

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 445 (Liu) – As Amended April 15, 2015

SENATE VOTE: 36-0

SUBJECT: Pupil instruction and services: homeless children.

SUMMARY: Provides students who are homeless the right to remain in their schools of origin and the right to immediate enrollment. Specifically, **this bill:**

- 1) Requires that, at the point of any change or any subsequent change in residence once a student becomes homeless, the local educational agency (LEA) serving the student must allow the student to continue his or her education in the school of origin through the duration of homelessness.
- 2) Requires that, if the homeless student's status changes before the end of the academic year so that he or she is no longer homeless, either of the following apply:
 - a) If the student is in high school, the LEA must allow the formerly homeless student to continue his or her education in the school of origin through graduation.
 - b) If the student is in kindergarten through 8th grade, the LEA must allow the formerly homeless student to continue his or her education in the school of origin through the duration of the academic school year.
- 3) Requires that, if the homeless student is transitioning between school grade levels, the LEA allow him or her to continue in the school district of origin in the same attendance area.
- 4) Requires that, if the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the LEA must allow the student to continue to the school designated for matriculation in that school district.
- 5) Requires the new school to immediately enroll the student even if he or she has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, such as immunization records, proof of residency, or school uniforms.
- 6) States the intent of the Legislature that this section not supersede or exceed other laws governing special education services for eligible homeless students.
- 7) States that the federal McKinney-Vento Homeless Assistance Act shall govern the procedures for transportation and dispute resolution with respect to homeless student and school of origin.

- 8) States that this bill does not require a school district to provide transportation to a former homeless student who has an individualized education program (IEP) that does not require transportation as a related service and who changes residence but remains in his or her school of origin pursuant to this bill, unless the IEP team determines that transportation is a necessary related service, or the federal McKinney-Vento Homeless Assistance Act requires transportation to be provided.
- 9) States that this bill does not require a school district to provide transportation services to allow a homeless student to attend a school or school district, unless otherwise required under federal law. States that a school district may, at its discretion, provide transportation services to allow a homeless student to attend a school or school district.
- 10) Defines “homeless child” using the federal definition in the McKinney-Vento Homeless Assistance Act.
- 11) Defines “school of origin” as the school that the homeless student attended when permanently housed or the school in which the homeless student was last enrolled.
- 12) States that if the school the homeless student attended when permanently housed is different from the school in which he or she was last enrolled, or if there is some other school that the student attended within the immediately preceding 15 months and to which the student is connected, the homeless education liaison, in consultation with specified people, to determine, in the best interests of the student, that the school is the school of origin.

EXISTING LAW:

Federal law:

- 1) Defines, in the federal McKinney-Vento Act Homeless Assistance Act, “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence, including children who are sharing the housing of other people, living in motels, hotels, trailer parks, or camp grounds, emergency or transitional shelters, abandoned in hospitals or awaiting foster care placement, or who are living in a place not generally used for sleeping, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, and migratory children living in the circumstances above.
- 2) Requires LEAs to continue the student’s education in the school of origin for the duration of homelessness, according to the child’s or youth’s best interest, as follows:
 - a) In any case in which a family becomes homeless between academic years or during an academic year; or,
 - b) For the remainder of the academic year, if the student becomes permanently housed during an academic year.
- 1) Requires the state and LEAs to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian, to and from the school of origin in accordance with the following:

- a) If the homeless student continues to live in the area served by the LEA in which the school of origin is located, the student's transportation to and from the school of origin must be provided or arranged by the LEA in which the school of origin is located.
 - b) If the homeless student's living arrangements in the area serviced by the LEA of origin terminate and the student, though continuing his or her education in the school of origin, begins living in an areas served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs are unable to agree upon such method, the responsibility and costs for transportation are to be shared equally.
- 2) Defines "school of origin" as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

State law:

