

# Foster Youth Education Toolkit



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## Introduction

California's new Local Control Funding Formula ("LCFF") marks the first time any state has included foster youth in its school accountability and funding system and focuses much needed attention on the education outcomes of foster youth.

Those outcomes are heartbreakingly poor:



**High Rates of School Mobility:** Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.<sup>1</sup>



**Low Test Scores:** Just 19% of students in foster care score proficient or above in English language arts on the California Assessment of Student Performance and Progress ("CAASPP"), compared to 44% of students statewide. Similarly, 12% of foster youth score proficient or higher on the math portion of the CAASPP compared with 33% of students statewide.<sup>2</sup>



**High Dropout Rates and Low Graduation Rates:** Foster youth have the highest dropout rates and the lowest graduation rates. The single year dropout rate for students in foster care is 8%, compared with 3% of students statewide. Likewise, just 58% of students in foster care graduate from high school compared with 84% of students statewide.<sup>3</sup>

LCFF not only reveals the poor education outcomes of foster youth, but also highlights the opportunity for our schools to better serve students in foster care. School districts will maximize their LCFF resources if some portion of them are used to serve infants, toddlers, and preschoolers because the gap in education outcomes starts before school does.

## Using The Foster Youth Education Toolkit

This Toolkit is designed to assist school districts in meeting the promise of LCFF for our foster youth. First, the Toolkit lays a foundation for school districts by providing comprehensive information on the education rights of foster youth along with step-by-step procedures to ensure foster youth receive the full benefit of laws designed to protect them. Second, the Toolkit provides easy-to-use implementation tools to help school districts move beyond this foundation of legal compliance to engagement in transformative best practices that will enable foster youth to achieve their college and career dreams.



FORMS & SAMPLES



LETTERS

The tools and best practices provided in the toolkit are designed to be ready-to-use in any school district but can also be adapted to local conditions. For that reason, the tools are intentionally vague in certain respects (e.g., which school district staff should be responsible for addressing each task/step). Most tools can be used as-is in the fillable PDF formats. Tools that are also available as Word Document include a "Download This Tool" link in the footer and can be downloaded for modification (e.g., letters can be placed onto school district letterhead).

<sup>1</sup> Vanessa X. Barrat & Bethann Berliner, *The Invisible Achievement Gap: Part 1: Education Outcomes of Students in Foster Care in California's Public Schools* (WestEd 2013) (hereinafter *The Invisible Achievement Gap, Part 1*).

<sup>2</sup> Most recently released test scores are available at: <http://caaspp.cde.ca.gov/>

<sup>3</sup> *The Invisible Achievement Gap, Part 1*

## Toolkit Section Descriptions

- 1. FOSTER YOUTH AND THEIR EDUCATION DECISION MAKERS** defines foster youth under LCFF, the role of their education rights holders, and provides key strategies for stakeholder engagement in the LCAP process.
- 2. ENROLLING AND DISENROLLING FOSTER YOUTH** covers enrollment and disenrollment, including tools to identify youth, quickly enroll them, ensure youth are afforded the right to remain in their school of origin, and request records from prior schools.
- 3. DETERMINING THE NEEDS OF FOSTER YOUTH** provides a comprehensive education evaluation template to assist schools in determining the education needs of foster youth and provides guidance to help districts track foster youth data and improve their outcomes.
- 4. SPECIAL NEEDS OF FOSTER YOUTH** focuses on best practices for supporting the education needs of foster youth of all ages, including: (1) trauma related needs, (2) special education needs, and (3) disciplinary challenges.
- 5. EARLY EDUCATION NEEDS OF FOSTER YOUTH** focuses on supporting foster youth ages 0-5, including: (1) LCFF and early childhood education; (2) transition from early intervention to special education services at age 3; (3) early care and education options; and (4) mental health needs of infants and toddlers.
- 6. MEETING THE HIGH SCHOOL NEEDS OF FOSTER YOUTH** focuses on: (1) partial credits; (2) AB 167/216 graduation; and (3) voluntary transfer of students out of comprehensive schools.
- 7. ENFORCEMENT OF FOSTER YOUTH EDUCATION RIGHTS: AB 379** discusses the inclusion of foster youth education rights into the Uniform Complaint Procedures Act and provides a tool to help districts quickly come into compliance.





## Sample LCAP Plan for Foster Youth 2.0 Goals
















Additionally, the Toolkit serves as a companion to the **Sample Local Control Accountability Plan for Foster Youth 2.0**, developed by the Coalition for Educational Equity for Foster Youth. By utilizing the Toolkit, districts can work to meet the suggested goals of the Sample LCAP 2.0:

- Goal 1.** The educational outcomes of foster youth will mirror those of the general population. See **High School Graduation for Foster Youth: AB 167/216**.
- Goal 2.** Decrease the transfer of foster youth to continuation and other alternative schools and decrease the transfer of foster youth after a change in home placement. See **Enrolling Foster Youth, School of Origin, Disciplinary Challenges of Foster Youth, Voluntary Transfer of Students Out of Comprehensive Schools**.
- Goal 3.** Transferring foster youth will be promptly enrolled in the appropriate school and classes and awarded credit for all work completed, including partial credits. See **Partial Credit Model Policy**.
- Goal 4.** Foster youth will receive a comprehensive education assessment and will receive any services or supports needed. See **Determining the Needs of Foster Youth**.

**The California legislature took a critical first step toward improving the education outcomes of foster youth when it identified students in foster care as an at-risk population in need of additional services and supports to close the achievement gap. Our hope is that the Foster Youth Education Toolkit will further equip school districts throughout the state with the tools they need to take next steps in implementing LCFF for foster youth and improving their education outcomes.**


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# Foster Youth and Their Education Decision Makers

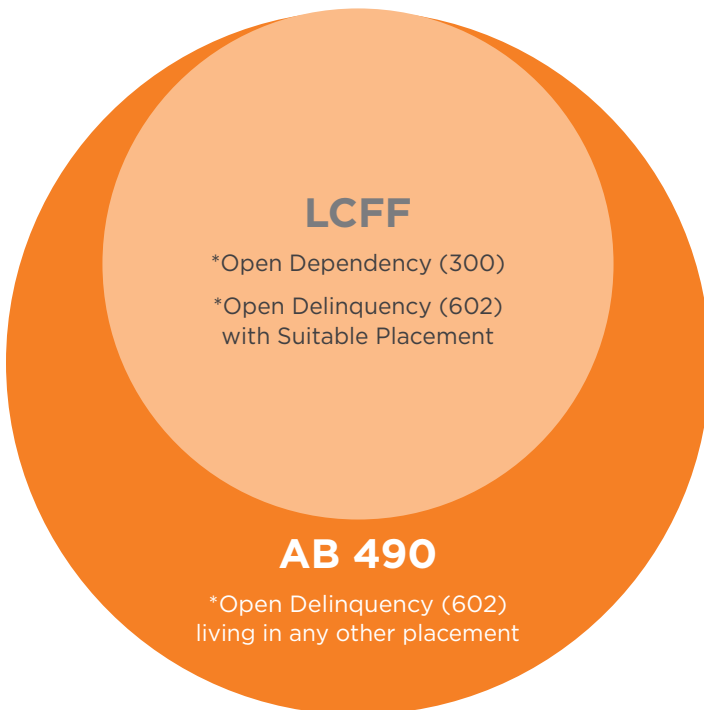


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# Who is a Foster Youth?

Schools should be aware of two important definitions of “foster youth.” The LCFF definition identifies which youth will be counted for purposes of LCFF funding and LCAP goal tracking. The broader definition under Assembly Bill (“AB”) 490 and related laws identifies youth who are entitled to all the foster youth education rights described in this toolkit including immediate enrollment, school of origin, partial credits, etc.

Under LCFF, the term foster youth includes:	Under AB 490 and related laws, foster youth includes:
Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.	Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.
Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602) <b>and who has been removed from his or her home by the court and placed into foster care under a “suitable placement” order. This includes youth who have been placed in a foster home, relative home, or group home. It does not include youth who have been placed in a juvenile detention facility, such as a juvenile hall or camp.</b>	Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602), <b>regardless of where the youth lives.</b>
Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.	Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.



### Key Points:

- Any youth who falls within the narrower LCFF definition also falls within the broader definition entitling them to the protections described in this toolkit.
- The difference between the two definitions is that the LCFF definition excludes some probation youth who are protected under AB 490 and related rights.
- Any youth who falls within the broad definition under AB 490 and related laws should be served by a district’s foster youth programs, regardless of whether they “count” for LCFF.

This toolkit uses the term “foster youth” to apply to foster and probation youth of any age and the term “foster child” to apply to children ages 0 to 5. For purposes of this toolkit, “foster youth” also includes homeless youth for purposes of immediate enrollment, school of origin, partial credits, and AB 167/216 graduation, although homeless youth have different transportation rights than foster and probation youth.

## Education Rights Holder (“ERH”) Responsibilities

- ERHs are individuals with the legal authority to make education decisions and access education records. All youth must have an ERH, including infants and toddlers.
- ERHs have a right to written notice of and to make decisions regarding: (1) school enrollment, including transfers to alternative schools; (2) school of origin; (3) high school graduation, including AB 167/216; (4) special education, including decisions regarding assessments and consenting to an Individualized Education Program (“IEP”); (5) early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan (“IFSP”); and (6) school discipline.
- ERHs also have a right to consent to mental health services provided through a youth’s IEP. ERHs (except for adoptive parents or legal guardians) cannot consent to services or release information from an outside mental health provider. Contact the legal representative for the youth if access to this information is necessary.

## Who May Hold Education Rights

- Biological parents retain education rights for their children, unless the court limits or terminates their rights.
- When parental rights are limited/terminated, a court must simultaneously appoint a new ERH. Appropriate ERHs can include: (1) foster parents; (2) relative caregivers; (3) Court Appointed Special Advocates (“CASA”); or (4) community members who have a relationship with the youth.
- Adoptive parents and legal guardians automatically hold education rights.
- Prospective adoptive parents automatically hold education rights once parental rights are terminated.
- Youth automatically hold their own education rights when they turn 18. Youth 16 years or older have a right to access their own education records.
- Any person who might have a conflict of interest (defined as a person having any interests that might restrict or bias their ability to make education decisions) or receives financial payments for the care of a foster youth (except foster parents/resource families) may not serve as a youth’s ERH, including: (1) social workers/probation officers; (2) group home staff; (3) therapists; (4) attorneys receiving attorneys fees; or (5) school/regional center staff.

## Appointing an Appropriate ERH

At each court hearing, the judge must assess whether the youth currently has an ERH, and whether that person is an appropriate ERH. The court may consider the following factors in deciding that an ERH is unavailable, unable, or unwilling to exercise education rights:

- Biological parents’ whereabouts are unknown or they are unreachable (e.g., they have not provided the social worker with a working phone number or valid address for the past three months);
- Biological parents are deceased or incarcerated; or
- Current ERH is a previous foster parent that no longer wishes to be involved in the youth’s life/education.

## Proof of Education Rights

If biological parents continue to hold education rights, there will be no documents to prove this. If a court limits or terminates a parent’s education rights, then the court will issue one of the following forms, which can be used as proof of who holds education rights: (1) **JV-535**, “Order Designating Education Rights Holder”; (2) Adoption or Guardianship Order; (3) Adoptive Placement Agreement; or (4) Juvenile Court Minute Order.



20 U.S.C. § 1436; Cal. Educ. Code §§ 48432.3, 48432.5, 48853.5, 51225.1, 56028, 56321, 56346; Cal. Gov’t Code § 95020; Cal. Welf. & Inst. Code §§ 319(g), 361.



## Best Practices for Unavailable, Unable, or Unwilling ERHs

### STEP 1

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ERHs have notice and decision-making rights in many general and special education situations. If the school is unable to identify the ERH or the ERH is unresponsive after multiple attempts to contact them, immediately contact the youth's child protective services social worker ("social worker"), probation officer, and/or legal representative in order to have an appropriate ERH appointed. Depending on the county, an attorney, Guardian ad Litem, and/or a CASA advocates on behalf of a youth in dependency court. A public defender, panel attorney, or private attorney advocates on behalf of a youth in delinquency court. Throughout this Toolkit, the phrase "legal representative for the youth" refers to the applicable individual.

\*\*Schools may send the **ERH Appointment Request Letter** to the legal representative for the youth, social worker, and/or probation officer.

### STEP 2

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If an appropriate ERH is still not identified and appointed, contact the court directly to request assistance. The court must either: (1) locate and appoint an ERH; (2) make necessary education decisions itself; or (3) submit a **JV-535** section 4(a) form to the school district, requesting the appointment of a surrogate parent for youth who are or may be eligible for an IEP/IFSP. *Cal. Rules Ct. 5.650.*

**Work diligently with a youth's legal representative, social worker, and/or probation officer to identify an ERH for both general and special education needs. If a school district acts without providing proper written notification or affording decision making rights to an ERH, they open themselves to potential legal liability. For example, an expulsion can be overturned if proper notice and ability to participate is not afforded to an ERH.**

## Surrogate Parents

- A surrogate parent is an adult appointed by a school district/regional center to represent a youth's special education/early intervention needs when a youth does not otherwise have a parent who holds education rights or a court appointed ERH.
- A school district/regional center has an independent duty to appoint a surrogate parent within 30 days of identifying that one is necessary for a youth who is or may be eligible for an IEP/IFSP.
- When appointing a surrogate parent, preference must be given to a relative caregiver, foster parent, or CASA who is willing to serve as a surrogate parent.
- A surrogate parent may not have a conflict of interest or be employed by the California Department of Education, the school district/regional center, or any other agency involved in the care or education of the youth.
- If the court requests a surrogate parent, appoint an appropriate adult via the **JV-536** form, and provide a copy of this form to the social worker/probation officer, legal representative for the youth, and the court within 30 days.
- Surrogate parents must continue to make education decisions for the youth until: (1) the court appoints a new ERH; (2) parental rights are reinstated; (3) the youth moves into a new school district; or (4) a new surrogate is appointed.

*17 C.C.R. § 52175; Cal. Gov't Code § 7579.5.*



Date: \_\_\_\_\_

To: Legal Representative for the Youth/  
Social Worker/Probation Officer: \_\_\_\_\_

E-mail/Fax Number: \_\_\_\_\_

Address: \_\_\_\_\_

Re: Education Rights Holder Appointment Request

Student Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Dear \_\_\_\_\_,

Please be advised that \_\_\_\_\_, a foster youth that you work with, recently enrolled in \_\_\_\_\_. Following the youth's enrollment in our school, we determined that we were:

Unable to identify and/or locate the youth's education rights holder. Please provide the name and contact information for the youth's education rights holder at your earliest convenience.

Unable to successfully contact the youth's education rights holder.  
(if checked please fill out information below)

We attempted to contact \_\_\_\_\_, the person we believe is the youth's current education rights holder.

Dates of attempted contact: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

We therefore request your assistance in working with the juvenile court to appoint a new education rights holder who can make education decisions for the youth, including decisions regarding school enrollment, AB 167/216 graduation, and/or special education.

We would greatly appreciate if you could also forward to our school proof of the appointment of the education rights holder, such as a **JV-535** form, juvenile court minute order, or adoption or guardianship order.

If you have any questions, please contact me at \_\_\_\_\_. Thank you in advance for your assistance.

Sincerely,

\_\_\_\_\_



### LCFF Requirements for Stakeholder Engagement

Successful implementation of LCFF relies on “stakeholder” engagement. In fact, districts are required to report yearly on how stakeholders have been “engaged and involved” in developing, reviewing, and supporting implementation of their LCAP. LCFF regulations provide examples of who these “stakeholders” might include: “parents, pupils...county child welfare agencies...court appointed special advocates, and other foster youth stakeholders.” These stakeholders must be engaged as an “advisory committee” and given an opportunity to provide comments prior to the adoption of each annual LCAP. Districts must also report on how the advisory committee has been engaged on an ongoing basis and must report the results of their training of and involvement of stakeholders. Best practices recommend convening advisory groups quarterly, presenting them with data to review on outcomes for target groups, and seeking their input on how to continue to support these students.

*Cal. Educ. Code §§ 47606.5, 52060, 52063, 52066, 52068, 52069; 5 C.C.R. § 15497.5.*

### Stakeholder Engagement for Foster Youth

Stakeholders for foster youth can present a challenge when attempting to actively engage an advisory

committee because they are not always as visible or organized as other stakeholder groups. Further, foster youth often do not have what is typically understood to be “parents”, instead having **Education Rights Holders**, caregivers, and other system personnel (such as CASAs, social workers, and/or probation officers). However, input from people connected to foster youth, particularly education rights holders, and direct input from foster youth themselves, is critical to developing a successful LCAP and ultimately improving foster youth outcomes. We have collected some helpful strategies for engaging these groups, as well as a sample training, available below.

### Empower Foster Youth with Knowledge of Their Education Rights

Youth may not have consistent adults in their lives to rely on. With frequent changes in foster care placements, and accompanying school and district changes, these youth may not be able to depend on even the most dedicated and informed caregiver or school district staff members to protect their rights. Often foster youth will need to advocate for themselves. Knowing their rights can give youth a sense of control and motivation to work hard in school. Knowledge can empower youth to exercise vital self-advocacy skills.

## Where to Train and Gain Input from Foster Youth

### SCHOOL-BASED FOSTER CLUBS

Start a foster club at your school. These clubs can be a great place for youth to find support, and for a school to gain feedback on the challenges these youth are facing. Consider the naming of such clubs closely, to ensure a youth first approach that does not draw undue attention to a youth's foster status (e.g., Young Leaders, Youth Scholars).

### NON SCHOOL-BASED FOSTER CLUBS

There are several groups such as the [California Youth Connection](#) that facilitate regular foster youth clubs. Local child welfare/probation agencies can help you discover these groups in your area. Just like school-based foster clubs, these can be a great place to meet engaged foster youth to gain input.

### GROUP HOMES

Presenting information at group homes often ensures participation of youth that might not otherwise attend a community meeting or event offered on a school campus.

### INDEPENDENT LIVING PROGRAM (“ILP”) CLASSES OR SIMILAR EVENTS HELD FOR OLDER YOUTH

Older youth are often offered classes. You can coordinate with your local child welfare/probation agencies to determine whether it would be appropriate to present at one of these sessions.

## Where to Train and Gain Input from Staff, Caregivers, and ERHs, as Well as Youth

### EVENTS HELD BY CHILD WELFARE AND PROBATION AGENCIES

Child welfare/probation agencies regularly hold events and trainings for youth, education rights holders, and caregivers. Districts have had great success in coordinating presentations at these events/trainings and some have even secured permission to count district trainings as part of the training hours that caregivers are required to complete for their foster care license. There are also

organizations such as Foster Family Agencies and foster parent support groups outside of the child welfare or probation agencies that offer similar opportunities.

### DEPENDENCY OR DELINQUENCY COURT PARTNERSHIPS

Some districts have stationed a counselor in the court as a resource. This counselor can learn firsthand the challenges foster and probation youth face, meet with youth and families as problems present themselves, and present trainings and materials to help families navigate the resources in their district.

### COURT APPOINTED SPECIAL ADVOCATES

“CASAs” advocate for youth in the child welfare and probation systems, and often hold education rights for foster youth. These volunteers are well-informed and dedicated to supporting foster youth. They hold regular meetings and trainings, and can be a great place to find active education rights holders and/or stakeholders.






## Tips for Making a Training Accessible to Foster Youth, ERHs, and Caregivers

- Engage trainees in discussing their own experiences and allow room to vent about frustrations.
- Translate legal and school terms into accessible language.
- Use techniques to encourage audience participation
  - Games:** Get trainees engaged with challenges and small prizes. For example, have trainees put the pieces of a cut up picture together, and then describe the scenario depicted.
  - Role playing:** Have trainees act out different situations that might arise and practice self-advocacy. For example, respectfully explaining immediate enrollment rights to a registrar who might not be familiar with them.
  - Question and response:** Poll the students on their experiences related to each topic. For example, see how many schools each youth has attended.

[Access a sample training designed by the Alliance for Children's Rights to train foster youth and caregivers on their education rights.](#)

# Enrolling and Disenrolling Foster Youth



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## Foster youth have the right to:

- Immediate enrollment in their local comprehensive public school if their ERH decides it is in their best interest, even if they do not have any of the required documents (e.g., transcripts, immunization records, proof of residence). Immediate enrollment rights also apply to charter schools.

**Foster youth have a right to enroll in school, even without proof of Tdap immunization. School nurses should work with the youth's prior school and/or their social worker/probation officer to gain access to records demonstrating the youth has already been immunized.**

- Enrollment in the same or equivalent classes as those they took at their old school, even if they are transferring mid-semester. Youth cannot be enrolled in all or a majority of elective classes. Youth cannot be forced to re-take a class they have already passed unless their education rights holder agrees, in writing, that it is in their best interest.
- Equal participation in extra-curricular activities regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).

- Not be forced to attend a continuation school, adult school, or independent study program, even if they are not on track for high school graduation, have failing grades, or have behavior problems.

Limited Exceptions: If they have an Individualized Education Program ("IEP") requiring a different placement or have been expelled or transferred to an alternative school after a formal hearing and school board decision.

**Foster youth can only be placed in emergency shelter schools for short periods of time for either: (1) health and safety emergencies; OR (2) when awaiting an ERH decision regarding whether or not to utilize school of origin ("SOO") if: (a) a SOO decision cannot be made quickly; AND (b) it is not practical to transport the youth to the SOO in the meantime; AND (c) the youth would otherwise not receive educational services; AND (d) temporary, special, and supplementary services are available to meet the youth's unique needs.**

*AB 1012 (effective 1/1/16), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48432.5, 48853, 48853.5, 48859, 49069.5, 51228.2.*

## Best Practices for Enrolling Foster Youth

### STEP 1

Screen all youth at enrollment for foster/probation status. See **Foster Youth Screening Questions**. After a foster youth is identified, notify the district's Foster Youth Education Liaison.

### STEP 2

Have the adult enrolling the youth complete the **Foster Youth Initial Education Intake Form** to identify important individuals such as ERH, caregivers, and social workers/probation officers.

### STEP 3

Meet with the ERH to discuss school of origin rights. See **School of Origin**.

### STEP 4

Complete enrollment paperwork and collect important documents. This may include: (1) proof of education rights (see **Education Decision Makers for Foster Youth**); (2) immunization records; (3) transcript or report card; and (4) Individualized Education Program ("IEP"), if applicable.

### STEP 5

Using the youth's transcripts and information available at the time of enrollment, ensure the youth is enrolled in the same classes/grade level they were enrolled in at their previous school. If the school does not offer the same classes, enroll the youth in equivalent classes, that fulfill the same graduation/promotion requirements. For high school foster youth, enroll the youth in a majority of A-G courses and courses required for high school graduation. Do not enroll the youth in all or a majority of elective courses. See **Partial Credit Model Policy**.

**Youth with disabilities must be placed in an appropriate program with services comparable to those in their previous IEP. Notify appropriate special education staff to schedule the youth's 30 day IEP.** *Cal. Educ. Code § 56043.*

### STEP 6

Collect education records. See **Requesting Education Records**.

**School districts have a legal obligation to immediately enroll foster youth, even if any of these steps cannot be completed at the time of enrollment.**



Ask the youth and/or the person enrolling the youth in school to provide the following information. Note that disclosure is not required but may entitle the youth to additional rights and services at school. In order to capture all of your foster and probation youth, make sure to use these screening questions consistently across all district enrollment sites including comprehensive schools, continuation and other alternative sites, and early education programs.

Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name of Person Completing Screening: \_\_\_\_\_

Date of Screening: \_\_\_\_\_

## Section 1. Youth in Foster Care or on Probation

Is the youth a foster child or on probation?	YES	NO
Does the youth receive visits from a child protective services social worker or probation officer?	YES	NO
Does the youth live in a group home?	YES	NO
Does the youth regularly attend court to discuss who they will live with?	YES	NO
Does the youth have an attorney or other court representative who helps determine who they will live with?	YES	NO

## Section 2. Youth Potentially in Foster Care or on Probation

Has the youth ever been in foster care or on probation?	YES	NO
If so, when was the case closed? _____		
Does the youth live with someone other than their parents?	YES	NO

## ASSESSING A COMPLETED FORM: DIRECTIONS FOR SCHOOL DISTRICTS

### Section 1. Youth in Foster Care or on Probation

If the answer to any of these questions is “YES,” there is a high likelihood that the youth is in foster care or on probation and should be treated as a foster/probation youth and afforded all their related education rights until proven otherwise.

### Section 2. Youth Potentially in Foster Care or on Probation

If the answer to any of these questions is “YES,” there is a possibility the youth is in foster care, on probation, or is entitled to extended foster care services under AB 12 and further investigation should be undertaken to determine their foster care/probation status and/or whether they are entitled to any rights (e.g., partial credits, AB 167/216 graduation) based on their prior status. Further investigation can include verifying with your data match and local child protective services/probation office.



Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

The youth and/or person enrolling the youth in school should fill out this intake form to the best of their ability upon enrollment.

## Caregiver and Education Rights Holder

**Who does the youth live with?**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Relationship: \_\_\_\_\_

**Who has the legal right to make education decisions for the youth?** (Leave blank if you are not sure)

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Relationship: \_\_\_\_\_

## Other Contacts

**Does the youth have a...**

Social Worker?	YES	NO	NOT SURE
Probation Officer?	YES	NO	NOT SURE
Legal Representative in Dependency Court?	YES	NO	NOT SURE
Public Defender?	YES	NO	NOT SURE
Court Appointed Special Advocate (“CASA”)?	YES	NO	NOT SURE
Mental health provider?	YES	NO	NOT SURE
Group home staff?	YES	NO	NOT SURE
Anyone else important?	YES	NO	NOT SURE

**If you answered YES to any of the above please provide the following information:**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_



## School History

Name of School(s) Attended and District or City

Preschool

Kindergarten

Grade 1

Grade 2

Grade 3

Grade 4

Grade 5

Grade 6

Grade 7

Grade 8

Grade 9

Grade 10

Grade 11

Grade 12

**High School Youth ONLY: List courses the youth was enrolled in at their last school**

English: \_\_\_\_\_

Math: \_\_\_\_\_

Foreign Language: \_\_\_\_\_

History/Social Studies: \_\_\_\_\_

Science: \_\_\_\_\_

PE: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

Which, if any, extracurricular activities was the youth involved in at the youth's last school? (e.g., soccer, drama club, debate team, track and field, tutoring)

## School Stability Matters

Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time.<sup>1</sup>

As a result of school instability, only 21% of foster youth are proficient in English by 11th grade, and 6% in math.<sup>2</sup>

Fewer than 60% of foster youth graduate from high school.<sup>3</sup>

## Overview of the Law

Foster youth have a right to remain in their school of origin if it is in their best interest, as determined by their ERH.

School of origin is the default. Before making any recommendation to move a foster youth from their school of origin, the district's AB 490 Liaison must provide the youth and their ERH with a written explanation of how it is in the youth's best interests not to stay in their school of origin. See **School of Origin Recommendation Letter**. Further, a youth cannot be moved from their school of origin until after a written waiver of this right is obtained by the school district from the ERH.

**Definition of School of Origin:** A youth's school(s) of origin includes: (1) the school the youth attended at the time they entered the foster care and/or probation system(s); (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which they have a connection (e.g., sports team, relationships with peers or teachers).

**Feeder Patterns:** If youth are transitioning between elementary and middle or middle and high school, school of origin includes the next school within the school district's feeder pattern.

*20 U.S.C. § 1112(c)(5)(B), 34 C.F.R. § 299.13(C)(1)(ii), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859, Cal. Rule of Court 5.651(c).*

## Best Practices for School of Origin

### STEP 1

Identify that a placement change is occurring: (1) whenever a school becomes aware that a foster youth will be changing placements; (2) before disenrolling a foster youth whose home placement has changed; and/or (3) before enrolling a new foster youth after a change in their home placement. Convene a meeting by contacting the youth's ERH, and if available, the new caregiver, minor's attorney/public defender, and social worker/probation officer to inform them of the youth's right to remain in their school of origin. See **Education Decision Makers for Foster Youth**. If a meeting cannot be arranged quickly, coordinate a phone call with the ERH and, if possible, the rest of the student's education team. If the youth's ERH cannot be immediately reached, send the **School of Origin Recommendation Letter** to the youth's ERH.

<sup>1</sup> Children Now, 2014 California Children's Report Card (2014), available at [https://www.childrennow.org/files/6114/1762/6161/2014\\_CA\\_Childrens\\_Report\\_Card.pdf](https://www.childrennow.org/files/6114/1762/6161/2014_CA_Childrens_Report_Card.pdf).

<sup>2</sup> Stuart Foundation, Foster Youth Education Outcomes in Four California Counties (2011), available at <http://stuartfoundation.org/first-look-foster-youth-education-outcomes-four-california-counties/>.

<sup>3</sup> The Invisible Achievement Gap, Part 1.

**Scope of School of Origin:** School of origin rights apply to all schools, including magnet programs and charter schools.

