

**ASSEMBLY BILL**

**No. 379**

---

---

**Introduced by Assembly Member Gordon**

February 18, 2015

---

---

An act to amend Sections 48850, 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as introduced, Gordon. Foster youth: complaint of noncompliance.

(1) 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 or a homeless child or youth to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

This bill would authorize the filing of a complaint of noncompliance with the latter provision to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of the provision relating to foster and homeless children and youth residency requirements for participation in interscholastic sports or other extracurricular activities to be included in a specified annual notification. By imposing additional requirements on local

educational agencies, this bill would impose a state-mandated local program.

(2) Existing law requires certain pupils placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless a specified condition applies. Existing law authorizes certain foster children living in emergency shelters to receive educational services at the emergency shelter as necessary for short periods of time for specified reasons. Existing law requires that all educational and school placement decisions be based on the best interests of the child.

This bill would specify that the short period of time described above not exceed 5 schooldays. The bill would specify that all educational and school placement decisions are required to be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil. The bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would require a pupil to be awarded compensatory educational services if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of

Regulations, except as otherwise specified. The bill would require a pupil to be awarded compensatory educational services if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to immediate enrollment or a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding the request of a foster child to remain in the school of origin, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including, among other things, full or partial credits earned and current classes and grades, and to deliver the educational information and records of the pupil to the next educational placement.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the transfer of pupils in foster care between schools to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(5) Existing law requires a school district, except as provided, to exempt a pupil in foster care, as defined, or a pupil who is a homeless child or youth, 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. Existing law requires the school district to notify specified individuals, including a pupil in foster care or a pupil who is a homeless child or youth, within 30 calendar days of the date that the pupil who may qualify for the exemption from local graduation requirements transfers into a school, that the pupil qualifies for that exemption.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under

the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would also require information regarding the requirements of these provisions relating to exempting certain pupils from specified coursework to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(6) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care or a pupil who is a homeless child 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 the pupil full or partial credit for the coursework completed. Existing law requires those credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, or nonpublic, nonsectarian school or agency.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the requirement that local educational agencies accept coursework satisfactorily completed by certain pupils, as specified, to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(7) 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 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  
14 that are available to all pupils, including, but not necessarily limited  
15 to, interscholastic sports administered by the California  
16 Interscholastic Federation. In all instances, educational and school  
17 placement decisions shall be based on the best interests of the child  
18 and shall consider, among other factors, educational stability and  
19 the opportunity to be educated in the least restrictive educational  
20 setting necessary to achieve academic progress.

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

26 (A) *A complaint of noncompliance with the requirements of this*  
27 *paragraph may be filed with the local educational agency under*  
28 *the Uniform Complaint Procedures set forth in Chapter 5.1*  
29 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
30 *California Code of Regulations.*

31 (B) *A complainant not satisfied with the decision of a local*  
32 *educational agency may appeal the decision to the department*  
33 *pursuant to Chapter 5.1 (commencing with Section 4600) of*  
34 *Division 1 of Title 5 of the California Code of Regulations and*  
35 *shall receive a written decision regarding the appeal within 60*  
36 *days of the department's receipt of the appeal.*

37 (C) *Information regarding the requirements of this subdivision*  
38 *shall be included in the annual notification distributed to, among*

1 *others, pupils, parents or guardians of pupils, employees, and*  
2 *other interested parties pursuant to Section 4622 of Title 5 of the*  
3 *California Code of Regulations.*

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

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

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

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

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

39 SEC. 2. Section 48853 of the Education Code is amended to  
40 read:

1 48853. (a) A pupil described in subdivision (a) of Section  
2 48853.5 who is placed in a licensed children’s institution or foster  
3 family home shall attend programs operated by the local  
4 educational agency, unless one of the following applies:

5 (1) The pupil is entitled to remain in his or her school of origin  
6 pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

7 (2) The pupil has an individualized education program requiring  
8 placement in a nonpublic, nonsectarian school or agency, or in  
9 another local educational agency.

