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# SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 373 **Hearing Date:** June 7, 2023  
**Author:** Gipson  
**Version:** May 22, 2023  
**Urgency:** No **Fiscal:** No  
**Consultant:** Lynn Lorber

**Subject:** Intersession programs: foster children and homeless youth: priority access.

**NOTE:** This bill has been referred to the Committees on Education and Human Services. A "do pass" motion should include referral to the Committee on Human Services.

## SUMMARY

This bill requires a local educational agency (LEA) that operates an intersession program to grant priority access to a homeless child or youth.

## BACKGROUND

Existing law:

- 1) Requires educators, county placing agencies, care providers, advocates, and the juvenile courts to work together to maintain stable school placements and to ensure that each student in foster care is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not necessarily limited to, interscholastic sports administered by the California Interscholastic Federation. Existing law requires, in all instances, educational and school placement decisions to be based on the best interests of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress. (Education Code (EC) § 48850)
- 2) Requires that a foster child who changes residences pursuant to a court order or decision of a child welfare worker or a homeless child or youth to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (EC § 48850)
- 3) Requires, pursuant to the federal McKinney-Vento Homeless Assistance Act (United States Code, Title 42, § 11301 et seq.), public schools, including charter schools, and county offices of education to immediately enroll a homeless child or youth seeking enrollment. (EC § 48850)
- 4) Requires each LEA to designate a staff person as the educational liaison for foster children, and requires the educational liaison to do both of the following:

- a) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.
  - b) Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades. (EC § 48853.5)
- 5) Provides that a foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker, has 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. (EC § 48853.5)
  - 6) Requires, at the initial detention or placement, or any subsequent change in placement of a foster child, the LEA serving the foster child to allow the foster child to continue the foster child's education in the school of origin for the duration of the jurisdiction of the court. (EC § 48853.5)
  - 7) Establishes the After School Education and Safety Program (ASES) to create incentives for establishing locally driven before and after school enrichment programs both during schooldays and summer, intersession, or vacation days that partner public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth. (EC § 8482)
  - 8) Authorizes ASES programs to operate during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year, and establishes priorities for enrollment of students in an after school program as follows:
    - a) First priority shall go to students who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act, at the time that they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals.
    - b) For programs serving middle and junior high school students, second priority shall go to students who attend daily. (EC § 8483)
  - 9) Defines "expanded learning" as before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Existing law defines "summer/supplemental grant" as funding to operate any program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods. (EC § 8482.1)
  - 10) Establishes the Expanded Learning Opportunities Program and allocates funding to school districts and charter schools based upon their unduplicated pupil count

to provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 non-schooldays during intersessional periods. (EC § 46120)

## ANALYSIS

This bill requires a LEA that operates an intersession program to grant priority access to a homeless child or youth. Specifically, this bill:

- 1) Requires a LEA, if it operates an intersession program, to grant priority access to a homeless child or youth.
- 2) Requires, if the homeless youth will be moving during an intersession period, the student's parent, guardian, or educational rights holder, or the unaccompanied homeless youth if there is no parent, guardian, or educational rights holder, to determine which school the students attends for the intersession period, if applicable.
- 3) Includes the following definitions:
  - a) "Intersession program" means an expanded learning program offered by a LEA on non-schooldays, including, but not limited to, summer school. An intersession program does not include an extended school year program for individuals with exceptional needs.
  - b) "Local educational agency" means a school district, county office of education, or charter school.
  - c) "Unaccompanied homeless youth" has the same meaning as "unaccompanied youth" in Section 11434a(2) of Title 42 of the United States Code, which includes:
    - i) Individuals who lack a fixed, regular, and adequate nighttime residence;
    - ii) 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;
    - iii) 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;
    - iv) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

- v) migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described above.

## STAFF COMMENTS

- 1) ***Need for the bill.*** 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.”
- 2) ***Practical effect.*** Existing law gives first priority for enrollment in an after school program to students who are homeless, in foster care, or eligible for free- or reduced-price meals. This bill gives first priority for enrollment in an intersession program, defined as an expanded learning program offered on non-school days (such as summer school), to students who are homeless.

## SUPPORT

California Alliance of Child and Family Services (Co-Sponsor)  
Children's Institute (Co-Sponsor)  
Sycamores (Co-Sponsor)  
Aspiranet  
California Coalition for Youth  
California Court Appointed Special Advocate Association  
California Teachers Association  
Children Now  
County of Santa Clara  
National Association of Social Workers, California Chapter  
Office of The Riverside County Superintendent of Schools  
Seneca Family of Agencies

## OPPOSITION

None received

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