and youth pursuant to specified

federal law, require the liaison to ensure that public notice of the educational rights of homeless children and youths, as defined, is disseminated in schools within the liaison's local educational agency that provide services pursuant to specified federal law.

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. This act shall be known, and may be cited, as the
2 Homeless Youth Education Success Act.

3 SEC. 2. Section 48850 of the Education Code is amended to
4 read:

5 48850. (a) (1) It is the intent of the Legislature to ensure that
6 all pupils in foster care and those who are homeless, as defined by
7 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
8 Sec. 11301 et seq.), have a meaningful opportunity to meet the
9 challenging state pupil academic achievement standards to which
10 all pupils are held. In fulfilling their responsibilities to these pupils,
11 educators, county placing agencies, care providers, advocates, and
12 the juvenile courts shall work together to maintain stable school
13 placements and to ensure that each pupil is placed in the least
14 restrictive educational programs, and has access to the academic
15 resources, services, and extracurricular and enrichment activities
16 that are available to all pupils, including, but not necessarily limited
17 to, interscholastic sports administered by the California
18 Interscholastic Federation. In all instances, educational and school
19 placement decisions ~~must~~ *shall* be based on the best interests of
20 the child and shall consider, among other factors, educational
21 stability and the opportunity to be educated in the least restrictive
22 educational setting necessary to achieve academic progress.

23 (2) A foster child who changes residences pursuant to a court
24 order or decision of a child welfare worker *or a homeless child or*

1 youth shall be immediately deemed to meet all residency
2 requirements for participation in interscholastic sports or other
3 extracurricular activities.

4 (3) (A) *Public schools, including charter schools, and county*
5 *offices of education shall immediately enroll a homeless child or*
6 *youth seeking enrollment.*

7 (B) *The department and the Department of Social Services shall*
8 *convene a workgroup to adopt policies and practices to support*
9 *homeless children and youths and to ensure that child abuse and*
10 *neglect reporting requirements do not create barriers to the school*
11 *enrollment and attendance of homeless children or youth,*
12 *including, but not limited to, ensuring that a pupil who is a*
13 *homeless child or youth is not reported to law enforcement by*
14 *school personnel if the sole reason for the report is the pupil's*
15 *homelessness.*

16 (b) Every county office of education shall make available to
17 agencies that place children in licensed children's institutions
18 information on educational options for children residing in licensed
19 children's institutions within the jurisdiction of the county office
20 of education for use by the placing agencies in assisting parents
21 and foster children to choose educational placements.

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

28 (d) *For purposes of this section, "homeless child or youth" and*
29 *"homeless children and youths" are defined in Section 111434a(2)*
30 *of Title 42 of the United States Code.*

31 SEC. 3. Section 48852.5 is added to the Education Code, to
32 read:

33 48852.5. (a) If a local educational agency designates a local
34 educational agency liaison for homeless children and youths
35 pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United
36 States Code, that local educational agency liaison shall ensure that
37 public notice of the educational rights of homeless children and
38 youths is disseminated in schools within the liaison's local
39 educational agency that provide services pursuant to the federal

1 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301
2 et seq.).

3 (b) For purposes of this section, “homeless children and youths”
4 is defined in Section 11434a(2) of Title 42 of the United States
5 Code.

6 SEC. 4. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.