10 (3) The parent or guardian, or other person holding the right to  
11 make educational decisions for the pupil pursuant to Section 361  
12 or 726 of the Welfare and Institutions Code or Section 56055,  
13 determines that it is in the best interests of the pupil to be placed  
14 in another educational program, in which case the parent or  
15 guardian or other person holding the right to make educational  
16 decisions for the pupil shall provide a written statement that he or  
17 she has made that determination to the local educational agency.  
18 This statement shall include a declaration that the parent, guardian,  
19 or other person holding the right to make educational decisions  
20 for the pupil is aware of all of the following:

21 (A) The pupil has a right to attend a regular public school in the  
22 least restrictive environment.

23 (B) The alternate education program is a special education  
24 program, if applicable.

25 (C) The decision to unilaterally remove the pupil from the  
26 regular public school and to place the pupil in an alternate  
27 education program may not be financed by the local educational  
28 agency.

29 (D) Any attempt to seek reimbursement for the alternate  
30 education program may be at the expense of the parent, guardian,  
31 or other person holding the right to make educational decisions  
32 for the pupil.

33 (b) For purposes of ensuring a parent, guardian, or other person  
34 holding the right to make educational decisions for the pupil is  
35 aware of the information described in subparagraphs (A) to (D),  
36 inclusive, of paragraph (3) of subdivision (a), the local educational  
37 agency may provide him or her with that information in writing.

38 (c) Before any decision is made to place a pupil in a juvenile  
39 court school as defined by Section 48645.1, a community school  
40 as described in Sections 1981 and 48660, or other alternative

1 educational setting, the parent or guardian, or person holding the  
2 right to make educational decisions for the pupil pursuant to  
3 Section 361 or 726 of the Welfare and Institutions Code or Section  
4 56055, shall first consider placement in the regular public school.

5 (d) If any dispute arises as to the school placement of a pupil  
6 subject to this section, the pupil has the right to remain in his or  
7 her school of origin, as defined in subdivision (e) of Section  
8 48853.5, pending resolution of the dispute. The dispute shall be  
9 resolved in accordance with the existing dispute resolution process  
10 available to any pupil served by the local educational agency.

11 (e) This section does not supersede other laws that govern pupil  
12 expulsion.

13 (f) This section does not supersede any other law governing the  
14 educational placement in a juvenile court school, as defined by  
15 Section 48645.1, of a pupil detained in a county juvenile hall, or  
16 committed to a county juvenile ranch, camp, forestry camp, or  
17 regional facility.

18 (g) (1) Foster children living in emergency shelters, as  
19 referenced in the federal McKinney-Vento Homeless Assistance  
20 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational  
21 services at the emergency shelter as necessary for short periods of  
22 time, *not to exceed five schooldays*, for either of the following  
23 reasons:

24 (1)

25 (A) For health and safety emergencies.

26 (2)

27 (B) To provide temporary, special, and supplementary services  
28 to meet the child's unique needs if a decision regarding whether  
29 it is in the child's best interests to attend the school of origin cannot  
30 be made promptly, it is not practical to transport the child to the  
31 school of origin, and the child would otherwise not receive  
32 educational services.

33 ~~The~~

34 (2) *The* educational services may be provided at the shelter  
35 pending a determination by the person holding the right regarding  
36 the educational placement of the child.

37 (h) All educational and school placement decisions shall be  
38 made to ensure that the child is placed in the least restrictive  
39 educational programs and has access to academic resources,  
40 services, and extracurricular and enrichment activities that are

1 available to all pupils. In all instances, educational and school  
2 placement decisions shall be based on the best interests of the child  
3 *as determined by the parent or guardian, or other person holding*  
4 *the right to make educational decisions for the pupil.*

5 (i) (1) *A complaint of noncompliance with the requirements of*  
6 *this section may be filed with the local educational agency under*  
7 *the Uniform Complaint Procedures set forth in Chapter 5.1*  
8 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
9 *California Code of Regulations.*