**Duration of School of Origin Rights:** If a youth's court case closes while they are in elementary or middle school, they have a right to remain in their school of origin until the end of the current school year. If youth are in high school when their case closes, they have a right to remain in their school of origin until they graduate from high school.

**Transportation Funding:** Many foster parents, including relatives, are eligible for funding from their local child protective services agency if they transport a youth to their school of origin after a placement change. See **All County Letter 11-51**, page 3 and **All County Letter 13-03**, page 2 for funding rates. Under the Every Student Succeeds Act, school districts must work with child welfare agencies to ensure a youth is transported to their school or origin. Each school district's Title 1 plan must include assurances that the district will collaborate with the state and local child welfare agency to develop and implement clear written procedures for how transportation to school of origin will be provided. These written procedures outlining how transportation costs will be shared between agencies, including how any disputes will be resolved, must be in place as of December 10, 2016.

**Dispute Resolution:** If at any time, there is a dispute regarding a youth's right to remain in a school of origin, the youth has a right to remain in that school until the dispute is resolved. Disputes should be referred to the school district's dispute resolution process. A complaint can also be filed on the youth's behalf through the Uniform Complaint Procedures Act. See **Enforcement of Foster Youth Education Rights: AB 379**.

### STEP 2

Complete the **School of Origin Best Interest Determination Procedures and Worksheet** to: (1) identify all potential schools; (2) discuss pros and cons of each potential school; (3) work with the student's ERH to reach a school placement decision; and (4) develop a transportation plan.

### STEP 3

Immediately implement the ERH's decision regarding school enrollment. See **Enrolling Foster Youth**.



Date: \_\_\_\_\_

TO: Education Rights Holder: \_\_\_\_\_

Address: \_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

We recently attempted to contact you regarding \_\_\_\_\_, because the student moved to a new home placement.

The student no longer lives within the boundaries of \_\_\_\_\_ which was the school the student was attending prior to moving. However, as a foster/probation youth, the student has a right to continue attending this school if you believe it is in the student's best interest. Cal. Educ. Code §§ 48853, 48853.5.

As the student's education rights holder, you have the responsibility to determine whether it is in the student's best interest to remain in their school of origin or if they should transfer to the new local public school. Factors you may wish to consider include: (1) the distance between the student's new home and the school they were attending; (2) the quality of the previous school and the new local public school; and (3) the timing of the transfer (beginning of the semester or mid-semester).

At this time, this student is currently enrolled in:

The school the student was attending before changing home placements: \_\_\_\_\_.

The new local public school based on their new home address, pending your decision regarding whether the student should return to their previous school: \_\_\_\_\_.

The youth's AB 490 Education Liaison: \_\_\_\_\_ recommends \_\_\_\_\_ does not recommend that the youth remain in their school of origin for the following reasons: \_\_\_\_\_

Please contact us immediately so we may discuss the pros and cons of transferring schools and whether you think it is in the student's best interest to continue attending the same school they were attending before moving to their current home.

Thank you,

\_\_\_\_\_



Before recommending that a foster youth move from their school of origin, the district must provide a written explanation of why a school change is in the youth's best interests, and obtain a written waiver from the ERH. The following steps guide a determination of whether a youth should remain in the school of origin or should transfer to a new school, and what plans are needed to ensure continuous school enrollment.

Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

## STEP 1: Meeting Participants

Education Rights Holder(s) ("ERH") <b>Mandatory Participant</b>	Present?	Name: _____
Student	Present?	Name: _____
Caregiver(s), if different than ERH	Present?	Name: _____
Social Worker/Probation Officer	Present?	Name: _____
Minor's Attorney/Public Defender	Present?	Name: _____
Foster Youth Counselor/Liaison	Present?	Name: _____
Academic Counselor	Present?	Name: _____
School Administrator	Present?	Name: _____
Other	Present?	Name: _____
Other	Present?	Name: _____

## STEP 2: Identify School Options

**Option 1:** School student attended before home placement change, or current school if student has not yet moved:

\_\_\_\_\_

**Option 2:** School of residence after home placement change: \_\_\_\_\_

**Option 3:** School attended when student first entered foster care/probation system: \_\_\_\_\_

**Option 4:** Any other school(s) attended within the last 15 months where the student has a connection:

\_\_\_\_\_

**Option 5:** Any school(s) to which the student would have matriculated (elementary to middle or middle to high school) from options 1-4 above, using district feeder patterns: \_\_\_\_\_

### STEP 3: Complete Best Interest Analysis By Considering Pros And Cons Of School Of Origin Options

Discuss the pros and cons of each school using the chart below. First, write in the name of each school of origin option (identified in Step 2 above) into the top row. **School Option 1, the student’s current school (or the school the student attended before the home placement change), is shaded grey to remind meeting participants that it is strongly favored**, especially if the student has experienced significant school instability in the past and/or has struggled to recover after past school changes. Then, discuss with the team which school or schools best answer each question and place an “X” in the appropriate box(es).

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5
<b>Name of School</b>					
<b>Student Preference</b>					
What school(s) does the student want to attend?					
<b>Length of Attendance</b>					
Which school(s) has the student attended long enough to develop relationships, trust, and a feeling of belonging?					
Which school(s) would the student like more time at to continue their development of positive relationships and/or academic progress?					
<b>Academic Strengths</b>					
Which school(s) has the strongest academic program and/or college going culture to support the needs of the student?					
If the student has academic challenges, which school(s) has a robust intervention program to support the needs of the student?					
Which school(s) has an academic emphasis or program of interest to the student?					
<b>Special Education</b>					
If the student has an IEP, which school(s) can provide the most appropriate program?					
<b>English Learner</b>					
If the student is an English learner, which school(s) can best support the student's language development needs?					

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5
<b>Name of School (cont.)</b>					
<b>Social/Emotional</b>					
At which school(s) has the student developed positive relationships with peers and/or teachers?					
If the student has experienced difficulties with peers or staff, which school(s) is free of those negative experiences?					
Which school(s) has positive behavioral programs, restorative justice, or other schoolwide social-emotional interventions in place?					
If the student would benefit from it, which school(s) provides access to school-based counseling?					
<b>Timing of Transfer</b>					
Which school will prevent a mid-semester school change? (Check only the school where the student is currently attending)					
<b>Consistency of Curriculum</b>					
Which school(s) uses the same curriculum or set of standards as the most recent school?					
Which school(s) follow the same graduation requirements as the most recent school?					
<b>Anticipated Length of Placement</b>					
If the student is in (or about to be placed in) a permanent living situation (e.g., with a relative or someone seeking legal guardianship or adoption of the student), which school(s) would also work for that home placement?					
<b>Extracurricular Activities</b>					
Which school(s) will enable the student to be connected to extracurricular activities?					
<b>School Discipline</b>					
At which school(s) does the student have positive behaviors (free or minimal discipline history)?					
Which school(s) has identified positive ways to address future disciplinary issues? <sup>1</sup>					
Which school(s) are within 15 miles of the new placement? <sup>2</sup>					
<b>What is the school schedule? (Start time / End time)</b>					

<sup>1</sup>Students who have disciplinary challenges may want a “fresh start.” Unfortunately, if the underlying issues are not addressed, this may not serve the student in the long term because similar challenges may soon appear in the new setting.

<sup>2</sup>School districts may establish a distance within which transportation to the school of origin is presumptively feasible, such as 15 miles. However, a student who lives further away may not be denied the right to attend the school of origin or denied access to transportation.

## Impact of Distance on Education

How long is the student willing to spend in transit each day? \_\_\_\_ minutes

How early is the student willing to leave for school? \_\_\_\_ AM

How late is the student willing to get home from school? \_\_\_\_ PM

## STEP 4: Foster Youth Liaison Recommendation

The youth's AB 490 Education Liaison: recommends or does not recommend that the youth remain in their school of origin for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## STEP 5: ERH Best Interest Determination

ERH Chooses: to have the youth remain in \_\_\_\_\_ school of origin (go to Step 6) OR

to waive the youth's right to remain in their school of origin and requests immediate enrollment at:

\_\_\_\_\_ school (skip to Step 7 for consent).

## STEP 6: Transportation Plan

If the ERH decides that attendance at a school of origin is in the best interests of the student, use the **Transportation to School of Origin Flowchart** on the next page to identify whether the school or child welfare/probation agency will be responsible for providing that transportation and in what form (e.g., reimbursement, bus service, public transit pass, etc.).<sup>3</sup> The child welfare/probation agency and school district may also agree to split certain costs for transportation at the end of each year.

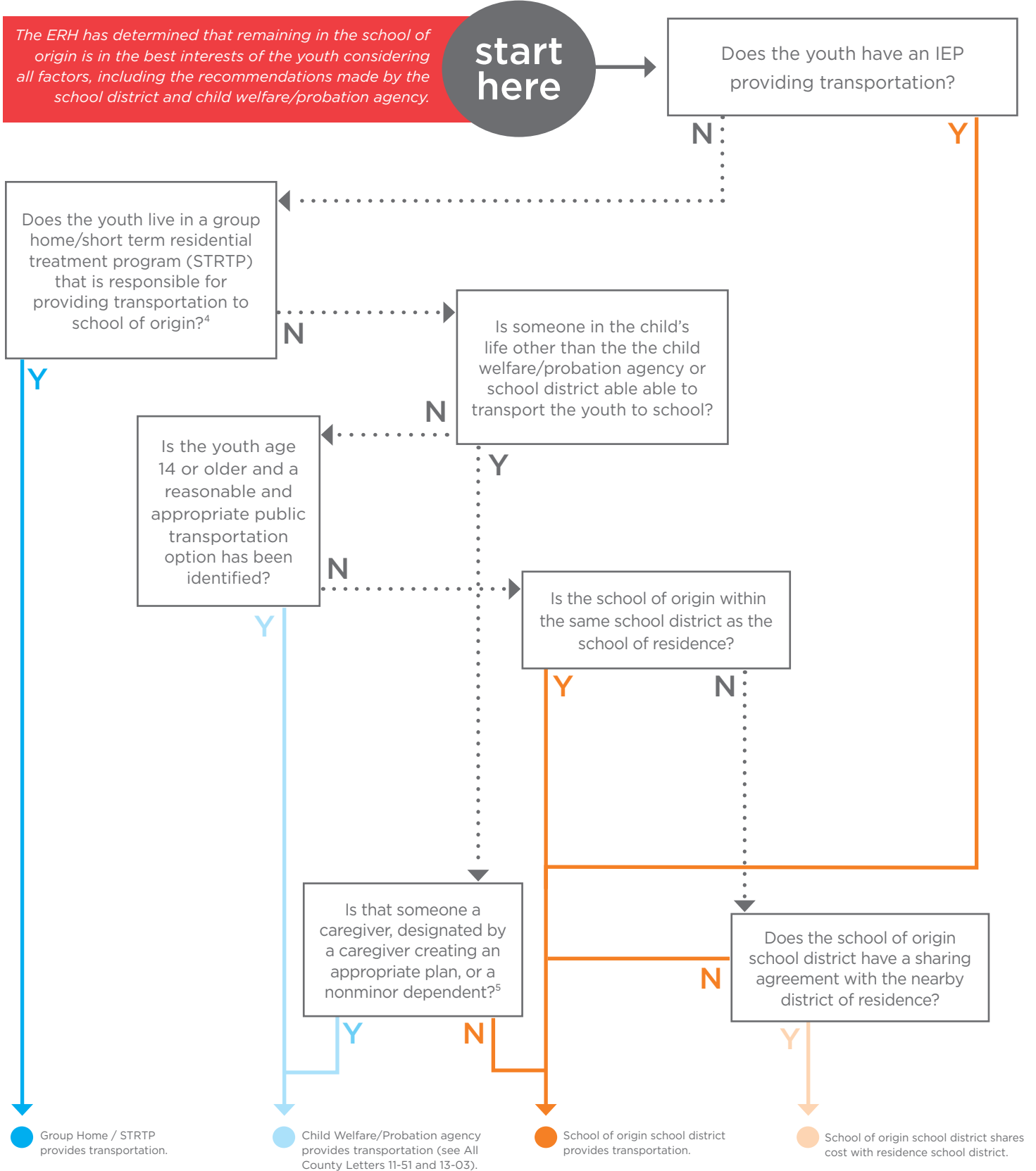
<sup>3</sup>Under the Every Student Succeeds Act, the written procedures describing transportation cost splitting must also describe how disputes regarding school of origin will be addressed and who will pay while the dispute is ongoing. Best practices suggest that for ease of implementation, the school of origin district where the youth already has been attending should pay for transportation in the first instance, seeking reimbursement as appropriate after the dispute is resolved.



## Transportation to School of Origin Flowchart

The ERH has determined that remaining in the school of origin is in the best interests of the youth considering all factors, including the recommendations made by the school district and child welfare/probation agency.

start here



<sup>4</sup>As of January 1, 2017, short term residential treatment programs (STRTPs) must provide core educational services such as transportation to school of origin. WIC § 11463(b). Additionally, current group home contracts for foster and probation youth may include obligations to provide and funding for transportation, including school of origin.

<sup>5</sup>All County Letters 11-51 and 13-03 specify guidelines for reimbursement of caregivers for transportation to school of origin. Although biological parents may not be directly reimbursed, if the court allows unsupervised visits, the caregiver can make an appropriate plan to have the parent transport the youth and be reimbursed by the child welfare/probation agency. Otherwise, the school district should provide reimbursement for biological parents who transport the youth to school.

## Summary of Transportation Plan

Transportation to the school of origin will be provided by:

- Group Home / STRTP.
- Child Welfare or Probation Agency in the form of:

Reimbursement to an individual

Individual's name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Agency providing reimbursement: \_\_\_\_\_

Public transportation to be facilitated by the child welfare or probation agency

The route identified is: \_\_\_\_\_

\_\_\_\_\_

- The School of Origin school district in the form of:

Bus or other vehicle

Reimbursement to an individual:

Individual's name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Public transportation to be facilitated by the school district:

The route identified is: \_\_\_\_\_

\_\_\_\_\_

- Other (including shared responsibility with nearby district). Describe: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## STEP 7: Consent

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

School Administrator: \_\_\_\_\_

# Requesting Education Records

## Overview of the Law

- School districts must request records within two business days of a foster youth's enrollment. School districts must forward education records to a requesting school within two business days of receiving a request. *Cal. Educ. Code § 48853.5(e)(8)*.
- School districts and local child welfare/probation agencies may share education records of students in foster care or on probation without consent of a parent or guardian. *Cal. Educ. Code § 49076(i), (n)*.
- School districts must give an education rights holder a complete copy of a youth's education record within 5 business days of a request. *Cal. Educ. Code § 49069*.
- School districts cannot withhold transcripts, diplomas, or other records if school fees are owed. *Cal. Educ. Code § 48853.5*.



## Reasons to Request Records

- Track education performance over time;
- Understand the youth's history and current needs;
- Determine interventions that have or have not worked in the past; and
- Compare past and current testing to monitor academic progress.

## Best Practices for Requesting Education Records

### STEP 1

Upon enrollment, have the adult enrolling the youth complete the **Foster Youth Initial Education Intake Form**, including the school history portion. Gather additional school history information from CALPADS and/or any local data/records sharing sources within your county. Contact the youth's social worker or probation officer to fill any gaps in the youth's education history.

### STEP 2

Obtain a complete set of records for each youth by completing the **Records Request Form** for each school and district the youth has attended. Records must be requested within two days of the youth's enrollment.

### STEP 3

Send and retain proof of receipt. This is important in case there are difficulties receiving the records in a timely fashion and can be used to advocate for the quick transfer of records. If sending via fax, keep a copy of the fax transmittal report confirming that the fax was received. If sending via email, keep a copy of the sent email confirming that the email was sent.

### STEP 4

If, by the second business day, records are not yet received from each school requested from, contact the school(s) and request that they forward the records immediately. Make repeated efforts to obtain the records if they are not received within a reasonable amount of time. Contact the former district's Foster Youth Liaison, or your own, to seek assistance as necessary. If the sending school informs you that they do not have records for the youth or they sent the cumulative file to another school, ask that they send that information in writing.

### STEP 5

Check records for completeness and organize chronologically in preparation for the **Education Evaluation**. Ensure receipt of the following records from each school attended: (1) report cards/transcripts; (2) statewide testing scores; (3) attendance records; (4) discipline files including behavior referrals and suspension notices; and (5) if the youth has an IEP, IEPs for each year they were eligible and an assessment at least every three years.



Date: \_\_\_\_\_

TO: School/District: \_\_\_\_\_

Address: \_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Records Clerk,

I request a copy of any and all general and special education records for the above mentioned foster and/or probation student. I am requesting all records, including, but not limited to the following:

- All Health Records
- All Cumulative Records (including attendance, progress reports, report cards and transcripts)
- All Discipline Records
- All State and Districtwide Testing, including STAR and SBAC testing, Stanford 9 Scores and CAT - 6 Scores
- All Correspondence (e.g., inter-office notes, memos, letters, etc.)
- All Special Education Assessments (e.g. psychological, educational, speech, OT, PT, etc.)
- All Individualized Education Programs

Please provide a physical copy of all records to the address below within two business days of this request. *Cal. Educ. Code § 48853.5*. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

School Phone Number: \_\_\_\_\_

## Overview of the Law

### FOSTER YOUTH DISENROLLMENT RIGHTS

- When moving home placements, foster youth have a right to remain in their school of origin, unless their ERH determines that another education setting is in the youth's best interest. See [School of Origin](#).
- If the ERH determines that a school transfer is in the youth's best interest, school districts and local child protective services and probation agencies are responsible for ensuring a youth is properly and promptly disenrolled from school.

*Cal. Educ. Code §§ 48853, 48853.5, 49069.5.*



## Best Practices for Disenrolling Foster Youth

### STEP 1

A school can identify that a youth has withdrawn when: (1) a youth tells a teacher or other adult that they are moving; (2) a caregiver, ERH, social worker, probation officer, or legal representative for the youth notifies the school; (3) a youth is absent for 20 consecutive school days without explanation; or (4) a records request is received from a new school.

### STEP 2

Meet with the ERH to discuss school of origin rights and options. See [School of Origin](#).

### STEP 3

When officially disenrolling a youth, use best efforts to hold space in their prior courses in case they exercise their school of origin rights or return to their prior home. Determine check out grades, calculate partial credits, and issue an official transcript. See [Partial Credit Model Policy](#).

### FORWARDING FOSTER YOUTH RECORDS

School districts must compile a youth's complete education record as of the last day of actual attendance and forward a copy of all records to the new school within two business days of a request. This includes but is not limited to a transcript (including full/partial credits and check out grades), current class schedule, attendance, immunization/health records, and special education/Section 504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding fines. When requested, school districts must also send a copy of a youth's education records to:

- ERH or any authorized representative within five business days (copying costs must be waived if it would prevent access);
- County child protective services agency or social worker fulfilling case management responsibilities or assisting with enrollment; and
- Probation officer or district attorney investigating: (1) a criminal allegation; (2) whether to declare the youth a ward of the court; or (3) a violation of probation.

*Cal. Educ. Code §§ 48853.5, 49076; 5 C.C.R. § 438(c).*

### STEP 4

Update the youth's [Education Evaluation](#) including all current information as of the last day of actual attendance. Ask the youth or any of the adults working with the youth what their new school is. It can also be determined from the youth's new address. Identifying the youth's new school is important to determine where to send records.

### STEP 5


Provide essential records (e.g., transcript) to ERH and youth during the disenrollment process.

### STEP 6

Forward a copy of the youth's entire education file (including their [Education Evaluation](#)) to their new school within two business days. Log the date records were sent and to whom they were sent in the cumulative file.

# Determining the Needs of Foster Youth



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The Education Evaluation is a case management tool designed to help schools ensure that foster youth receive the supports they need to succeed in school. It allows schools to identify areas of concern based on the youth's education history, identify necessary interventions, and monitor the youth's progress towards high school graduation and higher education.

The Education Evaluation is recommended to be completed for each student in the district from age three to high school graduation. Completing the Education Evaluation can be a complex and involved process but provides a wealth of information essential to identifying and meeting the needs of foster youth.



## THERE ARE TWO\* EDUCATION EVALUATION TOOLS AVAILABLE:

1

### Adaptable Education Evaluation Template

The blank Education Evaluation is meant to be filled in with a student's education records while also being adaptable to individual schools' needs.

**[Download this tool](#)**

2

### Sample Education Evaluation

Use this completed sample document to learn how to effectively use the Education Evaluation. It provides examples and instructions to help fully complete an Education Evaluation for a student.

**[Download this tool](#)**

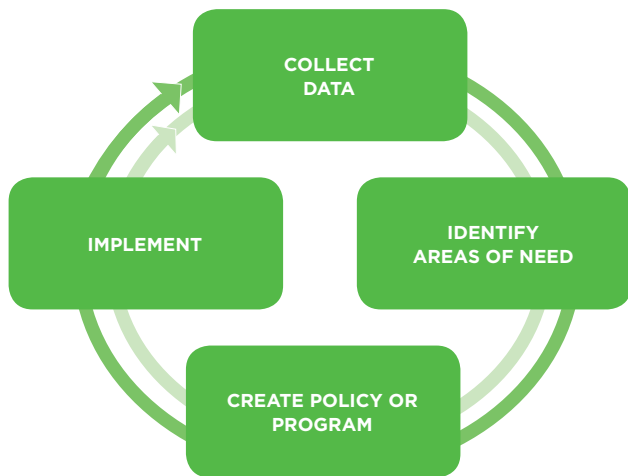
\*If you used the Foster Youth Education Toolkit before October 2015 and would like to use the old version of the Education Evaluation with dropdown boxes, **[access it here](#)**.

# Tracking Foster Youth Data to Improve Outcomes

In this era of accountability, school districts cannot only establish policies and practices to support foster youth. In addition, they must demonstrate that their policies and practices are successfully improving outcomes. Data tracking is the key to doing this.

## Best Practices for Data Collection

While crucial data points must be tracked consistently over time (e.g., graduation rates at the end of each LCAP year), data collection is most effective when used continuously to improve programs. A data collection process might include:



### STEP 1

**Collect Baseline Data:** Districts should look at foster youth outcomes prior to the implementation of any policies or programs. This could require pulling data from years past to establish a true baseline. This “baseline” data can be compared to future outcomes to identify areas where improvement has occurred or where further improvements are needed.

### STEP 2

**Identify Areas of Need:** Compare foster youth baseline data with LCAP goals (both those specific to foster youth and those that apply to all students) to identify areas in which foster youth outcomes are worse than the general population (e.g., chronic absenteeism, graduation rates). Also, look at factors not included in your LCAP but which have a significant impact on foster youth (e.g., high rates of school mobility). Finally, examine areas where staff have anecdotally identified challenges.

### STEP 3

**Create Policy or Program:** Design a policy or program to address the identified area(s) of need, including incorporating relevant goal(s) or activity(ies) into your district’s LCAP.

### STEP 4

**Implement:** Train staff and implement the new policy or program, making sure that student information systems have the capability to track implementation steps and results. Identify an appropriate implementation period (e.g., one quarter, one semester).

### STEP 5

**Collect Additional Data:** At the end of your implementation period, identify whether or not the policy or program is demonstrating positive improvements in student outcomes by gathering new data and comparing it to your baseline data. Remember that change takes time. Small improvements may indicate success given the low baseline data for foster youth. For example, while your overall three-year goal may be to improve graduation rates of foster youth, looking for improvement in attendance measures or GPA may be early indicators to utilize to gauge progress in years one and two. For large policy or program changes, additional time may be needed before data will reflect progress. On the other hand, if the data quickly indicate that a program is not working, districts should not hesitate to adjust their strategy. Ongoing quarterly or bi-annual data collection will ensure prompt identification of success or needed changes.

### STEP 6

**Adjust the Policy or Program:** If the data show that no progress has been made after a sufficient amount of time, or have revealed specific challenges not previously identified, adjust the policy or program and make any necessary adjustments to your district’s LCAP.

### STEP 7

**Implement the New Policy or Program:** See Step 4.

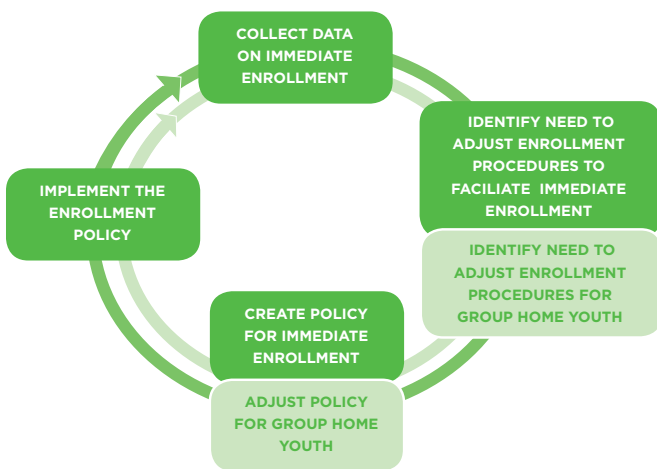
### STEP 8

**Repeat:** The process should be repeated until the achievement gap between foster youth and the general student population is closed. Remember to celebrate small victories along the way.



## Cycle of Data Example: Immediate Enrollment

If a foster youth's ERH decides that remaining in their school is not in the youth's best interest, the youth has a right to immediate enrollment in their local comprehensive school. See **School of Origin** and **Enrolling Foster Youth**. A foster youth liaison for your district, Pine Valley School District, ("District") anecdotally identifies that it takes a long time to enroll foster youth and that youth in the District experience school absences around times of school transfer.



### STEP 1

**Collect Baseline Data:** The District first creates the capacity within its student information system to track the time it takes to enroll foster youth from the moment the school learns of the youth (who is flagged within the information system) to the moment of attendance in courses. The District tracks this data for the school year's first quarter.

### STEP 2

**Identify Areas of Need:** The baseline data collected shows that it takes 8 days, on average, for a youth to begin attending courses. Missing nearly two weeks of instruction after a move is a significant problem from a learning and a compliance standpoint.

### STEP 3

**Create Policy or Program:** Having identified the need to shorten the time period that foster youth are out of school, the District hypothesizes that a new enrollment policy and process will help ensure immediate enrollment. The District creates a policy designating a front office

staff member at each school to process foster youth for enrollment without otherwise required paperwork and requiring that certain questions be asked of the youth and person enrolling the youth about prior classes and interventions. The policy also indicates that a counselor with specialized training in meeting the needs of highly mobile populations be designated at each high school to ensure the acceptance of partial credits and immediate enrollment in appropriate classes. The District includes a goal in its LCAP to reduce the lag time in enrollment by a target percentage.

### STEP 4

**Implement:** The District uses a portion of its professional development day prior to the spring semester to train all staff on the policy, with additional training for designated staff who will be implementing the new policy. The District designates its Director of Student Services to monitor the new policy during the implementation period and provide additional training opportunities as necessary. The District chooses one semester as its initial implementation period.

### STEP 5

**Collect Additional Data:** After one semester of implementation, the District collects and re-evaluates the data. This time, foster youth are being enrolled, on average, within 5 days. This represents a critical improvement, but is not enough to meet the immediate enrollment standard. Upon closer examination of the data, the District learns that youth living in group homes are taking longer to enroll than youth living with families.

### STEP 6

**Adjust the Policy or Program:** After identifying this disparity, the District includes an action specific to enrollment of group home youth in its next year LCAP, reaches out to group home leadership in the area, and devises an adjustment to its policy and practice to enhance communication and coordinate with group homes.

### STEP 7

**Implement the New Policy or Program:** The District re-trains necessary staff and implements the newly revised policy with specific focus on group home youth.

### STEP 8

**Repeat :** This cycle of self-reflection is repeated until the District is able to enroll all foster youth within one day.

## Data Districts Should Track

Districts and schools need to be able to: (1) accurately and quickly identify who their foster youth are; (2) track outcome data applicable to all youth and disaggregate the data for foster youth; and (3) track foster youth specific data for issues only affecting this population of students.

Data can target: (1) process: did the school follow a policy (e.g., by certifying a youth's eligibility for AB 167/216 graduation within 30 days or informing youth of their school of origin rights), or (2) outcome: did foster youth benefit from a policy (e.g., as seen in improved graduation rates or school stability). Process and outcome data often overlap (e.g., immediate enrollment in school is a procedural victory that also improves learning). Tracking both types of data is essential for tailoring programs and proving success.

### 1. IDENTIFYING FOSTER YOUTH

Accurately identifying foster (including all probation) youth is a necessary prerequisite for tracking outcomes. Student information systems should identify which students are foster youth according to the LCFF definition, as well as which students qualify for "AB 490" rights. See [Who is a Foster Youth](#). Schools should supplement data provided by CALPADS with information gathered at enrollment and through local data matches with child welfare and probation agencies. See [Enrolling Foster Youth](#), including [Foster Youth Screening Questions](#) and [Foster Youth Initial Education Intake Form](#) for information districts should consider gathering at enrollment. Once all youth are appropriately flagged within a district's system, tracking their outcomes becomes possible.

