

CONCURRENCE IN SENATE AMENDMENTS

AB 373 (Gipson)

As Amended September 8, 2023

Majority vote

SUMMARY

Requires a local educational agency (LEA) operating an intersession program to grant priority access to homeless and foster children and youth.

Senate Amendments

- 1) Adds Indian custodian as a replacement for a parent in the case of an Indian child who is homeless or a foster youth regarding the decision being made about which school the student attends for intersession.
- 2) Defines "Indian custodian" pursuant to federal law, any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.
- 3) Defines "unaccompanied homeless youth" through reference to of United States Code Title 42, Section 11434(a)(2), which includes:
 - a) Individuals who lack a fixed, regular, and adequate nighttime residence;
 - b) 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;
 - c) 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;
 - d) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - e) Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described above.

COMMENTS

This bill requires LEAs offering intersession programs to grant priority access to homeless and foster students. Intersession programs are expanded learning programs offered on non-school days to provide academic content, including remediation and/or enrichment, as well as engaging activities. Current law requires state and federal afterschool programs, including summer school, to prioritize foster and homeless youth for enrollment. This bill would extend those requirements to any other intersession programs offered by LEAs.

According to the Author

According to the author, "For too long, children suffering from homelessness and those going through the foster system have not been given the correct amount of attention to help ensure their success in school. During the pandemic, the issues that faced these students were only exacerbated and highlighted as they fell further behind because of the lack of resources and services available to them. It is fair to state that all students had to deal with some level of mental and educational fatigue, but these more vulnerable students oftentimes did not have opportunities to succeed as their peers have. We must give these students sufficient opportunities moving forward so they can have the skills required to flourish now and as they grow into young adulthood and then early in their careers. The majority of foster youth enrolled in California public schools are students of color - these students are the future of our communities and their struggles cannot be overlooked. This bill serves as a simple, but impactful piece of legislation that will embolden our most vulnerable populations in our California school system to a life of success and opportunity."

Arguments in Support

The California Alliance of Child and Family Services, a co-sponsor of the measure states, "This bill will ensure students in foster care and those experiencing homelessness can access additional school time to make up for any absences or loss of instructional time. Data shows that these students often encounter significant barriers to educational achievement. Specifically, foster and homeless youth experience high rates of absences, suspensions and school mobility. For example, 5% of students not in foster care changed schools during the 2018-19 school year, while 34% of students in foster care did. 5% of foster youth moved 3 or more times during this single school year. Students experiencing homelessness face similar challenges in school. The rate of chronic absence among students experiencing homelessness in 2018–19 was 25%, which is double the state average. Additionally, one in five students experiencing homelessness changed schools at least once during the school year. The Learning Policy Institute found that school mobility is associated with lower average educational achievement...especially for students who move multiple times in a single school year.

To address these barriers, AB 373 prioritizes youth in foster care and homeless youth for intersession programs when available and offered by their local educational agency. If a youth moves during an intersession program, this bill allows the youth's educational rights holder to determine which school the youth should attend for the program. AB 373 will ensure students can enroll in important academic programs even while moving schools. Youth who miss class time because of factors outside of their control should have opportunities to make up schoolwork and receive additional support through intersession programs. AB 373 will work to close these educational gaps and is a critical step towards realizing our state's vision of educational equity."

Arguments in Opposition

None on file

FISCAL COMMENTS

None. The Office of Legislative Counsel has keyed this bill as non-fiscal.

VOTES:

ASM EDUCATION: 6-0-1

YES: Muratsuchi, Megan Dahle, Juan Carrillo, Hoover, Lee, Quirk-Silva

ABS, ABST OR NV: McCarty

ASM HUMAN SERVICES: 8-0-0

YES: Jackson, Sanchez, Alanis, Arambula, Bonta, Bryan, Calderon, Garcia

ASSEMBLY FLOOR: 75-0-5

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Ward, Weber, Wilson, Wood, Zbur, Rendon

ABS, ABST OR NV: Flora, McKinnor, Muratsuchi, Wallis, Wicks

UPDATED

VERSION: September 8, 2023

CONSULTANT: Debbie Look / ED. / (916) 319-2087

FN: 0001893