10 (A) *Within five schooldays of receiving a complaint alleging a*  
11 *violation of a pupil's right to remain in his or her school of origin*  
12 *pending resolution of a dispute regarding school placement,*  
13 *pursuant to subdivision (d), the local educational agency shall*  
14 *conduct a complete investigation and prepare a written local*  
15 *educational agency decision. The investigation and decision shall*  
16 *comply with the requirements of subdivisions (b) to (d), inclusive,*  
17 *of and paragraphs (1) to (7), inclusive, of subdivision (e) of Section*  
18 *4631 of Title 5 of the California Code of Regulations.*

19 (B) *All other complaints of noncompliance with the requirements*  
20 *of this section shall be investigated and determined by the local*  
21 *educational agency in accordance with the timelines provided in*  
22 *Section 4631 of Title 5 of the California Code of Regulations.*

23 (2) *A complainant not satisfied with the decision of a local*  
24 *educational agency may appeal the decision to the department*  
25 *pursuant to Chapter 5.1 (commencing with Section 4600) of*  
26 *Division 1 of Title 5 of the California Code of Regulations.*

27 (A) *If the complainant appeals a local educational agency*  
28 *decision regarding an alleged violation of a pupil's right to remain*  
29 *in his or her school of origin pending resolution of a dispute*  
30 *regarding school placement, pursuant to subdivision (d), the*  
31 *department shall issue a written decision regarding the appeal*  
32 *within 30 days of the department's receipt of the appeal.*

33 (B) *For all other appeals from local educational agency*  
34 *decisions related to this section, the department shall issue a*  
35 *written decision regarding the appeal within 60 days of the*  
36 *department's receipt of the appeal.*

37 (3) *If a decision of either the local educational agency or the*  
38 *department determines that the local educational agency has*  
39 *violated a pupil's right to remain in his or her school of origin*  
40 *pending resolution of a dispute regarding school placement,*

1 *pursuant to subdivision (d), and that violation has interrupted the*  
2 *pupil's school attendance, the pupil shall be awarded*  
3 *compensatory educational services.*

4 *(4) Information regarding the requirements of this section shall*  
5 *be included in the annual notification distributed to, among others,*  
6 *pupils, parents or guardians of pupils, employees, and other*  
7 *interested parties pursuant to Section 4622 of Title 5 of the*  
8 *California Code of Regulations.*

9 SEC. 3. Section 48853.5 of the Education Code is amended to  
10 read:

11 48853.5. (a) This section applies to a foster child. "Foster  
12 child" means a child who has been removed from his or her home  
13 pursuant to Section 309 of the Welfare and Institutions Code, is  
14 the subject of a petition filed under Section 300 or 602 of the  
15 Welfare and Institutions Code, or has been removed from his or  
16 her home and is the subject of a petition filed under Section 300  
17 or 602 of the Welfare and Institutions Code.

18 (b) Each local educational agency shall designate a staff person  
19 as the educational liaison for foster children. In a school district  
20 that operates a foster children services program pursuant to Chapter  
21 11.3 (commencing with Section 42920) of Part 24 of Division 3,  
22 the educational liaison shall be affiliated with the local foster  
23 children services program. The educational liaison shall do all of  
24 the following:

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

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

30 (c) If so designated by the superintendent of the local educational  
31 agency, the educational liaison shall notify a foster child's attorney  
32 and the appropriate representative of the county child welfare  
33 agency of pending expulsion proceedings if the decision to  
34 recommend expulsion is a discretionary act, pending proceedings  
35 to extend a suspension until an expulsion decision is rendered if  
36 the decision to recommend expulsion is a discretionary act, and,  
37 if the foster child is an individual with exceptional needs, pending  
38 manifestation determinations pursuant to Section 1415(k) of Title  
39 20 of the United States Code if the local educational agency has  
40 proposed a change in placement due to an act for which the

1 decision to recommend expulsion is at the discretion of the  
2 principal or the district superintendent of schools.

