STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL
LEGISLATIVE COUNSEL BUREAU

State of California

EDUCATION CODE

Section 48852.7

48852.7. (a) At the point of any change or any subsequent change in residence once a child becomes a homeless child, the local educational agency serving the homeless child shall allow the homeless child to continue his or her education in the school of origin through the duration of homelessness.

(b) If the homeless child's status changes before the end of the academic year so that he or she is no longer homeless, either of the following apply:

(1) If the homeless child is in high school, the local educational agency shall allow the formerly homeless child to continue his or her education in the school of origin through graduation.

(2) If the homeless child is in kindergarten or any of grades 1 to 8, inclusive, the local educational agency shall allow the formerly homeless child to continue his or her education in the school of origin through the duration of the academic school year.

(c) 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, the following apply:

(1) If the homeless child is transitioning between school grade levels, the local educational agency shall allow the homeless child to continue in the school district of origin in the same attendance area.

(2) If the homeless child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the local educational agency shall allow the homeless child to continue to the school designated for matriculation in that school district.

(3) The new school shall immediately enroll the homeless child even if the child 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, including, but not limited to, records or other proof of immunization history pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code, proof of residency, other documentation, or school uniforms.

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

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

(2) This section does not require a school district to provide transportation to a former homeless child who has an individualized education program 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 section, unless the individualized education program team determines that transportation is a necessary related service, or the federal McKinney-Vento Homeless Assistance Act requires transportation to be provided.

(3) This section 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 Homeless Assistance Act or other federal law. A school district may, at its discretion, provide transportation services to allow a homeless child to attend a school or school district.

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

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

(2) "School of origin" means 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 in which the homeless child was last enrolled, or if there is some other school that the homeless child attended with which the homeless child is connected and that the homeless child attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the homeless child and the person holding the right to make educational decisions for the homeless child, shall determine, in the best interests of the homeless child, the school that shall be deemed the school of origin.

(Added by Stats. 2015, Ch. 289, Sec. 1. (SB 445) Effective January 1, 2016.)