

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JUNE 17, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 379**

**Introduced by Assembly Member Gordon**

February 18, 2015

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An act to amend Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of, and to amend the heading of Chapter 5.5 (commencing with Section 48850) of Part 27 of Division 4 of Title 2 of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Gordon. Foster youth: *homeless children or youth*: complaint of ~~noncompliance~~: *noncompliance*: *exemption from local graduation requirements*.

(1) 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 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 require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. 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.

(2) 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. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. 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 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 require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. 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.

(4) 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.

*Existing law requires, if a pupil in foster care is exempted from local graduation requirements, that the exemption continue to apply after the termination of the court's jurisdiction over the pupil while he or she is enrolled in school or if the pupil transfers to another school or school district.*

*This bill would, if the school district fails to provide the required notification, declare the affected pupil eligible for the exemption from local graduation requirements once notified, even if that notification is received after the termination of the court's jurisdiction over the pupil or after the pupil is no longer a homeless child or youth, as applicable, if the pupil otherwise qualifies for the exemption.*

*This bill would require, if a pupil who is a homeless child or youth is exempted from local graduation requirements, that the exemption continue to apply after the pupil is no longer a homeless child or youth while he or she is enrolled in school or if the pupil transfers to another school or school district.*

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 require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds

merit in an appeal, the local educational agency to provide a remedy to the affected pupil. 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.

(5) 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 require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. 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.

*(6) This bill would incorporate changes to Sections 48853 and 48853.5 of the Education Code proposed by both this bill and AB 224, which would become operative only if both bills are enacted and become effective on or before January 1, 2016, and this bill is chaptered last.*

~~(6)~~

(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. The heading of Chapter 5.5 (commencing with  
2 Section 48850) of Part 27 of Division 4 of Title 2 of the Education  
3 Code is amended to read:

4  
5 CHAPTER 5.5. EDUCATION OF PUPILS IN FOSTER CARE AND  
6 PUPILS WHO ARE HOMELESS

7  
8 SEC. 2. Section 48853 of the Education Code is amended to  
9 read:

10 48853. (a) A pupil described in subdivision (a) of Section  
11 48853.5 who is placed in a licensed children’s institution or foster  
12 family home shall attend programs operated by the local  
13 educational agency, unless one of the following applies:

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

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

19 (3) The parent or guardian, or other person holding the right to  
20 make educational decisions for the pupil pursuant to Section 361  
21 or 726 of the Welfare and Institutions Code or Section 56055,  
22 determines that it is in the best interests of the pupil to be placed  
23 in another educational program, in which case the parent or  
24 guardian or other person holding the right to make educational  
25 decisions for the pupil shall provide a written statement that he or  
26 she has made that determination to the local educational agency.  
27 This statement shall include a declaration that the parent, guardian,  
28 or other person holding the right to make educational decisions  
29 for the pupil is aware of all of the following:

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

32 (B) The alternate education program is a special education  
33 program, if applicable.

1 (C) The decision to unilaterally remove the pupil from the  
2 regular public school and to place the pupil in an alternate  
3 education program may not be financed by the local educational  
4 agency.

5 (D) Any attempt to seek reimbursement for the alternate  
6 education program may be at the expense of the parent, guardian,  
7 or other person holding the right to make educational decisions  
8 for the pupil.

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

14 (c) Before any decision is made to place a pupil in a juvenile  
15 court school as defined by Section 48645.1, a community school  
16 as described in Sections 1981 and 48660, or other alternative  
17 educational setting, the parent or guardian, or person holding the  
18 right to make educational decisions for the pupil pursuant to  
19 Section 361 or 726 of the Welfare and Institutions Code or Section  
20 56055, shall first consider placement in the regular public school.

21 (d) If any dispute arises as to the school placement of a pupil  
22 subject to this section, the pupil has the right to remain in his or  
23 her school of origin, as defined in subdivision (e) of Section  
24 48853.5, pending resolution of the dispute. The dispute shall be  
25 resolved in accordance with the existing dispute resolution process  
26 available to any pupil served by the local educational agency.

27 (e) This section does not supersede other laws that govern pupil  
28 expulsion.

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

34 (g) (1) Foster children living in emergency shelters, as  
35 referenced in the federal McKinney-Vento Homeless Assistance  
36 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational  
37 services at the emergency shelter as necessary for short periods of  
38 time for either of the following reasons:

39 (A) For health and safety emergencies.

