



SB532 (CABALLERO) EXPANDING ACCESS TO HIGH SCHOOL DIPLOMAS FOR HIGHLY MOBILE STUDENTS  
 FREQUENTLY ASKED QUESTIONS

**1. Background on 51225.1**

Currently, E.C. 51225.1 offers additional opportunities to achieve a high school diploma for students who experience homelessness, are in foster care, formerly in juvenile court school, are in military families, are migrant or in newcomer program. These expanded opportunities to achieve a high school diploma are currently triggered for students that experience a school move after their second year in high school or enroll in school in their third or fourth year as newcomers. State statute requires school districts, county offices of education, and charter schools to assess and determine eligibility for highly mobile students to access the fifth year of high school and the ability to receive an exemption from local school district coursework requirements that are in addition to the state coursework requirements for a diploma.

Bill # / Year	Author	Status	Bill Information
AB167 (2009)	Adams	Chaptered	Created the initial exemption from LEA coursework requirements for a diploma that are in addition to statewide coursework requirements for a diploma for youth in foster care while in the 11 <sup>th</sup> or 12 <sup>th</sup> grade; required notifications of eligibility for exemption and the potential impact of utilizing the exemption on attending post-secondary educational institutions.
AB216 (2013)	Stone	Chaptered	This bill changed the statute to apply to students that experience a school move after their 2 <sup>nd</sup> year of high school; provided the option for pupils to opt into a 5 <sup>th</sup> year to complete LEA coursework requirements for a diploma; established the criteria for determine a pupils' year in school; and prohibited LEA's from requiring pupils to transfer to complete their qualify for the exemption.
AB1806 (2014)	Bloom	Chaptered	Expanded the existing exemptions of LEA coursework requirements and access to a 5 <sup>th</sup> year to students experiencing homelessness as defined by the McKinney-Vento Act.
AB2306 (2016)	Frazier	Chaptered	Expanded the existing exemptions of LEA coursework requirements and access to a 5 <sup>th</sup> year to former juvenile court school students.
AB365 (2017)	Muratsuchi	Chaptered	Expanded the existing exemptions of LEA coursework requirements and access to a 5 <sup>th</sup> year to students of military families.
AB2121 (2018)	Caballero	Chaptered	Expanded the existing exemptions of LEA coursework requirements and access to a 5 <sup>th</sup> year to students that are migratory and newcomers.

## **2. McKinney-Vento Act Background**

The McKinney-Vento Act is a federal education law that provides rights and services to students experiencing homelessness. Homelessness is defined to include:

“(i) children and youths who 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; are living in emergency or transitional shelters; or are abandoned in hospitals;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).” 42 U.S.C. §11434a(2)

This definition has been in federal guidance since 1995 and in federal statute since 2001 and is used at all levels of education, from early childhood through higher education. The McKinney-Vento Act gives students experiencing homelessness the right to immediate enrollment in school, even if they do not have records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation, or have missed application or enrollment deadlines during any period of homelessness. 42 U.S.C. §11432(g)(3)(C). It requires state and local educational agencies to remove barriers to the identification, enrollment, and retention of homeless children and youths. 42 U.S.C. §11432(g)(1)(I). To help minimize school changes due to homelessness, the law gives students experiencing homelessness the right to remain in their school of origin (the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool) for the duration of homelessness and to complete the academic year in which permanent housing is secured. 42 U.S.C. §11432(g)(3)(A)-(B). California has encoded and extended some of these rights in the Education Code.

The law also provides specific rights to unaccompanied homeless youth, defined as students “not in the physical custody of a parent or guardian” 42 U.S.C. §11434a(6) Under the McKinney-Vento Act, unaccompanied youth have the right to choose whether to attend their school of origin or a local school, to file disputes on their own behalf, and to enroll and participate fully in school despite lacking a parent or legal guardian. 42 U.S.C. §11432(g)(3).

## **3. What are the definitions for students categories within the highly mobile definition?**

- “Pupil in foster care” means a child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from their home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.
- “Pupil who is a homeless child or youth” means a pupil who meets the definition of “homeless children and youths” in Section 11434a(2) of Title 42 of the United States Code.
- “Former juvenile court school pupil” means a pupil who, upon completion of the pupil’s second year of high school, transfers to a school district or charter school, excluding a school district operated by the Division of Juvenile Justice of the Department of Corrections and Rehabilitation, from a juvenile court school.

