
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1166
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Urgency: No
Consultant: Lynn Lorber
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Fiscal: Yes

Subject: Pupils in foster care: pupils who are homeless children or youth: school transfer: exemption from local graduation requirements

SUMMARY

This bill provides that foster youth and homeless youth are eligible for the exemption from locally-imposed high school graduation requirements even if not notified of this right, and provides that homeless youth who are exempted continue to be exempted even if the student is no longer homeless.

BACKGROUND

Existing federal law, the McKinney-Vento Homeless Assistance Act, defines homeless individuals as people who lack a fixed, regular, and adequate nighttime residence, and includes children and youths who, among other situations, are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations. (United States Code, Title 42, § 11302(a))

Existing state law:

- 1) Requires school districts to exempt a student in foster care or a student who is homeless, who transfers between schools any time after the completion of the student's second year of high school, from all locally-imposed graduation requirements. (Education Code § 51225.1(a))
- 2) Excludes students from this exemption if the school district makes a finding that the student is reasonably able to complete the local graduation requirements in time to graduate by the end of the student's fourth year of high school. (EC § 51225.1(a))
- 3) Requires school districts to notify, within 30 calendar days of the date the foster youth transfers into a school, the student, the person holding educational rights, and the student's social worker of the availability of the exemption and whether the student qualifies. (EC § 51225.1(d))
- 4) Requires school districts to notify, within 30 calendar days of the date the homeless youth transfers into a school, the student, the person holding educational rights, and the local educational agency (LEA) liaison for homeless youth of the availability of the exemption and whether the student qualifies. (EC § 51225.1(d))

- 5) Requires schools to continue to apply the exemption for a foster youth after the termination of the court's jurisdiction while the student is enrolled in that school or if the student transfers to another school or school district. (EC § 51225.1(j))

ANALYSIS

This bill provides that foster youth and homeless youth are eligible for the exemption from locally-imposed high school graduation requirements even if not notified of this right, and provides that homeless youth who are exempted continue to be exempted even if the student is no longer homeless. Specifically, this bill:

- 1) Provides that foster and homeless youth are eligible for the exemption from locally-imposed high school graduation requirements once the student is notified, if the school district fails to provide timely notice (as required by existing law), even if that notification occurs after the termination of the court's jurisdiction over the foster youth or the youth is no longer homeless.
- 2) Requires the exemption to continue for homeless youth after the student is no longer homeless while the student is enrolled in that school or if the student transfers to another school or school district.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "AB 1166 is a clean-up measure for last year's AB 1806, which gave students identified as homeless education-related rights similar to those of their foster youth peers. AB 1806 exempted homeless students in their last two years of high school from district-specific requirements, and clarified that homeless youth have the same rights as foster children when it comes to receiving partial credit for work they completed at other schools. AB 1806 did not address if these arrangements would apply to students who find housing or students who weren't recognized as homeless when they were. AB 1166 will close these loopholes by clarifying the students who have been homeless but no longer are should still receive the same education-related rights as currently homeless students."
- 2) ***Parity.*** This bill closes a loophole relative to the lack of notification to foster and homeless youth of eligibility for the exemption, and gives parity to homeless youth for the right to continue to be exempt even if the student is no longer homeless (existing law provides that foster youth are to continue to be exempt even if no longer in foster care). The federal McKinney-Vento Homeless Assistance Act requires schools to continue the homeless youth's education in the school of origin for the duration of homelessness, or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose unknown, likely minor, Proposition 98 state reimbursable mandated costs to local educational agencies.

- 4) ***Related legislation.*** SB 445 (Liu) extends the right to remain in the school of origin to homeless students, which is currently provided to students who are in foster care. SB 445 is scheduled to be heard by the Assembly Education Committee on June 17.

SUPPORT

Association of California School Administrators
California State PTA
National Association of Social Workers

OPPOSITION

None received.

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