

ASSEMBLY BILL

No. 1166

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Section 51225.1 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1166, as introduced, Bloom. Pupils in foster care: pupils who are homeless children or youth: school transfer: exemption from local graduation requirements.

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 a pupil who may qualify for the exemption from local graduation requirements transfers into a school, of the availability of the exemption and whether the pupil qualifies for an exemption.

This bill would, if the school district fails to provide that notification, declare the effected 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.

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 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.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

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 51225.1 of the Education Code is
2 amended to read:
3 51225.1. (a) Notwithstanding any other law, a school district
4 shall exempt a pupil in foster care, as defined in Section 51225.2,
5 or a pupil who is a homeless child or youth, as defined in Section
6 11434a(2) of Title 42 of the United States Code, who transfers
7 between schools any time after the completion of the pupil’s second
8 year of high school from all coursework and other requirements
9 adopted by the governing board of the school district that are in
10 addition to the statewide coursework requirements specified in
11 Section 51225.3, unless the school district makes a finding that
12 the pupil is reasonably able to complete the school district’s
13 graduation requirements in time to graduate from high school by
14 the end of the pupil’s fourth year of high school.

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

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

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

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

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

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

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

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

39 (2) (A) Within 30 calendar days of the date that a pupil who
40 is a homeless child or youth may qualify for the exemption from

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

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

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

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

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

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

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

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

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

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

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

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

33 SEC. 2. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.