3 (d) This section does not grant authority to the educational  
4 liaison that supersedes the authority granted under state and federal  
5 law to a parent or legal guardian retaining educational rights, a  
6 responsible adult appointed by the court to represent the child  
7 pursuant to Section 361 or 726 of the Welfare and Institutions  
8 Code, a surrogate parent, or a foster parent exercising the authority  
9 granted under Section 56055. The role of the educational liaison  
10 is advisory with respect to placement decisions and determination  
11 of the school of origin.

12 (e) (1) At the initial detention or placement, or any subsequent  
13 change in placement of a foster child, the local educational agency  
14 serving the foster child shall allow the foster child to continue his  
15 or her education in the school of origin for the duration of the  
16 jurisdiction of the court.

17 (2) If the jurisdiction of the court is terminated before the end  
18 of an academic year, the local educational agency shall allow a  
19 former foster child who is in kindergarten or any of grades 1 to 8,  
20 inclusive, to continue his or her education in the school of origin  
21 through the duration of the academic school year.

22 (3) (A) If the jurisdiction of the court is terminated while a  
23 foster child is in high school, the local educational agency shall  
24 allow the former foster child to continue his or her education in  
25 the school of origin through graduation.

26 (B) For purposes of this paragraph, a school district is not  
27 required to provide transportation to a former foster child who has  
28 an individualized education program that does not require  
29 transportation as a related service and who changes residence but  
30 remains in his or her school of origin pursuant to this paragraph,  
31 unless the individualized education program team determines that  
32 transportation is a necessary related service.

33 (4) To ensure that the foster child has the benefit of matriculating  
34 with his or her peers in accordance with the established feeder  
35 patterns of school districts, if the foster child is transitioning  
36 between school grade levels, the local educational agency shall  
37 allow the foster child to continue in the school district of origin in  
38 the same attendance area, or, if the foster child is transitioning to  
39 a middle school or high school, and the school designated for

1 matriculation is in another school district, to the school designated  
2 for matriculation in that school district.

3 (5) Paragraphs (2), (3), and (4) do not require a school district  
4 to provide transportation services to allow a foster child to attend  
5 a school or school district, unless otherwise required under federal  
6 law. This paragraph does not prohibit a school district from, at its  
7 discretion, providing transportation services to allow a foster child  
8 to attend a school or school district.

9 (6) The educational liaison, in consultation with, and with the  
10 agreement of, the foster child and the person holding the right to  
11 make educational decisions for the foster child, may recommend,  
12 in accordance with the foster child’s best interests, that the foster  
13 child’s right to attend the school of origin be waived and the foster  
14 child be enrolled in a public school that pupils living in the  
15 attendance area in which the foster child resides are eligible to  
16 attend.

17 (7) Before making a recommendation to move a foster child  
18 from his or her school of origin, the educational liaison shall  
19 provide the foster child and the person holding the right to make  
20 educational decisions for the foster child with a written explanation  
21 stating the basis for the recommendation and how the  
22 recommendation serves the foster child’s best interest.

23 (8) (A) If the educational liaison, in consultation with the foster  
24 child and the person holding the right to make educational decisions  
25 for the foster child, agrees that the best interests of the foster child  
26 would best be served by his or her transfer to a school other than  
27 the school of origin, the foster child shall immediately be enrolled  
28 in the new school.

29 (B) The new school shall immediately enroll the foster child  
30 even if the foster child has outstanding fees, fines, textbooks, or  
31 other items or moneys due to the school last attended or is unable  
32 to produce clothing or records normally required for enrollment,  
33 such as previous academic records, medical records, including,  
34 but not limited to, records or other proof of immunization history  
35 pursuant to Chapter 1 (commencing with Section 120325) of Part  
36 2 of Division 105 of the Health and Safety Code, proof of  
37 residency, other documentation, or school uniforms.