### 2. OUTCOME DATA APPLICABLE TO ALL YOUTH

Under LCFF's eight state priorities, schools are accountable for showing foster youth outcomes on general metrics applicable to all youth, including:

- graduation and dropout rates;
- attendance and absenteeism rates;
- suspension and expulsion rates;
- rates of A-G coursework completion; and
- advanced placement completion rates.

The school must be able to disaggregate these outcomes for foster youth specifically, and should build capacity to do so for both the LCFF and the "AB 490" definitions of the population. *Cal. Educ. Code § 52060(d)*.

### 3. DATA SPECIFIC TO FOSTER YOUTH

To capture foster youth specific data, schools may need to add data fields or pages to their existing information systems, such as education rights holder contact information or whether a youth's AB 167/216 certification notice was sent within timelines. Investing in building data capacity to track foster youth measures is crucial to identifying areas of need and to show improvements over time.

## A non-exhaustive list of important foster youth-specific data:

**Education Rights Holders:** ERH information (including whether or not a student has one and all of their contact information) may not currently be tracked by districts or sought by foster youth liaisons or counselors, but having an appropriate person identified to make key decisions about a youth's schooling is critical for success. See [Education Decision Makers for Foster Youth](#). Districts can also be held accountable for not communicating effectively with ERHs (e.g., failure to send an expulsion notice to the ERH could result in the expulsion being reversed). Relevant data points that can be tracked over time to demonstrate improvement include:

- percentage of youth who have ERH contact information included in the student information system;
- percentage of ERHs participating in school placement decisions; and
- percentage of ERHs who have received all required notifications within legally mandated timelines (e.g., discipline notices, AB 167/216 graduation certification).

**School Stability:** Stability is challenging to measure, but may be the most important ingredient for long term foster youth education success. State mandates currently only require that demographic data be collected once per year on "norm day," but norm day information fails to capture the instability faced by foster youth and the efforts made by districts to serve youth coming in and out of their schools. Building the capacity to collect and analyze school stability data is critical for identifying how many youth are being served by a district each year, and for improving outcomes. Relevant data points include:

- number of youth served by the district each year including both students enrolled on norm day and those served during a different point in the school year;
- percentage of youth/ERHs informed about school of origin rights (see [School of Origin](#));
- number of youth who remain in their school of origin after a home placement change (including both youth coming into the district and those leaving it);
- percentage of youth continuously enrolled in the same school for an entire school year or semester;
- percentage of youth whose disenrollment dates align with school breaks (school changes at natural breaks reduces the educational disruption); and
- number of youth with voluntary and involuntary transfers to alternative schools. See [Disciplinary Challenges of Foster Youth](#) and [Voluntary Transfer of Students Out of Comprehensive Schools](#).

**Enrollment:** Getting foster youth enrolled in appropriate settings and classes without delay is critical for success. See [Enrolling Foster Youth](#). In addition to standard attendance metrics, relevant data points include:

- percentage of youth attending classes within 24 hours of being flagged within the student information system;
- percentage of high school youth enrolled in comprehensive schools as well as percentage of those enrolled in alternative sites; and
- percentage of high school youth enrolled in a majority of core academic classes upon enrollment.

**Records:** See **Requesting Education Records**. Relevant data points include:

- percentage of youth for whom records are requested within 2 days of enrollment; and
- percentage of youth for whom records are forwarded within 2 days of disenrollment or a request.

**Partial Credits:** See **Partial Credit Model Policy**. Relevant data points include:

- percentage of youth issued partial credits when disenrolling mid-semester;
- percentage of youth issued partial credits at the end of the semester after enrolling mid-semester; and
- number of partial credits received/recovered from out of district schools.

**AB 167/216 Graduation:** See **High School Graduation for Foster Youth: AB 167/216**. Relevant data points include:

- percentage of youth potentially eligible for AB 167/216 graduation whose eligibility is determined and certification is sent to the youth's ERH within 30 day timeline;
- percentage of eligible youth who graduate under 167/216 graduation;
- percentage of youth graduating with district vs. 167/216 graduation; and
- percentage of eligible youth who choose to remain in high school a 5th year.

**Case Management:** Many districts are beginning to utilize case management systems to ensure the academic and social-emotional needs of foster youth are being met. Effective case management requires an extensive evaluation of an individual youth's needs, youth engagement and relationship building, and connection of youth to services or interventions provided by the district or community partners. See **Education Evaluation Overview**. Relevant data points include:

- comprehensive Education Evaluation completion rate;
- number of youth receiving tutoring;
- number of youth receiving school based mental health services;
- number of youth participating in a credit recovery program; and
- number of youth participating in extra-curricular activities.



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# Trauma Related Needs of Foster Youth

Trauma is a response to one or more overwhelmingly stressful events, or “adverse experiences,” where one’s ability to cope, or “resilience,” is dramatically undermined. Adverse childhood experiences can include physical abuse, neglect, prenatal trauma (e.g., prenatal substance exposure, medical neglect), exposure to violence in the family or community, or interrupted attachment such as being separated from a parent or primary caregiver through foster care involvement, death, incarceration, or divorce. Repeated or ongoing childhood trauma, which may occur even before an age when permanent memories are formed, is often referred to as complex or developmental trauma, and is particularly challenging to identify and treat.<sup>1</sup>

## Trauma and Its Impact on Development and Learning

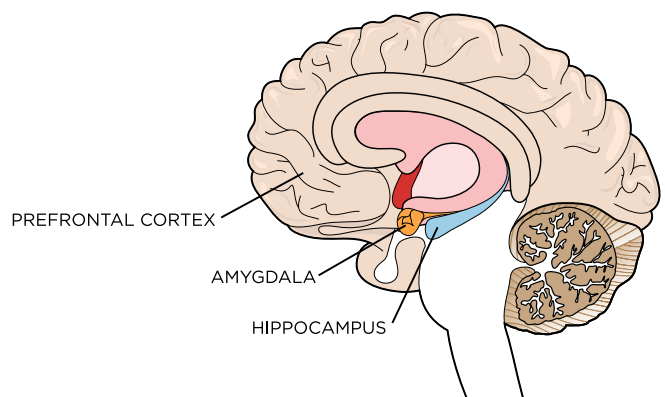
### Trauma & Foster Youth

While all children may encounter adverse childhood experiences, youth in foster care disproportionately face complex or developmental trauma. Foster youth have endured multiple adverse childhood experiences, including: (1) the abuse, neglect, or abandonment that brought them into the child welfare system; (2) being removed from their families; and (3) repeated home and/or school placement changes while in the system.<sup>2</sup> This increased incidence of trauma among foster youth has developmental repercussions that impact foster youth in school.

### Trauma Impacts Brain Development

Exposure to trauma in the developing years changes the chemistry, structure, and functioning of the brain. At birth, the parts of the brain known as the “reptilian brain,” governing basic bodily functions, are well developed. However, the “mammalian” or “emotional” brain that regulates emotions, and the “neomammalian” or “thinking” brain that controls cognitive processing, decision-making, learning, language, memory and impulse control, develop during the first several years of life.<sup>3</sup> Trauma greatly impacts the development of these structures.

When children experience trauma, portions of the emotional brain including the amygdala, which activates a survival response (fight, flight, or freeze) in emergencies, expand. In a life threatening situation, a survival response is appropriate. However, when the emotional brain is strengthened it becomes constantly activated, and children are more easily triggered, even by events that pose no objective threat. For example, a child who is constantly running away in fear when threatened by an abusive caregiver may be triggered by a teacher who innocently threatens to take privileges away, and will inappropriately respond by running away. On the other hand, the hippocampus, responsible for learning and memory, shrinks. This means there is less brain capacity to focus on learning. The prefrontal cortex of the thinking brain, responsible for behavior, cognition, social and emotional regulation, also shrinks. The prefrontal cortex allows humans to stop and determine whether a survival



response is appropriate given the social context. The same child whose fear response is easily triggered, then, also has a diminished capacity to stop and consider whether that response is appropriate.

The chemistry of the brain is also impacted by trauma. Children with trauma experience reduced cortisol levels (responsible for energy levels and socialization) and decreased electrical activity and connections between brain cells.<sup>4</sup> Reduced brain connectivity and energy levels cause children to process incoming information, including social and academic cues, slowly. This slower processing, if not understood, can cause frustration for both the student who is trying to keep up in class, and the teacher who might perceive a slow response time as lack of motivation or even defiance.

### Consequences of Trauma

#### MENTAL HEALTH

The brain changes described above result in mental health challenges for many traumatized children. Changes to the amygdala and hippocampus are associated with depression, anxiety, and other mental health disorders, and research has linked trauma to increased rates of post-traumatic stress disorder (“PTSD”), anxiety, and depression.<sup>5</sup> In fact, as a result of the trauma they endure, foster youth experience PTSD at rates more than double

that of U.S. war veterans.<sup>6</sup> The effects of this trauma are also cumulative and so older foster youth present with higher rates of trauma and mental health symptoms.<sup>7</sup>

## LACK OF HEALTHY ATTACHMENT AND DEFICIENT SOCIAL SKILLS

A strong healthy attachment to a primary caregiver allows children to gain the emotional intelligence and self-confidence necessary for them to explore their world. When these attachments are interrupted or severed (e.g., through multiple foster home changes), the parts of the brain responsible for social regulation do not develop normally, and children may develop difficulty managing relationships appropriately.

This can develop to either extreme: (1) being unable to connect with or trust any adult; or (2) trusting adults who haven't earned it, potentially putting the child into unsafe situations (i.e., a lack of stranger danger). Lack of stable attachments lead to oversensitive emotional responsiveness, whereby children have strong reactions to the objectively neutral behavior of others. If a child is unable to build healthy attachments to adults, they will also struggle when attempting to connect with their peers.

Attachment trauma makes it more difficult to navigate social situations or adapt to changing social contexts, like those that might be experienced in school.<sup>8</sup> Children with attachment related trauma may often appear defiant to adults as they are always pushing boundaries and limits, or they can be withdrawn, without the skills to successfully connect with others.

## CLASSROOM BEHAVIOR

Persistent trauma (e.g., being exposed to domestic violence on a regular basis) causes persistent activation of fear responses in the amygdala and hyperarousal in the brain that remains even when trauma or danger is not present. Children may constantly view the world as a dangerous place, which impacts their ability to regulate their behavior and social responses.<sup>9</sup> In order to feel safe and in control, many trauma-exposed children develop behavioral coping mechanisms that can frustrate teachers and evoke reactions that both strengthen the child's expectations of confrontation and danger and reinforce a negative self-image.

For example, a child may have been conditioned through abusive relationships to fear asking questions. When that child faces an academic task that they do not understand, they may shut down and refuse to complete work. This refusal gives them a sense of control over what they perceive to be a scary situation. This will inevitably lead to a confrontation with the teacher, which can easily trigger a traumatized child's overactive and hard-wired fighting response. The child's hyperarousal and weakened prefrontal cortex make it difficult to calm down, and the child could then face exclusionary school discipline. While the child is being excluded from class, he or she is not receiving the extra academic support needed to be successful academically, and their perception of being unable to succeed in school is reinforced. Different children

use different coping mechanisms in response to fear-inducing events. School staff who are not equipped to look carefully may misunderstand the purposes of a child's coping behavior and, as a result, attempt to correct for those behaviors in ways that exacerbate the problem.

## LEARNING & MEMORY

Brain changes resulting from trauma can cause deficits in executive functioning, including in memory, impulse control, and cognition.<sup>10</sup>

First, children learn through a combination of implicit and explicit memory. Through implicit memory, formulated in the reptilian brain, children learn and remember unconscious skills and associate experiences with sensory input (e.g., sounds, smells), such as walking, speaking, or responding to the sound of a parent's voice. These unconscious skills and associations remain in children who have experienced trauma, and sometimes raises unconscious but painful emotional responses to stimuli in school (for example, to the sound of a loud bell or a stern tone of voice), that the child may not be able to explain. Explicit memory, thought to be formulated in the hippocampus, allows children to talk about past, present, or future events. Explicit memory is crucial for school, for example, to remember story time from yesterday or a history lesson learned this morning, but is often impaired in children who have experienced trauma.

Additionally, the ability to control impulses, also crucial for success in school, is undermined in children who have experienced trauma. The overactive emotional brain, with diminished reasoning capability, creates reactive impulses that cannot be controlled.

Finally, the prefrontal cortex and the connections between various parts of the brain are crucial for problem solving and other elements of cognition, which studies show are impaired in children with trauma.<sup>11</sup>

## SUCCESS IN SCHOOL

The deficits in mental health, social skills, behavior, learning and memory created by trauma unsurprisingly lead to poor outcomes for students in schools that do not specifically address the impact of trauma. In some cases, one impacted domain, such as social skills or mental health, may be preventing the child from making progress. In many cases, the global impact of complex trauma experienced by foster youth makes it difficult to tease out precisely which results or effects are creating obstacles to education achievement. Overall, studies have associated trauma with: (1) decreased reading ability; (2) lower grade-point average; (3) increased school absences; and (4) decreased rates of high school graduation.<sup>12</sup>

## RESILIENCE AND SELF-REGULATION

The good news is children are resilient. Resilience is the capacity to exhibit a positive, adaptive response in the face of significant adversity.<sup>13</sup> Interventions can help children rebuild trust and acquire developmental skills and the capability to learn.

Resilience is not something that you are either born with or not. It develops as children grow and learn better thinking and self-management skills. For example, children exposed to trauma often lack self-regulation skills because an adult never taught those skills to them. Self-regulation skills are learned as early as rocking or singing to an upset baby or teaching skills to teenagers such as taking deep breaths and checking in with their body's state of

arousal when they become upset. Self-regulation skills and resilience can be taught to children through supportive relationships with parents and caretakers, teachers and other important adults, and peers. Schools can play an important role in helping children who have experienced trauma develop the resilience that will help them develop, learn, and grow into healthy adults.

## What Can Schools Do?

### Look for Signs of Trauma<sup>14</sup>

YOUNG CHILDREN (0-5)	ELEMENTARY SCHOOL CHILDREN (6-12)	ADOLESCENT CHILDREN (13-18)
<ul style="list-style-type: none"> <li>Activity levels that are much higher or lower than peers</li> <li>Startling easily or being difficult to calm</li> <li>Repeating traumatic events over and over in dramatic play or conversation</li> <li>Clinginess, reluctance to explore the world</li> <li>Frequent tantrums</li> <li>Irritability, "fussiness"</li> </ul>	<ul style="list-style-type: none"> <li>Frequent headaches or stomachaches with no apparent cause</li> <li>Behaviors common to younger children (e.g., thumb sucking, bed wetting)</li> <li>Difficulty transitioning from one activity to the next</li> <li>Talking often about scary feelings, ideas</li> <li>Frequent tears or sadness</li> <li>Fighting with peers/adults</li> <li>Being quiet or withdrawn</li> <li>Wanting to be left alone</li> <li>Eating much more or less than peers</li> <li>Getting into trouble at home or school</li> <li>Difficulty paying attention</li> <li>Changes in school performance</li> </ul>	<ul style="list-style-type: none"> <li>Talking about trauma incidents constantly, or denying that it happened</li> <li>Refusal to follow rules, or talking back frequently</li> <li>Risky behaviors (e.g., using drugs or alcohol, running away from home, or getting into trouble with the law)</li> <li>Being tired all the time, sleeping much more (or less) than peers, nightmares</li> <li>Not wanting to spend time with friends</li> <li>Fighting</li> </ul>

### Implement Whole School Trauma Sensitivity

The Trauma and Learning Policy Institute, a collaboration of Massachusetts Advocates for Children and Harvard Law School, has developed a framework for creating trauma-sensitive practices at the school-wide level.<sup>15</sup> School districts and schools that invest in the following critical areas can begin to address the needs of *all* students who have experienced trauma, including foster youth.

#### LEADERSHIP INVESTMENT

Administrators at a school must support and promote trauma-sensitivity through strategic planning, assessing staff needs, revising policy, providing appropriate professional development opportunities, and investing time and resources into creating trauma-sensitive school cultures.

#### TRAUMA-SENSITIVE POLICIES, INCLUDING DISCIPLINARY PRACTICES

New policies developed by leadership should balance accountability with an understanding of trauma triggered behaviors. They should seek to minimize exclusion from social and academic environments and to actively teach students how to regulate their own behavior.

#### COLLABORATION WITH STAKEHOLDERS

Schools should not feel alone in meeting the needs of children who have experienced trauma. They should work to support and collaborate with the adults already present, such as social workers, probation officers, caregivers, ERHs, or mental health providers. Additionally, schools should reach out to community agencies for assistance in supporting the needs of students. Promising practices include building

a support team for each youth combining their network of caring adults with their school team. See [Youth and Community Engagement](#).

## ACCESS TO RESOURCES AND SERVICES

Schools should develop connections to services, including mental health services, available within the school district and from external community partners. For foster youth, this includes building a strong relationship with child welfare and probation agencies to identify available supports.

## PROFESSIONAL DEVELOPMENT

All staff, from teachers to custodians, must be trained to understand how trauma affects children, and equipped with tools for building trauma-informed relationships and implementing trauma-sensitive instructional strategies.

## TRAUMA-INFORMED NONACADEMIC STRATEGIES

School personnel should be familiar with ways that the school can support the non-academic needs of youth through, for example, mentoring relationships or extracurricular activities.

## TRAUMA-SENSITIVE INSTRUCTIONAL STRATEGIES

Perhaps the most crucial element, teachers must be trained to implement instructional strategies that are effective for children who have experienced trauma. While this requires teachers to modify current practices, the strategies that work for traumatized children are successful with all children. These strategies: (1) ensure that students are not punished for the symptoms of their trauma; and (2) actively build factors shown to improve resilience.<sup>16</sup>

**Create a Sense of Safety:** Students who have experienced complex trauma do not routinely feel safe. Providing a safe environment can help reduce a child's overstimulated fear responses and make way for learning. To create a safe environment, teachers can:

- build predictable structure with consistent routines;
- implement a school-wide positive behavior intervention program;
- create clear expectations during unstructured times (e.g., passing periods, lunch);
- provide transition opportunities (e.g., 5 minutes to read a book or a warm up question); and
- provide clear pathways to emotional support for students who elect to utilize it.

**Provide a Sense of Control:** Helping children build a sense of mastery over their own life is critical for developing appropriate responses to stressful situations.<sup>17</sup> Teachers can:

- give youth choices and not ultimatums;
- engage youth in a semi-private conversation, instead of in front of classmates;
- limit the number of adults involved to avoid confusion or mixed-messages;
- provide adequate personal space;
- not block escape routes (when individuals are agitated, they are more likely to experience fight or flight response);
- keep verbal interactions calm and use simple, direct language;

- build self esteem by providing opportunities for students to be successful such as inviting a student to participate in an activity they excel at, giving a student a question they will be asked the night before so they can prepare, or relating lessons to known areas of interest; and
- celebrate even the smallest successes, for example, by thanking a student for showing up on time, or writing a post-it note praising them for turning in their homework.

**Foster Connections:** Having at least one stable, caring relationship with an adult is crucial for developing resilience and a sense of self.<sup>18</sup> Intentional development of relationships with teachers, aides, or other staff is crucial for meeting the needs of foster youth. In addition, relationships with students can be built by:

- creating opportunities to develop meaningful relationships between peers including through classroom group work activities or encouraging club/sport participation;
- empathizing with a student who is struggling;
- allowing a student to share their experiences on their own timeline; and
- not isolating students who need to be removed from a situation. An adult should always be nearby to provide support when the student is ready to talk or to help them self-regulate.



**Teach Self-Regulation:** Strong self-regulation skills enable individuals to manage their own behavior and emotions.<sup>19</sup> Some common self-regulation techniques include:

- teacher modeling of self regulation with opportunities for students to practice;
- breathing;
- taking breaks;
- writing down feelings; and
- doing an internal check in to monitor signs of stress in the student's body.

**Use Culturally Responsive Strategies:** Children who are solidly grounded in cultural traditions show more effective responses to stress.<sup>20</sup> Teachers and schools should seek to understand and value cultural traditions, including faith-based traditions, that are important to youth.



## Additional Trauma Resources

### The National Child Traumatic Stress Network

Started by Congress in 2000, this network brings together the nation's top experts in childhood trauma and has an entire section of the website dedicated to resources for school personnel. **[Visit the network here.](#)**

### Aces Too High News

News site that contains the latest research about adverse childhood experiences, including abuse, neglect, and toxic stress. Reports on research based practices being implemented in schools, cities, and community agencies around the country. **[See the latest news here.](#)**

### The Trauma and Learning Policy Initiative

Initiative dedicated to ensuring that children traumatized by exposure to family violence and other adverse childhood experiences succeed in school. The publications *Helping Traumatized Children Learn Volume 1: A Report and Policy Agenda* and *Volume 2: Creating and Advocating for Trauma-Sensitive Schools* are available for download from the website. **[Find the publications here.](#)**

### The Heart of Learning: Compassion, Resiliency, and Academic Success

A handbook containing valuable information that will be helpful to teachers on a daily basis as they work with students whose learning has been adversely impacted by trauma in their lives. **[Find the handbook here.](#)**

### Calmer Classrooms: A Guide to Working with Traumatized Children

Assists kindergarten, primary, and secondary teachers and other school staff in understanding and working with children and youth who have experienced trauma.

**[Find the guide here.](#)**

### Center for Social and Emotional Foundations for Early Learning

Teaching tools for child care professionals and early childhood teachers. **[Visit the center here.](#)**

## Section Endnotes

- <sup>1</sup> Bessel A. van der Kolk, *Developmental Trauma Disorder*, 35:5 *Psychiatric Annals* 390, 406 (2005).
- <sup>2</sup> Jim Casey Youth Opportunities Initiative, Issue Brief #5, *Trauma Informed Practice with Young People in Foster Care 2-3* (2012), available at <http://www.aecf.org/resources/trauma-informed-practice-with-young-people-in-foster-care/>.
- <sup>3</sup> Cathy A. Malchiodi, *Creative Interventions with Traumatized Children 7-8* (The Guilford Press 2008); Child Welfare Information Gateway and Children's Bureau, Issue Brief: *Understanding The Effects of Maltreatment On Brain Development 2* (2015).
- <sup>4</sup> Id. at 6-7.
- <sup>5</sup> J. Douglas Bremner, *Traumatic Stress: Effects on the Brain*, 8 *Dialogues in Clinical Neuroscience*, No. 4, 2006, at 445.
- <sup>6</sup> Jim Casey Youth Opportunities Initiative, *supra* note 2, at 4.
- <sup>7</sup> Id.
- <sup>8</sup> Child Welfare Information Gateway and Children's Bureau, *supra* note 3, at 9.
- <sup>9</sup> Id. at 8-9.
- <sup>10</sup> Id.
- <sup>11</sup> Id.
- <sup>12</sup> Maura McInerney & Amy McClindon, Education Law Center, *Unlocking the Door to Learning: Trauma-Informed Classrooms & Transformational Schools* (2014), available at <http://www.elc-pa.org/resource/unlocking-the-door-to-learning-trauma-informed-classrooms-and-transformational-schools/>.
- <sup>13</sup> National Scientific Council on the Developing Child, *Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience*, (Harvard University Center on the Developing Child Working Paper No. 13, 2015), available at <http://developingchild.harvard.edu/resources/supportive-relationships-and-active-skill-building-strengthen-the-foundations-of-resilience/>.
- <sup>14</sup> Safe Start Center, *Tips for Staff and Advocates Working with Children: Polyvictimization*, Office of Juvenile Justice and Delinquency Prevention, available at [http://ojjdp.gov/programs/safestart/TipSheetFor\\_Polyvictimization.pdf](http://ojjdp.gov/programs/safestart/TipSheetFor_Polyvictimization.pdf).
- <sup>15</sup> Susan F. Cole, et al., *Trauma and Learning Policy Institute, Helping Traumatized Children Learn: Supportive School Environments for Children Traumatized by Family Violence* (2013).
- <sup>16</sup> National Scientific Council on the Developing Child, *supra* note 13.
- <sup>17</sup> Id. at 5.
- <sup>18</sup> Id.
- <sup>19</sup> Id.
- <sup>20</sup> Id.

# Special Education and Foster Youth

Foster youth qualify for special education services at least twice as often as other student populations.<sup>1</sup> They change schools more frequently, are placed in more restrictive education settings, and have poorer quality Individualized Education Programs (“IEP”) than their non-foster care peers.<sup>2</sup> Because foster youth may not have stable advocates at home, schools must be sensitive to their distinct needs in order to provide them with a free and appropriate public education (“FAPE”).

## CHILD FIND/ASSESSMENTS

Schools have an independent duty to identify students who may be eligible for special education services. Because foster youth experience instability at home, caregivers or ERHs may miss signs that a youth is struggling with a disability. Best practice is to train teachers, counselors, and other personnel to look for warning signs that a foster youth has a suspected disability and could benefit from special education services. Warning signs include: (1) poor grades; (2) withdrawal or depression; (3) acting out or disciplinary problems; (4) poor attendance; (5) inattention or failure to complete work; or (6) social skills deficits or failure to make friends. In addition, adults in a foster youth’s life can make a referral for special education services (e.g., caregivers, ERHs, social workers, mental health providers). After an assessment is requested, school districts must either provide an assessment plan or a written refusal to assess within 15 calendar days. *Cal. Educ. Code §§ 56300-56330.*

## CONSENT AND PARTICIPATION

For all foster youth with disabilities (or those suspected of having a disability), it is crucial to identify an appropriate ERH. ERHs must: (1) consent to assessments, (2) attend/meaningfully participate in all IEP meetings, and (3) consent to the IEP document.

**Determining ERHs:** If you do not know who holds education rights or are unable to reach the ERH after multiple attempts, call the youth’s social worker/probation officer. Under limited circumstances, a school may appoint a “surrogate parent” to participate/consent. See **Education Decision Makers for Foster Youth.**

**IEP Meeting Participants:** Foster youth have other people serving them who may contribute to an IEP meeting including a non-ERH caregiver, social worker, or outside mental health professional.

*Cal. Educ. Code §§ 56021.1, 56043, 56055, 56341, 56342.5.*

## IEPS AND SCHOOL TRANSFERS

Foster youth instability contributes to a high number of school transfers.

**Upon Enrollment:** Screen foster youth for prior special education services. If anyone in the youth’s life (including the youth) reports that there is an IEP, immediately locate the most recent special education records and provide comparable services to those received in the prior IEP. Schedule an IEP meeting within 30 days to discuss the youth’s education program and make any needed modifications. See **Requesting Education Records.**

**Upon Disenrollment:** When a youth leaves the school, collect feedback from teachers and other service providers about current progress towards IEP goals. Within two days of disenrollment, forward all special education records, including all IEPs and assessments, to the new school. See **Disenrolling Foster Youth and Forwarding Education Records.**

## IEPS AND SCHOOL DISCIPLINE

Foster youth have high rates of mental health and behavioral disabilities caused by the abuse and neglect they suffer. See **Trauma Related Needs of Foster Youth.** This often leads to both special education eligibility and disciplinary measures being taken against them. If a youth with an IEP is suspended for ten days in a school year or a pattern of suspensions that exceeds ten days, the youth is entitled to a “manifestation determination” IEP meeting to determine whether the behavior leading to the suspension was related to the student’s disability or the school’s failure to implement the IEP. If the behavior was substantially related to the youth’s disability, or caused by the school’s failure to implement the IEP, the student cannot be further disciplined. Best practice includes determining whether further assessments and/or a modification in the youth’s services are necessary to address the unmet need. A representative from the local child protective services agency must be invited to the manifestation determination meeting. *Cal. Educ. Code § 48915.5.* See **Disciplinary Challenges of Foster Youth.**

<sup>2</sup> The Invisible Achievement Gap, Part 1

<sup>3</sup> Sarah Geenen & Laurie Powers, Fostering Futures Project, *Are We Ignoring Foster Youth with Disabilities?* 51 Social Work, No. 3, 2006.

# Disciplinary Challenges of Foster Youth

While schools often need to take formal disciplinary action to protect the safety of everyone on campus, foster youth are subject to disproportionate levels of school discipline due to unmet mental health needs caused by the trauma and abuse they experience. See **Trauma Related Needs of Foster Youth**. Law and best practice require schools to attempt to modify behavior through other interventions before more formal disciplinary actions or involuntary school transfers are made.

## Indicators of Need

**Poor Grades and/or Standardized Test Scores:** Foster youth change placements regularly and often lack a consistent adult identifying their education deficits, including undiagnosed disabilities.<sup>1</sup> Youth may act out in frustration or to hide their academic deficits.

**Defiance of Authority and Extreme Emotional Reactions:** Foster youth are twice as likely as war veterans to suffer from post-traumatic stress disorder or other mental health conditions that cause anxiety, irrationality, irritability, and aggression.<sup>2</sup>

**Inappropriate Peer Interactions:** Foster youth often struggle to establish appropriate social boundaries and may be negatively influenced by peers due to abuse/neglect and a lack of long-term healthy relationships.