1 (B) To provide temporary, special, and supplementary services  
2 to meet the child's unique needs if a decision regarding whether  
3 it is in the child's best interests to attend the school of origin cannot  
4 be made promptly, it is not practical to transport the child to the  
5 school of origin, and the child would otherwise not receive  
6 educational services.

7 (2) The educational services may be provided at the shelter  
8 pending a determination by the person holding the right regarding  
9 the educational placement of the child.

10 (h) All educational and school placement decisions shall be  
11 made to ensure that the child is placed in the least restrictive  
12 educational programs and has access to academic resources,  
13 services, and extracurricular and enrichment activities that are  
14 available to all pupils. In all instances, educational and school  
15 placement decisions shall be based on the best interests of the  
16 child.

17 (i) (1) A complaint of noncompliance with the requirements of  
18 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 (2) A complainant not satisfied with the decision of a local  
23 educational agency may appeal the decision to the department  
24 pursuant to Chapter 5.1 (commencing with Section 4600) of  
25 Division 1 of Title 5 of the California Code of Regulations and  
26 shall receive a written decision regarding the appeal within 60  
27 days of the department's receipt of the appeal.

28 (3) If a local educational agency finds merit in a complaint, or  
29 the Superintendent finds merit in an appeal, the local educational  
30 agency shall provide a remedy to the affected pupil.

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

36 *SEC. 2.5. Section 48853 of the Education Code is amended to*  
37 *read:*

38 48853. (a) A pupil described in subdivision (a) of Section  
39 48853.5 who is placed in a licensed children's institution or foster

1 family home shall attend programs operated by the local  
2 educational agency, unless one of the following applies:

3 (1) The pupil is entitled to remain in his or her school of origin  
4 pursuant to paragraph (1) of subdivision ~~(d)~~ (e) of Section 48853.5.

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

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

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

21 (B) The alternate education program is a special education  
22 program, if applicable.

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

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

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

36 (c) Before any decision is made to place a pupil in a juvenile  
37 court school as defined by Section 48645.1, a community school  
38 as described in Sections 1981 and 48660, or other alternative  
39 educational setting, the parent or guardian, or person holding the  
40 right to make educational decisions for the pupil pursuant to

1 Section 361 or 726 of the Welfare and Institutions Code or Section  
2 56055, shall first consider placement in the regular public school.

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

9 (e) This section does not supersede other laws that govern pupil  
10 expulsion.

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

16 (g) (1) Foster children living in emergency shelters, as  
17 referenced in the federal McKinney-Vento Homeless Assistance  
18 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational  
19 services at the emergency shelter as necessary for short periods of  
20 time for either of the following reasons:

21 ~~(1)~~

22 (A) For health and safety emergencies.

23 ~~(2)~~

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

30 ~~The~~

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

34 (h) All educational and school placement decisions shall be  
35 made to ensure that the child is placed in the least restrictive  
36 educational programs and has access to academic resources,  
37 services, and extracurricular and enrichment activities that are  
38 available to all pupils. In all instances, educational and school  
39 placement decisions shall be based on the best interests of the  
40 child.

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

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

12 (3) If a local educational agency finds merit in a complaint, or  
13 the Superintendent finds merit in an appeal, the local educational  
14 agency shall provide a remedy to the affected pupil.

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

20 SEC. 3. Section 48853.5 of the Education Code is amended to  
21 read:

22 48853.5. (a) This section applies to a foster child. "Foster  
23 child" means a child who has been removed from his or her home  
24 pursuant to Section 309 of the Welfare and Institutions Code, is  
25 the subject of a petition filed under Section 300 or 602 of the  
26 Welfare and Institutions Code, or has been removed from his or  
27 her home and is the subject of a petition filed under Section 300  
28 or 602 of the Welfare and Institutions Code.

