

## CONCURRENCE IN SENATE AMENDMENTS

AB 740 (McCarty)

As Amended August 25, 2022

Majority vote

**SUMMARY**

Extends the parental notification requirements currently in place for a student's involuntary transfer to a continuation school, suspension, or expulsion, in the case of a foster child, to the foster child's attorney and social worker, and, in the case of an Indian child, the child's tribal social worker and county social worker. This bill also provides a foster child's and Indian child's attorney and social worker with the same rights as parents during the involuntary transfer, suspension, or expulsion process, such as requests for meetings and the ability to inspect all documents.

**Senate Amendments**

- 1) Extend notification requirements for an involuntary removal from a charter school to a foster child's educational rights holder, attorney, and social worker, and, in the case of an Indian child, the child's tribal social worker and county social worker, if applicable, and extend the parental rights during the involuntary transfer, suspension, or expulsion process, such as requests for meetings and the ability to inspect all documents to a foster child's educational rights holder, attorney, and social worker, and, in the case of an Indian child, the child's tribal social worker and county social worker, if applicable.
- 2) Extend notification requirements to tribal social workers and county social workers, as applicable, in the case of an Indian child's involuntary transfer to a continuation school, suspension, or expulsion.
- 3) Require the written notice, if the pupil is a homeless child or youth, or a foster child or youth, to be in the native language of the educational rights holder.
- 4) Extend the parental rights during the involuntary transfer, suspension, or expulsion process, such as requests for meetings and the ability to inspect all documents to a foster child's educational rights holder, attorney, and social worker, and, in the case of an Indian child, the child's tribal social worker and county social worker, if applicable.
- 5) Require, if an individual with exceptional needs is an Indian child, and the local educational agency (LEA) has proposed a change of placement, the tribal social worker and, if applicable, county social worker for the child is to be invited to participate in the individualized education program team meeting that makes a manifestation determination.
- 6) Require, if a decision is made to expel and the pupil is an Indian child, the school district to provide notice of the expulsion hearing to the pupil's tribal social worker and, if applicable, county social worker at least 10 calendar days before the date of the hearing.
- 7) Prohibit the persons involved in the final decision to make an involuntary transfer of a pupil to a continuation school from being a member of the staff of the school in which the pupil is enrolled at the time that the decision is made.

## COMMENTS

*Foster youth outcomes often lag behind those of other students.* There were 46,810 foster youth enrolled in California public schools in 2018-19. According to the California Department of Education (CDE), students in foster care represent one of the most vulnerable and academically at-risk student groups enrolled in California schools. The instability in home and school placements often negatively impacts students' learning achievement. In California, foster youth perform lower on all educational outcomes than any other student group in the state including homeless youth, English learners, and socioeconomically disadvantaged students.

*Achievement gap between Native American students and their peers.* California schools enrolled 30,000 American Indian/Alaska Native students during the 2019-20 school year, representing 0.5% of total enrollment. As of 2016, California had the third largest population of American Indian students in the country. Data from the CDE show a significant achievement gap between American Indian students and statewide averages, as well as gaps in graduation, absenteeism, suspension, and college/career readiness.

### **According to the Author**

"Students in foster care receive lower grades, are less likely to graduate high school or attend college, have higher rates of chronic absenteeism, and are suspended more often than their non-foster peers. In California, students in foster care are suspended at four times the statewide average rate. In Sacramento County, one in every five students in foster care was suspended at least once in the 2018-19 academic year. When broken down by student demographic, this disparity is even starker: the suspension for Black foster students is more than six times the statewide average. Research shows a strong connection between high suspension rates, poor academic achievement, and high school dropout rates. The disproportionate suspension of students in foster care fuels a cycle of negative outcomes for these vulnerable students. Foster youth faced additional challenges during the COVID-19 pandemic including lack of access to technology and support needed for distance learning. Studies predict that the pandemic will widen the significant achievement gap between foster kids and their peers even further.