## Best Practices for Addressing Disciplinary Challenges

### STEP 1

**Enroll in Comprehensive School:** Foster youth with disciplinary challenges, including those with prior or current delinquency involvement, have a right to attend their local comprehensive school. *Cal. Educ. Code §§ 48645.5, 48853.5(d)(4)(B)*. See **Enrolling Foster Youth**. Among other advantages, these schools provide crucial opportunities to enhance positive student engagement (e.g., sports, clubs, tutoring). This is particularly important for foster youth who lack outside opportunities to participate in these activities. Placement in alternative school settings often leads to reduced participation in school, access to supports needed to improve problem behaviors, and likelihood of successful high school graduation. If suggesting a voluntary change to an alternative school, see **Voluntary Transfer of Students out of Comprehensive Schools**.

### STEP 2

**Identify Needs and Gather Information Early:** Disciplinary challenges may be obvious at enrollment or may reveal themselves later. Early and consistent communication with the youth and the adults in their life (e.g., ERH, caregiver, social worker, youth's legal representative) will ensure a quick response when reaching out for assistance. Gathering necessary education records will help identify the youth's triggers and both successful and unsuccessful interventions attempted in the past. See **Requesting Education Records**.

### STEP 3

**Meet and Create an Intervention Plan:** When youth first begin to demonstrate disciplinary challenges, quickly bring together a team of all key individuals (e.g., youth, ERH, caregiver, social worker/probation officer, legal representative for the youth, mental health providers, relevant school personnel). Encourage the youth to share their struggles and solutions or supports they feel would help them. Other participants should discuss their experiences working with the youth with a focus on meeting the youth's needs moving forward. For example, identifying triggers for poor behavior and prior successful interventions is more productive than lecturing the youth about each of their past suspensions. Identify available school and outside resources and interventions and determine who will be responsible for implementing them. See **Discipline Intervention Idea Bank**. If participants are unable to attend in person or by phone, encourage them to submit input in writing. Complete the **Discipline Intervention Plan**.

### STEP 4

**Track Intervention Effectiveness and Regularly Check In:** Use the **Discipline Intervention Plan** to track the provision and success of interventions. If services become unavailable, or prove ineffective in meeting the needs of the youth, reconvene the team to discuss new interventions and update the **Discipline Intervention Plan** as necessary. Document ineffective interventions to demonstrate when more intensive services or alternative disciplinary actions are warranted. *Cal. Educ. Code § 48900.5*.

<sup>1</sup> In one study, 65% of foster children experience seven or more school changes (K-12). Peter J. Pecora et al., *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study*, Casey Family Programs 35 (2005), available at <http://www.casey.org/northwest-alumni-study/>.

<sup>2</sup> Id.; Melinda Smith & Jeanne Segal, *Post Traumatic Stress Disorder: Symptoms, Treatment and Self-Help for PTSD* (helpGuide.org 2014), available at [http://www.helpguide.org/mental/post\\_traumatic\\_stress\\_disorder\\_symptoms\\_treatment.htm](http://www.helpguide.org/mental/post_traumatic_stress_disorder_symptoms_treatment.htm) (last visited Oct. 9, 2014).

## STEP 5

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**Special Education (If Needed):** If interventions fail to bring about positive change, consider whether special education assessment, placement, and/or services may be appropriate. See **Special Education and Foster Youth**.

## STEP 6

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**Hold Meeting to Consider Potential Voluntary Change to Alternative School Program (If Needed):** In rare instances, a youth may be better served at an alternative school site (e.g., continuation school, independent study program, community day school). Continuation school transfers may only be used to promote the educational interests of the youth (e.g., cannot be used to address truancy or required as a form of discipline). If suggesting a voluntary change to an alternative school, inform the ERH of their right to a meeting to weigh their options. The transfer may only occur with the informed, written permission of the ERH. See **Voluntary Transfer of Students out of Comprehensive Schools**.

## STEP 7

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**Formal Discipline and Involuntary Transfers (If Needed):** Foster youth are disproportionately impacted by all forms of school discipline and are disproportionately represented in alternative school settings. If a youth has not responded to positive interventions or other alternatives, and has committed an act that is subject to formal discipline under the law, there are some key ideas to keep in mind when applying formal disciplinary procedures to them:

**ERH:** Most formal disciplinary actions require notification of an ERH. Unless you have received formal notification from the court about who the ERH is, do not assume that it is the caregiver. If notification is provided to the wrong person, discipline proceedings may be improper and overturned. See **Education Decision Makers for Foster Youth**.

**Notification of Legal Representative for the Youth and Social Worker/Probation Officer:** If a foster youth is being considered for expulsion or suspension for the remainder of the semester, inform the legal representative for the youth and social worker/probation officer.

**Involuntarily Enrolling Any Youth in an Alternative School Setting:** Foster/probation youth can only be forced to attend a continuation school, adult school, or independent study program in the following circumstances:

- 1. Continuation Schools:** All three conditions must be met: (1) they have committed an act enumerated in California Education Code Section 48900 or have been habitually truant or irregular in attendance; (2) other means have failed to bring about student improvement; and (3) a formal hearing has occurred. The final decision to impose the involuntary assignment cannot be made by or involve any staff from the current school.
- 2. Community Day Schools:** Any of the three conditions must be met: the youth has been (1) formally expelled and provided with all due process rights; or (2) referred by probation pursuant to Sections 300 and 602 of the California Welfare and Institutions Code; or (3) referred by a school attendance review board.
- 3. Independent Study Programs:** Prior to starting an independent study program, the youth's ERH must sign an agreement that describes the school and/or district's independent study policies, outlines the duration and scope of the proposed independent study program, including its learning objectives, and explicitly states that independent study is strictly voluntary.

*Cal. Educ. Code §§ 48432.5, 48662, 48853.5(g), 48900, 51747, 51749.5, 51749.6.*



Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

## If Student Exhibits:

Defiance and Extreme Emotional Reactions

**Example:** Talks back to teachers, has angry outbursts.

## Try This Intervention:

Behavior Support Plan. Approach youth in a calm manner, present options when possible.

Allow for a "cooling off" period when a student becomes upset. Allow them to do a lap around the building with a teacher.

Teach specific coping methods for dealing with anger (deep breathing, counting to 10, walking away).

School-based counseling. Give the youth a weekly, daily, or "as-needed" opportunity to speak with a trusted adult on campus.

Develop a signal with the student to alert teachers and administrators when they are having a bad day.

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## If Student Exhibits:

Inappropriate Peer Interactions

**Example:** Regularly participates in off-task behavior with a group of peers.

## Try This Intervention:

Group-based counseling. Support youth to develop positive social relationships and social skills.

Participation in group extracurricular activities. This will give the youth an opportunity to interact with peers in the pursuit of a positive goal.

Teach social scripts. Have a counselor meet with the youth to role play different scenarios with peers and to plan pro-social ways to respond to them.

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## If Student Exhibits:

Poor Grades and/or Standardized Test Scores

**Example:** Not passing a class, or scoring "below basic" on the state standardized test.

## Try This Intervention:

School-based tutoring

Assistance with organization skills from a peer or counselor

Remedial classes

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## Additional Notes:

Consider a special education assessment to determine if additional services and supports are appropriate. Consult a school psychologist or see [Special Education and Foster Youth](#) for more information.



Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

## EXAMPLE

Behavior to be Addressed,  
Including Frequency

Physical and verbal conflict with peers during passing periods 3-4 times per week including shoving, name calling, using profanity

Interventions

School counselor will meet with student to: (1) discuss appropriate behavior in the halls; (2) practice social scripts of appropriate peer interactions

Start Date/Frequency of Service

9/15/14, 2 times per week for 30 min. each session for 3 months

Name/Position of Responsible Person

Mrs. Sanchez, School Psychologist

Outcome

Counselor met with student 22 times over 12 weeks. Student was responsive to intervention. Student reduced number of peer conflicts during passing periods to 1 per week. It is recommended that this service continue until youth has no conflicts with peers over a 1 month period.

## BEHAVIOR 1

Behavior to be Addressed,  
Including Frequency

Interventions

Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome

## BEHAVIOR 2

Behavior to be Addressed,  
Including Frequency

Interventions

Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome

## BEHAVIOR 3

Behavior to be Addressed,  
Including Frequency

Interventions


Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome

# Early Education Needs of Foster Youth



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## Effects of Child Abuse and Neglect on Young Children

In California, children between the ages of 0-5 made up 46% of substantiated cases of abuse and neglect in 2013. The most rapid development of children's brains occurs during these years.<sup>1</sup>

Adverse experiences, such as child abuse and neglect, can interfere with normal brain development. See **Trauma Related Needs of Foster Youth**. Over half of 1-5 year olds in foster care are identified as having developmental concerns.<sup>2</sup> If left untreated, these developmental delays can become learning disabilities, disruptive behaviors, attention deficits, depression/anxiety disorders, and attachment disorders.<sup>3</sup> Early intervention and education can remediate developmental delays and help prepare children to enter kindergarten ready to learn.

## The Benefits of Investing LCFF Efforts on Preschool Aged Foster Children

Although LCFF applies to K-12 youth, an investment of district LCFF dollars in early education programming and services for foster youth ages 3-5 will ensure that children entering kindergarten will have the pre-academic and social/emotional/behavioral skills to be successful.

Of the eight state priorities that school districts must address in their LCAP, four are particularly relevant for preschool aged children.

### STUDENT ACHIEVEMENT

Students who attend a quality preschool program are 40% less likely to repeat a grade or require special education services.<sup>4</sup> In addition, children who attend preschool score, on average, higher on cognitive measures.<sup>5</sup> In addition, research has shown high quality preschools can significantly narrow or even close the achievement gap between English language learners and their English speaking peers by the start of kindergarten.<sup>6</sup>

### STUDENT ENGAGEMENT

Children who participate in early education are more socially and emotionally prepared when entering kindergarten.<sup>7</sup> They demonstrate increased motivation and interest in their education and are less likely to fall behind by the time they reach 3rd grade.<sup>8</sup> Early education also increases student attendance rates and decreases chronic absenteeism and dropout rates.<sup>9</sup> High school graduation rates for students who participated in a quality preschool program are over 10% higher compared to students who began their education in kindergarten.<sup>10</sup>

### PARENTAL INVOLVEMENT

The earlier parents are involved in their child's education, the likelier they are to stay involved in the long run.<sup>11</sup> Further, studies demonstrate that parental involvement and positive student achievement reinforce each other. For example, early involvement by a parent or caregiver has been found to positively influence achievement of kindergarten students, which in turn increases motivation rates of first grade students.<sup>12</sup> Parents of highly motivated and high achieving children are more likely to continue their involvement in their child's education.

### SCHOOL CLIMATE

**Start Early:** Students in positive school climates feel safe at school, connected to peers, and supported by teachers and staff. This is especially important for foster children who have experienced trauma and who may not have a nurturing support system outside of school. See **Trauma Related Needs of Foster Youth**. Creating this climate early in the preschool setting will ensure children feel highly connected to their schools as they enter elementary school.<sup>13</sup>

**School Discipline and Preschool:** Preschool children experience formal and informal school discipline at higher rates than their K-12 counterparts.<sup>14</sup> When a preschool-aged child is suspended or expelled, they are excluded from receiving the behavioral and social-emotional supports necessary to help them prepare for kindergarten. In addition, pushing a young child out of their preschool can cause disabilities to go unaddressed at a critical time for early interventions. Further, research has shown a decades-long trend of disproportionately suspending and expelling young boys of color.<sup>15</sup>

Young students who are suspended or expelled experience higher levels of grade retention, have negative attitudes toward school, higher rates of dropping out, and even face higher rates of incarceration.<sup>16</sup> Schools can improve their school climate by developing policies that eliminate or severely limit exclusionary disciplinary practices for young students. They can also invest in teacher training and support around social-emotional development, positive behavior interventions, and access to early childhood mental health and behavioral specialists.





**GOAL: Ensure incoming kindergarten students in foster care (including students with disabilities) have access to high quality and developmentally appropriate pre-school programs.**

**Related State and/or Local Priorities:** Student Achievement, Student Engagement, Parental Involvement, School Climate

**Identified Need:** Foster children experience high rates of disruption and trauma in their early lives which prevents them from developing the foundational pre-academic and social-emotional skills necessary to be successful in kindergarten and beyond. Ensuring foster children have access to high quality early education programs helps them be better prepared academically and socially for kindergarten.

## LCAP YEAR 1: EXPECTED ANNUAL MEASURABLE OUTCOME

District will have policies and systems in place to identify preschool aged foster children living within their district boundaries and increase their enrollment in early education setting settings by 25%.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
<p>Establish policy and data infrastructure necessary to identify and increase enrollment of foster children in early education programs:</p> <ul style="list-style-type: none"> <li>(a) collaborate with and enter into MOUs with county child welfare agency to share information to identify preschool aged foster children living within district boundaries;</li> <li>(b) collaborate with and enter into MOUs with geographically close early education programs not run by the district, to ensure foster children are provided with priority enrollment, as required by state law, into their available spots and develop a plan to increase the number of spots available for foster children;</li> <li>(c) develop policies to ensure priority enrollment of foster children in district run early education programs, as required by state law;</li> <li>(d) develop a data system to track the type of education programs foster children enroll in and at what frequency; and</li> <li>(e) develop policies/practices to ensure foster children attending early education programs receive the academic and socio-emotional supports necessary to be successful.</li> </ul>	<p>District-level liaison and oversight staff</p>
<p>Increase identification and enrollment of foster children in early education programs by ensuring they have access to necessary education and counseling services. Ensure that at least 25% of foster children have access to necessary education and counseling services, including:</p> <ul style="list-style-type: none"> <li>(a) pre-academic support services including tutoring, academic enrichment programs, and summer/intersession programs; and</li> <li>(b) socio-emotional and behavioral support services including trauma-informed mental health services.</li> </ul>	<p>District-level liaison and oversight staff; sufficient counselors to serve at least 25% of foster youth at ratio no higher than 1:25</p>

## LCAP YEAR 2: EXPECTED ANNUAL MEASURABLE OUTCOME

50% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
<p>Increase identification and enrollment of foster children in early education programs by:</p> <ul style="list-style-type: none"> <li>(a) filling all available early education slots; and</li> <li>(b) ensure at least 50% of foster children have access to necessary education and counseling services as described in Year 1.</li> </ul>	<p>District-level liaison and oversight staff; sufficient counselors to serve at least 50% of foster youth at ratio no higher than 1:25</p>
<p>Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.</p>	<p>District-level liaison and oversight staff</p>

## LCAP YEAR 3: EXPECTED ANNUAL MEASURABLE OUTCOME

75% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
<p>Increase identification and enrollment of foster children in early education programs by:</p> <ul style="list-style-type: none"> <li>(a) filling all available early education slots;</li> <li>(b) identify funding and other advocacy methods to increase the number of early education spots by 25% for foster children in district run programs; and</li> <li>(c) ensure at least 75% of foster children have access to necessary education and counseling services as described in Year 1.</li> </ul>	<p>District-level liaison and oversight staff; sufficient counselors to serve at least 75% of foster youth at ratio no higher than 1:25</p>
<p>Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.</p>	<p>District-level liaison and oversight staff</p>

## Early Intervention Services

Part C of the Individuals with Disabilities Education Improvement Act (“IDEIA”) and California Early Intervention Services Act govern early intervention services for infants and toddlers zero through three years old. Under the Child Abuse Prevention and Treatment Act (“CAPTA”), infants and toddlers with substantiated cases of abuse and neglect must be screened for Part C services. In California, regional centers provide early intervention services under the supervision of the Department of Developmental Services. These services include infant development, center based services, speech and language services, physical or occupational therapy, and other services designed to help children meet their developmental milestones. Milestones are skills that children typically develop by a certain age (e.g., sitting up by six months, talking by age two).

*20 U.S.C. §1433 et seq.; 42 U.S.C. § 5106(a); Cal. Gov’t Code § 95000 et seq*

## Best Practices for Ensuring a Smooth Transition

### STEP 1

**Coordinate with local regional centers:** The regional center must notify the school district of potentially eligible preschool-aged children. Identify the regional center staff who make referrals, connect them to school district staff who will process these referrals, and ensure they maintain regular communication. This is especially important for children whose third birthday falls during a scheduled school break (e.g., summer).

### STEP 2

**Gather all early intervention records:** Records must be reviewed to identify all areas of suspected disability and determine which assessments are necessary. Assessors should also review relevant records as part of the assessment process. Relevant records will include: (1) evaluations/assessments that review the child’s developmental needs; (2) IFSPs that outline services provided to the child; and (3) interdisciplinary notes that show what actions the service coordinator has taken on the child’s case. Requested records must be received within five business days of a request.

### STEP 3

**Schedule and attend the transition IFSP:** A school district representative must attend each transition IFSP to discuss the special education process with the education rights holder. During the meeting, gather input from the regional center and education rights holder regarding the child’s development.

## Overview of the Transition

Before age three, children who are receiving early intervention services through the regional center and who may be eligible for special education services must be transitioned to their school district. See [Special Education and Foster Youth](#). Regional centers and school districts must coordinate and hold a transition Individualized Family Service Plan (“IFSP”) meeting at least three to six months before the child’s third birthday to ensure there is no gap between early intervention services that end on the day before the child’s third birthday and special education services that start on the third birthday.

*Cal. Educ. Code § 56426.9; 17. C.C.R. § 52112.*

### STEP 4

**Develop assessment plan and conduct assessments:** An assessment plan may be developed at the transition IFSP meeting. If not developed at that time, send an assessment plan to the education rights holder with enough time to ensure assessors conduct their assessments and hold an Individualized Education Program (“IEP”) by the child’s third birthday.

### STEP 5

**Develop the IEP:** An IEP must be developed at a meeting with the entire IEP team by the child’s third birthday, even if the birthday falls during a scheduled school break. Plan ahead to ensure the IEP is created on time by ensuring staff are available to complete assessments and hold the meeting prior to the school break.

### STEP 6

**Implement the IEP:** If the child is eligible, all placements, services, and supports under the IEP must begin on the child’s third birthday, unless the birthday falls during a scheduled school break. In that case, the IEP must be implemented on the first day of school following the break.

## The Importance of Preschool

All children benefit from attending a high-quality early care and education program to develop skills that contribute to school success, regardless of whether they have a developmental delay. Both federal and state subsidized early care and education programs are available to foster children.

## Federal Early Head Start and Head Start Programs

Head Start programs are free programs that provide comprehensive early education and development classes. Early Head Start programs serve children ages 0-3. Head Start programs provide part-day or full-day programs for children ages 3-5. To find an Early/Head Start program near you, call 1-877-773-5543 or visit the [Head Start Directory](#).

**Enrolling:** Children in foster care are eligible for Head Start regardless of their caregiver's income and get priority enrollment points. Make sure to identify the child as in foster care and ensure they are given priority enrollment.

*Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).*

## State Child Care Programs

The California Department of Education ("CDE") offers subsidized child care to families using two different methods: vouchers and slots.

**Vouchers:** The Alternative Payment Program provides families with vouchers that can be used at a variety of settings including licensed child care centers, licensed family child care homes, and with license-exempt child care providers.

**Slots:** Families may also obtain a child care slot directly in a child care program administered by the CDE, including Child Care and Development Centers, General Child Care Programs, and State Preschool Programs.

**Enrolling:** Children in foster care are always eligible for child care programs administered by the CDE, regardless of their caregiver's income, and get first priority for enrollment. Make sure to identify the child as a foster child during enrollment and ensure they are given the first available opening.

For information about state child care programs contact 1-800-KIDS-793 or visit California Child Care Resource and Referral Network. To find out who provides these programs in your area visit the [Resource and Referral County Listing](#).

*Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).*

## State Preschool Programs

State Preschool Programs are free part-day and full-day child development programs for low-income children ages 3-4. The program is administered through local educational agencies, colleges, community-action agencies, and private nonprofit agencies. To find out who provides these programs in your area visit the [Resource and Referral County Listing](#).

**Enrolling:** Children in foster care are automatically eligible for state preschool programs regardless of their caregiver's income and get first priority for enrollment. Make sure to identify the child as in foster care and ensure they are given the first available opening.

*Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a)*

## Transitional Kindergarten ("T-K")

Transitional kindergarten programs are run by local educational agencies and are available for all children, including children in foster care. T-K is a two year program. The first year provides students with extra time to develop foundational skills needed for success in school within an age- and developmentally-appropriate setting. It is designed for students who turn 5 years old between September 2 and December 2. Districts and charter schools also have the option of allowing a child who will turn 5 at any time during the school year to attend transitional kindergarten from the beginning of the school year, even if their birthday is after December 2.

*Cal. Educ. Code § 48000(c)(3)(B).*

# Mental Health Needs of Infants and Toddlers in Foster Care

Young children in the foster care system are repeatedly traumatized. They suffer abuse and neglect that brings them into contact with the system, are removed from their biological homes, and sometimes change placements several times. See **Trauma Related Needs of Foster Youth**. These traumas have a lasting impact on their lives. Mental health services improve outcomes and minimize the impact of trauma. Primary caregivers teach young children to regulate their emotions and cope with stress. Healthy attachment is often disrupted for foster children. Mental health therapies teach children coping skills and help them attach to a caregiver, allowing them to form close and secure interpersonal relationships throughout their lives. Attachment provides a sense of security that allows the child to be in the optimal state for exploration and learning.

## Signs that Zero to Five Year Olds Need Mental Health Services

### INFANTS AND TODDLERS

- Physical symptoms (e.g., poor weight gain, slow growth)
- Delayed development (e.g., speech delay)
- Inconsolable crying
- Sleep problems
- Aggressive or impulsive behavior
- Paralyzing fears

### PRESCHOOLERS

- Withdrawn and/or isolated from peers
- Aggressive behaviors
- Self-destructive behaviors
- Developmental delays

## Best Practices for Early Education/Preschool Suspensions and Expulsions

Aggressive or inappropriate classroom behaviors are often a sign that the child needs behavioral or mental health services. Pushing children to another program or expelling them will delay their ability to access necessary interventions. Instead, work with a child's social worker to explore community and school-based mental health services, including considering a referral for special education services.

## Evidence-Based Programs for Zero to Five Year Olds<sup>17</sup>

The list below is not exhaustive. Local county offices of mental health or social services will likely have a list of available services for children zero to five years old in your geographic area. Contact your child's social worker to request a referral for these services.

### CHILD PARENT PSYCHOTHERAPY ("CPP")

Treatment where parent and child (0-5) work to restore the relationship that has been damaged by trauma.

### TRAUMA FOCUSED COGNITIVE BEHAVIORAL THERAPY

Addresses symptoms of depression, anxiety or other significant emotional/behavioral disturbance caused by a traumatic event (3+).

### POSITIVE PARENTING PROGRAM ("TRIPLE P")

Parent/caregiver sessions to increase knowledge and skills in addressing social, emotional, behavioral and developmental problems of children (0-5).

### PARENT CHILD INTERACTION THERAPY ("PCIT")

Therapist observes through a one-way mirror and coaches parent (using a "bug in the ear") during play with child in order to change negative parent/caregiver-child patterns (2-8).

## Intensive Treatment Programs

### WRAPAROUND

A specially trained team provides interventions that are family-driven and family-strengths focused. The goal is to wrap supportive services around the child and family in order to return and maintain the child with their family in the community.

### FULL SERVICE PARTNERSHIP ("FSP")

Program designed to address the needs of a family whose child is experiencing significant emotional, psychological or behavioral problems which negatively impact their well-being. A team approach provides a comprehensive package of tools and solutions that allow children and their families to succeed on their own.



## Section Endnotes





- <sup>1</sup> Barbara Needell et al., California Child Welfare Indicators Project (2014), available at [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare) (last visited Aug. 23, 2016).
- <sup>2</sup> Cecilia Casanueva et al., Administration for Children & Families, U.S. Dep't of Health & Human Services, NSCAW II Wave 2 Report: Children's Services, OPRE Report #2012-59 (2012).
- <sup>3</sup> Cal. Child Welf. Council, Cal. Dep't of Health & Human Services, Building a System of Support for Young Children in Foster Care (2013), available at <http://www.chhs.ca.gov/Child%20Welfare/Young%20Children%20in%20Foster%20Care%20Full%20Report%20-%20Revised%20Nov%202013.pdf>.
- <sup>4</sup> William Christeson et al., Fight Crime: Invest in Kids in California, Early Education Cuts Crime and Saves Money (2014), available at <http://www.fightcrime.org/wp-content/uploads/FCIK-CA-Early-Ed-Cuts-Crime-and-Saves-Money.pdf>.
- <sup>5</sup> W. Steven Barnett, Boulder & Tempe: Education & the Public Interest Center & Education Policy Research Unit, Preschool Education and its Lasting Effects: Research and Policy Implications (2008), available at <http://nieer.org/resources/research/PreschoolLastingEffects.pdf>.
- <sup>6</sup> LAUP & Applied Survey Research, the Successful Kids in Pre-K Project (SKIPP) Phase II: An Assessment of Los Angeles Universal Preschool Students' Progression Toward School Readiness (2008-09), available at <http://laup.net/images/stories/skipp%20final%20report.pdf>.
- <sup>7</sup> W. Steven Barnett, *supra* note 5, at 16.
- <sup>8</sup> Momoko Hayakawa et al., *Early Parent Involvement and Student Achievement: A Longitudinal Path Analysis*, 16(1) NHSA Dialog 103-126 (2013).
- <sup>9</sup> Arthur J. Reynolds et al., *School-Based Early Childhood Education and Age-28 Well-Being: Effects by Timing, Dosage, & Subgroups*, 333 Science 360-364 (2011).
- <sup>10</sup> Id.
- <sup>11</sup> Id.
- <sup>12</sup> Id.
- <sup>13</sup> Children Now, School Climate & Discipline (2016), available at <https://www.childrennow.org/files/CN/2016-RC/2016ReportCard-SchoolClimate.pdf>.
- <sup>14</sup> U.S. Dep't of Health & Human Services; U.S. Dep't of Educ., Policy Statement on Expulsion & Suspension Policies in Early Childhood Settings (2015), available at [https://www.acf.hhs.gov/sites/default/files/eecd/expulsion\\_suspension\\_nal.pdf](https://www.acf.hhs.gov/sites/default/files/eecd/expulsion_suspension_nal.pdf).
- <sup>15</sup> Id.
- <sup>16</sup> National Scientific Council on the Developing Child, *Young Children Develop in an Environment of Relationships* (Harvard University Center on the Developing Child Working Paper No. 1, 2004), available at [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).
- <sup>17</sup> Working list of the Los Angeles Dep't of Mental Health, Birth to Five Collaborative, Serv. Area 7 (December 2012) (on file with the Alliance for Children's Rights).

# High School Needs of Foster Youth






## Partial Credit Model Policy

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# Partial Credit Model Policy

Foster youth who transfer schools mid-semester have a right to receive full or partial credits, based on seat-time, for all work satisfactorily completed before transferring schools. Upon receiving notification that a foster youth is transferring schools, a sending school must issue check out grades and full or partial credits on an official transcript. The receiving school must accept all check out grades and credits, apply them to the same or equivalent courses, and immediately enroll foster youth in the same or equivalent classes as they were enrolled in at the sending school. In order to comply with the law, school districts must issue partial credits pursuant to their own calculation method or use the Partial Credit Model Policy. *Cal. Educ. Code §§ 49069.5, 51225.2.*

## Calculation Table for Districts with Semesters of Equal Length



# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS EARNED	
	5 CREDITS/GRADING PERIOD	1 CREDIT/GRADING PERIOD
7-13	.5 Credits	0.1 Credits
14-20	1.0 Credit	0.2 Credits
21-27	1.5 Credits	0.3 Credits
28-34	2.0 Credits	0.4 Credits
35-41	2.5 Credits	0.5 Credits
42-48	3.0 Credits	0.6 Credits
49-55	3.5 Credits	0.7 Credits
56-62	4.0 Credits	0.8 Credits
63-69	4.5 Credits	0.9 Credits
70+	5.0 Credits	1.0 Credit

## Calculation Table for Districts with Semesters of Unequal Length



The above Calculation Table was designed for districts who have semesters of equal length. If your district coordinates its semester break with the winter vacation, it is very likely that your semesters are different length (e.g., Semester 1 is 75 days and Semester 2 is 105 days). Please use the [Calculation Table for Districts with Semesters of Unequal Length](#) which will automatically calculate partial credits based on the length of your semesters. Please input the number of days in each semester, the tool will do the rest. [Download this tool](#)

### Partial Credit Calculation Guidelines

#### LENGTH OF CLASS PERIOD

Class periods lasting 89 minutes or less count as 1 class period for purposes of calculating partial credits. Class periods lasting 90 minutes or more count as 2 class periods.

#### CREDITS PER GRADING PERIOD

The calculation formula provides for the awarding of either 1 or 5 credits per course for each grading period because most school districts statewide utilize these credit scales. The Calculation Tables can be used when youth transfer between school districts using different scales. The receiving school should convert the number of credits earned to match their own system and update the youth's official transcript accordingly.

