

Senate Bill No. 177

CHAPTER 491

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

[Approved by Governor October 2, 2013. Filed with
Secretary of State October 2, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 177, 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, except as provided, thereby imposing a state-mandated local program. The bill would require the State Department of Education and the State Department of Social Services to identify representatives from their respective agencies and from other state agencies that have experience in homeless youth issues to develop policies and practices relating to homeless children and youths, as defined. The bill would require the selected representatives to present the policies and practices to the Superintendent of Public Instruction and the State Department of Social Services to be considered for implementation or dissemination, as appropriate.

The bill would require a local educational agency liaison for homeless children and youths designated pursuant to federal law 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.

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

SECTION 1. This act shall be known, and may be cited, as the Homeless Youth Education Success Act.

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

48850. (a) (1) It is the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. 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, including, but not necessarily limited to, interscholastic sports administered by the California Interscholastic Federation. In all instances, educational and school placement decisions shall be based on the best interests of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

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

(3) (A) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), public schools, including charter schools, and county offices of education shall immediately enroll a homeless child or youth seeking enrollment except where the enrollment would be in conflict with subdivision (d) of Section 47605.

(B) The department and the State Department of Social Services shall identify representatives from the department, the State Department of Social Services, and other state agencies that have experience in homeless youth issues to develop policies and practices to support homeless children and youths and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youths, including, but not limited to, ensuring that a pupil who is a homeless child or youth is not reported to law enforcement by school personnel if the sole reason for the report is the pupil's homelessness. The selected representatives shall present the policies and practices to the Superintendent and the State Department of Social Services to be considered for implementation or dissemination, as appropriate.

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

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

(d) For purposes of this section, “homeless child or youth” and “homeless children and youths” are defined in Section 11434a(2) of Title 42 of the United States Code.

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

48852.5. (a) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison’s local educational agency that provide services pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

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

SEC. 4. 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.