- 1) Requires local education agencies to allow a foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court after changing residential placement.
- 2) Requires that a student has the right to remain in his/her school of origin pending the resolution of a dispute regarding educational placement.
- 3) Requires, if the jurisdiction of the court is terminated prior to the end of an academic year, the foster youth must be allowed to continue in the school of origin through the duration of the school year. If the foster youth is transitioning between grade levels, including transitions to middle or high school and even if the school designated for matriculation is in another school district, the school district must allow the foster youth to matriculate with his or her peers.
- 4) Defines "school of origin" as the school the foster child attended when he or she was permanently housed or the last school in which the foster child was enrolled. If the school the foster child attended when permanently housed is different from the school of last attendance, or if there is another school that the foster child attended with which the child is connected and the child attended within the immediately preceding 15 months, the educational liaison, the foster child and the person holding educational rights shall determine the school that shall be deemed the school of origin.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill is unlikely to result in significant costs to the state, with any state mandated costs anticipated to be minor.

COMMENTS:

Need for the bill. According to the author, "Under McKinney-Vento, homeless youth already have the right to remain in their school of origin for the duration of homelessness when a transfer occurs, but that right does not extend to a feeder school so that the student can matriculate with his or her peers, or to the end of high school if the student finds a permanent placement prior to

completing his or her studies. These students have very little in the way of structured support, and for many of them their only safety net and stable connection is their school.”

Homeless youth education outcomes. According to a 2009 report by Columbia University’s National Center for Children in Poverty, children who experience homelessness are at high risk for poor educational outcomes. Among these outcomes, homeless children:

- Are more likely to be retained
- Are more likely to change school placement (nearly 40% changed school from two to five times in the last 12 months)
- Often have missed significant amounts of school (nearly 40% missed more than one week of school in the past three months)
- Have reading, spelling, and mathematics scores are more often below grade level
- Are more likely to require a special education evaluation (almost 50 percent), but less than 23 percent of those with any disability have ever received special education evaluation or special education services
- Are much less likely to complete high school

Going beyond federal law to achieve parity with foster youth rights. Most provisions of this bill mirror the federal McKinney-Vento Act Homeless Assistance Act, while a few exceed the requirements of that law. These provisions are intended to make the rights of homeless youth consistent with those afforded students in foster care by state law. The areas in which this bill exceed federal law 1) provide that students have the right to matriculate to the school which feeds from the school of origin, 2) allow homeless students attending high school to remain in the school of origin through graduation, and 3) define “school of origin” consistent with state law as it applies to students in foster care.

Clarifying the definition of local educational agency in this chapter. Existing law, for purposes of the chapter this bill amends, defines LEA to include “charter schools participating as a member of a special education local plan area.” This chapter was originally written to apply to special education students residing in licensed children’s institutions, but has since been amended to address the rights of students who are homeless and are in foster care attending public schools generally. In addition, federal law pertaining to homeless students applies to all public schools, including charter schools. In practice, this chapter has been understood to apply to all charter schools. Accordingly, ***the Committee may wish to consider a clarifying amendment*** to delete “participating as a member of a special education local plan area” from that definition.

Related legislation. SB 177 (Liu), Chapter 491, Statutes of 2013, required school districts, charter schools, and county offices of education to immediately enroll homeless students.

AB 1806 (Bloom), Chapter 767, Statutes of 2014, extended policies and procedures for suspension, expulsion, graduation requirements and completed coursework to students who are homeless that are currently provided to students who are in foster care

AB 1166 (Bloom), which was approved by this Committee and is currently in the Senate, allows students in foster care and those who are homeless to be eligible for the exemption from local graduation requirements even if they are not notified of this right within 30 days of enrollment,

and allows homeless students to be exempt even if they are no longer homeless or if they transfer to another school or district.

REGISTERED SUPPORT / OPPOSITION:

Support

Public Counsel (sponsor)

Association of California School Administrators

California Alliance of Child and Family Services

California Coalition for Youth

California Council of Community Mental Health Agencies

California School Employees Association

California State PTA

California Teachers Association

California Youth Empowerment Network

Children's Defense Fund-California

Legal Services for Prisoners with Children

Los Angeles Unified School District

Mental Health America of California

National Association for the Education of Homeless Children and Youth

National Association of Social Workers, California Chapter

National Center for Youth Law

Opposition

None on file

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