#### ALTERNATIVE SCHOOLS

If a foster youth is enrolled in an alternative school setting (e.g., continuation school, independent study program, or adult school), that school must issue credits according to this partial credit model policy or its approved credit plan adopted pursuant to California Education Code Section 51225.3(b), if such plan provides for the awarding of partial credits.





## Sending School Procedures

### STEP 1

Gather a list of all classes the youth is currently enrolled in and the corresponding graduation requirements. Inform each teacher of youth's impending transfer and anticipated last day of attendance.

### STEP 2

Ensure teachers issue final grades based on all work completed as of the youth's last day of actual attendance.

**A foster youth's grades may not be lowered because of absences caused by placement changes. If a youth was not properly disenrolled on their last day of actual attendance, the registrar/counselor should ensure that teachers do not penalize them for these additional absences.**

### STEP 3

Gather the youth's daily attendance record for each class and total the number of periods attended per class.

### STEP 4

For each class in which the youth was receiving a passing grade, use the Calculation/Conversion Table to determine how many credits were earned based on the number of class periods attended and the length of each class period.

**If a class period is longer than 90 minutes, each period attended equals two periods for purposes of calculating partial credits.**

### STEP 5

Complete the **Student Withdrawal Report**, including the partial credit log, and add all grades and credits earned to the youth's official transcript within two business days of transfer.

### STEP 6

Complete and forward the **Student Withdrawal Report** and official transcript to receiving school within two business days of receiving school's request for records.

## Receiving School Procedures

### STEP 1

Request all records from sending school within two business days of a foster youth's enrollment.

### STEP 2

Review **Student Withdrawal Report** and official transcript to determine whether sending school issued partial credits and check out grades for all classes in which the youth was enrolled.

### STEP 3

If missing any check out grades or partial credits from any high school attended by the youth, send the **Receiving School Partial Credit Request Letter** to that school.

### STEP 4

If partial credits were issued by a sending school using a different credit scale (e.g., 1 credit per grading period, rather than 5 credits), use the Calculation/Conversion Table to convert those credits to align with the receiving school's credit scale.

### STEP 5

When transferring all grades and credits earned from previous high schools to the receiving school district's official transcript, include all check out grades and partial credits issued by the sending school, applying them to the same/equivalent courses.

**If the sending school considered a class as satisfying a state graduation requirement, the receiving school must apply the partial credits to the same/equivalent course.**

### STEP 6

Enroll youth in the same/equivalent classes as those attended at the sending school. Same class means the exact same class (e.g., Chemistry for Chemistry). Equivalent class means a class meeting the same graduation requirement (e.g., if the receiving school does not offer Chemistry, a student can be enrolled in Earth Science which meets the same graduation requirement of physical science). If unclear as to which class is equivalent, contact sending school's registrar and ask for clarification. The receiving school may request a syllabus for any such class.

### STEP 7

At the end of the current grading period, once final grades are posted, calculate the remaining partial credits owed based on the number of periods attended per class after the youth's enrollment in the receiving school. Add all grades and credits earned to the youth's official transcript.

**Check out grades and partial credits previously awarded by the sending school for the current grading period should not be removed or averaged with the youth's grades and credits at the receiving school. Youth should be awarded credits and grades for all courses passed at the receiving school, even if the youth did not earn a passing grade or any partial credits at the sending school.**

# Student Withdrawal Report



School Name: \_\_\_\_\_ School District: \_\_\_\_\_

Registrar/Counselor Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_

Student State ID #: \_\_\_\_\_ Permanent ID #: \_\_\_\_\_

Enrollment Date: \_\_\_\_\_ Withdrawal Date: \_\_\_\_\_ Last Day Attended: \_\_\_\_\_

Reason for Withdrawing: \_\_\_\_\_

Next School/District: \_\_\_\_\_

## Partial Credit Log

Type of Grading Period: Semester Trimester Total # of Credits Available/Grading Period: 1 5

Course Name	Corresponding Graduation Requirement	Check Out Grade*	# of Periods Attended	Length of Each Period	# of Credits Earned**

\*If your district has semesters of equal length, use the [Calculation Table for Districts with Semesters of Equal Length](#). If your district has semester of unequal length, use the [Calculation Table for Districts with Semesters of Unequal Length](#).

\*\* A check out grade is the final grade issued by an individual teacher based on youth's cumulative work over the entire grading period up until the last day of actual attendance, including exam scores, home and class work, participation, and attendance. Foster youths' grades may not be lowered for absences caused by placement changes, court appearances, or participation in court-ordered activities. Teachers should be informed of the last day of actual attendance so that they may issue proper check out grades.

## Teacher Comments

Teachers can provide additional information that may be useful for the youth's teachers at the new school, including information on the strengths and weaknesses of the youth.

Course	Teacher Name	Comments

Signature of School Registrar/Counselor: \_\_\_\_\_ Date Official Transcript Issued: \_\_\_\_\_



Date: \_\_\_\_\_

TO: Registrar/Counselor: \_\_\_\_\_ School: \_\_\_\_\_

Address: \_\_\_\_\_

**Re: Check Out Grades and Partial Credits Request**

Student Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Dear Registrar/Counselor: \_\_\_\_\_,

Please be advised that \_\_\_\_\_, a foster/probation youth, recently enrolled in \_\_\_\_\_ Following the student's enrollment, we sent a records request to \_\_\_\_\_ on \_\_\_\_\_. After reviewing the student's records, it appears that your school did not include check out grades and partial credits on the official transcript provided to our school.

Pursuant to Education Code Sections 48853.5 and 49069.5, sending school districts have a responsibility to award partial or full credit to foster youth for all work satisfactorily completed while in attendance, enter them onto an official transcript, and forward the updated transcript to the student's new school within 2 business days. In order to ensure that we enroll the student in the appropriate courses, we request that you work with the student's previous teachers and your school's registrar to determine the appropriate check out grades and partial credits.

Please compile, complete and forward to our school an updated transcript for the student, which includes all check out grades and partial credits. We look forward to working with you to ensure that the student receives the support he/she needs to succeed in school.

If you have any questions, please contact me at \_\_\_\_\_ or your district's AB 490 Education Liaison. Thank you in advance for your assistance.

Sincerely,

\_\_\_\_\_  
School Registrar/Counselor

# High School Graduation for Foster Youth: AB 167/216

Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.\*

## WHO QUALIFIES

AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.

## TRANSFER SCHOOLS AFTER SECOND YEAR

To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.

## GRADUATION OPTIONS

(1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless of the graduation option chosen, youth graduate receiving a normal high school diploma.

## LENGTH OF ELIGIBILITY

Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.

## RECONSIDERATION

If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

## NOTIFICATION REQUIREMENTS

The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. See [AB 167/216 Graduation Eligibility Notification Letter](#). The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed. Eligibility must be determined retroactively in these cases.

## WHO DECIDES

Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.

## MILITARY SERVICE

AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

**Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: [KnowB4UGo.org](http://KnowB4UGo.org).**

\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.



AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

## Best Practices for Determining AB 167/216 Eligibility

### STEP 1

Upon receiving notification of a foster youth's enrollment in your school, gather complete transcripts, including partial credits, from all high schools the youth has attended.

**If it appears that a student was not properly awarded partial credits by a previous school based on enrollment dates, attendance records, and check-out grades, send the [Receiving School Partial Credit Request Letter](#). If you have any difficulties obtaining partial credits for the youth, contact your school district's AB 490 Liaison for assistance.**

### STEP 2

Determine whether a youth completed the second year of high school, based on length of enrollment or credits earned, whichever makes a youth more likely to qualify for AB 167/216 graduation. *Cal. Educ. Code § 51225.1(c).*

### STEP 3

Conduct a graduation analysis according to your school district's graduation requirements to determine whether the youth can reasonably complete additional local graduation requirements within four years of high school. See [Eligibility & Credit Checklist](#) and [Eligibility Calculation Formula](#).

### STEP 4

If the youth cannot reasonably complete additional local graduation requirements, conduct a second credit analysis using state graduation requirements to determine which AB 167/216 classes the youth must complete.

### STEP 5

Within 30 days of the youth's enrollment, provide written notification of the youth's eligibility for AB 167/216 graduation to the youth, their ERH, and social worker/probation officer. See [AB 167/216 Graduation Eligibility Notification Letter](#).

**Notification must outline: (1) the youth's right to remain in high school for a 5th year, depending on the ERH's decision; and (2) the potential impact of AB 167/216 graduation on college admissions.**

### STEP 6

If a youth's ERH or a youth over 18 decides it is in the youth's best interest to graduate under AB 167/216, ensure the youth is enrolled in the appropriate courses to complete state graduation requirements. Review the [AB 167/216 Graduation: Eligibility & Credit Checklist](#) to determine which classes the youth needs to complete to graduate under AB 167/216.

## AB 167/216 Graduation Requirements

AB 167/216 STATE GRADUATION REQUIREMENTS	EXAMPLE OF LOCAL SCHOOL DISTRICT GRADUATION REQUIREMENTS
English (30 credits)*	English (40 credits) <ul style="list-style-type: none"> <li>English 9 (10 credits)</li> <li>English 10 (10 credits)</li> <li>American Literature (10 credits)</li> <li>Contemporary Composition (10 credits)</li> </ul>
Math (20 credits) <ul style="list-style-type: none"> <li>Algebra 1 / Mathematics 1 (10 credits)</li> <li>Other Math (10 credits)</li> </ul>	Math (30 credits) <ul style="list-style-type: none"> <li>Algebra 1 (10 credits)</li> <li>Geometry (10 credits)</li> <li>Algebra 2 (10 credits)</li> </ul>
Science (20 credits) <ul style="list-style-type: none"> <li>Biological Science (10 credits)</li> <li>Physical Science (10 credits)</li> </ul>	Science (30 credits) <ul style="list-style-type: none"> <li>Biological Science (10 credits)</li> <li>Physical Science (10 credits)</li> <li>Lab Science (10 credits)</li> </ul>
Social Studies (30 credits) <ul style="list-style-type: none"> <li>World History (10 credits)</li> <li>US History (10 credits)</li> <li>American Government/Civics (5 credits)</li> <li>Economics (5 credits)</li> </ul>	Social Studies (30 credits) <ul style="list-style-type: none"> <li>World History (10 credits)</li> <li>US History (10 credits)</li> <li>Principles of American Democracy (5 credits)</li> <li>Economics (5 credits)</li> </ul>
Visual or Performing Arts, Foreign Language, or Career Technical Education (10 credits)	Foreign Language (20 credits) Visual & Performing Arts (10 credits)
Physical Education (20 credits)	Physical Education (20 credits)
Electives (0 credits)	Electives (50 credits)
<b>TOTAL: 130 Credits</b>	<b>TOTAL: 230 credits</b>

\*Although the law references year long courses, we have included the number of credits required to complete the necessary number of year long courses here in acknowledgment that foster youth often must piece together partial credits from multiple courses to meet these requirements.

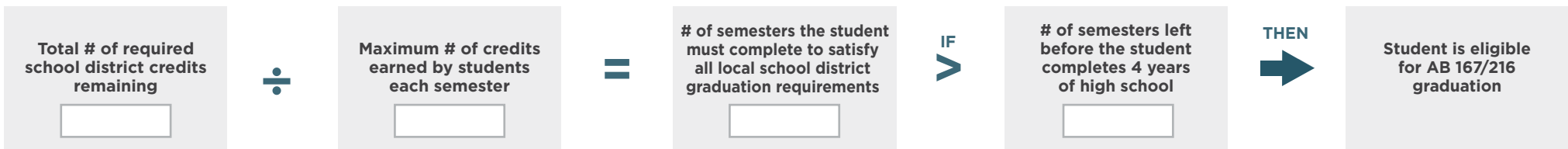
# AB 167/216 Graduation: Eligibility & Credit Checklist



Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Current Semester: \_\_\_\_\_ Current School/District: \_\_\_\_\_

SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Math ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Science ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Social Studies ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Visual & Performing Arts ( _____ credits)			
Physical Education ( _____ credits)			
Applied Technology ( _____ credits)			
Foreign Language ( _____ credits)			
Electives ( _____ credits)			
<b>Total Credits:</b> <input type="text"/>	<b>Credits Completed:</b> <input type="text"/>	<b>Credits Remaining:</b> <input type="text"/>	<b>AB 167/216 Credits Remaining:</b> <input type="text"/>

## Eligibility Calculation



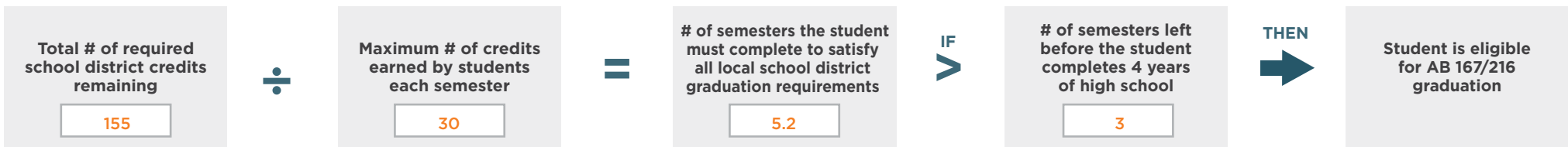
# AB 167/216 Graduation: Eligibility & Credit Checklist Sample



Student Name: Melissa Jones    DOB: 3/1/96    Current Grade: 11    Current Semester: Spring    Current School/District: Palm HS / Albany United

SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English (40 credits) • English 9 (10 credits) • English 10 (10 credits) • Contemporary Composition (10 credits) • English elective (10 credits)	English 9A: 5 credits English 10B: 5 credits Contemporary Composition: 5 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits English Elective: 10 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits
Math (30 credits) • Algebra 1 (10 credits) • Geometry (10 credits) • Algebra 2 (10 credits)	Algebra 1B: 5 credits Geometry: 10 credits	Algebra 1A: 5 credits Algebra 2: 10 credits	Algebra 1A: 5 credits
Science (30 credits) • Biological Science (10 credits) • Physical Science (10 credits) • Lab Science (10 credits)	Biology: 10 credits	Physical Science: 10 credits Lab Science: 10 credits	Physical Science: 10 credits
Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • Principles of American Democracy (5 credits) • Economics (5 credits)	World History B: 5 credits US History A: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits
Visual & Performing Arts (10 credits)	None	Visual & Performing Arts: 10 credits	Visual & Performing Arts: 10 credits
Physical Education (20 credits)	PE: 10 credits	PE: 10 credits	PE: 10 credits
Applied Technology (10 credits)	Applied Technology: 5 credits	Applied Technology: 5 credits	
Foreign Language (20 credits)	None	Foreign Language: 20 credits	
Electives (50 credits)	Electives: 20 credits	Electives: 30 credits	
<b>Total Credits:</b> 240	<b>Credits Completed:</b> 85	<b>Credits Remaining:</b> 155	<b>AB 167/216 Credits Remaining:</b> 70

## Eligibility Calculation



# AB 167/216 Graduation Eligibility Notification Letter



Date: \_\_\_\_\_

TO: Education Rights Holder ("ERH"): \_\_\_\_\_

Probation Officer/  
Social Worker: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current High School: \_\_\_\_\_ Date of Enrollment: \_\_\_\_\_

Foster and probation youth in California have special rights to help them remain on track for high school graduation. Under Assembly Bills 167/216 ("AB 216"), foster/probation youth who are off track for high school graduation, and transfer after their second year of high school, may be eligible to graduate by completing the minimum state requirements if they are not reasonably able to complete all school district requirements by the end of their fourth year of high school. This includes completing 13 year-long courses. Students who graduate under AB 216 do not have to complete additional school district requirements, which generally range from 80-120 credits.

We have determined, and hereby certify, that the above named student **does / does not / has already been certified to** meet all requirements for AB 216 graduation.

## The above named student has the following graduation options:

Graduate by completing state requirements and accept AB 216 eligibility. Please note that there are advantages and disadvantages to graduating under AB 216. While a student may graduate with classmates and receive a regular high school diploma, they may sacrifice important learning opportunities that are necessary to succeed in higher education and employment. Students who graduate under AB 216 may not be eligible to apply directly to a California State University (CSU) or University of California (UC) school.

Attempt to graduate high school at the end of the 4th year by completing all school district graduation requirements. Students may attempt to accomplish this by concurrently enrolling in a community college, continuation school, or independent study program.

Remain in high school for a 5th year, and complete all additional school district graduation requirements. The right to a 5th year of high school applies even if the student will be 19 years old during that additional school year. The student will be allowed to remain at the local high school and will not be required to transfer to a continuation school, independent study program, or adult school to complete the 5th year.

Remain in high school for more than 4 years pursuant to their IEP.

School Official: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please make sure to keep a copy of this certification letter for your records. If the student was not found eligible for AB 216 graduation, you or the student may request reconsideration of eligibility at any time. If the student was found eligible, this letter can be used at any future school to verify that the student is already certified as AB 216 eligible. The above named student retains the right to graduate under AB 216 even if they transfer schools again or their foster care/probation case closes before they receive their high school diploma.

Once the student's ERH has determined which graduation path to take, please notify us by checking the appropriate box below and returning this form. Please note that the school district cannot allow a student to graduate under AB 216 without receiving this document. An 18 year old student or their ERH can change their decision regarding graduating under AB 216 at any time until the student receives their high school diploma. Please note that regardless of whether or not a student elects to graduate under AB 216, a student has the right and obligation to attend school until age 18, with limited exceptions.

If you have any questions or concerns about AB 216 graduation, please contact the student's counselor. As the student's ERH, I choose to have the student:

Graduate under AB 216 in 4 years

Graduate under school district requirements in 4 years

Graduate under school district requirements in 5 years

Acknowledge eligibility but defer decision until a later date

Education Rights Holder: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(or 18 year old Student)



# Voluntary Transfer of Students Out of Comprehensive Schools

The majority of students who are voluntarily transferred by school districts out of their “regular” comprehensive high schools are sent to continuation schools. Continuation schools were created to serve as a safety net for students at-risk of dropping out by providing effective and individualized instructional programs with a wide variety of options to meet student needs. Today, there are approximately 460 continuation schools in operation across the state of California. Some of these programs meet the original intent for these schools, and are an effective avenue for high school completion for the youth who attend them. Each year the California Department of Education highlights several “model” schools that exemplify these values.<sup>1</sup>

## Common Reasons Students are Transferred

Comprehensive schools seek to voluntarily transfer students to continuation schools for a variety of reasons, including credit deficiency, attendance problems, and behavioral issues.

## Problematic Transfers

Voluntary transfers are problematic when they occur without meaningful participation of education rights holders (“ERHs”) or continuation school staff, and without an informed, individualized determination of whether the transfer is in the student’s best education interests. Without continuation school input into the best interests discussion, it is very difficult for many continuation schools to meet their original purpose of providing critical academic and support services that students need to succeed.<sup>2</sup>

Voluntary transfers are different from involuntary transfers in that ERHs choose a voluntary transfer after making a well informed decision about what is in the student’s best interests. Involuntary transfers can occur, assuming other legal requirements are met, without an ERH’s agreement. To learn more about involuntary transfers, see [Disciplinary Challenges of Foster Youth](#).

## Reversing the Tide

A recent study on continuation schools concluded that “careful identification and placement practices allow district offices and receiving schools to develop support services targeted to students’ specific needs,”<sup>3</sup> which in turn lead to more positive student outcomes. Districts with the most successful outcomes for students utilize these practices. Assembly Bill 570 was enacted to spread these proven practices across the state. It mandates that districts create and utilize clear policies for the transfer of youth to continuation schools, including only allowing for a transfer when it is in the student’s best education interests. The following pages provide districts with tools to help carefully develop and implement such policies that will, in turn, allow continuation schools to effectively serve these students once they arrive.

## Overview of the Law

- Foster and probation youth have the right to immediately enroll in their local comprehensive school.
- Students cannot be voluntarily transferred to a continuation school unless their ERH determines that the transfer is in their best education interests. For more information on ERHs, see [Education Decision Makers for Foster Youth](#).
- ERHs have the right to meet with both the transferring school and the continuation school before a voluntary transfer takes place to determine if transferring is in the student’s best education interests.
- School districts must develop and consistently implement clear policies to determine which students to recommend for voluntary enrollment in a continuation school.
- Voluntary transfer policies must ensure that no group of students, including foster or probation youth, students of color, English language learners, or special education students, are disproportionately enrolled in continuation schools.
- Students who voluntarily transfer to a continuation school have the right to return to their comprehensive high school at the beginning of the following school year.

*Cal. Educ. Code §§ 48432.3, 48432.5, 48850, 48852.7, 48853.*

## Disproportionality

Research demonstrates that several at-risk student populations are overrepresented in continuation schools in California,<sup>4</sup> in violation of the law:

- Continuation school students are three times more likely than students in comprehensive high schools to be in foster care or living with a relative other than a parent.
- Boys are disproportionately overrepresented in continuation schools. They represent 50% of statewide eleventh grade enrollment but 58% of continuation school enrollment.
- African-American and Latino students are also disproportionately overrepresented in continuation schools. They constitute approximately 50% of statewide eleventh grade enrollment but 66% of continuation school enrollment.
- Finally, English Language Learners are also disproportionately overrepresented in continuation schools. Only 14% of eleventh graders statewide are English Language Learners compared to 21% in continuation schools.

## Foster and Probation Youth Disproportionality

**School Instability and Mid-Semester Enrollment:** When foster and probation youth move homes and schools in the middle of a semester, school districts often automatically enroll them in continuation schools, in violation of their rights. Foster and probation youth have the highest rates of school mobility, changing schools an average of eight times while in care.<sup>5</sup> As a result, they are disproportionately overrepresented in continuation schools: 17% of alternative school students move homes two or more times a year, compared with only 7% of students in comprehensive high schools.<sup>6</sup> For more information, see [Enrolling Foster Youth](#).

**High Needs:** Foster and probation youth also have the highest education needs of all at-risk student populations. Only 58% of foster and probation youth graduate high school, compared with 84% of students statewide.<sup>7</sup> This discrepancy is due to the many unique challenges foster

youth face. For example, foster youth experience high levels of school instability: only 68% of students in foster care attended the same school for the full school year compared to 90% of students statewide.<sup>8</sup> Foster and probation youth also present behavioral issues based on the trauma they have experienced: they are classified as “emotionally disturbed” at a rate five times higher than other students statewide.<sup>9</sup>

All of these challenges often lead to high rates of poor attendance and credit deficiencies.<sup>10</sup> Although foster and probation youth have a clear legal right to attend their local comprehensive school, these students are often pushed out to continuation schools due to these challenges. This push out can occur either when a student is enrolling mid-semester or at any other time throughout the school year. This further contributes to foster and probation youth disproportionality in continuation schools, in violation of the law.

## Prior Interventions

Voluntary enrollment in a continuation school must be based on a determination that the continuation school can best serve the education needs of the student. Additionally, foster and probation youth have a clear legal right to attend their local comprehensive school unless their ERH agrees that attending another school is in their best interests. Before recommending a student transfer to a continuation school, best practices require that appropriate interventions first be implemented to address the student’s needs. Interventions should be implemented for a sufficient amount of time to determine their effectiveness. If positive progress is not demonstrated, consider implementing new interventions. Only consider recommending a student for a voluntary transfer to a continuation school at the conclusion of this process.

*Cal. Educ. Code §§ 48432.3(a),(b)(1).*

### Best Practices

#### STEP 1

Identify why the student is being recommended for transfer to a continuation school (e.g., credit deficiency, poor attendance). This information will be used to develop the [Prior Intervention Plan](#) in Steps 2 and 3 below.

**Researchers discourage transfers to continuation schools to address behavioral challenges because the primary purpose of continuation schools is to serve credit deficient students with academic needs.**<sup>11</sup>

#### STEP 2

Schedule a meeting with student’s ERH and other key stakeholders to discuss what has been attempted in the past to assist the student and current options for intervention. See [Intervention Meeting Notification](#).

#### STEP 3

At the meeting with the student’s ERH, identify appropriate interventions using the [Prior Intervention Idea Bank](#) and the [Discipline Intervention Idea Bank](#). Complete the [Prior Intervention Plan](#).

#### STEP 4

Implement at least one appropriate intervention to address each reason the student is being recommended for a transfer using the [Prior Intervention Plan](#).

#### STEP 5

Monitor interventions at regular intervals via the [Prior Intervention Plan](#) and record whether each intervention was successful or not. In order to be effective, interventions must be implemented consistently over a period of time (e.g., one to two months) and monitored frequently (e.g., once a week) to ensure that modifications can be made as soon as they are necessary.

# Eligibility Criteria and Transfer Meeting

If interventions (as detailed in the previous steps) have been attempted for the recommended time period to address each area of concern for the student, but have not produced the desired improvements, consider whether transfer to a continuation school might be appropriate.

## Best Practices

### STEP 1

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Establish clear criteria for when students will be recommended for transfer to a continuation school. These criteria must be based on: (1) the best education interests of the student; and (2) whether the options and opportunities offered at the continuation school will meet the student's needs.

**These criteria must be applied uniformly and must be designed to ensure that no group of students is disproportionately enrolled in continuation schools.**

**Key considerations include:**

**Academics:** How well can the continuation school support a student who is struggling with basic reading, writing and math skills or who is failing multiple classes? What about a student who is on an Honors or A-G college track?

**Special Education:** Does the continuation school offer the services required by the student's Individualized Education Program?

**Behavior:** How well can the continuation school support the behavioral and/or mental health needs of the student? What services are available and would they meet the student's needs?

**Future Plans:** What does the student want to do after graduation? Will a school transfer impact those plans? How well can the continuation school support the student in preparing for their post high school goals?

### EXAMPLE OF CLEAR CRITERIA

If a continuation school is solely designed to help students who are credit deficient and thus off-track for high school graduation, transfer criteria could include that the student: (1) must be 20 or more credits off-track for graduation; (2) must have a minimum of 8th grade reading, writing and math skills; and (3) cannot have more than 2 entries in their discipline log in the past year.

### EXAMPLE OF SERVICES TO MEET A STUDENTS NEEDS

For students fitting the above criteria, the continuation school could meet their needs by offering students: (1) an extended school day so that they can take a higher than average course load; (2) the option to take a normal course load plus online courses to recoup credits; (3) more individualized adult instruction in the form of small student to teacher ratio (15:1); and (4) teacher assistance afterschool to make up missing work.

### STEP 2

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If the student's school team feels like the student is not making enough progress on his/her **Prior Intervention Plan**, schedule a meeting by sending the ERH the **Transfer Notification**.

The Prior Intervention Plan team (which includes the ERH, student, and an administrator from the comprehensive school) and an administrator from the continuation school should meet and review interventions previously attempted and recorded using the **Prior Intervention Plan**. For each planned intervention, determine whether it was attempted and if it was successful.

If the interventions were not appropriately attempted, new interventions are needed, and/or enough time has not yet passed, the Prior Intervention Plan team should revise the plan. If the entire team, including the ERH and student, agree that appropriate prior interventions were attempted with fidelity and for an appropriate amount of time and the student continues to struggle on a comprehensive campus, it is time to consider a transfer to the continuation school.

Using the **Transfer Meeting Worksheet**, the team should review each criterion for transfer and determine if the student meets it. If the student meets all criteria, the team should then consider whether the student's best education interests can be met at the continuation school.

### STEP 3

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If the team (including the ERH) agree that the student's education interests are best served in a continuation school, establish clear criteria under which a student will become eligible to transfer back to a comprehensive school in the middle of the school year, and how often the student's eligibility will be reviewed. For more information, see **Right to Return to Local Comprehensive School**. Examples of such criteria include: (1) student is able to get within 10 credits of being on track for graduation; and (2) all grades are a C or above. Eligibility to return to the comprehensive school should be rechecked at each progress report/grading period.

Set a date (e.g., end of the semester, end of the school year) to reconvene and discuss whether the continuation school continues to serve the best education interests of the student, or if the ERH wants to send the student back to the comprehensive campus.

### STEP 4

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Given all factors discussed at the meeting, and as much time as needed to make a best interests decision, the ERH will then decide whether or not to agree to (and sign) the **Transfer Meeting Worksheet** changing the student's placement to a continuation school.

## Best Practices

### STEP 1

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If the ERH consents to a voluntary transfer, the comprehensive school administrator must ensure the student has been accepted at the continuation school. The continuation school administrator must ensure the student will have access to all classes or programs at the continuation school that the transfer meeting participants determined the student would benefit from. These should have been identified on the Transfer Meeting Worksheet in **Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School.**

### STEP 2

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The district should work with the student's ERH to disenroll the student from the comprehensive high school, and ensure the student is awarded all full and partial credits earned. See **Partial Credit Model Policy.**

### STEP 3

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The continuation school administrator should help the ERH enroll the student at the continuation school. The district must ensure that the continuation school has an updated copy of the student's transcript and that the student is enrolled in the same/equivalent classes as at the comprehensive school (unless the student's ERH has determined that enrolling in different classes is in the student's best education interests).