29 (b) Each local educational agency shall designate a staff person  
30 as the educational liaison for foster children. In a school district  
31 that operates a foster children services program pursuant to Chapter  
32 11.3 (commencing with Section 42920) of Part 24 of Division 3,  
33 the educational liaison shall be affiliated with the local foster  
34 children services program. The educational liaison shall do ~~all~~ both  
35 of the following:

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

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

1 (c) If so designated by the superintendent of the local educational  
2 agency, the educational liaison shall notify a foster child’s attorney  
3 and the appropriate representative of the county child welfare  
4 agency of pending expulsion proceedings if the decision to  
5 recommend expulsion is a discretionary act, pending proceedings  
6 to extend a suspension until an expulsion decision is rendered if  
7 the decision to recommend expulsion is a discretionary act, and,  
8 if the foster child is an individual with exceptional needs, pending  
9 manifestation determinations pursuant to Section 1415(k) of Title  
10 20 of the United States Code if the local educational agency has  
11 proposed a change in placement due to an act for which the  
12 decision to recommend expulsion is at the discretion of the  
13 principal or the district superintendent of schools.

14 (d) This section does not grant authority to the educational  
15 liaison that supersedes the authority granted under state and federal  
16 law to a parent or legal guardian retaining educational rights, a  
17 responsible adult appointed by the court to represent the child  
18 pursuant to Section 361 or 726 of the Welfare and Institutions  
19 Code, a surrogate parent, or a foster parent exercising the authority  
20 granted under Section 56055. The role of the educational liaison  
21 is advisory with respect to placement decisions and determination  
22 of the school of origin.

23 (e) (1) At the initial detention or placement, or any subsequent  
24 change in placement of a foster child, the local educational agency  
25 serving the foster child shall allow the foster child to continue his  
26 or her education in the school of origin for the duration of the  
27 jurisdiction of the court.

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

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

37 (B) For purposes of this paragraph, a school district is not  
38 required to provide transportation to a former foster child who has  
39 an individualized education program that does not require  
40 transportation as a related service and who changes residence but

1 remains in his or her school of origin pursuant to this paragraph,  
2 unless the individualized education program team determines that  
3 transportation is a necessary related service.

4 (4) To ensure that the foster child has the benefit of matriculating  
5 with his or her peers in accordance with the established feeder  
6 patterns of school districts, if the foster child is transitioning  
7 between school grade levels, the local educational agency shall  
8 allow the foster child to continue in the school district of origin in  
9 the same attendance area, or, if the foster child is transitioning to  
10 a middle school or high school, and the school designated for  
11 matriculation is in another school district, to the school designated  
12 for matriculation in that school district.

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

19 (6) The educational liaison, in consultation with, and with the  
20 agreement of, the foster child and the person holding the right to  
21 make educational decisions for the foster child, may recommend,  
22 in accordance with the foster child's best interests, that the foster  
23 child's right to attend the school of origin be waived and the foster  
24 child be enrolled in a public school that pupils living in the  
25 attendance area in which the foster child resides are eligible to  
26 attend.

27 (7) Before making a recommendation to move a foster child  
28 from his or her school of origin, the educational liaison shall  
29 provide the foster child and the person holding the right to make  
30 educational decisions for the foster child with a written explanation  
31 stating the basis for the recommendation and how the  
32 recommendation serves the foster child's best interests.

33 (8) (A) If the educational liaison, in consultation with the foster  
34 child and the person holding the right to make educational decisions  
35 for the foster child, agrees that the best interests of the foster child  
36 would best be served by his or her transfer to a school other than  
37 the school of origin, the foster child shall immediately be enrolled  
38 in the new school.

39 (B) The new school shall immediately enroll the foster child  
40 even if the foster child has outstanding fees, fines, textbooks, or

1 other items or moneys due to the school last attended or is unable  
2 to produce clothing or records normally required for enrollment,  
3 such as previous academic records, medical records, including,  
4 but not limited to, records or other proof of immunization history  
5 pursuant to Chapter 1 (commencing with Section 120325) of Part  
6 2 of Division 105 of the Health and Safety Code, proof of  
7 residency, other documentation, or school uniforms.

8 (C) Within two business days of the foster child’s request for  
9 enrollment, the educational liaison for the new school shall contact  
10 the school last attended by the foster child to obtain all academic  
11 and other records. The last school attended by the foster child shall  
12 provide all required records to the new school regardless of any  
13 outstanding fees, fines, textbooks, or other items or moneys owed  
14 to the school last attended. The educational liaison for the school  
15 last attended shall provide all records to the new school within two  
16 business days of receiving the request.