38 (C) Within two business days of the foster child’s request for  
39 enrollment, the educational liaison for the new school shall contact  
40 the school last attended by the foster child to obtain all academic

1 and other records. The last school attended by the foster child shall  
2 provide all required records to the new school regardless of any  
3 outstanding fees, fines, textbooks, or other items or moneys owed  
4 to the school last attended. The educational liaison for the school  
5 last attended shall provide all records to the new school within two  
6 business days of receiving the request.

7 (9) If a dispute arises regarding the request of a foster child to  
8 remain in the school of origin, the foster child has the right to  
9 remain in the school of origin pending resolution of the dispute.  
10 The dispute shall be resolved in accordance with the existing  
11 dispute resolution process available to a pupil served by the local  
12 educational agency.

13 (10) The local educational agency and the county placing agency  
14 are encouraged to collaborate to ensure maximum use of available  
15 federal moneys, explore public-private partnerships, and access  
16 any other funding sources to promote the well-being of foster  
17 children through educational stability.

18 (11) It is the intent of the Legislature that this subdivision shall  
19 not supersede or exceed other laws governing special education  
20 services for eligible foster children.

21 (f) For purposes of this section, “school of origin” means the  
22 school that the foster child attended when permanently housed or  
23 the school in which the foster child was last enrolled. If the school  
24 the foster child attended when permanently housed is different  
25 from the school in which the foster child was last enrolled, or if  
26 there is some other school that the foster child attended with which  
27 the foster child is connected and that the foster child attended  
28 within the immediately preceding 15 months, the educational  
29 liaison, in consultation with, and with the agreement of, the foster  
30 child and the person holding the right to make educational decisions  
31 for the foster child, shall determine, in the best interests of the  
32 foster child, the school that shall be deemed the school of origin.

33 (g) This section does not supersede other law governing the  
34 educational placements in juvenile court schools, as described in  
35 Section 48645.1, by the juvenile court under Section 602 of the  
36 Welfare and Institutions Code.

37 (h) (1) *A complaint of noncompliance with the requirements*  
38 *of this section may be filed with the local educational agency under*  
39 *the Uniform Complaint Procedures set forth in Chapter 5.1*

1 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
2 *California Code of Regulations.*

3 *(A) Within five schooldays of receiving a complaint alleging a*  
4 *violation of a pupil's right to immediate enrollment pursuant to*  
5 *paragraph (8) of subdivision (e), the local educational agency*  
6 *shall conduct a complete investigation and prepare a written local*  
7 *educational agency decision. The investigation and decision shall*  
8 *comply with the requirements of subdivisions (b) to (d), inclusive,*  
9 *of and paragraphs (1) to (7), inclusive, of subdivision (e) of Section*  
10 *4631 of Title 5 of the California Code of Regulations.*

11 *(B) Within five schooldays of receiving a complaint alleging a*  
12 *violation of a pupil's right to remain in his or her school of origin*  
13 *pending resolution of a dispute regarding the request of a foster*  
14 *child to remain in the school of origin, pursuant to paragraph (9)*  
15 *of subdivision (e), the local educational agency shall conduct a*  
16 *complete investigation and prepare a written local educational*  
17 *agency decision. The investigation and decision shall comply with*  
18 *the requirements of subdivisions (b) to (d), inclusive, of and*  
19 *paragraphs (1) to (7), inclusive, of subdivision (e) of Section 4631*  
20 *of Title 5 of the California Code of Regulations.*

21 *(C) All other complaints of noncompliance with the requirements*  
22 *of this section shall be investigated and determined by the local*  
23 *educational agency in accordance with the timelines provided in*  
24 *Section 4631 of Title 5 of the California Code of Regulations.*

25 *(2) A complainant not satisfied with the decision of a local*  
26 *educational agency may appeal the decision to the department*  
27 *pursuant to Chapter 5.1 (commencing with Section 4600) of*  
28 *Division 1 of Title 5 of the California Code of Regulations.*

29 *(A) If the complainant appeals a local educational agency*  
30 *decision regarding an alleged violation of the right to immediate*  
31 *enrollment pursuant to paragraph (8) of subdivision (e), the*  
32 *department shall issue a written decision regarding the appeal*  
33 *within 30 days of the department's receipt of the appeal.*