The continuation school administrator should ensure that the student is enrolled in all the classes or programs that the transfer meeting participants determined the student would benefit from on the Transfer Meeting Worksheet in **Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School.** The district must ensure the continuation school has a copy of the student's complete education records within 1-2 business days of enrollment.

### STEP 4

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Continuation school staff working with the student should review the **Step 6: Return Plan** from the Transfer Meeting Worksheet, including the district criteria for moving the student back to the comprehensive campus, and the date chosen for the readmission discussion.



# Right to Return to Local Comprehensive School

Students who are voluntarily enrolled in continuation schools have the right to return to their comprehensive school at the beginning of each school year. In addition, these students may return to their comprehensive school at any time during the school year if their ERH determines it is in their best interest and with the district's agreement.

Districts should develop criteria for mid-year return to the comprehensive school and notify students and ERHs of these criteria. For example criteria for mid-year return to the comprehensive school, see Transfer Meeting Worksheet, **Step 6: Return Plan** and **Right to Return Notification**. Continued enrollment in a continuation school past the original school year or semester it was intended for must be based on a determination by the ERH that the ongoing placement will promote the education interests of the student.

## Best Practices

### STEP 1

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The continuation school should conduct a graduation check for the student at the end of each reporting period in which final grades are issued (e.g., semester or trimester grades) to determine the student's progress towards graduation using the **End of Term Graduation Check**.

If the continuation school does rolling credit accumulation, with a student earning grades at their own pace, decide how frequently an **End of Term Graduation Check** will be completed, ensuring it is done at least twice per school year.

### STEP 2

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The continuation school should document the student's compliance with their Return Plan and its recommendation of whether it is in the student's education interest to remain at the continuation school using the **End of Term Graduation Check**.

### STEP 3

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At the end of each reporting period in which final grades are issued (or however often the **End of Term Graduation Check** is completed), the continuation school must notify the ERH of the student's right to return to the comprehensive school using the **Right to Return Notification**.

### STEP 4

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A representative from the continuation school and the comprehensive school must meet with the student and ERH at the end of each reporting period in which grades and credits are issued (or however often the **End of Term Graduation Check** is completed) to discuss the student's **End of Term Graduation Check**, review the student's compliance with their Return Plan, and add any additional interventions into their **End of Term Graduation Check** that are necessary for the student to be successful and/or transfer back to the comprehensive high school. If there is agreement to return the student back to the comprehensive campus, follow the steps (in reverse) laid out in the Intake/Enrollment section above.

## Section Endnotes

<sup>1</sup> News Release, California Department of Education, State Schools Chief Tom Torlakson Announces 2016 Model Continuation Schools (March 28, 2016), available at <http://www.cde.ca.gov/nr/ne/yr16/yr16rel23.asp>.

<sup>2</sup> Jorge Ruiz de Velasco & Milbrey McLaughlin, Raising the Bar, Building Capacity: Driving Improvement in California's Continuation High Schools. (Stanford University 2012), available at <http://files.eric.ed.gov/fulltext/ED537702.pdf>

<sup>3</sup> Jorge Ruiz de Velasco & Milbrey McLaughlin, *Alternative schools in California*, in *Changing Places: How Communities Will Improve the Health of Boys of Color 140-155* (Christopher Edley Jr. and Jorge Ruiz de Velasco eds. 2010).

<sup>4</sup> Id.

<sup>5</sup> California Healthy Kids Survey 2006-2008, available at [http://surveydata.wested.org/resources/CA\\_Agg\\_Upper\\_0608.pdf](http://surveydata.wested.org/resources/CA_Agg_Upper_0608.pdf).

<sup>6</sup> The Invisible Achievement Gap, Part 1. Data from the Invisible Achievement Gap includes all foster youth but only suitably placed probation youth. There is currently no mechanism to collect data on all other probation youth. These statistics would likely be even worse if that additional data was available.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Ruiz de Velasco, *supra* note 2.

<sup>11</sup> Id.

# Intervention Meeting Notification



Date: \_\_\_\_\_  
TO: Education Rights Holder: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

The above named student is demonstrating the following area(s) of concern in school:

Credit Deficiency: student has completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student has missed: \_\_\_\_ school days/ periods this: semester/ school year

Behavioral Challenges: Student is demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

Due to these areas of concern, the school is considering recommending that your student attend \_\_\_\_\_, a continuation school. **Such placement would be voluntary and only after you have agreed it would be in the student's best interest.**

However, it is always our goal to serve students in their local, comprehensive school. We would like to hold a meeting to discuss what interventions we can implement, both at home and at school, to avoid a school transfer. As the student's education rights holder, your input is essential to this process.

We have scheduled a meeting for \_\_\_\_\_. Please contact \_\_\_\_\_ at: \_\_\_\_\_ to let us know if you can attend this meeting, or if you would like to reschedule the meeting at a time that is convenient to you. You may also invite anyone else you feel would have information relevant to this conversation (e.g., the youth's social worker, probation officer, therapist, clergy, caregiver, etc.).

We look forward to working with you.

Thank you,

\_\_\_\_\_



Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

## Area of Concern:

Credit Deficiency

**Example:** Has failed 3 courses needed for graduation; is off-track 15 credits for graduation.

## Try These Interventions:

- School based tutoring
- Assistance with organizational skills from peer and/or staff
- Partial credit retrieval**
- Summer school enrollment
- Dual enrollment in continuation school (with ERH approval)
- Concurrent enrollment at a local community college
- Consideration of AB 167/216 graduation option, if eligible**
- Remedial classes which teach fundamental English and/or Math skills to prepare students to complete high-school level coursework
- Special education assessment referral
- Enrollment in after-school online program

List other possible interventions regularly used in your district:

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## Area of Concern:

Poor Attendance

**Example:** Regularly misses whole school days (12 in the last semester) and individual class periods (32 periods in the last semester).

## Try These Interventions:

- Identify reason(s) for student's attendance problem (e.g., lack of reliable transportation, social/peer problems at school, etc.) and connect student and their caregiver(s) with community partners to address these reasons
- School-based tutoring
- Mentorship with peers and/or staff
- Participation in group activities (e.g., extracurricular activities, clubs, sports, art/drama/music or other courses in areas of interest)
- Opportunities to make up missed work
- Tiered system of intervention<sup>1</sup>

List other possible interventions regularly used in your district:

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## Area of Concern:

Behavioral Challenges

**Example:** Talks back to teachers on average 1 time/day; has angry outbursts on average 3 times/week; daily participates in off-task behavior with group of peers.

## Try Interventions Listed in the Discipline Intervention Idea Bank:

List other possible interventions regularly used in your district:

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<sup>1</sup>For more information and resources on implementing a tiered system of attendance interventions, please see <http://www.attendanceworks.org/tools/schools/3-tiers-of-intervention/>.



Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

## STEP 1: Meeting Participants

Education Rights Holder(s) (“ERH”) Mandatory Participant	Present?	Name: _____
Student	Present?	Name: _____
Caregiver(s), if different than ERH	Present?	Name: _____
Social Worker/Probation Officer	Present?	Name: _____
Foster Youth Counselor/Liaison	Present?	Name: _____
Academic Counselor	Present?	Name: _____
School Administrator	Present?	Name: _____
Other	Present?	Name: _____
Other	Present?	Name: _____
Other	Present?	Name: _____

## STEP 2: Identify Issue(s) to be Addressed

Credit Deficiency: student has completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student has missed: \_\_\_\_ school days/ \_\_\_\_ periods this: \_\_\_\_ semester/ \_\_\_\_ school year

Behavioral Challenges: Student is demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

## STEP 3: Identify Past Interventions Attempted by School or Others

Past Interventions Attempted: \_\_\_\_\_

Start/End Dates, Frequency, and Duration of Service: \_\_\_\_\_

Name/Position of Responsible Person: \_\_\_\_\_

Outcome: \_\_\_\_\_

**Example Past Intervention:** Summer school from 7/1/15-8/15/15; 60 minutes/day, 4x/week for 6 weeks; Mr. Smith (teacher); passed course with a D



## STEP 4: Identify Interventions to Implement and Monitor

### EXAMPLE

EXAMPLE	AREA OF CONCERN 1	AREA OF CONCERN 2	AREA OF CONCERN 3
Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency
Student is in danger of failing three classes			
Interventions	Interventions	Interventions	Interventions
Counselor will enroll student in after-school peer tutoring			
Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration
2/15/16, 2 times per week for 30 minutes each session for 2 months			
Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person
Mrs. Sanchez, School Counselor			
Outcome	Outcome	Outcome	Outcome
Peer tutor met with student 14 times over 8 weeks. Student was responsive to intervention. Student improved grades in two classes from F to C. It is recommended that this service continue until student is receiving passing grades in all courses.			

ERH Consent (please initial the appropriate option):

\_\_\_\_\_ I agree with the proposed plan.

\_\_\_\_\_ I agree with the proposed plan with the exception of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I disagree with the proposed plan.

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

Comprehensive School Administrator: \_\_\_\_\_



Date: \_\_\_\_\_  
TO: Education Rights Holder: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

We are contacting you about the above named student because the student has been recommended for voluntary transfer to a continuation school. The above named student is experiencing the following areas of concern in school:

Credit Deficiency: student has completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student has missed: \_\_\_\_ school days/ \_\_\_\_ periods this: \_\_\_\_ semester/ \_\_\_\_ school year

Behavioral Challenges: Student is demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

Due to these areas of concern, the student is being recommended for voluntary placement at \_\_\_\_\_, a continuation school. It is your right under the law to receive a copy of the district's policy for voluntary transfers to continuation schools. Cal. Educ. Code § 48432.3(b)(3). The district's policy for voluntary transfers to continuation schools is enclosed here for your reference.

As the student's education rights holder, you have the responsibility to determine whether it is in the student's best education interests to remain in his/her current school or transfer to a continuation school. You have the right to discuss whether a voluntary transfer to a continuation school is appropriate for the student with school officials from \_\_\_\_\_ [Name of current school], and with officials from \_\_\_\_\_ [Name of continuation school], the continuation school being recommended for the student. Cal. Educ. Code § 48432.3(b)(5).

We have scheduled a meeting for \_\_\_\_\_. Please contact \_\_\_\_\_ at: \_\_\_\_\_ to let us know if you can attend this meeting, or if you would like to reschedule the meeting at a time that is convenient to you. You may also invite anyone else you feel would have information relevant to this conversation (e.g., the child's social worker, probation officer, therapist, clergy, caregiver, etc.) to discuss the recommended voluntary transfer and whether you think it is in the student's best interest to continue attending their current school or transfer to a continuation school.

We look forward to working with you.

Thank you,

\_\_\_\_\_



Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Area(s) of concern:

Credit Deficiency: student has completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student has missed: \_\_\_\_ school days/ \_\_\_\_ periods this: \_\_\_\_ semester/ \_\_\_\_ school year

Behavioral Challenges: Student is demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

## STEP 1: Meeting Participants

Education Rights Holder(s) (“ERH”) Mandatory Participant	Present? Name: _____
Student Mandatory Participant	Present? Name: _____
Counselor/principal/administrator (transferring school) Mandatory Participant	Present? Name: _____
Counselor/principal/administrator (continuation school) Mandatory Participant	Present? Name: _____
Caregiver(s), if different than ERH	Present? Name: _____
Social Worker/Probation Officer	Present? Name: _____
Foster Youth Counselor/Liaison	Present? Name: _____
Academic Counselor	Present? Name: _____
Other	Present? Name: _____
Other	Present? Name: _____
Other	Present? Name: _____

## STEP 2: Eligibility Criteria (required to recommend voluntary transfer to continuation school)

At least 1 intervention per area of concern has been attempted and failed for duration agreed upon in plan (Must review and attach previously created Prior Intervention Plan)

Student is at least 16 years old AND

Student meets the district criteria for transfer to the continuation school, including:<sup>1</sup>

**Criterion 1:** \_\_\_\_\_

Met /Not Met Explanation of how it was met, or why it is not met: \_\_\_\_\_

**Criterion 2:** \_\_\_\_\_

Met /Not Met Explanation of how it was met, or why it is not met: \_\_\_\_\_

**Criterion 3:** \_\_\_\_\_

Met /Not Met Explanation of how it was met, or why it is not met: \_\_\_\_\_

<sup>1</sup>When completing this form, fill in the criteria your district has chosen to determine whether a student is an appropriate candidate for a continuation school. Then, at the meeting, work with the team to review and “check off” whether the student in question has met those criteria or not. Then, explain how they met it, or why they did not. For example, if you have criterion that the student needs to have an 8th grade reading level, you would check off if they have met this or not, and then fill in the test that you used, and what their reading level was.

### STEP 3: Best Interest Determination (required to recommend voluntary transfer to continuation school)

The team has determined it is in the student's best education interest to attend a continuation school by considering the following:

#### BEST EDUCATIONAL INTEREST CONSIDERATIONS\*

\*This chart is filled in as an example. It does not represent any particular comprehensive school(s) or continuation school(s) in California. **Download the word version of this chart** and modify it to reflect the specific characteristics of the comprehensive and continuation school options available in your school district prior to your meeting. It should then be augmented at the meeting on the blank lines in each section if there are specific needs or interests of the youth that are relevant. For example, if a student is particularly focused on a career in engineering, you should specify the options related to that field in the "Career Readiness" and "Course Offerings" rows for that youth. The chart should then be used to facilitate a discussion around the student's individual needs and goals and a decision should be made based on an overall consideration of each row about which school would best meet the student's education interests.

COMPREHENSIVE SCHOOL	CONTINUATION SCHOOL
<b>CLASS SIZE</b>	
Larger class sizes- 35:1 ratio	Smaller class sizes- 20:1 ratio
<b>CREDITS</b>	
Students can earn up to 30 credits per semester	Students can earn up to 40 credits per semester
<b>SCHOOL SIZE AND LAYOUT</b>	
2,000 students, 70 classrooms, open campus, where students can enter and exit without close supervision	100 students, 4 classrooms, 1 gated entrance, monitored by security
<b>SUPERVISION</b>	
Teachers and 5 security staff monitor the school site	Teachers and 3 security staff monitor the school site plus extra adult supervision is provided in the form of adult case managers with a ratio of 30:1
<b>TRAUMA INFORMED STAFF</b>	
Part time school psychologist and 1 of 3 academic counselors have received trauma informed training	Entire school staff receives annual trauma informed trainings
<b>COURSE OFFERINGS</b>	
A-G, honors, Advanced Placement, electives, English Language Development	Limited to courses required for graduation; no A-G; very limited electives (no drama or music)
<b>CAREER READINESS</b>	
Career center, Career Technical Education courses, co-enrollment options at community college	Co-enrollment options at community college
<b>EXTRACURRICULAR ACTIVITIES</b>	
Sports, drama, art, newspaper, coding club, community service, student council	Continuation school sports league
<b>SCHEDULE</b>	
7 classes per day including a study hall	5 classes per day plus one period offered for credit recovery, shortened school day
<b>HOMEWORK</b>	
Yes	No
<b>IEP SERVICES</b>	
All services and classroom placements available if required by IEP	No SDC or RSP services offered; limited counseling services offered
<b>OTHER CONSIDERATIONS</b>	
Very close to student's home; student will be able to walk	Farther away from student's home; student will need to take a public bus for 45 minutes each way

## STEP 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School

Recommended Class/Program 1: \_\_\_\_\_

\_\_\_\_\_

Recommended Class/Program 2: \_\_\_\_\_

\_\_\_\_\_

Recommended Class/Program 3: \_\_\_\_\_

\_\_\_\_\_

## STEP 5: School Placement Decision

District Placement Recommendation: \_\_\_\_\_

ERH School Choice: \_\_\_\_\_

## STEP 6: Return Plan (required prior to voluntary transfer to continuation school)

Earliest student can return to comprehensive campus (e.g., the first day of the following semester):

DATE: \_\_\_\_\_

Student must meet the following criteria for readmission (e.g., earn 50% of credits off-track for graduation, improve attendance by 5%, etc.):

Criteria 1: \_\_\_\_\_

\_\_\_\_\_

Criteria 2: \_\_\_\_\_

\_\_\_\_\_

Criteria 3: \_\_\_\_\_

\_\_\_\_\_

Meeting for readmission discussion (e.g., the end of the next grading period): DATE: \_\_\_\_\_

### ERH Consent (please initial the appropriate option):

\_\_\_\_\_ I agree with the proposed plan to move my student to a continuation school and acknowledge that my student has a right to return to their comprehensive school at the beginning of the next school year or at any other time if the district is in agreement.

\_\_\_\_\_ I agree with the proposed plan with the exception of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I disagree with the proposed plan.

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

Comprehensive School Administrator: \_\_\_\_\_

Continuation School Administrator: \_\_\_\_\_



Date: \_\_\_\_\_

TO: Education Rights Holder: \_\_\_\_\_

Address: \_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

Delete and replace with: The above named student voluntarily enrolled in \_\_\_\_\_  
(name of continuation school) on \_\_\_\_\_ (date) to address the following areas of concern in school:

Credit Deficiency: student had completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student had missed: \_\_\_\_ school days/ \_\_\_\_ periods this: \_\_\_\_ semester/ \_\_\_\_ school year

Behavioral Challenges: Student was demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

Students who voluntarily enroll in continuation schools have the right to return to their local, comprehensive or “regular” high school at the start of the upcoming school year. Students also may return to their comprehensive school during the school year with the consent of the school district. Please note that students who wish to return to their comprehensive high school at the start of the school year do not need permission from the school district to do so. **The above-named student is eligible to return to his/her comprehensive high school at the start of the upcoming school year.**

**As the student’s education rights holder, you decide whether the student should remain in his/her continuation school or return to the comprehensive high school at the start of the upcoming school year.** Ongoing voluntary enrollment at a continuation school should be based on the student’s best education interests.

**If you would like the above named student to return to his/her comprehensive high school for the upcoming school year, you may enroll the student at his/her comprehensive high school at the start of the school year.**

You also may request a return to the comprehensive high school at any time during the school year. In order to return to their comprehensive high school during the school year, students must satisfy either all of their Return Plan Criteria or one of the following Other Criteria:

**Return Plan Criteria 1:** \_\_\_\_\_

**Return Plan Criteria 2:** \_\_\_\_\_

**Return Plan Criteria 3:** \_\_\_\_\_

**Other Criteria 1:** \_\_\_\_\_

**Other Criteria 2:** \_\_\_\_\_

**Other Criteria 3:** \_\_\_\_\_

**EXAMPLE Other Criteria:** Student earned at least 50% of missing/off-track credits

**EXAMPLE Other Criteria:** Student improved attendance by 10% since transferring to the continuation school or maintained 90% attendance (excluding excused absences) for a complete semester

We have completed an **End of Term Graduation Check** to help you determine if it is in the student's best education interest to remain at the continuation school or return to the comprehensive high school. The graduation check is attached. **This information is advisory only. It is your decision to enroll the student in his/her comprehensive high school at the start of upcoming school year or request a return to the comprehensive school during the school year.**

Based on this graduation check:

- The student is not on track to graduate high school. The above named student has earned \_\_\_\_ credits since enrolling at the continuation school and needs \_\_\_\_ more credits to graduate.
- The student has attended \_\_\_\_ % of class periods since \_\_\_\_ [DATE].
- The student has had \_\_\_\_ behavioral incidents at school since \_\_\_\_ [DATE].

For additional questions or to schedule a meeting to discuss the above named student's eligibility to return to the regular high school, please contact:

Name/Title/Contact Information for Continuation School Representative:

---

Name/Title/Contact Information for Comprehensive School Representative:

---

Thank you,

---

# End of Term Graduation Check



Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

Current Grade: \_\_\_\_\_ Semester: \_\_\_\_\_ Date Enrolled at Continuation School: \_\_\_\_\_

Education Rights Holder Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

## Reason for Enrollment at Continuation School:

Credit Deficiency: student had completed \_\_\_\_ credits and needs \_\_\_\_ credits to graduate

Poor Attendance: student had missed: \_\_\_\_ school days/ \_\_\_\_ periods this: \_\_\_\_ semester/ \_\_\_\_ school year

Behavioral Challenges: Student was demonstrating the following behavioral challenges: \_\_\_\_\_

Other (specify): \_\_\_\_\_

HIGH SCHOOL GRADUATION PLANNING		
GRADUATION CHECK*		
GRADUATION REQUIREMENTS <small>COURSE NAME: CREDITS REQUIRED</small>	COURSES COMPLETED <small>COURSE NAME: CREDITS EARNED (SCHOOL, SEMESTER SCHOOL YR.)</small>	COURSES REMAINING <small>COURSE NAME: CREDITS REMAINING</small>
Social Studies:		
English:		
Math:		
Science:		
Foreign Language:		
Visual/Performing Arts:		
PE:		
Health:		
Other Electives:		
<b>Required:</b>	<b>Completed:</b>	<b>Remaining:</b>
CURRENT STATUS		
Number of Credits Completed Since Enrollment in Continuation School on (date) _____ : _____ Attendance Percentage: _____		Cumulative High School GPA: _____

\*Schools may substitute an attachment of their own graduation check.



### COURSE SCHEDULING

Create a tentative course schedule for each remaining school term, ensuring that required courses for graduation are completed first. Include the number of credits remaining for each course.

FALL SCHOOL YEAR: _____	SPRING SCHOOL YEAR: _____	SUMMER SCHOOL YEAR: _____	FALL SCHOOL YEAR: _____	SPRING SCHOOL YEAR: _____

Is the student on track to graduate? Yes    No                      Expected Graduation Date: \_\_\_\_\_

If the student is on track to graduate, do you believe it is in the student's education interest to remain at the continuation school?  
Yes    No

If yes, please explain why:

Smaller learning environment

Flexible schedule

Can earn \_\_\_\_ credits per semester (vs. \_\_\_\_ credits per semester at the comprehensive campus)

Other (specify): \_\_\_\_\_

If the student is not on track to graduate, do you believe it is in the student's education interest to remain at the continuation school?

Yes    No

If yes, please list the additional interventions needed to support the student:

School-based tutoring will be provided at the following frequency: \_\_\_\_\_

Assistance with organization from counselor will be provided at the following frequency: \_\_\_\_\_

Partial credits

Earned at past schools, but not awarded; will be gathered from the following school(s) by a school counselor:

\_\_\_\_\_

Course(s) needed to complete partial credits previously earned will be arranged by school counselor. List course names and numbers of partial credits needed:

\_\_\_\_\_

Summer school enrollment

Dual-enrollment at a college campus (with ERH approval) in \_\_\_\_\_ class(es) for the purpose of: \_\_\_\_\_ (e.g., credit recovery)

Consider student for AB 167/216 graduation eligibility. If eligible, counselor has certified them and informed the ERH

Other (specify): \_\_\_\_\_

Intervention Plan (Use **Prior Intervention Plan** to record this information)

Intervention to be implemented: \_\_\_\_\_

StartDate/Frequency: \_\_\_\_\_

Name/Position of Responsible Person: \_\_\_\_\_

Intervention to be implemented: \_\_\_\_\_

StartDate/Frequency: \_\_\_\_\_

Name/Position of Responsible Person: \_\_\_\_\_

Intervention to be implemented: \_\_\_\_\_

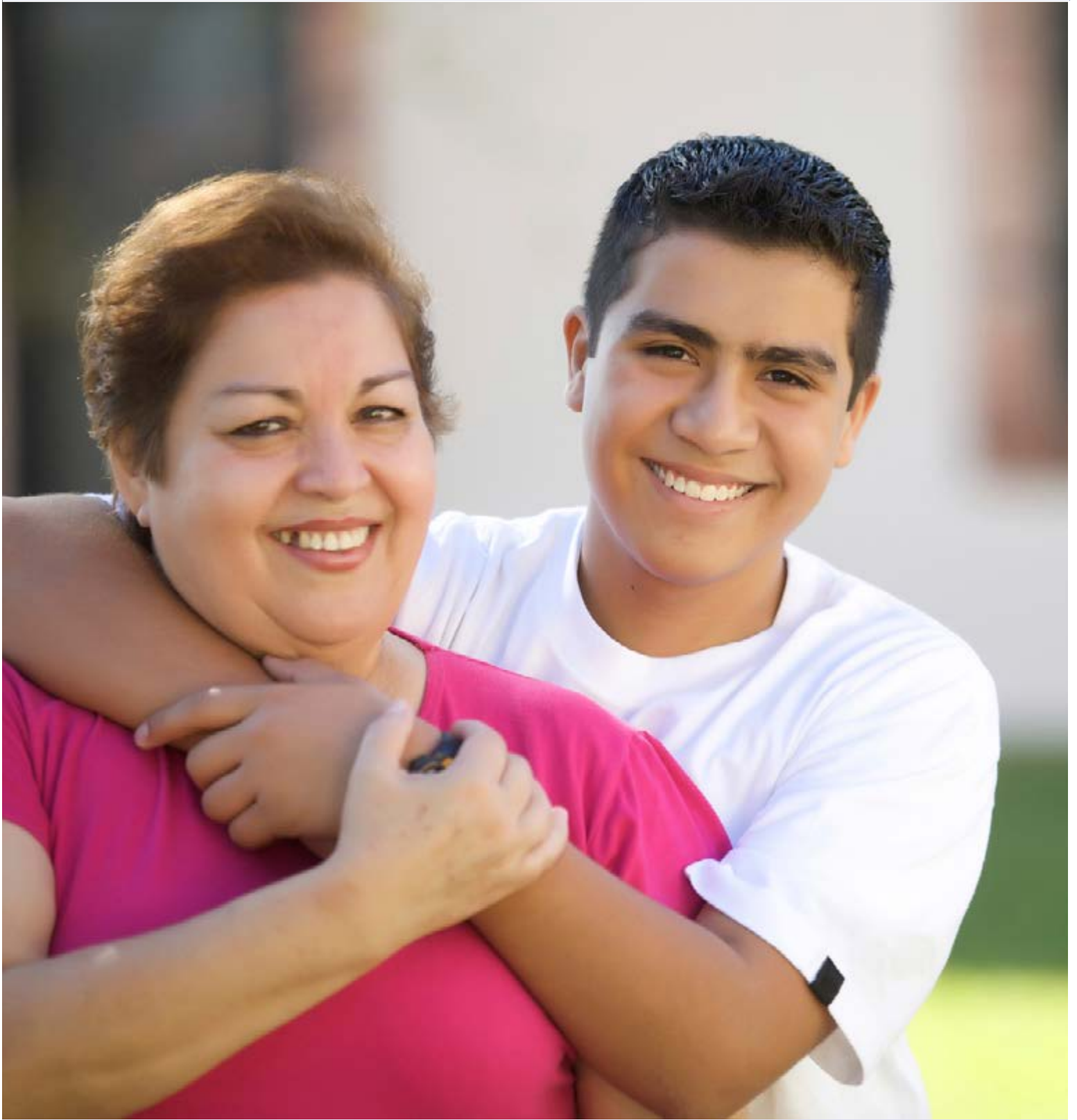
StartDate/Frequency: \_\_\_\_\_

Name/Position of Responsible Person: \_\_\_\_\_

Name/Title/Contact Information of Person Who Completed Graduation Check:

\_\_\_\_\_

# Enforcement of Foster Youth Education Rights: AB 379



## Assembly Bill (“AB”) 379

For over a decade, foster youth whose education rights were violated had no reasonable way to protect their rights. For example, if a youth was denied partial credits from their high school, their only fix was to sue the school district in court. Such lawsuits are impracticable.

AB 379 created an enforcement mechanism by which foster youth can now enforce their rights. The law, effective as of January 1, 2016, incorporates foster youth education rights into California’s Uniform Complaint Procedure (“UCP”) process.

## The Uniform Complaint Procedure Process

The UCP process provides parents, students, and other interested parties a streamlined way to resolve disputes regarding certain education laws by filing a complaint with the school district or the California Department of Education (“CDE”). In addition to foster youth education rights, the UCP process is used for violations of laws related to, among other things, special education, textbook availability, pupil fees, and teacher placement.

When a complaint is filed with the school district, the school district must investigate and provide a written response including a proposed resolution within 60 days. If a complainant (the person who filed the complaint) is not satisfied with the school district’s response, he or she may file an appeal with the CDE, who must also investigate and respond in writing within 60 days. In some circumstances (e.g., an entire group of students is having their rights violated), a complaint may be filed directly with the CDE for immediate resolution, skipping the normally required step of first filing with the school district. If it is determined that a school district has failed to uphold its responsibility to the student, then the school district may owe, and/or the CDE may order, remedies such as compensatory education services or re-training of staff. See [Sample District and CDE Remedies](#).

5 C.C.R. §§ 4600-4687.

## Filing a Complaint

The protections of AB 379 apply to “foster youth,” broadly defined to include all youth removed from their homes or subject to a petition under Cal. Welf. & Inst. Code §§ 300, 309, or 602. This includes youth with open dependency and delinquency cases. See [Who is a Foster Youth?](#)

As with most complaints under the UCP, any individual (e.g., the youth, their education rights holder, caregiver,

social worker/probation officer, legal representative in court), public agency, or organization may file a written complaint with the school district or charter school for a violation of foster youth education laws.