17 (9) If a dispute arises regarding the request of a foster child to  
18 remain in the school of origin, the foster child has the right to  
19 remain in the school of origin pending resolution of the dispute.  
20 The dispute shall be resolved in accordance with the existing  
21 dispute resolution process available to a pupil served by the local  
22 educational agency.

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

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

31 (f) For purposes of this section, “school of origin” means the  
32 school that the foster child attended when permanently housed or  
33 the school in which the foster child was last enrolled. If the school  
34 the foster child attended when permanently housed is different  
35 from the school in which the foster child was last enrolled, or if  
36 there is some other school that the foster child attended with which  
37 the foster child is connected and that the foster child attended  
38 within the immediately preceding 15 months, the educational  
39 liaison, in consultation with, and with the agreement of, the foster  
40 child and the person holding the right to make educational decisions

1 for the foster child, shall determine, in the best interests of the  
2 foster child, the school that shall be deemed the school of origin.

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

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

12 (2) A complainant not satisfied with the decision of a local  
13 educational agency may appeal the decision to the department  
14 pursuant to Chapter 5.1 (commencing with Section 4600) of  
15 Division 1 of Title 5 of the California Code of Regulations and  
16 shall receive a written decision regarding the appeal within 60  
17 days of the department's receipt of the appeal.

18 (3) If a local educational agency finds merit in a complaint, or  
19 the Superintendent finds merit in an appeal, the local educational  
20 agency shall provide a remedy to the affected pupil.

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

26 *SEC. 3.5. Section 48853.5 of the Education Code is amended*  
27 *to read:*

28 48853.5. (a) This section applies to a foster child. "Foster  
29 child" means a child who has been removed from his or her home  
30 pursuant to Section 309 of the Welfare and Institutions Code, is  
31 the subject of a petition filed under Section 300 or 602 of the  
32 Welfare and Institutions Code, or has been removed from his or  
33 her home and is the subject of a petition filed under Section 300  
34 or 602 of the Welfare and Institutions Code.

35 (b) *The department, in consultation with the California Foster*  
36 *Youth Education Task Force, shall develop a standardized notice*  
37 *of the educational rights of foster children, as specified in Sections*  
38 *48850 to this section, inclusive, 48911, 48915.5, 49069.5, 49076,*  
39 *51225.1, and 51225.2. The notice shall include complaint process*  
40 *information, as applicable. The department shall make the notice*

1 *available to educational liaisons for foster children for*  
2 *dissemination by posting the notice on its Internet Web site. Any*  
3 *version of this notice prepared for use by foster children shall also*  
4 *include, to the greatest extent practicable, the rights established*  
5 *pursuant to Section 16001.9 of the Welfare and Institutions Code.*  
6 *In developing the notice that includes the rights in Section 16001.9*  
7 *of the Welfare and Institutions Code, the department shall consult*  
8 *with the Office of the State Foster Care Ombudsperson.*

9 ~~(b)~~

10 (c) Each local educational agency shall designate a staff person  
11 as the educational liaison for foster children. In a school district  
12 that operates a foster children services program pursuant to Chapter  
13 11.3 (commencing with Section 42920) of Part 24 of Division 3,  
14 the educational liaison shall be affiliated with the local foster  
15 children services program. The educational liaison shall do ~~all~~ *both*  
16 of the following:

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

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

22 ~~(e)~~

23 (d) If so designated by the superintendent of the local  
24 educational agency, the educational liaison shall notify a foster  
25 child's attorney and the appropriate representative of the county  
26 child welfare agency of pending expulsion proceedings if the  
27 decision to recommend expulsion is a discretionary act, pending  
28 proceedings to extend a suspension until an expulsion decision is  
29 rendered if the decision to recommend expulsion is a discretionary  
30 act, and, if the foster child is an individual with exceptional needs,  
31 pending manifestation determinations pursuant to Section 1415(k)  
32 of Title 20 of the United States Code if the local educational agency  
33 has proposed a change in placement due to an act for which the  
34 decision to recommend expulsion is at the discretion of the  
35 principal or the district superintendent of schools.

36 ~~(e)~~

37 (e) This section does not grant authority to the educational  
38 liaison that supersedes the authority granted under state and federal  
39 law to a parent or legal guardian retaining educational rights, a  
40 responsible adult appointed by the court to represent the child

1 pursuant to Section 361 or 726 of the Welfare and Institutions  
2 Code, a surrogate parent, or a foster parent exercising the authority  
3 granted under Section 56055. The role of the educational liaison  
4 is advisory with respect to placement decisions and determination  
5 of the school of origin.

