

Date of Hearing: January 20, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 740 (McCarty) – As Amended January 13, 2022

Policy Committee: Education

Vote: 6 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill extends requirements for parental notification of a pupil's involuntary transfer to a continuation school, suspension, or expulsion, in the case of a foster child, to the foster child's attorney and county social worker. The bill also allows a foster child's attorney and social worker the same rights as parents or guardians during the involuntary transfer, suspension or expulsion process, such as requests for meetings and the ability to inspect all documents.

FISCAL EFFECT:

Minor costs to local education agencies (LEAs) to include attorneys and social workers to notifications and processes already required for parents and guardians. If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to educational institutions or provide funding through the K-12 Mandate Block Grant.

COMMENTS:

- 1) **Purpose.** Current law requires schools to notify a student's parent or guardian regarding suspensions, expulsions, and changes in placements. According to the author:

A foster parent may not be in a position to advocate effectively for a foster student, especially for children in group or transitional settings. Having a trained legal advocate notified in these circumstances will help ensure that foster students are not suspended unnecessarily or unduly.

Students in foster care are being failed by California's public school system. Statewide, they are suspended at a rate 331% greater than their peers. In Sacramento County, the rate it is 500% greater, and the data is even more alarming when broken down by gender, race and ethnicity. Excluding these vulnerable students from the classroom fuels a cycle of negative academic outcomes and causes lasting harm. AB 740 will ensure more foster youth stay in school and have an experienced advocate working on their behalf.

- 2) **Background.** There were 46,810 foster youth enrolled in California public schools in 2018-19. According to CDE, students in foster care represent one of the most vulnerable and academically at-risk student groups enrolled in California schools. CDE data from 2018-19 shows that 27.7% of foster youth were chronically absent versus 11% of non-foster pupils;

and 15.1% of foster pupils were suspended from school one or more times versus 3.4% of non-foster pupils.

- 3) **Prior Legislation.** AB 379 (Gordon), Chapter 772, Statutes of 2015, made complaints regarding the educational rights of students in foster care subject to the Uniform Complaint Procedures process.

AB 224 (Jones-Sawyer), Chapter 554, Statutes of 2015, requires that a standardized notice of educational rights of foster youth be created and disseminated.

AB 1909 (Ammiano), Chapter 849, Statutes of 2012, requires schools to notify a foster youth's attorney and representative of the county child welfare agency of pending expulsion or other disciplinary proceedings.

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