

AMENDED IN SENATE JUNE 29, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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~~
applicable, if the pupil otherwise qualifies for the 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 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

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

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

1 ~~pupil~~ *pupil, if the pupil otherwise qualifies for the exemption*
2 *pursuant to this section.*

3 (2) (A) Within 30 calendar days of the date that a pupil who is
4 a homeless child or youth may qualify for the exemption from
5 local graduation requirements pursuant to this section transfers
6 into a school, the school district shall notify the pupil, the person
7 holding the right to make educational decisions for the pupil, and
8 the local educational agency liaison for homeless children and
9 youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title
10 42 of the United States Code, of the availability of the exemption
11 and whether the pupil qualifies for an exemption.

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

19 (e) 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 and completes the statewide coursework
22 requirements specified in Section 51225.3 before the end of his or
23 her fourth year in high school and that pupil would otherwise be
24 entitled to remain in attendance at the school, a school or school
25 district shall not require or request that the pupil graduate before
26 the end of his or her fourth year of high school.

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

36 (g) A pupil in foster care, or a pupil who is a homeless child or
37 youth, who is eligible for the exemption from local graduation
38 requirements pursuant to this section and would otherwise be
39 entitled to remain in attendance at the school shall not be required
40 to accept the exemption or be denied enrollment in, or the ability

1 to complete, courses for which he or she is otherwise eligible,
2 including courses necessary to attend an institution of higher
3 education, regardless of whether those courses are required for
4 statewide graduation requirements.

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

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

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

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

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

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

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

37 SEC. 2. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 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.

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