- “Children of military families” means: a school-aged child or children, enrolled in Kindergarten through Twelfth (12th) grade, in the household of an active duty member. E.C. 49701
- “Currently migratory child” means a child who has moved with a parent, guardian, or other person having custody, from one school district to another, either within the State of California or from another state within the 12-month period immediately preceding his or her identification as such a child, in order that the child, a parent, guardian, or another member of his or her immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. EC 54441
- “Pupil participating in a newcomer program” means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

#### **4. Explaining School of Origin (FY definition and McKinney-Vento Federal Definition)**

The McKinney-Vento Act defines school of origin as the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. It also includes the designated receiving school at the next grade level for all feeder schools. 42 U.S.C. §11432(g)(3)(I). Students experiencing homelessness can remain in their school of origin for the duration of homelessness and to complete the academic year in which permanent housing is secured, according to their best interests. 42 U.S.C. §11432(g)(3)(A)-(B).

California has strengthened school stability by allowing homeless high school students to continue their education in the school of origin through graduation. Cal. Ed. Code §48852.7(b). Ed. Code also provides more detail on the definition of school of origin:

“‘School of origin’ means the school that the foster child attended when permanently housed or the school in which the foster 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.”

Cal. Ed. Code §48852.7(f)(2).

The definition of school of origin is the same for youth in foster care. Cal. Ed. Code §48853.5(g). Like students experiencing homelessness, youth in care have the right to remain in the school of origin for the duration of the jurisdiction of the court, as well as to complete the academic year in which the court’s jurisdiction ends. High school students can remain in the school of origin through graduation. Cal. Ed. Code §48853.5(f).

#### **5. California Coursework Diploma Requirements**

To receive a high school diploma, students must fulfill state and district graduation requirements. Each local education agency (LEA) has the right to establish their own local graduation requirements which includes the minimum course requirements mandated by the state with the additional requirements needed by the California State colleges and University of California schools, typically known as A-G requirements, in addition to any other courses the LEA has deemed necessary for graduation. These typically fall in the range of 210 -240 credits, depending upon the LEA.

State-mandated graduation course requirements (the state minimums) equate to 130 credits and are as follows:

- Three years of English
- Two years of mathematics (including Algebra I)

- Three years of social science (including U.S. history and geography; world history, culture, and geography; one semester of American government; and one semester of economics)
- Two years of science (including biology and physical science)
- Two years of physical education
- One year of foreign language or visual and performing arts or commencing with the 2012–13 school year, career technical education. For purpose of satisfying the minimum course requirement, a course in American Sign Language shall be deemed a course in foreign language EC 51225.3

**6. How does the proposed amendment impact students experiencing homelessness and / or parents in regards to educational decision making?**

Under the federal McKinney-Vento Act, unaccompanied homeless youth have the right to choose whether to attend their school of origin or a local school, to file disputes on their own behalf, and to enroll and participate fully in school despite lacking a parent or legal guardian. 42 U.S.C. §11432(g)(3). In giving rights directly to students, the McKinney-Vento Act is distinct from other federal education laws, such as the Individuals with Disabilities Education Act (IDEA). The Act also requires state and local educational agencies to review and revise policies to remove barriers to the identification, enrollment, and retention of homeless youth. 42 U.S.C. §11432(g)(1)(I).

SB 532 recognizes these federal rights by clarifying that unaccompanied homeless youth can make their own decisions about their rights under Ed. Code 51225.1. This clarification will ensure that unaccompanied youth can participate fully in school and avail themselves of their educational rights. It also fulfills the state’s duty under the McKinney-Vento Act to revise its policies to remove barriers to unaccompanied youth being able to enroll (which includes full participation under the federal law) and remain in school until graduation. SB 532 does not alter educational decision-making under IDEA or other state or federal laws.

**7. How does SB532 impact Average Daily Attendance (ADA)?**

This bill will have a minor increase in the average daily attendance (ADA) funding for eligible students that opt into a 5th year of high school. Additionally, eligible students that opt into an exemption for LEA coursework requirements that are in addition to statewide requirements, and graduate in their 4th year will impose no additional cost other than those already covered under the ADA. Additional cost to school districts to comply with the reporting requirements proposed under this bill are unknown at this time.

**8. What are the impacts of this bill on students enrolled in adult education programs?**

This bill will require adult education programs to recognize the exemption provided by Education code 51225.1 to eligible students.