6 ~~(e)~~

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

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

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

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

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

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

1 discretion, providing transportation services to allow a foster child  
2 to attend a school or school district.

3 (6) The educational liaison, in consultation with, and with the  
4 agreement of, the foster child and the person holding the right to  
5 make educational decisions for the foster child, may recommend,  
6 in accordance with the foster child's best interests, that the foster  
7 child's right to attend the school of origin be waived and the foster  
8 child be enrolled in a public school that pupils living in the  
9 attendance area in which the foster child resides are eligible to  
10 attend.

11 (7) Before making a recommendation to move a foster child  
12 from his or her school of origin, the educational liaison shall  
13 provide the foster child and the person holding the right to make  
14 educational decisions for the foster child with a written explanation  
15 stating the basis for the recommendation and how the  
16 recommendation serves the foster child's best ~~interest~~ *interests*.

17 (8) (A) If the educational liaison, in consultation with the foster  
18 child and the person holding the right to make educational decisions  
19 for the foster child, agrees that the best interests of the foster child  
20 would best be served by his or her transfer to a school other than  
21 the school of origin, the foster child shall immediately be enrolled  
22 in the new school.

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

32 (C) Within two business days of the foster child's request for  
33 enrollment, the educational liaison for the new school shall contact  
34 the school last attended by the foster child to obtain all academic  
35 and other records. The last school attended by the foster child shall  
36 provide all required records to the new school regardless of any  
37 outstanding fees, fines, textbooks, or other items or moneys owed  
38 to the school last attended. The educational liaison for the school  
39 last attended shall provide all records to the new school within two  
40 business days of receiving the request.

1 (9) If a dispute arises regarding the request of a foster child to  
 2 remain in the school of origin, the foster child has the right to  
 3 remain in the school of origin pending resolution of the dispute.  
 4 The dispute shall be resolved in accordance with the existing  
 5 dispute resolution process available to a pupil served by the local  
 6 educational agency.

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

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

15 (~~f~~)

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

28 (~~g~~)

29 (h) This section does not supersede other law governing the  
 30 educational placements in juvenile court schools, as described in  
 31 Section 48645.1, by the juvenile court under Section 602 of the  
 32 Welfare and Institutions Code.

33 (i) (1) *A complaint of noncompliance with the requirements of*  
 34 *this section may be filed with the local educational agency under*  
 35 *the Uniform Complaint Procedures set forth in Chapter 5.1*  
 36 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
 37 *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 (3) *If a local educational agency finds merit in a complaint, or*  
5 *the Superintendent finds merit in an appeal, the local educational*  
6 *agency shall provide a remedy to the affected pupil.*

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

12 SEC. 4. Section 49069.5 of the Education Code is amended to  
13 read:

14 49069.5. (a) The Legislature finds and declares all of the  
15 following:

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

18 (2) Efficient transfer procedures and transfer of pupil records  
19 is a critical factor in the swift placement of foster children in  
20 educational settings.

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

26 (b) The proper and timely transfer between schools of pupils in  
27 foster care is the responsibility of both the local educational agency,  
28 including the county office of education for pupils in foster care  
29 who are enrolled in juvenile court schools, and the county placing  
30 agency, which includes the county probation department.

31 (c) As soon as the county placing agency or county office of  
32 education becomes aware of the need to transfer a pupil in foster  
33 care out of his or her current school, the county placing agency or  
34 county office of education shall contact the appropriate person at  
35 the local educational agency of the pupil. The county placing  
36 agency shall notify the local educational agency of the date that  
37 the pupil will be leaving the school and request that the pupil be  
38 transferred out.

39 (d) Upon receiving a transfer request from a county placing  
40 agency or notification of enrollment from the new local educational

1 agency, the local educational agency receiving the transfer request  
2 or notification shall, within two business days, transfer the pupil  
3 out of school and deliver the educational information and records  
4 of the pupil to the next educational placement.

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

14 (f) The local educational agency shall assign the duties listed  
15 in this section to a person competent to handle the transfer  
16 procedure and who is aware of the specific educational  
17 recordkeeping needs of homeless, foster, and other transient  
18 children who transfer between schools.