When a child is placed into the California foster care system they are assigned a court appointed attorney to advocate on their behalf. Current law requires that a foster student's attorney be notified of any pending discretionary expulsion proceedings. However, there is no such requirement for other disciplinary proceedings such as mandatory expulsions, involuntary school transfers, or suspensions – all of which can have serious negative impacts on students. Guardians of students in foster care often lack the time, training, or background to advocate for the educational rights of students in their care. Furthermore, foster youth may cycle through multiple placements, which disrupts their education and makes advocacy within a school even less likely. In 2014, 75% of foster students in the [United States] experienced at least one unscheduled school change.

AB 740 protects the educational rights of students in foster care by requiring their state-appointed attorney to be notified of disciplinary proceedings in order to ensure the student has a qualified person advocating on their behalf."

### **Arguments in Support**

The Children's Law Center of California, a co-sponsor, notes, "Parents are commonly the most committed advocates for their children. But, by definition, foster children have been separated from their parents. By requiring a foster child's state-appointed attorney to be notified of

suspensions, expulsions, or involuntary school transfers in the same fashion as parents are notified, AB 740 will ensure that all foster children have someone to advocate on their behalf in school discipline proceedings. Foster parents or guardians may lack the time, background, or expertise to advocate for the academic rights of the children in their care. Furthermore, students may cycle through multiple placements or be placed in group homes, which makes advocacy at school even less likely.

Students in foster care are suspended at disproportionately high rates. Statewide, the suspension rate for foster children is more than four times the suspension rate for their non-foster peers. Breaking this data down by race, gender, and ethnicity reveals even more alarming inequities. Black male students are suspended at six times the statewide average rate. Missing valuable class time due to school suspensions deepens existing opportunity gaps for foster students and fuels a cycle of negative academic outcomes. Children in foster care are assigned a court-appointed attorney to advocate on their behalf. Ensuring that a foster child's attorney is notified of school discipline proceedings is a simple and necessary step to safeguard the educational rights of these vulnerable students."

### **Arguments in Opposition**

None on file

### **FISCAL COMMENTS**

According to the Senate Appropriations Committee, "This bill could potentially result in reimbursable state mandated costs in the tens of thousands of dollars each year for LEAs to track the involuntary transfers, suspensions, and expulsions, provide the notifications, and comply with the bill's other requirements. To the extent this requirement takes each LEA one to two hours to complete these activities each year at a rate of \$50 per hour, statewide costs would be \$50,000 to \$100,000. This amount could be higher or lower depending on the exact number of these occurrences and length of time to complete the bill's requirements. To the extent the Commission on State Mandates determines this to be a reimbursable state mandate, this could create a pressure to increase the K-12 mandates block grant to account for this mandate (Proposition 98 General Fund)."

### **VOTES:**

#### **ASM EDUCATION: 6-0-1**

**YES:** O'Donnell, Bennett, Choi, Lee, McCarty, Quirk-Silva

**ABS, ABST OR NV:** Chen

#### **ASM APPROPRIATIONS: 15-0-1**

**YES:** Holden, Bigelow, Bryan, Calderon, Luz Rivas, Davies, Fong, Gabriel, McCarty, Levine, Quirk, Robert Rivas, Akilah Weber, Stone, Mullin

**ABS, ABST OR NV:** Megan Dahle

#### **ASSEMBLY FLOOR: 65-0-11**

**YES:** Aguiar-Curry, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Cervantes, Choi, Cooley, Cunningham, Daly, Davies, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Medina, Mullin, Muratsuchi, Nazarian,

Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Ward, Akilah Weber, Wicks, Wood, Rendon

**ABS, ABST OR NV:** Arambula, Mia Bonta, Carrillo, Chen, Cooper, Megan Dahle, Eduardo Garcia, Mayes, McCarty, Ramos, Waldron

**UPDATED**

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