## Appropriate Topics to File a Complaint On

Complaints may be filed with the school district or charter school or, under some circumstances, directly with the CDE, for failure to comply with any component of the relevant education code sections.<sup>1</sup> Complaints can be filed for:

### SCHOOL PLACEMENT

- School placement decisions being made by someone other than an ERH.

See [Education Decision Makers for Foster Youth](#).

Cal. Educ. Code § 48853.

### ENROLLMENT IN REGULAR PUBLIC SCHOOL

- Denial of the right to attend a regular public school;
- forcing a youth to attend a continuation school, independent study program, or other alternative educational setting, without ERH agreement that that is in the youth’s best interests;
- denial of the right to be educated in the least restrictive environment; or
- failure of a foster youth liaison to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

See [Enrolling Foster Youth](#).

Cal. Educ. Code §§ 48853, 48853.5.

### IMMEDIATE ENROLLMENT

- Denial of the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records;
- denial of the right to immediately enroll in the school of residence once it is determined by the ERH that enrollment is in the foster youth’s best interest;
- denial the right to immediate enrollment at a charter school; or
- denial of the right to immediate enrollment in the same or equivalent classes as those the foster youth was taking at their prior school.

See [Enrolling Foster Youth](#).

Cal. Educ. Code § 48853.5.

<sup>1</sup>The laws incorporated into the UCP by AB 379 define the responsible entity in slightly different ways. All charter schools must ensure foster youth their rights to immediate enrollment, school of origin, equal access to services, records, and discipline notification. Cal. Educ. Code §§ 48850-48859. The laws regarding partial credits and AB 167/216 do not apply to most charters, unless the charter school is participating as a member of a special education local plan area, although charter schools are encouraged to afford students these opportunities for success. Cal. Educ. Code §§ 49069.5, 51225.1-3. This section of the toolkit refers to “school district” for ease of understanding, but that term should be read to apply to charter schools where the underlying law also applies.

## ENROLLMENT IN SCHOOL OF ORIGIN

- Denial of the right to remain in the school of origin while the court case is open;
- denial of the right to remain in a charter school as school of origin;
- denial of a K-8 foster youth's right to remain in their school of origin through the end of the academic school year after their court case is closed;
- denial of a high school foster youth's right to remain in their school of origin through graduation, even if their court case closes while they are still in high school;
- denial of a foster youth's right to matriculate with his or her peers from elementary to middle school or from middle to high school in accordance with established feeder patterns within the district of origin;
- failure of the foster youth liaison to provide a written explanation stating the basis for a recommendation to move a foster youth out of their school of origin; or
- denial of the right to remain in the school of origin pending resolution of a dispute regarding a request to remain in the school of origin.

See **School of Origin**.

*Cal. Educ. Code § 48853.5.*

## EQUAL ACCESS TO SCHOOL SERVICES

- Denial of equal access to academic resources (e.g., tutoring, A-G/Honors courses);
- denial of equal access to other school services (e.g., school based mental health services);
- denial of equal access to extracurricular activities (e.g., sports, art, drama, music);
- denial of equal access to enrichment activities (e.g., field trips, college fairs); or
- denial of equal access to any support or service due to missing a sign-up or try-out deadline.

See **Enrolling Foster Youth**.

*Cal. Educ. Code § 48853.*

## EMERGENCY SHELTER SCHOOLS<sup>2</sup>

- Educating a foster youth in an emergency shelter for a long period of time;
- educating a foster youth in an emergency shelter even though they are not experiencing a health or safety emergency; or
- educating a foster youth in an emergency shelter even though all four of the following conditions have not been met: (1) a school of origin decision cannot be made quickly; (2) it is not practical to transport the youth to the school of origin in the meantime; (3) the youth would otherwise not receive educational services; and (4) temporary, special, and supplementary services are available to meet the youth's unique needs.

*Cal. Educ. Code § 48853(g).*

<sup>2</sup>California law allows foster youth living in emergency shelters to receive schooling at those shelters for short periods of time for either: (1) health and safety reasons; or (2) to provide temporary, special, and supplementary services to meet the youth's unique needs if: (a) a decision regarding whether to attend the school of origin cannot be made promptly; (b) it is not practical to transport the youth to the school of origin; (c) the youth would otherwise not receive educational services; and (d) temporary, special, and supplementary services are available to meet the youth's unique needs. *Cal. Educ. Code § 48853(g)*. This law attempts to strike a balance between ensuring that all youth are receiving education services at all times and the fact that emergency shelters are not set up to provide education services in the way that a local or alternative school site is. Emergency shelter schools should never be long-term education placements.

## RECORDS

- Failure to ensure the proper transfer of records from one school to another within 2 business days upon a foster youth's transfer; or
- failure to ensure that the duty to request and transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific education recordkeeping needs of foster youth.

See **Requesting Education Records**.

*Cal. Educ. Code § 48853.5; 49069.5.*

## PARTIAL CREDITS AND CHECKOUT GRADES

- Denial of the right to credits, including partial credits, and/or check out grades upon transfer into or out of the school/district;
- denial of the right to credits based on a determination of seat time;
- denial of the right to have grades and credits calculated as of the date the youth left school without lowering their grades due to absences resulting from a decision to change their home placement;
- denial of the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities;
- failure to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific partial credit needs of foster youth who transfer between schools;
- denial of the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school;
- denial of the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school; or
- denial of the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

See **Partial Credit Model Policy** and **Enrolling Foster Youth**.

*Cal. Educ. Code §§ 48853.5; 49069.5; 51225.2.*

## GRADUATION UNDER AB 167/216

- Denial of the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the youth: (1) transferred schools after the completion of their second year of high school; and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school;
- denial of the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible;

- denial of the right to remain in their local high school for a fifth year to complete school district graduation requirements if the youth is reasonably able to do so;
- denial of the right to remain in attendance at school through the end of the fourth year, even if the youth has already completed all statewide coursework requirements prior to the end of the fourth year;
- revocation of the foster youth’s right to graduate under AB 167/216 at any time after certifying them as eligible;
- requiring or requesting that a foster youth transfer schools solely to qualify for AB 167/216 graduation;
- refusal to reconsider the foster youth’s eligibility for AB 167/216 graduation after a request by the foster youth and/or their ERH;
- failure to inform a foster youth, their ERH, and/or social worker/probation officer of a youth’s eligibility or ineligibility for AB 167/216 graduation within 30 days of transferring into the school/district;
- failure to inform a foster youth and their ERH of: (1) the effect of graduating under AB 167/216 on admission to postsecondary education institutions; (2) the youth’s option to remain in school for a fifth year to complete district

- requirements if he or she is reasonably able to do so; and/or (3) transfer opportunities available through the California Community Colleges; or
- failure to issue a normal high school diploma for the foster youth upon their completion of all required state coursework.

See **High School Graduation for Foster Youth: AB 167/216**.

*Cal. Educ. Code §§ 51225.1, 51225.3*

**DISCIPLINE**

- Failure of the foster youth liaison to notify the foster youth’s attorney and/or appropriate representative of the county child welfare or probation agencies of pending expulsion proceedings, proceedings to extend a suspension, or a pending manifestation determination Individualized Education Program (“IEP”) meeting.

See **Disciplinary Challenges of Foster Youth**.

*Cal. Educ. Code § 48853.5.*

**Sample District and CDE Remedies**

SAMPLE VIOLATION	SUGGESTED REMEDIES
Violation of right to remain in school of origin	<ul style="list-style-type: none"> <li>• Immediate enrollment in school of origin</li> <li>• Transportation services to school of origin</li> <li>• Compensatory education for lost instructional days</li> <li>• Re-training of staff involved in enrollment</li> </ul>
Violation of right to immediate enrollment in school	<ul style="list-style-type: none"> <li>• Immediate enrollment in school</li> <li>• Compensatory education for lost instructional days</li> <li>• Re-training of staff involved with enrollment</li> </ul>
Violation of right to enrollment in same or equivalent courses	<ul style="list-style-type: none"> <li>• Immediate enrollment in same or equivalent courses</li> <li>• Tutoring services to assist youth in catching up with coursework</li> <li>• Re-training of school counselors on enrollment of foster youth in same/equivalent courses</li> </ul>
Violation of right to partial credits for work satisfactorily completed	<ul style="list-style-type: none"> <li>• Immediate issuance of appropriate credits</li> <li>• Re-training of counselors and registrars regarding partial credits</li> </ul>
Violation of right to certification for AB 167/216 graduation	<ul style="list-style-type: none"> <li>• Immediate issuance of certification of eligibility</li> <li>• Compensatory education for days enrolled in inappropriate courses</li> <li>• Re-training of counselors, enrollment staff, and registrars regarding AB 167/216 graduation</li> </ul>

## Best Practices for Receiving and Investigating Complaints

### STEP 1

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**Ensure Appropriate Staff Training:** If all relevant staff, including school counselors, administrators, teachers, front desk clerks, registrars, and foster youth liaisons, are well trained on enforcing the rights of foster youth, a school district can avoid complaints.

### STEP 2

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**Adopt Policies and Procedures for the Investigation and Resolution of Complaints:** School districts are required to have procedures in place to implement the UCP. Ensure that these policies and procedures specifically acknowledge the incorporation of foster youth rights.

**Policies and procedures should also be reviewed to determine whether their application is appropriate for foster youth. For example, waiting the entire legally allowed 60 day timeline to decide an enrollment complaint would mean the youth is excluded from school for that entire time period. This would seriously harm the student and open the school district up to unnecessary liability to provide compensatory services for that entire time period.**

### STEP 3

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**Designate an Employee to Receive and Investigate Complaints:** The employee responsible for investigating complaints must be knowledgeable about all foster youth education rights.

### STEP 4

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**Provide Appropriate Notice:** Information about the requirements of foster youth education laws and of the right to file a complaint for violation of these laws must be incorporated into the school district's required annual UCP notification. The notification must be distributed broadly, including to youth, parents or guardians of pupils (education rights holders for foster youth), employees, and other "interested parties." Such interested parties should include social workers, probation officers, and legal representatives for youth, as well as caregivers. The notice must also identify the person responsible for investigating such complaints and notification of the right to appeal. See **California Department of Education's Sample UCP Annual Notice.**

### STEP 5

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**Provide Appropriate Complaint Form:** School districts should provide a sample complaint form that can be used to submit a complaint that complies with state requirements. See **Sample UCP Complaint Form.**

Complaints not using the sample form must also be accepted. Best practice also includes providing assistance to families in filling out complaints.

### STEP 6

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**Investigate and Respond to Complaints in a Timely Manner:** Complaints filed with the school district must be investigated and a written response provided to the youth's ERH and the complainant within 60 days. To avoid harm to youth and potentially owing additional compensatory education remedies, shorter timelines should be adopted. Given the limited facts upon which most foster youth education complaints will likely be based, school districts should be able to address most complaints in less than one week.

The investigation must provide the complainant an opportunity to provide information to support the complaint. This information may include related paperwork that the complainant may attach to the complaint or an opportunity to provide information through an in-person or telephonic interview.

The school district must provide a written response within the 60 day timeline, including information about the right to appeal and the 15 day appeal timeline. If the school district decides that they did violate the youth's rights, they should provide an appropriate remedy.

### STEP 7

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**Comply with CDE Orders:** If an appeal is filed with the CDE, school districts must cooperate with the CDE's investigation. If the school district is found in violation of the youth's education rights, they must comply with any remedies ordered by the CDE. Such remedies may include the enrollment of youth in a particular school or course(s), compensatory education services, or mandatory re-training of staff.



\_\_\_\_\_ School District  
Uniform Complaint Procedure Form for AB 379 Complaints

Student Name \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Date of Alleged Violation \_\_\_\_\_ School of Alleged Violation \_\_\_\_\_

Do you want to receive a copy of the written response to your complaint?

Yes, I request a copy of the written response to my complaint be sent to me at:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone Number (optional): \_\_\_\_\_

No, I do not request a copy of the written response. I am filing this complaint anonymously.

**The following issues may be the subject of this complaint process. If you wish to complain about an issue not specified, please contact the district for the appropriate complaint procedure.** Specific issue(s) of the complaint: (Check all that apply. A complaint may contain more than one allegation.)

### 1. School Placement Decisions *(Education Code § 48853)*

A foster youth's<sup>1</sup> school placement decision has been made by the school/district, group home, social worker, or other non-education rights holder.

### 2. Enrollment in regular public school *(Education Code § 48853, 48853.5)*

A foster youth has been denied the right to attend the youth's regular public school.

A foster youth has been denied the right to immediate enrollment in a charter school.

A foster youth has been forced to attend a continuation school, independent study program, or other alternative educational setting, without the education rights holder's agreement that that is in the youth's best interests.

A foster youth is not being educated in the least restrictive environment.

A foster youth liaison has failed to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

### 3. Immediate Enrollment *(Education Code § 48853.5)*

A foster youth has been denied the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records.

A foster youth has been denied the right to immediately enroll in the school of residence once it is determined by the education rights holder that enrollment is in the foster youth's best interest.

A foster youth has been denied the right to immediate enrollment in the same or equivalent classes as those they were taking at their prior school.

### 4. Enrollment In School Of Origin *(Education Code § 48853.5)*

A foster youth has been denied the right to remain in their school of origin during jurisdiction of the court.

A foster youth has been denied the right to remain in their school of origin, a charter school.

A foster youth in kindergarten or grades 1-8 has been denied the right to remain in their school of origin through the end of the academic school year after jurisdiction of the court is terminated.

A foster youth in high school has been denied the right to remain in their school of origin through graduation after jurisdiction of the court is terminated.

A foster youth has been denied the right to matriculate with his or her peers in accordance with established feeder patterns within the district of origin.

A foster youth liaison has failed to provide a written explanation stating the basis for a recommendation to move a foster youth from their school of origin.

A foster youth has been denied the right to remain in their school of origin pending resolution of a dispute regarding a request to remain in a school of origin.

### 5. Equal Access to School Services *(Education Code § 48853)*

A foster youth has been denied equal access to academic resources (e.g., tutoring, A-G/Honors courses).

A foster youth has been denied equal access to school services (e.g., school based mental health services).

A foster youth has been denied equal access to extracurricular activities (e.g., sports, art, drama, music).

A foster youth has been denied equal access to enrichment activities (e.g., field trips, college fairs).

A foster youth has been denied equal access to any support or service due to missing a sign-up or try-out deadline.

<sup>1</sup> "Foster youth" includes any youth (foster and probation) removed from his or her home or subject to a petition under Welfare and Institutions Code Sections 300, 309, or 602. *(Education Code §§ 48853.5, 51225.2)*.



## 6. Emergency Shelter Schools *(Education Code § 48853(g)).*

A foster youth has been educated in an emergency shelter for a long period of time.

A foster youth is being educated in an emergency shelter even though they are not experiencing a health or safety emergency.

A foster youth is being educated in an emergency shelter even though all four of the following conditions have not been met: 1) a school of origin decision cannot be made quickly; 2) it is not practical to transport the child to the school of origin in the meantime; 3) the child would otherwise not receive educational services; and 4) temporary, special, and supplementary services are available to meet the youth's unique needs.

## 7. Records *(Education Code § 48853.5; 49069.5)*

The district failed to ensure the proper transfer of records from one school to another within 2 business days from a foster youth's transfer.

The district failed to ensure that the duty to transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific educational recordkeeping needs of foster youth.

## 8. Partial Credits and Checkout Grades *(Education Code § 48853.5; 49069.5; 51225.2)*

A foster youth has been denied the right to credits, including partial credits, and/or check out grades upon transfer into or out of the school/district.

A foster youth has been denied the right to credits based on a determination of seat time.

A foster youth has been denied the right to have grades and credits calculated as of the date the student left school without lowering their grades due to absences resulting from a decision to change their home placement.

A foster youth has been denied the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities.

The district failed to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific educational recordkeeping needs of foster youth who transfer between schools.

A foster youth has been denied the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school.

A foster youth has been denied the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school.

A foster youth has been denied the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

## 9. Graduation Under AB 167/216 or the "Foster Youth Graduation Exemption" *(Education Code § 51225.1, 51225.3)*

A foster youth has been denied the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the pupil (1) transferred schools after the completion of their second year of high school, and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school.

The district has denied a foster youth the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible.

A foster youth has been denied the right to remain in their local high school for a fifth year to complete school district graduation requirements if he or she is reasonably able to do so.

A foster youth has been denied the right to remain in attendance at school through the end of the fourth year of school, even if they have already completed all statewide coursework requirements prior to the end of the fourth year.

The district has revoked the foster youth's right to graduate under the foster youth graduation exemption at any time after certifying them as eligible.

The district has required or requested that a foster youth transfer schools solely to qualify the pupil for the foster youth graduation exemption.

The district has refused to reconsider the foster youth's eligibility for the foster youth graduation exemption after being requested to do so by the foster youth and/or their education rights holder.

The district has failed to inform a foster youth, their education rights holders, and/or their social worker/probation officer of their eligibility or ineligibility for the graduation exemption within thirty (30) days of transferring into the school/district.

The district has failed to inform a foster youth and/or their education rights holder of: (1) the effect of graduating under the foster youth graduation exemption on admission to postsecondary educational institutions; (2) the pupil's option to remain in school for a fifth year to complete district's requirements if he or she is reasonably able to do so; and/or (3) transfer opportunities available through the California Community Colleges.

The district has failed to issue a 'normal high school diploma' for the foster youth upon their completion of all required state coursework.

## 10. Discipline *(Education Code § 48853.5)*

The foster youth liaison failed to notify the foster youth's attorney and/or appropriate representative of the county child welfare agency of pending expulsion proceedings, proceedings to extend a suspension, or pending manifestation determination for a student with an Individualized Education Program ("IEP").

11. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. Please give the facts about your complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. You may attach additional pages and include as much text as necessary to fully describe the situation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. With whom have you spoken regarding this complaint? Please include that person's title and the result of the discussion.  
\_\_\_\_\_  
\_\_\_\_\_

C. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

Yes    No

D. Is there a specific remedy you action you would like the District to take?

No. I do not have a specific remedy in mind, but would like the district to resolve this complaint.

Yes. I am seeking the specific remedy below:

Immediate enrollment in school. Name of school: \_\_\_\_\_

Issuance of credits or partial credits.

Graduation under the foster youth graduation exemption or eligibility certification for graduation under the foster youth graduation exemption.

Other (Please Specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:** I am    mailing    hand-delivering    faxing this form on \_\_\_\_\_ (date) to:

**Compliance Office**

**Compliance Officer Name:** \_\_\_\_\_

**By: (Check One)**

MAIL: \_\_\_\_\_

IN PERSON: \_\_\_\_\_

FAX: \_\_\_\_\_

Note: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. See 5 CCR § 4652.

For more information on the Foster Youth Education Toolkit, visit [kids-alliance.org/edtoolkit](http://kids-alliance.org/edtoolkit) or contact:



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# COURT COMPANION

## to the Foster Youth Education Toolkit

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ASSOCIATION OF CALIFORNIA  
SCHOOL ADMINISTRATORS

CALIFORNIA COUNTY  
SUPERINTENDENTS EDUCATIONAL  
SERVICES ASSOCIATION

CHILD WELFARE COUNCIL



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EDUCATION  
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KEEPING KIDS IN SCHOOL AND  
OUT OF COURT INITIATIVE

LOS ANGELES COUNTY  
OFFICE OF EDUCATION  
FOSTER YOUTH SERVICES



For several years, school districts have utilized the **Foster Youth Education Toolkit** as a foundation for meeting the education needs of youth in foster care and/or on probation. However, in order to improve education outcomes for youth in care, education, foster care and probation systems (among others) must work together. California Continuum of Care Reform (“CCR”) and Local Control Funding Formula (“LCFF”) encourage greater communication and collaboration across systems to meet the needs of youth in care.

The **Court Companion to the Foster Youth Education Toolkit** supports such collaboration; it follows the same model as the original toolkit, offering comprehensive information on the education rights of foster/probation youth along with step-by-step procedures and easy-to-use implementation tools. However, the Court Companion speaks to the needs of the parties who work with the youth, other than school districts, including:

- **Education Rights Holder(s) (“ERH”)**: The individual(s) with the legal authority to make education decisions for a youth.<sup>1</sup>
- **County Social Worker (“CSW”)**: The child welfare worker assigned to the youth’s case.
- **Probation Officer (“PO”)**: The probation officer assigned to the youth’s case.
- **Attorney for Youth**: The attorney representing a youth in a dependency or delinquency hearing. In some counties, youth may be represented by a guardian ad litem who can also follow these best practices.
- **Attorney for Parent**: The attorney representing a parent (including adoptive parents and legal guardians) in a dependency hearing.
- **Attorney for County Placing Agency**: The attorney representing the County in a dependency or delinquency hearing.
- **Judge**: The judicial officer (i.e., judge, commissioner, referee) presiding over a dependency or delinquency hearing.

The Court Companion includes checklists for each of these parties, which gather all the best practices on each education topic into one reference tool, as well as sample minute order language for judges and sample court report language for social workers and probation officers.

In addition to the above, it is important to remember that two other parties play key roles in supporting the education-related decisions that affect a student in foster care or on probation: the youth, and the caregivers.



**Youth** play an essential role in their own learning. Throughout the toolkit we refer to youth in care by the pronoun “they/their”. We have chosen this term because it is gender-neutral and inclusive of all youth.

**Caregivers**, including Short Term Residential Therapeutic Placements (“STRTP”), are also important. While caregivers who do not hold education rights do not make education decisions for youth, they play an important role in supporting a youth’s

<sup>1</sup> The Court Companion is meant to be one tool among many for ERHs. For example, the [Alliance for Children’s Rights Education Manual](#) is an ERH’s advocacy guide to accessing early intervention, special education, and general education rights and services for foster and probation youth.

education. Caregivers must monitor the youth's daily school performance, communicate with the ERH about any concerns, and work collaboratively to develop solutions to support the youth. With the assistance of the CSW/PO, caregivers are responsible for keeping the youth's education records updated. They may also be needed for key jobs, such as transporting the youth to their school of origin. Child and Family Team meetings ("CFT") are great places to address education needs as a part of the team supporting a youth. Senate Bill 233 (2017, Beall), co-sponsored by the Alliance for Children's Rights, now ensures caregivers have access to a youth's current education records (e.g., report cards, attendance, discipline, Individualized Education Programs ("IEP")) to aid in the caregiver's support of the youth's education.



Why are the tools, resources, and practices described in the Court Companion so important? Currently, the education outcomes of foster/probation youth in California are heartbreakingly poor:



**High Rates of School Mobility:** Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.<sup>2</sup>



**Low Test Scores:** Just 19% of students in foster care score proficient or above in English language arts on the California Assessment of Student Performance and Progress ("CAASPP"), compared to 44% of students statewide. Similarly, 12% of foster youth score proficient or higher on the math portion of the CAASPP compared with 33% of students statewide.<sup>3</sup>



**High Dropout Rates and Low Graduation Rates:** Foster youth have the highest dropout rates and the lowest graduation rates. The dropout rate for students in foster care is 31%, compared with 10% of students statewide. Likewise, just 52% of students in foster care graduate from high school compared with 84% of students statewide.<sup>4</sup>



FORMS & SAMPLES



LETTERS

### Using The Court Companion

Users of the Court Companion to the Foster Youth Education Toolkit will find it helpful to reference the **Foster Youth Education Toolkit** to better understand the role of the school district in fulfilling the laws related to foster and probation youth education. School districts will also find it helpful to utilize the Court Companion when trying to determine how best to work with others to address a youth's needs.

The icons above indicate that a tool is also available as a Word or PDF Document and will include a "Download This Tool" link. Links to court forms are also included for ease of use and reference.

<sup>2</sup>Vanessa X. Barrat & Bethann Berliner, The Invisible Achievement Gap: Part 1: Education Outcomes of Students in Foster Care in California's Public Schools (WestEd 2013) (hereinafter The Invisible Achievement Gap, Part 1).

<sup>3</sup>Most recently released test scores are available at: <http://caaspp.cde.ca.gov/>

<sup>4</sup>These statistics are from 2016. Most recently released statistics available at: <http://data1.cde.ca.gov/dataquest>

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# Education Rights Holders

Although all caregivers and professionals working with foster/probation youth play an essential role in supporting their education, a youth's education rights holder(s) ("ERH") makes all education decisions. ERH decisions include: (1) school enrollment/placement, including school stability and transfers to alternative schools; (2) high school graduation planning, including Assembly Bill ("AB") 167/216; (3) special education, including decisions regarding assessments and consenting to an Individualized Education Program ("IEP"); and (4) school discipline. ERHs also make mental health decisions regarding school-based mental health services.<sup>5</sup> One of the most important things that those working with foster/probation youth can do to support their education is facilitate the active participation of an appropriate ERH. This starts by ensuring at every court hearing that each youth (from birth to their 18th birthday) has an appropriate ERH.<sup>6</sup>



## Overview of the Law

- A youth's education rights holder makes all decisions about their education.
- Biological parents hold education rights until a court limits or terminates those rights. Adoptive parents and legal guardians also hold education rights unless limited or terminated.
- Prior to each court hearing, the county social worker ("CSW") or probation officer ("PO") is responsible for determining whether the youth's current ERH is meeting their needs. An ERH (including the parent) can be found to not meet the youth's education needs if the ERH is unwilling or unable to participate in the youth's education and the placing agency has made "diligent efforts" to include the ERH.
- The youth's CSW/PO is responsible for ensuring the youth's ERH receives appropriate notice of all regularly scheduled court hearings that might affect the youth's education. **See JV-535 Form, Section 12.**
- The youth's CSW/PO is responsible for including information in the court report regarding the youth's education needs, the type of school the youth is attending, a copy of the youth's IEP/504 plan, and whether (and why) the youth's ERH needs to be changed, as well as the identity of the new person the court is being asked to appoint as ERH.
- The court is responsible for identifying the ERH for each youth at each dependency/delinquency court hearing.
  - » At the initial or detention hearing, or at any hearing prior to disposition (before the youth is determined to be a dependent/delinquent), or at any hearing where the petition is dismissed, the court must consider and identify who holds education rights. At the dispositional hearing and each subsequent hearing, the court must consider whether the youth's education needs are being met, address whether the youth's education needs are being met in its findings, and identify the youth's ERH on the JV-535 Form.
  - » **Limiting Education Rights:** If necessary, the court must limit the education decision-making rights of a parent, guardian, or current ERH. If circumstances change later, the court may reinstate education rights.

<sup>5</sup>For example, a youth's ERH can consent to mental health services in a youth's IEP. ERHs (except for biological parents, adoptive parents, and legal guardians) cannot consent to mental health services (or the release of information) from an outside mental health provider. The privilege for these services is held by the youth's dependency/delinquency attorney.

<sup>6</sup>It is also best practices to appoint a Developmental Services Decision-Maker whenever a new ERH is appointed.



## Education Rights Holders Continued



- » **Appointing a New ERH:** When education rights are limited or terminated, the court must appoint a new ERH on the **JV-535 Form**. When a new ERH is appointed, the new ERH receives all education decision-making rights and authority unless the court specifies otherwise in the order.

### Who Can Hold Education Rights:

- The court must identify whether a relative, nonrelative extended family member, or other adult known to the youth is willing to be their ERH before appointing someone unknown to the youth.
- A caregiver in a planned permanent living arrangement<sup>7</sup> automatically holds education rights. To ensure a school clearly understands who holds education rights, the court should also document this on the JV-535 Form.
- Similar to two biological parents who share education rights, the court can appoint co-ERHs for a youth. This is appropriate in a situation where a parent is trying to reunify with the youth (thus limiting their rights would be inappropriate), but is temporarily unavailable to participate in education decisions (e.g., parent in a 90-day drug/alcohol inpatient treatment program). When a second adult is appointed as a co-ERH, they work together to ensure the youth's education needs are always met. If there is a difference of opinion between co-ERHs that they cannot resolve, the conflict should be brought before the court for a final decision about what is in the youth's best interest.
- At age 18, a youth automatically becomes the holder of their own education rights.

### Who Cannot Hold Education Rights:

- The court cannot appoint anyone with a conflict of interest to be the ERH. This includes any person having any interests that might restrict or bias their ability to make decisions in

the best interests of the youth, including but not limited to receiving compensation or attorney's fees for the provision of services such as social workers, probation officers, STRTP staff, therapists, school employees, regional center staff, and court appointed attorneys who receive attorney's fees.<sup>8</sup> A foster parent may hold education rights, as there is an exception for the foster care maintenance payments received by a foster parent, because the funding is for the care of the youth.

### When the Court Must Make Education Decisions:

- When necessary, the court may document on the JV-535 form that the court cannot identify an adult to serve as the ERH.
  - » **For Special Education Students:** If the youth is or may be eligible for special education, see rules on the next page regarding surrogate parents.
  - » **For General Education Students:** If the appointment of a surrogate parent is not warranted, the court must make temporary education decisions on behalf of the youth, with input from any interested person, and must issue appropriate orders to ensure that every effort is made to identify an appropriate ERH to make future education decisions.