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

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

30 (i) (1) A complaint of noncompliance with the requirements of  
31 this section may be filed with the local educational agency under  
32 the Uniform Complaint Procedures set forth in Chapter 5.1  
33 (commencing with Section 4600) of Division 1 of Title 5 of the  
34 California Code of Regulations.

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

1 (3) If a local educational agency finds merit in a complaint, or  
2 the Superintendent finds merit in an appeal, the local educational  
3 agency shall provide a remedy to the affected pupil.

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

10 (1) "County placing agency" means a county social services  
11 department or county probation department.

12 (2) "Local educational agency" means a school district, a county  
13 office of education, a charter school participating as a member of  
14 a special education local plan area, or a special education local  
15 plan area.

16 (3) "Pupil in foster care" means a child who has been removed  
17 from his or her home pursuant to Section 309 of the Welfare and  
18 Institutions Code, is the subject of a petition filed under Section  
19 300 or 602 of the Welfare and Institutions Code, or has been  
20 removed from his or her home and is the subject of a petition filed  
21 under Section 300 or 602 of the Welfare and Institutions Code.

22 SEC. 5. Section 51225.1 of the Education Code is amended to  
23 read:

24 51225.1. (a) Notwithstanding any other law, a school district  
25 shall exempt a pupil in foster care, as defined in Section 51225.2,  
26 or a pupil who is a homeless child or youth, as defined in Section  
27 11434a(2) of Title 42 of the United States Code, who transfers  
28 between schools any time after the completion of the pupil's second  
29 year of high school from all coursework and other requirements  
30 adopted by the governing board of the school district that are in  
31 addition to the statewide coursework requirements specified in  
32 Section 51225.3, unless the school district makes a finding that  
33 the pupil is reasonably able to complete the school district's  
34 graduation requirements in time to graduate from high school by  
35 the end of the pupil's fourth year of high school.

36 (b) If the school district determines that the pupil in foster care,  
37 or the pupil who is a homeless child or youth, is reasonably able  
38 to complete the school district's graduation requirements within  
39 the pupil's fifth year of high school, the school district shall do all  
40 of the following:

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

4 (2) Inform the pupil, and the person holding the right to make  
5 educational decisions for the pupil, about how remaining in school  
6 for a fifth year to complete the school district's graduation  
7 requirements will affect the pupil's ability to gain admission to a  
8 postsecondary educational institution.

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

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

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

21 (d) (1) (A) Within 30 calendar days of the date that a pupil in  
22 foster care who may qualify for the exemption from local  
23 graduation requirements pursuant to this section transfers into a  
24 school, the school district shall notify the pupil, the person holding  
25 the right to make educational decisions for the pupil, and the pupil's  
26 social worker or probation officer of the availability of the  
27 exemption and whether the pupil qualifies for an exemption.

28 (B) *If the school district fails to provide timely notice pursuant*  
29 *to subparagraph (A), the pupil described in subparagraph (A)*  
30 *shall be eligible for the exemption from local graduation*  
31 *requirements pursuant to this section once notified, even if that*  
32 *notification occurs after the termination of the court's jurisdiction*  
33 *over the pupil, if the pupil otherwise qualifies for the exemption*  
34 *pursuant to this section.*

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

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

4 (B) *If the school district fails to provide timely notice pursuant*  
5 *to subparagraph (A), the pupil described in subparagraph (A)*  
6 *shall be eligible for the exemption from local graduation*  
7 *requirements pursuant to this section once notified, even if that*  
8 *notification occurs after the pupil is no longer a homeless child*  
9 *or youth, if the pupil otherwise qualifies for the exemption pursuant*  
10 *to this section.*

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

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

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

37 (h) If a pupil in foster care, or a pupil who is a homeless child  
38 or youth, is not exempted from local graduation requirements or  
39 has previously declined the exemption pursuant to this section, a

1 school district shall exempt the pupil at any time if an exemption  
2 is requested by the pupil and the pupil qualifies for the exemption.

