

Introduced by Senator Liu

February 25, 2015

An act to add Section 48852.7 to the Education Code, relating to pupil instruction and services.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as introduced, Liu. Pupil instruction and services: homeless children.

The federal McKinney-Vento Homeless Assistance Act sets forth specified requirements relating to the education of homeless children and youth, as defined. Under existing state law, a local educational agency liaison for homeless children and youth is required to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency, as specified.

This bill would require a local educational agency serving a homeless child, once a child becomes a homeless child, to allow the homeless child to continue his or her education in the school of origin through the duration of the homelessness, and would set forth related requirements governing the enrollment of homeless children. By imposing additional duties on local educational agencies, the 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 48852.7 is added to the Education Code,
2 to read:
3 48852.7. (a) At the point of any change or any subsequent
4 change in residence once a child becomes a homeless child, the
5 local educational agency serving the homeless child shall allow
6 the homeless child to continue his or her education in the school
7 of origin through the duration of homelessness.
8 (b) If the homeless child's status changes before the end of the
9 academic year so that he or she is no longer homeless, either of
10 the following apply:
11 (1) If the homeless child is in high school, the local educational
12 agency shall allow the formerly homeless child to continue his or
13 her education in the school of origin through graduation.
14 (2) If the homeless child is in kindergarten or any of grades 1
15 to 8, inclusive, the local educational agency shall allow the
16 formerly homeless child to continue his or her education in the
17 school of origin through the duration of the academic school year.
18 (c) To ensure that the homeless child has the benefit of
19 matriculating with his or her peers in accordance with the
20 established feeder patterns of school districts, the following apply:
21 (1) If the homeless child is transitioning between school grade
22 levels, the local educational agency shall allow the homeless child
23 to continue in the school district of origin in the same attendance
24 area.
25 (2) If the homeless child is transitioning to a middle school or
26 high school, and the school designated for matriculation is in
27 another school district, to the school designated for matriculation
28 in that school district.
29 (3) The new school shall immediately enroll the homeless child
30 even if the child has outstanding fees, fines, textbooks, or other
31 items or moneys due to the school last attended or is unable to
32 produce clothing or records normally required for enrollment, such
33 as previous academic records, medical records, including, but not
34 limited to, records or other proof of immunization history pursuant
35 to Chapter 1 (commencing with Section 120325) of Part 2 of

1 Division 105 of the Health and Safety Code, proof of residency,
2 other documentation, or school uniforms.

3 (d) It is the intent of the Legislature that this section shall not
4 supersede or exceed other laws governing special education
5 services for eligible homeless children.

6 (e) (1) The federal McKinney-Vento Homelessness Assistance
7 Act (42 U.S.C. Sec. 11301 et seq.) shall govern the procedures for
8 transportation and dispute resolution with respect to homeless
9 children and school of origin.

10 (2) This section does not require a school district to provide
11 transportation to a former homeless child who has an individualized
12 education program that does not require transportation as a related
13 service and who changes residence but remains in his or her school
14 of origin pursuant to this section, unless the individualized
15 education program team determines that transportation is a
16 necessary related service, or the federal McKinney-Vento
17 Homelessness Assistance Act requires transportation to be
18 provided.

19 (3) This section does not require a school district to provide
20 transportation services to allow a homeless child to attend a school
21 or school district, unless otherwise required under the federal
22 McKinney-Vento Homelessness Assistance Act or other federal
23 law. A school district may, at its discretion, provide transportation
24 services to allow a homeless child to attend a school or school
25 district.

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

27 (1) “Homeless child” has the same meaning as in Section
28 11434a(2) of Title 42 of the United States Code.

29 (2) “School of origin” means the school that the homeless child
30 attended when permanently housed or the school in which the
31 homeless child was last enrolled. If the school the homeless child
32 attended when permanently housed is different from the school in
33 which the homeless child was last enrolled, or if there is some
34 other school that the homeless child attended with which the
35 homeless child is connected and that the homeless child attended
36 within the immediately preceding 15 months, the educational
37 liaison, in consultation with, and with the agreement of, the
38 homeless child and the person holding the right to make educational
39 decisions for the homeless child, shall determine, in the best

1 interests of the homeless child, the school that shall be deemed the
2 school of origin.

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