34 *(B) If the complainant appeals a local educational agency*  
35 *decision regarding an alleged violation of a pupil's right to remain*  
36 *in his or her school of origin pending resolution of a dispute*  
37 *regarding the request of a foster child to remain in the school of*  
38 *origin, pursuant to paragraph (9) of subdivision (e), the department*  
39 *shall issue a written decision regarding the appeal within 30 days*  
40 *of the department's receipt of the appeal.*

1 (C) For all other appeals from local educational agency  
2 decisions related to this section, the department shall issue a  
3 written decision regarding the appeal within 60 days of the  
4 department's receipt of the appeal.

5 (3) If a decision of either the local educational agency or the  
6 department determines that the local educational agency has  
7 violated a pupil's right to immediate enrollment, pursuant to  
8 paragraph (8) of subdivision (e), or has violated a pupil's right  
9 to remain in his or her school of origin pending resolution of a  
10 dispute regarding the request of a foster child to remain in the  
11 school of origin, pursuant to paragraph (9) of subdivision (e), and  
12 that violation has interrupted the pupil's school attendance, the  
13 pupil shall be awarded compensatory educational services.

14 (4) Information regarding the requirements of this section shall  
15 be included in the annual notification distributed to, among others,  
16 pupils, parents or guardians of pupils, employees, and other  
17 interested parties pursuant to Section 4622 of Title 5 of the  
18 California Code of Regulations.

19 SEC. 4. Section 49069.5 of the Education Code is amended to  
20 read:

21 49069.5. (a) The Legislature finds and declares all of the  
22 following:

23 (1) The mobility of pupils in foster care often disrupts their  
24 educational experience.

25 (2) Efficient transfer procedures and transfer of pupil records  
26 is a critical factor in the swift placement of foster children in  
27 educational settings.

28 (3) Pupils who have had contact with the juvenile justice system  
29 are often denied credit or partial credit earned during enrollment  
30 in juvenile court schools. Delays in school enrollment and loss of  
31 earned credit can result in improper class or school placement,  
32 denial of special education services, and school dropout.

33 (b) The proper and timely transfer between schools of pupils in  
34 foster care is the responsibility of both the local educational agency,  
35 including the county office of education for pupils in foster care  
36 who are enrolled in juvenile court schools, and the county placing  
37 agency, which includes the county probation department.

38 (c) As soon as the county placing agency or county office of  
39 education becomes aware of the need to transfer a pupil in foster  
40 care out of his or her current school, the county placing agency or

1 county office of education shall contact the appropriate person at  
2 the local educational agency of the pupil. The county placing  
3 agency shall notify the local educational agency of the date that  
4 the pupil will be leaving the school and request that the pupil be  
5 transferred out.

6 (d) Upon receiving a transfer request from a county placing  
7 agency or notification of enrollment from the new local educational  
8 agency, the local educational agency receiving the transfer request  
9 or notification shall, within two business days, transfer the pupil  
10 out of school and deliver the educational information and records  
11 of the pupil to the next educational placement.

12 (e) As part of the transfer process described under subdivisions  
13 (c) and (d), the local educational agency shall compile the complete  
14 educational record of the pupil, including a determination of seat  
15 time, full or partial credits earned, current classes and grades,  
16 immunization and other records, and, if applicable, a copy of the  
17 pupil’s plan adopted pursuant to Section 504 of the federal  
18 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or individualized  
19 education program adopted pursuant to the federal Individuals  
20 with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

21 (f) The local educational agency shall assign the duties listed  
22 in this section to a person competent to handle the transfer  
23 procedure and who is aware of the specific educational  
24 recordkeeping needs of homeless, foster, and other transient  
25 children who transfer between schools.

26 (g) The local educational agency shall ensure that, if the pupil  
27 in foster care is absent from school due to a decision to change the  
28 placement of a pupil made by a court or placing agency, the grades  
29 and credits of the pupil will be calculated as of the date the pupil  
30 left school and no lowering of grades will occur as a result of the  
31 absence of the pupil under these circumstances.

