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## SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

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**Bill No:** SB 445  
**Author:** Liu  
**Version:** February 25, 2015  
**Urgency:** No  
**Consultant:** Lynn Lorber  
**Hearing Date:** April 8, 2015  
**Fiscal:** Yes

**Subject:** Pupil instruction and services: homeless children

### SUMMARY

This bill extends the right to remain in the school of origin to homeless students, which is currently provided to students who are in foster care.

### BACKGROUND

The federal McKinney-Vento Homeless Assistance Act:

1. 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))
2. Requires local educational agencies (LEAs) to continue the child's or youth'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 child or youth becomes permanently housed during an academic year. (42 USC § 11432(g)((3)(A))
3. 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 child or youth continues to live in the area served by the LEA in which the school of origin is located, the child's or youth'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 child's or youth's living arrangements in the area serviced by the local educational agencies (LEA) of origin terminate and the child or youth, 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. (42 USC § 11432(g)(1)(J)(iii))
4. Requires each LEA to designate a liaison for homeless youth. (42 USC § 11432(g)(1)(J)(ii))
  5. 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. (42 USC § 11432(g)(3)(G))

Current state law requires:

1. 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. (Education Code § 48853.5(e)(1))
2. 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. (EC § 48853.5(e)(2), (3), & (4))
3. A foster child to have the right to remain in the school of origin pending the resolution of any dispute regarding the request of a foster child to remain in that school. (EC § 48853.5(e)(9))
4. Requires each person between the ages of 6 and 18 to attend the public school, for the full schoolday, of the school district in which the residency of either the parent or legal guardian is located. (EC § 48200)

Current law further:

1. Provides that school districts are not required to provide transportation to allow a foster child to attend a school, nor are school districts prohibited from, at its discretion, providing transportation to allow a foster child to attend a school. (EC § 48853.5(e)(5))
2. Authorizes the local education agency liaison for foster children, with the agreement of the foster child and the person holding education rights, to recommend that the child's right to attend his or her school of origin be waived

and the foster child be enrolled in any public school having an attendance area in which the foster child resides. Under this scenario, and prior to making any recommendation to move a foster child from his or her school of origin, the liaison must provide the foster child and person holding education rights with a written explanation stating the basis for the recommendation and how this recommendation serves the foster child's best interest.

(EC § 48853.5(e)(6) & (7))

3. 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. (EC § 48853.5(f))

## ANALYSIS

This bill extends the right to remain in the school of origin to homeless students, which is currently provided to students who are in foster care. Specifically, this bill:

1. Requires the local educational agency (LEA) serving the homeless child to allow the homeless child to continue his or her education in the school of origin, at the point of any change or any subsequent change in residence once a child becomes homeless, through the duration of homelessness.
2. Requires, if the homeless child's status changes (is no longer homeless) before the end of the academic year, either of the following to apply:
  - A. The LEA to allow the formerly homeless child to continue his or her education in the school of origin through graduation, if the child is in high school.
  - B. The LEA to allow the formerly homeless child to continue his or her education in the school of origin through the duration of the academic school year, if the child is in kindergarten or grades 1-8.
3. Requires the following to apply, to ensure that the homeless child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts:
  - A. The LEA must allow the homeless child to continue in the school district of origin in the same attendance area if the homeless child is transitioning between school grade levels.
  - B. The LEA must allow the homeless child to continue to the school designated for matriculation if the homeless child is transitioning to a

middle or high school and the school designated for matriculation is in another school district.

- C. The new school must immediately enroll the homeless child even if the child has outstanding fees, fines, textbooks, or other items or money 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 (including records or other proof of immunization history), proof of residency, other documentation, or school uniforms.
4. Requires the federal McKinney-Vento Homelessness Assistance Act to govern the procedures for transportation and dispute resolution with respect to homeless children and school of origin.
5. Provides that this bill does not require a school district to provide transportation to a former homeless child 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, unless the IEP team determines that transportation is a necessary related service, or the federal McKinney-Vento Act requires transportation to be provided.
6. Provides that this bill does not require a school district to provide transportation services to allow a homeless child to attend a school or school district, unless otherwise required under the federal McKinney-Vento Act or other federal law. This bill authorizes a school district, at its discretion, to provide transportation services to allow a homeless child to attend a school or school district.
7. Defines:
  - A. "Homeless child" as is defined by the federal McKinney-Vento Act (see Background).
  - B. "School of origin" as the school that the homeless child attended when permanently housed or the school in which the homeless child was last enrolled. If the school the homeless child attended when permanently housed is different from the school of last attendance, or if there is some other school that the homeless child attended with which the homeless child is connected and that the child attended within the immediately preceding 15 months, the educational liaison, with the agreement of the homeless child and person holding educational rights, is to determine the school that is to be deemed the school of origin.
8. States legislative intent that this bill not supersede or exceed other laws governing special education services for eligible homeless children.

