
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 740 (McCarty) - Foster youth: suspension and expulsion

Version: May 17, 2022

Urgency: No

Hearing Date: August 1, 2022

Policy Vote: ED. 6 - 0, JUD. 11 - 0

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill 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. This bill also provides a foster 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.

Fiscal Impact: 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)

Background: Existing law requires each LEA to designate a staff person as the educational liaison for foster children. The educational liaison shall notify a foster child's attorney and appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act; pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act; and if the foster child is an individual with exceptional needs, pending manifestation determinations if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.

Existing law requires an LEA to, prior to making a recommendation to move a foster child from their school of origin, to provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how it serves the foster child's best interests.

Existing law requires a school employee to notify the pupil's parent or guardian when a pupil is assigned to a supervised suspension classroom, and if the assignment is for longer than one class period, the employee must notify the parent or guardian in writing.

The law specifies a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed specified acts.

Proposed Law: This bill requires a school district to provide written notice to a foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code of a decision to transfer the foster child to a continuation school, stating the facts and reasons for the decision, informing them of the opportunity to request a meeting with the district prior to a student being transferred, and indicating whether the decision is subject to periodic review and the periodic review procedure.

This bill requires that the foster child's attorney, county social worker, and educational rights holder, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code be informed of the specific facts and reasons for the proposed transfer, and have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the pupil's behalf.

This bill requires that an involuntary transfer to a continuation school not extend beyond the end of the semester following the acts leading to the involuntary transfer occurred unless the school district adopts a procedure for yearly review of the involuntary transfer at the request of the foster child's attorney or county social worker.

This bill specifies that a foster child's educational rights holder, attorney, and county social worker and a Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

This bill requires that a foster child's attorney, county social worker, and educational rights holder, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code be notified of the pupil's right to a conference if a foster child is suspended without the opportunity for an informal conference, as specified.

This bill requires that a school employee make a reasonable effort to contact a foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code in person, by email, or by telephone at the time of the suspension of the foster child, and if the foster child is suspended from school, requires the school to notify the foster child's attorney and county social worker in writing.

This bill requires the foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code to respond without delay to a request from school officials to attend a conference regarding the foster child's behavior.

This bill prohibits penalties on the pupil if the foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code fail to attend a conference with school

officials, and specifies that reinstatement of the suspended pupil not be contingent upon attendance of the attorney or social worker at the conference.

This bill requires that a foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code be notified by a school employee in person, by email, or by telephone if a foster child is assigned to a supervised suspension classroom and that if the suspension is for longer than one class period, the notification must be in writing.

This bill requires an LEA to invite the foster child's attorney, county social worker, and educational rights, or tribal social worker, if that child is an Indian child as specified in Welfare and Institutions Code participate in the individualized education program (IEP) team meeting that makes a manifestation determination, as specified if a LEA is proposing a change of placement for a foster child with exceptional needs.

This bill requires a school district to provide notice of an expulsion hearing to a foster child's attorney and a representative of the county child welfare agency at least 10 days before an expulsion hearing, and instead requires such notification to the attorney and county social worker at least 10 days before the hearing.

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