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

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

11 (2) *If a pupil who is a homeless child or youth is exempted from*  
12 *local graduation requirements pursuant to this section, the*  
13 *exemption shall continue to apply after the pupil is no longer a*  
14 *homeless child or youth while he or she is enrolled in school or if*  
15 *the pupil transfers to another school or school district.*

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

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

24 (2) A pupil who is a homeless child or youth, the person holding  
25 the right to make educational decisions for the pupil, or the local  
26 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, shall not request a transfer solely to qualify  
29 the pupil for an exemption pursuant to this section.

30 (m) (1) A complaint of noncompliance with the requirements  
31 of this section may be filed with the local educational agency under  
32 the Uniform Complaint Procedures set forth in Chapter 5.1  
33 (commencing with Section 4600) of Division 1 of Title 5 of the  
34 California Code of Regulations.

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

1 (3) If a local educational agency finds merit in a complaint, or  
2 the Superintendent finds merit in an appeal, the local educational  
3 agency shall provide a remedy to the affected pupil.

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. 6. Section 51225.2 of the Education Code is amended to  
10 read:

11 51225.2. (a) (1) For purposes of this section, “pupil in foster  
12 care” 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 (2) For purposes of this section, “pupil who is a homeless child  
19 or youth” means a pupil who meets the definition of “homeless  
20 child or youth” in Section 11434a(2) of Title 42 of the United  
21 States Code.

22 (b) Notwithstanding any other law, a school district and county  
23 office of education shall accept coursework satisfactorily completed  
24 by a pupil in foster care or a pupil who is a homeless child while  
25 attending another public school, a juvenile court school, or a  
26 nonpublic, nonsectarian school or agency even if the pupil did not  
27 complete the entire course and shall issue that pupil full or partial  
28 credit for the coursework completed.

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

33 (d) A school district or county office of education shall not  
34 require a pupil in foster care or a pupil who is a homeless child or  
35 youth to retake a course if the pupil has satisfactorily completed  
36 the entire course in a public school, a juvenile court school, or a  
37 nonpublic, nonsectarian school or agency. If the pupil did not  
38 complete the entire course, the school district or county office of  
39 education shall not require the pupil to retake the portion of the  
40 course the pupil completed unless the school district or county

1 office of education, in consultation with the holder of educational  
2 rights for the pupil, finds that the pupil is reasonably able to  
3 complete the requirements in time to graduate from high school.  
4 When partial credit is awarded in a particular course, the pupil in  
5 foster care or the pupil who is a homeless child or youth shall be  
6 enrolled in the same or equivalent course, if applicable, so that the  
7 pupil may continue and complete the entire course.

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

12 (f) (1) A complaint of noncompliance with the requirements  
13 of this section may be filed with the local educational agency under  
14 the Uniform Complaint Procedures set forth in Chapter 5.1  
15 (commencing with Section 4600) of Division 1 of Title 5 of the  
16 California Code of Regulations.

17 (2) A complainant not satisfied with the decision of a local  
18 educational agency may appeal the decision to the department  
19 pursuant to Chapter 5.1 (commencing with Section 4600) of  
20 Division 1 of Title 5 of the California Code of Regulations and  
21 shall receive a written decision regarding the appeal within 60  
22 days of the department's receipt of the appeal.

23 (3) If a local educational agency finds merit in a complaint, or  
24 the Superintendent finds merit in an appeal, the local educational  
25 agency shall provide a remedy to the affected pupil.

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

31 *SEC. 7. Section 2.5 of this bill incorporates amendments to*  
32 *Section 48853 of the Education Code proposed by both this bill*  
33 *and Assembly Bill 224. It shall only become operative if (1) both*  
34 *bills are enacted and become effective on or before January 1,*  
35 *2016, (2) each bill amends Section 48853 of the Education Code,*  
36 *and (3) this bill is enacted after Assembly Bill 224, in which case*  
37 *Section 2 of this bill shall not become operative.*

38 *SEC. 8. Section 3.5 of this bill incorporates amendments to*  
39 *Section 48853.5 of the Education Code proposed by both this bill*  
40 *and Assembly Bill 224. It shall only become operative if (1) both*

1 *bills are enacted and become effective on or before January 1,*  
2 *2016, (2) each bill amends Section 48853.5 of the Education Code,*  
3 *and (3) this bill is enacted after Assembly Bill 224, in which case*  
4 *Section 3 of this bill shall not become operative.*

5 **SEC. 7.**

6 **SEC. 9.** 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.

O