32 (h) The local educational agency shall ensure that, if the pupil  
33 in foster care is absent from school due to a verified court  
34 appearance or related court ordered activity, no lowering of his or  
35 her grades will occur as a result of the absence of the pupil under  
36 these circumstances.

37 (i) (1) *A complaint of noncompliance with the requirements of*  
38 *this section may be filed with the local educational agency under*  
39 *the Uniform Complaint Procedures set forth in Chapter 5.1*

1 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
2 *California Code of Regulations.*

3 *(2) A complainant not satisfied with the decision of a local*  
4 *educational agency may appeal the decision to the department*  
5 *pursuant to Chapter 5.1 (commencing with Section 4600) of*  
6 *Division 1 of Title 5 of the California Code of Regulations and*  
7 *shall receive a written decision regarding the appeal within 60*  
8 *days of the department's receipt of the appeal.*

9 *(3) Information regarding the requirements of this section shall*  
10 *be included in the annual notification distributed to, among others,*  
11 *pupils, parents or guardians of pupils, employees, and other*  
12 *interested parties pursuant to Section 4622 of Title 5 of the*  
13 *California Code of Regulations.*

14 *(i)*

15 *(j) For purposes of this section, the following definitions apply:*

16 *(1) "County placing agency" means a county social services*  
17 *department or county probation department.*

18 *(2) "Local educational agency" means a school district, a county*  
19 *office of education, a charter school participating as a member of*  
20 *a special education local plan area, or a special education local*  
21 *plan area.*

22 *(3) "Pupil in foster care" means a child who has been removed*  
23 *from his or her home pursuant to Section 309 of the Welfare and*  
24 *Institutions Code, is the subject of a petition filed under Section*  
25 *300 or 602 of the Welfare and Institutions Code, or has been*  
26 *removed from his or her home and is the subject of a petition filed*  
27 *under Section 300 or 602 of the Welfare and Institutions Code.*

28 SEC. 5. Section 51225.1 of the Education Code is amended to  
29 read:

30 51225.1. (a) Notwithstanding any other law, a school district  
31 shall exempt a pupil in foster care, as defined in Section 51225.2,  
32 or a pupil who is a homeless child or youth, as defined in Section  
33 11434a(2) of Title 42 of the United States Code, who transfers  
34 between schools any time after the completion of the pupil's second  
35 year of high school from all coursework and other requirements  
36 adopted by the governing board of the school district that are in  
37 addition to the statewide coursework requirements specified in  
38 Section 51225.3, unless the school district makes a finding that  
39 the pupil is reasonably able to complete the school district's

1 graduation requirements in time to graduate from high school by  
 2 the end of the pupil’s fourth year of high school.

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

8 (1) Inform the pupil of his or her option to remain in school for  
 9 a fifth year to complete the school district’s graduation  
 10 requirements.

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

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

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

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

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

35 (2) Within 30 calendar days of the date that a pupil who is a  
 36 homeless child or youth may qualify for the exemption from local  
 37 graduation requirements pursuant to this section transfers into a  
 38 school, the school district shall notify the pupil, the person holding  
 39 the right to make educational decisions for the pupil, and the local  
 40 educational agency liaison for homeless children and youth

1 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
2 the United States Code, of the availability of the exemption and  
3 whether the pupil qualifies for an exemption.

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

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

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

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

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

38 (j) If a pupil in foster care is exempted from local graduation  
39 requirements pursuant to this section, the exemption shall continue  
40 to apply after the termination of the court's jurisdiction over the

1 pupil while he or she is enrolled in school or if the pupil transfers  
2 to another school or school district.