**STAFF COMMENTS**

1. ***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.”
2. ***Federal law is limited.*** The federal McKinney-Vento Homeless Assistance Act provides homeless students with the right to remain in the school of origin for the duration of homelessness, but does not extend the school of origin provisions to affect schools in the feeder pattern (e.g. homeless students may continue to attend their middle school but not the high school into which those middle school students typically matriculate). This bill exceeds the provisions of the McKinney-Vento Act by including feeder schools and allowing homeless students to remain in the school of origin (or matriculate to the feeder school) even if the student is no longer homeless. Bill also exceeds the McKinney-Vento Act in the definition of school of origin; the definition in this bill mirrors the current definition in state law relative to foster youth.
3. ***Parity with foster youth.*** This bill is consistent with existing law relative to the ability for foster youth to remain in the school of origin. Current law extends to both foster youth and homeless youth an exemption from local high school graduation requirements, the awarding of partial credit for completed coursework, and notification to the local educational agency liaisons regarding expulsion proceedings.
4. ***How many homeless youth?*** According to the California Homeless Youth Project, there were approximately 270,000 homeless students in California during the 2012-13 school year. During the 2014-15 fiscal year, 84 school districts and county offices of education received funds under the federal McKinney-Vento Homeless Act in amounts ranging from almost \$24,000 to over \$216,000. The purpose of these funds is to facilitate the enrollment, attendance, and success in school, including addressing problems due to transportation needs, immunization and residency requirements, and lack of birth certificates and school records.
5. ***Technical amendment needed.*** On page 2, line 27, after the comma insert “the local educational agency shall allow the homeless child to continue.”
6. ***Related and prior legislation.***

**RELATED LEGISLATION**

SB 252 (Leno, 2015) prohibits a fee from being charged to homeless youth (up to age 25) for the high school proficiency exam and the high school equivalency tests. SB 252 is pending in the Senate Appropriations Committee.

SB 636 (Liu, 2015) establishes the Homeless Youth Basic Material Needs Assistance Program. SB 636 is scheduled to be heard in the Senate Human Services Committee on April 14.

AB 1166 (Bloom, 2015) modifies the existing exemption for foster and homeless youth from meeting locally imposed high school graduation requirements to specify that the exemption is to remain in place even if the student is no longer homeless while enrolled in school. AB 1166 is scheduled to be heard in the Assembly Education Committee on April 8.

AB 801 (Bloom, 2015) makes several changes to existing provisions regarding priority enrollment at institutions of higher education, requires “qualifying institutions” to designate a homeless and foster student liaison, and modifies residency requirements for homeless youth. AB 801 is pending in the Assembly Higher Education Committee.

AB 1228 (Gipson, 2015) adds current and former homeless youth to existing provisions regarding priority housing for foster youth at institutions of higher education. AB 1228 is pending in the Assembly Higher Education Committee.

AB 982 (Eggman, 2015) gives priority for federal and state subsidized child development services to homeless children. AB 982 is scheduled to be heard in the Assembly Human Services Committee on April 14.

AB 891 (Campos, 2015) among other things, establishes priority enrollment in after school programs for homeless youth and children in families receiving CalWORKs benefits, and prohibits after school programs from charging a fee to families of homeless youth. AB 891 is scheduled to be heard in the Assembly Education Committee on April 8.

#### *PRIOR LEGISLATION*

SB 177 (Liu, Ch. 491, 2013) among other things, required school districts, charter schools and county offices of education to immediately enroll a homeless youth.

AB 1806 (Bloom, Ch. 767, 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 951 (Medina, 2013) would have required school districts that designate a liaison for homeless children and youths as required under the federal McKinney-Vento Homeless Assistance Act, to ensure the liaison is properly trained regarding the rights of these children to receive educational services. AB 951 was held in the Assembly Appropriations Committee.

**SUPPORT**

California Alliance of Child and Family Services  
California Council of Community Mental Health Agencies  
California School Employees Association  
Junior Leagues of California  
Legal Services for Children  
Legal Services for Prisoners with Children  
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  
Public Counsel

**OPPOSITION**

None received.

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