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

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

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

17 (m) (1) *A complaint of noncompliance with the requirements*  
18 *of this section may be filed with the local educational agency under*  
19 *the Uniform Complaint Procedures set forth in Chapter 5.1*  
20 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
21 *California Code of Regulations.*

22 (A) *Within 30 days of receiving a complaint of noncompliance*  
23 *with this section, the local educational agency shall conduct a*  
24 *complete investigation and prepare a written local educational*  
25 *agency decision. The investigation and decision shall comply with*  
26 *the requirements of subdivisions (b) to (d), inclusive, of and*  
27 *paragraphs (1) to (7), inclusive, of subdivision (e) of Section 4631*  
28 *of Title 5 of the California Code of Regulations.*

29 (B) *Within five schooldays of receiving a complaint of*  
30 *noncompliance with this section regarding a pupil who is in the*  
31 *final grading period of the fourth year of school after enrollment*  
32 *in high school, the local educational agency shall conduct a*  
33 *complete investigation and prepare a written local educational*  
34 *agency decision. The investigation and decision shall comply with*  
35 *the requirements of subdivisions (b) to (d), inclusive, of and*  
36 *paragraphs (1) to (7), inclusive, of subdivision (e) of Section 4631*  
37 *of Title 5 of the California Code of Regulations.*

38 (2) *A complainant not satisfied with the decision of a local*  
39 *educational agency may appeal the decision to the department*  
40 *pursuant to Chapter 5.1 (commencing with Section 4600) of*

1 *Division 1 of Title 5 of the California Code of Regulations and*  
2 *shall receive a written decision regarding the appeal within 60*  
3 *days of the department's receipt of the appeal.*

4 (A) *If the complainant appeals from a local educational agency*  
5 *decision regarding a complaint of noncompliance with this section*  
6 *for a pupil who is in the final grading period of the fourth year of*  
7 *school after enrollment in high school, the department shall issue*  
8 *a written decision regarding the appeal within 30 days of the*  
9 *department's receipt of the appeal.*

10 (B) *For all other appeals from local educational agency*  
11 *decisions related to this section, the department shall issue a*  
12 *written decision regarding the appeal within 60 days of the*  
13 *department's receipt of the appeal.*

14 (3) *Information regarding the requirements of this section shall*  
15 *be included in the annual notification distributed to, among others,*  
16 *pupils, parents or guardians of pupils, employees, and other*  
17 *interested parties pursuant to Section 4622 of Title 5 of the*  
18 *California Code of Regulations.*

19 SEC. 6. Section 51225.2 of the Education Code is amended to  
20 read:

21 51225.2. (a) (1) For purposes of this section, "pupil in foster  
22 care" means a child who has been removed from his or her home  
23 pursuant to Section 309 of the Welfare and Institutions Code, is  
24 the subject of a petition filed under Section 300 or 602 of the  
25 Welfare and Institutions Code, or has been removed from his or  
26 her home and is the subject of a petition filed under Section 300  
27 or 602 of the Welfare and Institutions Code.

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

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

39 (c) The credits accepted pursuant to subdivision (b) shall be  
40 applied to the same or equivalent course, if applicable, as the

1 coursework completed in the prior public school, juvenile court  
2 school, or nonpublic, nonsectarian school or agency.

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

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

22 (f) (1) *A complaint of noncompliance with the requirements of*  
23 *this section may be filed with the local educational agency under*  
24 *the Uniform Complaint Procedures set forth in Chapter 5.1*  
25 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
26 *California Code of Regulations.*

27 (2) *A complainant not satisfied with the decision of a local*  
28 *educational agency may appeal the decision to the department*  
29 *pursuant to Chapter 5.1 (commencing with Section 4600) of*  
30 *Division 1 of Title 5 of the California Code of Regulations and*  
31 *shall receive a written decision regarding the appeal within 60*  
32 *days of the department's receipt of the appeal.*

33 (3) *Information regarding the requirements of this section shall*  
34 *be included in the annual notification distributed to, among others,*  
35 *pupils, parents or guardians of pupils, employees, and other*  
36 *interested parties pursuant to Section 4622 of Title 5 of the*  
37 *California Code of Regulations.*

38 SEC. 7. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O