**Notice of Change in ERH:** When a JV-535 indicates a change in ERH, the court clerk must provide a copy of the JV-535 to the ERH, youth (if 10 years old or older), the Attorney for Youth, the CSW/PO, the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.

<sup>7</sup>Following changes in federal law, planned permanent living arrangements are only allowed for youth 16 and older who are living with a non-relative.

<sup>8</sup>A youth's court appointed dependency or delinquency attorney can be appointed to make education decisions when no other adult is available.

# Education Rights Holders Continued

## Rights and Duties of Court Appointed ERHs<sup>9</sup>:

- **Investigation:** The ERH is responsible for meeting with the youth, investigating the youth's needs, and determining if those needs are being met.
- **Inform the Court:** Prior to each hearing, the ERH is responsible for providing information and recommendations to the CSW/PO and the court. The ERH may complete and submit a **JV-537 Form** to explain the youth's needs to the court.
- **Statement to the Court:** At any hearing after a change in the youth's education placement, the ERH must submit a statement to the court, such as that found on the **School of Origin Best Interest Determination Procedures and Worksheet**, indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their **School of Origin**.
- **Attend Court:** ERH is required to attend and participate in any court hearings where education is being addressed.
- **Decision Making:** The ERH must act and make decisions in the youth's best interest. The ERH has all education rights of a parent including: (1) access to and disclosure of education records<sup>10</sup>; (2) notice of and the right to participate in all school discipline meetings; (3) the opportunity to advocate for the interests of the youth in matters relating to the identification and assessment of special education needs, attendance and meaningful participation in IEP development, and to sign consent to put special education services in place; and (4) general education rights including school stability and enrollment decisions and graduation planning. **School of Origin, Transferring to a New School: Enrollment, Disenrollment, and Partial Credits, and Graduation Planning.**

**NOTE:** Although the AB 490 Foster Youth Liaison from

the youth's school district may make recommendations about whether it is in the youth's best interests to remain in their school of origin, this is an advisory role and does not replace the ERH's ultimate decision-making authority about school of origin.

*Cal. Educ. Code §§ 48853.5, 56028(b)(2); Cal. Welf. and Inst. Code §§ 319(g), 361, 726; Cal. Rules Ct. 5.649, 5.650.*

**School District Appointed Surrogate Parent:** For youth who have or need an IEP, when no other ERH can be identified:

- If the court cannot identify an ERH and the youth may be or is eligible for special education services, the court must refer the youth to the school district using the **JV-535 Form**, Section 4a, for the appointment of a surrogate parent.<sup>11</sup>
- In the meantime, the court may consent to a youth's initial assessment for special education eligibility.
- Within 30 days of the request for appointment, the school district must appoint the surrogate parent and complete and return the **JV-536 Form** to the CSW/PO, attorney for the youth, and the court.
- A surrogate parent may not have a conflict of interest or be employed by the California Department of Education, the school district, or any other agency involved in the care or education of the youth.
- A surrogate parent must make education decisions for the youth until: (1) the court appoints a new ERH; (2) parental rights are reinstated; (3) the youth moves into a new school district; or (4) a new surrogate is appointed.  
*34 C.F.R. § 300.519; 17 C.C.R. § 52175; Cal. Educ. Code § 56050; Cal. Gov't Code § 7579.5; Cal. Rules Ct. 5.649, 5.650.*

<sup>9</sup>It is also recommended that biological parents who retain education rights utilize these.

<sup>10</sup>Pursuant to SB 233, caregivers also now have the clear right to access current education records for a youth, and to utilize those records for the purpose of supporting the youth's education.

<sup>11</sup>Utilizing a surrogate parent is a last resort as this person will not have a personal connection to the youth and will not follow the youth when they move out of the district.



### BEST PRACTICES FOR EDUCATION RIGHTS (TO BE ADDRESSED AT EVERY COURT HEARING)

#### Before Every Court Hearing

##### STEP 1

**Parent Education Rights Holders:** Attorney for Parent meets with their client and discusses the youth's education needs, including the parent's ability to meet the youth's education needs, or any barriers to being able to exercise (or regain) education rights. **See Attorney for Parent Checklist.** Before the detention hearing, Attorney for Parent and Parent complete **JV-225 Form**, Your Child's Health and Education. Attorney for Parent can provide a copy of the **Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth**, and **Requesting a Special Education Assessment: Step-by-Step Guide** tools to assist the parent in exercising education rights. In order to make best interest education decisions, ERH attends all school-related meetings. If the youth has unmet needs for which an education attorney might be warranted to assist the parent in exercising their education rights, Attorney for Parent will discuss the option of referring the youth for appointment of a Welfare and Institutions Code Section 317(e) attorney. If appropriate, the Attorney for Parent will consult with the Attorney for Youth, and complete the **317(e) Referral Form**.

##### STEP 2

**CSW/PO Determination of Appropriateness of Current ERH:** CSW/PO communicates with youth's current ERH to determine ERH's ongoing ability and willingness to continue holding education rights. The CSW/PO should

make diligent efforts to contact the current ERH before recommending any change in ERH. Diligent efforts could include home visits to parents and/or multiple (e.g., three) documented attempts to engage the ERH over the phone. **See CSW/PO Documentation of Diligent Efforts to Include Youth's Current ERH in their Education.** After every change in home placement, CSW/PO pays particular attention to whether the ERH remains appropriate, especially when the prior caregiver is the current ERH. As a youth nears the age of 18, CSW/PO and Attorney for Youth ensure that youth is competent to hold their own education rights, is aware they will become their own ERH, and is knowledgeable about their education rights and how to seek support if needed.

If, after making diligent efforts to include the ERH in the youth's education, the CSW/PO determines that the current ERH is unable or unwilling to continue holding education rights, the CSW/PO will work with the adults involved in the youth's life to identify a new potential ERH. Prior to recommending the limitation of a parent's education rights, the CSW/PO considers whether: (1) the parent's inability to hold the youth's education rights is short term in nature; (2) the parent is attempting to reunify with the youth; and/or (3) recommending appointment of a second, co-ERH, along with the parent is feasible (e.g., parent is incarcerated for a short duration). When selecting a new potential ERH, preference must be given to relative caregivers, nonrelative extended family members, the caregiver in the youth's planned permanent living arrangement, or another adult known to, or selected by, the youth.

## IN CASES WHERE THERE IS AN APPROPRIATE ERH:

### STEP 3

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**Notice:** CSW/PO gives appropriate notice to ERH of all regularly scheduled court hearings that might affect the youth's education.

### STEP 4

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**ERH Gathers Information:** ERH meets with youth, caregiver (if the caregiver is not also the ERH), school staff, and other relevant adults (e.g., tutor, school-based mental health provider) to gather relevant information about the youth's needs. ERH collects relevant education records. **See Requesting Education Records: Step-by-Step Guide Tool.** ERH attends all meetings regarding the youth's education (e.g., Child and Family Team, Multi-Disciplinary Team, IEP). **See ERH Checklist.**

### STEP 5

---

**CSW/PO Gathers Information:** CSW/PO discusses the youth's needs with ERH and includes information about the status of the youth's education in their court report, including but not limited to the type of school the youth is attending (e.g., school of residence, school of origin, alternative school such as continuation school or independent study program), a copy of the youth's IEP/504 plan, and any unmet education needs. **See CSW/PO Court Report Language.** CSW/PO requests any needed records directly from the school. **See Requesting Education Records: Step-by-Step Guide Tool.** CSW/PO may also access records through a county electronic data-sharing system, if available.

### STEP 6

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**ERH Statement to Court:** When appropriate, ERH submits a **JV-537 Form** explaining the youth's needs to the court. Submission of the JV-537 Form or other written statement to the court (e.g., **School of Origin Best Interests Determination Procedures & Worksheet**) is required for any hearing after a change in the youth's education placement, indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in their school of origin.

## IN CASES WHERE THERE IS NOT AN APPROPRIATE ERH:

### STEP 3

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**Notice:** CSW/PO provides appropriate notice to the current ERH about the upcoming hearing and their intention to request a change in ERH at the hearing. If the ERH is the parent, notice is also provided to Attorney for Parent.

### STEP 4

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**CSW/PO Gathers Information:** CSW/PO discusses the youth's needs with their caregiver and education support staff (e.g., teacher, tutor), gathers relevant documents (e.g., report card, IEP), and prepares their court report including information about the status of the youth's education, the type of school the youth is attending, and recommends why the youth's ERH need to be changed (e.g., ERH unwilling to participate in the youth's education after diligent attempts are made and documented) and who is recommended to hold education rights moving forward. **See CSW/PO Court Report Language, CSW/PO Documentation of Diligent Efforts to Include Youth's Current ERH in their Education.** CSW/PO will request any needed records directly from the school. **See Requesting Education Records: Step-by-Step Guide Tool.**

### STEP 5

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**CSW/PO Identifies New ERH:** CSW/PO identifies an appropriate proposed ERH, completes the **JV-535 Form**, and submits it to the court, along with their court report. If the youth has or may need an IEP and there is no potential ERH identified through CSW/PO best efforts, the CSW/PO completes the JV-535 Form, Section 4a, requesting a surrogate parent from the youth's school district.

### STEP 6

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**Attorney Consults Youth: See Attorney for Youth Checklist.** Attorney for Youth consults with their client about the youth's education needs (including, where relevant, the youth's desire to remain in or return to their school of origin) and whether the ERH is supporting the youth. If the youth identifies that the ERH is not supporting the youth, Attorney for Youth and youth discuss potential alternative ERHs.

## At Every Court Hearing

### STEP 1

**ERH Attends Hearing:** When appropriate, ERH attends court hearing to discuss education needs of the youth.

### STEP 2

**Parties Inform Court:** ERH, Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency provide all necessary information to the court.

### STEP 3

**Court Confirms Status of ERH:** Court inquires about the status of the ERH from the CSW/PO court report and all parties and includes answers to the following questions in the minute order. **See Judge's Checklist.**

- Who is the current ERH? If the court has not specifically limited education rights, then the biological parents retain those rights.
- Is the current ERH unavailable, unable, or unwilling to exercise education rights? Factors to consider:
  - » **Biological Parent:** The court might consider limiting the education rights of a biological parent in the event that their whereabouts are unknown, or if they are unreachable (e.g., they have not provided the CSW/PO with a working phone number or valid address for the past three months), deceased, or incarcerated for an extended period. These rights can be limited temporarily and then restored if the parent is temporarily incapacitated but will be available again in the future. The court could also consider the appointment of a co-ERH in this situation.
  - » **Previous Foster Parent or Caregiver:** The court should determine whether this person no longer has the ability and/or interest to be involved in the youth's education.

### Best Practice Highlight

In Los Angeles County, where there are a large number of youth without ERHs, volunteer ERHs are recruited and trained by a collaborative group of dependency/delinquency personnel including the court, attorneys, and the child welfare/probation agencies. A list of volunteer ERHs organized by geographic proximity to youth placements is made available to Attorneys for Youth looking for an ERH.

If no concerns regarding current ERH, skip to Step 6.

### STEP 4

**Appointment of New ERH:** If the ERH is unavailable, unable, or unwilling to exercise education rights, the court must appoint a new ERH on the JV-535 Form.

- The court reviews JV-535 Form, including the relationship of the proposed ERH to the youth. The court must give preference to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, or another adult known to the youth, before appointing someone unknown to the youth.
- The court may not appoint anyone with a conflict of interest. This means a person having any interests that might restrict or bias his or her ability to make decisions, including, but not limited to, the receipt of compensation or attorney's fees for the provision of services.

### STEP 5

**Identification of ERH:** If there is no identified proposed ERH, the court will order the CSW/PO to make every effort to identify a potential ERH to make future education decisions for the youth. If the youth has or may need an IEP, the court will complete the **JV-535 Form** to request a surrogate parent from the youth's school district.

### STEP 6

**Court Inquires About Education Needs of Youth:** This should include ensuring: (1) the youth is enrolled in the **least restrictive education placement** appropriate for the youth; (2) that the youth and the ERH have been able to keep the youth in the youth's **school of origin**, if the ERH has determined it is in the youth's best interests, and that transportation is being provided to the school of origin; (3) that the youth is doing well in school (including both academic and social/emotional/behavioral needs); and (4) that the youth's IEP needs are being met.

### STEP 7

**Court Orders Regarding Education:** As necessary, the court makes orders about the youth's education needs, with input from any interested parties (e.g., ordering that a youth remain in their school of origin, ordering the county placing agency to reimburse the youth's caregiver for transporting them to their school of origin, granting permission for a youth to receive a special education assessment).

## After Every Court Hearing

### STEP 1

**Court Clerk:** When a JV-535 Form indicates a change of ERH, the clerk provides a copy to the ERH, youth (if 10 or older), Attorney for Youth, CSW/PO, the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides no later than 5 court days after the order is signed. **See JV-535 Form, Section 11.** The court clerk can utilize the **JV-510 Form** to provide proof of service.

### STEP 2

**Informing New ERH:** The Attorney for Youth and CSW/PO provides information to the new ERH on the ERH's responsibilities and the current education needs of the youth. The Attorney for Youth and CSW/PO can provide a copy of the **Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, and Requesting a Special Education Assessment: Step-by-Step Guide** tools to assist the ERH in exercising education rights.

### STEP 3

**New ERH Familiarizes Themselves with the Youth's Education Needs:** New ERH meets with the youth and the adults supporting the youth (e.g., teacher, tutor) to gain an understanding of the youth's current education needs. ERH can also access education records as necessary to understand the youth's education needs (e.g., report cards, transcripts, attendance and discipline records, special education assessments and IEP documents). **See Requesting Education Records: Step-by-Step Guide.** ERH determines whether the youth: (1) is attending any of their schools of origin; (2) is attending the least restrictive education setting that meets the youth's needs; (3) has appropriate special education services, if needed; and (4) has an appropriate graduation plan, if the youth is in high school. When necessary, acting in the youth's best interest, and following any relevant court orders, the ERH makes decisions and takes actions to protect the education interests of the youth. If the ERH needs support in protecting the youth's best education interests, the ERH can consult with the Attorney for Youth and CSW/PO and/or request the appointment of an education attorney pursuant to Welfare and Institutions Code Section 317(e). See **317(e) Referral Form.**



Date: \_\_\_\_\_

Social Worker/Probation Officer Name: \_\_\_\_\_

Youth's Name: \_\_\_\_\_ Youth's Date of Birth: \_\_\_\_\_

Youth's Current Education Rights Holder ("ERH") Name: \_\_\_\_\_

It has been determined that \_\_\_\_\_'s current Education Rights Holder, \_\_\_\_\_, is:

Unavailable

I attempted to contact the current ERH on the following dates:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

Biological parent/ERH has not provided a working phone number or current address to CSW/PO in the last 90 days.

ERH is unavailable because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Unable

Current ERH is incarcerated (Note: please consider whether a co-ERH would be appropriate)

Current ERH is deceased

Current ERH is unable to hold education rights because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Unwilling

After speaking with the youth's current ERH on \_\_\_\_\_ [date], the ERH stated they were unwilling to continue to hold education rights because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[e.g., prior foster parent who no longer wishes to have contact with the youth]

The undersigned recommends that the current ERH's education rights be limited and that \_\_\_\_\_ [name of proposed ERH] be appointed to hold education rights for this youth. \_\_\_\_\_

[name of proposed ERH] is a:  Relative  Nonrelative extended family member  Caregiver in the youth's Planned Permanent Living Arrangement  Court Appointed Special Advocate  Other adult known to the youth.

The youth and \_\_\_\_\_ [name of proposed ERH] have the following relationship: \_\_\_\_\_  
 \_\_\_\_\_

The attached [JV-535](#) form has been completed and is being submitted to the court to limit the education rights of the current ERH and appoint the proposed ERH.

If you have any questions, please contact me at \_\_\_\_\_. Thank you in advance for your assistance.

CSW/PO Signature: \_\_\_\_\_

# School of Origin

School stability matters. Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time. As a result of school instability, only 19% of foster youth are proficient in English by 11th grade, and 12% in math.<sup>12</sup> Only 50% of foster youth graduate from high school, compared to the state average of 84% of all other youth.<sup>13</sup> School of Origin (SOO) laws, if utilized properly by all those working with foster/probation youth, can minimize school instability and improve education outcomes for these youth.



## Overview of the Law

- **Best Interest Determination:** Foster youth have the right to remain in their school of origin if it is in their best interest, as determined by their ERH. School of origin is the default. CSW/POs, Attorneys for Youth, Attorneys for Parents, Judges, and AB 490 Foster Youth Liaisons all serve important advisory roles in this process and participate in decisions (e.g., home placement, transportation) that deeply impact school stability and the right of a youth to attend school of origin. Ultimately, ERHs make the final decision about whether a foster/probation youth remains in their school of origin.
- **Definition of School of Origin:** A youth's school(s) of origin include(s): (1) the school the youth attended at the time they entered the foster care and/or probation system(s); (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which the youth has a connection (e.g., sports team, relationships with peers or teachers). School of origin rights apply to charter and magnet schools and follow feeder pattern transitions into middle and high school.
- **Duration of School of Origin Rights:** If a youth's court case closes while the youth is in elementary or middle school, the youth has a right to remain in their school of origin until the end of the current school year. If the youth is in high school when their case closes, the youth has a right to remain in their school of origin until the youth graduates from high school.
- **Transportation:** Under the Every Student Succeeds Act, school districts and child welfare agencies must work together to ensure a youth is transported to their school of origin including collaborating to develop and implement clear written procedures for how transportation to school of origin will be provided. Federal law also provides for reimbursement of caregivers for providing transportation to school of origin. **All County Letter 11-51** details how CSWs can seek mileage reimbursement for caregivers who are willing to provide transportation.
- **Dispute Resolution:** If there is a dispute regarding a youth's right to remain in a school of origin, the youth has a right to remain in that school until the dispute is resolved. If needed, the Attorney for Youth or the ERH may request a

<sup>12</sup>Most recently released graduation statistics are available at: <https://dq.cde.ca.gov/dataquest/>.

<sup>13</sup>The Invisible Achievement Gap, Part 1.



## School of Origin Continued

hearing on the potential move by filing a **JV-539 Form**. The court, on its own motion, can set the matter for a hearing. The CSW/PO must provide a report to the court that specifies whether the youth has been allowed to remain in their school of origin pending resolution, the best interest opinions of the youth, ERH, and AB 490 Foster Youth Liaison, and whether the youth has been segregated into a separate school or program because of their foster status. At this hearing, the court must also make any findings and orders needed to enforce the education rights of the youth, which may include an order to set a hearing to join the necessary agencies regarding provision of services, including transportation services.

- **School Stability and Home Placement:** The youth's CSW/PO must consider educational stability when making a home placement decision. This includes consideration of: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the youth's school matriculation schedule; and (5) other indicators of educational stability.

- **Notice:** CSW/PO must provide notice to the court, Attorney for Youth, and the ERH, no more than one court day after making the decision to change a youth's placement. If there is an active IEP, notice must be provided at least ten days prior to the change in placement, to both the old and new school districts.
- **AB 490 Foster Youth Liaison Recommendation:** If an AB 490 Foster Youth Liaison recommends a change from the school of origin, he or she must provide a written best interest explanation to the ERH.
- **ERH Statement to Court:** If a child's home placement is changed, the ERH must submit a statement to the court indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in the school of origin.

20 U.S.C. § 1112(c)(5)(B), 34 C.F.R. § 299.13(C)(1)(ii), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859, Cal. Welf. and Inst. Code § 16501.1, Cal. Rule of Court §§ 5.650, 5.651.

## BEST PRACTICES FOR SCHOOL OF ORIGIN COURT HEARINGS (HEARINGS PRIOR TO OR FOLLOWING HOME PLACEMENT CHANGES)

### Before Every Hearing

#### STEP 1

**Locating a Placement:** Any time a home placement change is considered, and a search is being conducted for a new home placement, the CSW/PO considers educational stability, including: (1) proximity to the child's school of origin<sup>14</sup>; (2) school attendance area; (3) the number of school transfers the child has previously experienced; (4) the timing of the school year; and (5) other indicators of educational stability such as involvement in activities, significant relationships with teachers or peers, etc. **See CSW/PO Checklist.** CSW/PO coordinates with their agency's placement personnel to ensure school history and geographic information is considered when searching for possible home placements. If a computer program is utilized to assist with locating placements, this may require some modification of that system (e.g., to conduct a search within the geographic catchment area of a certain school).

#### STEP 2

**CSW/PO Notice of Placement Change Impacting School Stability:** CSW/PO provides notice to the court, Attorney for Youth, ERH, and the youth's current and proposed school district (if known) no more than one court day after making the decision to change a youth's placement. If there is an active IEP, this notice must be provided at least ten days prior, and the special education office of the potential new district must also receive notice. Notice to the ERH and AB 490 Foster Youth Liaison will alert them to their future duty to provide statements to the court regarding the best interest determination that will occur.

#### STEP 3 (IF APPROPRIATE)

**Request an Immediate Hearing Based on Notice of Placement Change Impacting School Stability:** An immediate hearing can be requested when the proposed home placement change might negatively impact

### Best Practice Highlight

Los Angeles county child welfare has begun working with school districts to recruit foster parents within their districts so home placements are available to maintain a youth in their school of origin despite a need for a home change.

<sup>14</sup>As mentioned in the Overview of the Law section, a youth may have more than one school of origin. ERHs determine which school of origin is the best option, and should thus be used for this analysis.

## School of Origin Continued

school stability: (1) the new home placement is too far from the school of origin for transportation to be feasible (this is a youth-specific question as different distances/modes of transportation may be appropriate based on the age and developmental needs of the youth); (2) the school district, CSW/PO, and caregiver cannot establish an interim transportation plan; (3) there is an alternative home placement option that is more accessible to the school of origin; (4) there is a different school of origin that should be considered that would require a different home placement; (5) the timing of the school year requires it (e.g., if there are only a few weeks left in the semester); and (6) any other reason that would impact the youth's ability to attend their school of origin. If any of the above situations arise, the Attorney for Youth or the ERH must request a hearing on the potential move by filing a [JV-539 Form](#). **See Attorney for Youth Checklist, ERH Checklist.** The court, on its own motion, may set a hearing. **See Judge's Checklist.**

### STEP 4

**Develop Interim Transportation to SOO Plan:** Unless the ERH, in consultation with the CSW/PO, AB 490 Foster Youth Liaison, and the new caregiver, can immediately make an informed decision regarding whether it is in the youth's best interest to remain in their SOO, the CSW/PO and the school district must set up an interim transportation plan to get the youth to their SOO while the ultimate decision on best interest is pending. If the move is happening immediately, the CSW/PO must set up immediate transportation. Options include:

- **Caregiver:** CSW/PO explains the caregiver's right to transportation reimbursement and immediately submits a form to request transportation reimbursement for the caregiver, if the caregiver would like to utilize that option.
- **CSW/PO Coordination with School District:** If the caregiver is unable to provide transportation, the CSW/PO coordinates with both school districts (district for SOO and district where the youth now resides) and requests that they provide immediate transportation.
- **Private Transportation Options:** Child welfare/probation agencies contract with an outside transportation provider that can be utilized if immediate transportation is required and the caregiver and school district are unable to provide it. A referral for this service should be submitted as soon as a decision to move a youth is made.
- If there is enough time prior to the change of placement, the interim transportation step may be avoided and a long-term transportation plan may be developed with the plan to go into effect as soon as the move occurs (see Step 6).

### STEP 5

**Best Interest Determination Decision Made at Child and Family Team Meeting ("CFT"):** CSW/PO convenes a CFT meeting including the youth, ERH, caregiver, and AB 490 Foster Youth Liaisons from both districts (SOO and the district where the youth now resides) to discuss the potential move, school options, best interest of the youth, and transportation. **See School of Origin Best Interests Determination Procedures & Worksheet.** Before recommending removal from SOO, the district's AB 490 Foster Youth Liaison must provide the youth and ERH a written explanation of the reason(s) why they are recommending removal from SOO and how it serves the youth's best interest. If there is a dispute about whether the youth should continue to attend their SOO or about the transportation option, the youth has a right to remain in their SOO pending the resolution of the dispute. If the dispute is solely between the school district and the ERH, it may be appropriate for the ERH to file a **Uniform Complaint Procedures Act Complaint Form** with the school district. The judge may also use joinder to bring the school district into the court to resolve the issue.

### STEP 6

**Develop Long-Term Transportation Plan at CFT:** If the ERH determines that it is not in the youth's best interest to transfer out of their SOO, the CFT will develop a transportation plan that is developmentally appropriate for the youth. Options may include: caregiver travel reimbursement, school district transportation, public transportation, private car service, or some combination of transportation options. The team's transportation plan will be documented in the **School of Origin Best Interests Determination Procedures & Worksheet.** If the CFT cannot agree on a long-term transportation plan, the ERH, CSW/PO, or Attorney for Youth requests an immediate hearing so that the court can resolve the issue with input from all parties. **See Step 3.**

### STEP 7

**Immediate Enrollment:** If the ERH decides the youth should not remain in their SOO, the youth's caregiver immediately enrolls the youth in their new school of residence, unless the ERH determines another school would be in their best interests. **See Transferring to a New School: Enrollment, Disenrollment, and Partial Credits.**

## Best Practice Highlight

LA County has contracted with a private car service option (Hop, Skip, Drive) coordinated through the Los Angeles County Office of Education Foster Youth Services Coordination Program.

## STEP 8

**ERH Statement to Court:** Whenever a youth's home placement is changed, ERH submits a statement to the court indicating whether the proposed change of school placement is in the youth's best interest and whether any efforts have been made to keep the youth in the SOO. If the ERH is a biological parent, the Attorney for Parent will alert the parent who is the ERH to this duty and assist them in complying. **See Attorney for Parent Checklist.** If the ERH is not represented, the CSW/PO will alert them to this duty and facilitate compliance. The ERH may record their statement and submit a copy of the **School of Origin Best Interests Determination Procedures & Worksheet** if they choose, or provide a separate document. **See JV-537 Form.**

## STEP 9

**Preparing Court Report:** At any hearing following a change of placement, the CSW/PO's court report includes information about: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) the responses of the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable)-specifying whether each agrees with the school placement decision (and if they disagree, why); (5) a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of school placement. **See CSW/PO Court Report Language.**

## At Every Court Hearing

### STEP 1

**Court Inquires:** The court inquires of all the parties: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) how the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable) each respond, specifying whether each agrees with the school placement decision (and if they disagree, why); (5) whether there exists a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of placement. **See Judge's Checklist.**

## STEP 2

**Dispute Resolution:** If there is a dispute over attendance at SOO, the court inquires of the ERH, Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency the answers to the above questions, whether each agrees or disagrees with the school placement, and how the decision was made. The court then determines the best interest of the youth and considers whether to join other agencies (**see JV-540 Form**) in the proceeding, such as the ERH or school district, to ensure provision of services such as transportation to SOO.

## STEP 3

Court makes findings on a **JV-538 Form.**

## After Every Court Hearing

The court clerk provides a copy of the JV-538 Form to the CSW/PO and ERH who may then use it to implement the order.



Date: \_\_\_\_\_

TO:

Court: \_\_\_\_\_ Attorney for Youth: \_\_\_\_\_  
Education Rights Holder (ERH): \_\_\_\_\_ Attorney for Parent (if Parent is ERH): \_\_\_\_\_  
Current District AB 490 Liaison: \_\_\_\_\_ Current School Principal: \_\_\_\_\_  
Proposed District AB 490 Liaison: \_\_\_\_\_ Proposed District SELPA Director (if youth has IEP): \_\_\_\_\_

RE: Name of Youth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Mr./Ms. \_\_\_\_\_:

A change of home placement has been proposed for the above named youth. This youth currently attends \_\_\_\_\_ school in the \_\_\_\_\_ school district. This change of home placement would change the local school of residence for this youth to \_\_\_\_\_ school in the \_\_\_\_\_ school district. The change of home placement is likely to occur on or around \_\_\_\_\_ [date].

Please note that the youth has a right to attend their school of origin, but this may be difficult depending on the distance moved. The new home placement is \_\_\_\_\_ miles from the youth's current school.

A Child Family Team meeting is being convened to discuss this potential move, including its impact on the youth's school placement, on \_\_\_\_\_ [date/time]. We welcome input at this meeting from all who support this youth. However, it is the education rights holder who ultimately decides whether it is in the youth's best interest to transfer to the new school.

Please note that if the foster youth liaison for the current school, or education rights holder believe that it is in the youth's best interest to transfer to the new school, they will need to provide a statement to the court explaining that decision.

If the youth's education rights holder or attorney disagree with the home placement change, they have a right to request a hearing.

Please contact me with any questions or concerns at \_\_\_\_\_.

Sincerely,

CSW/PO Signature: \_\_\_\_\_

cc: County Counsel



Before recommending that a foster youth move from their school of origin, the district must provide a written explanation of why a school change is in the youth's best interests, and obtain a written waiver from the ERH. The following steps guide a determination of whether the youth should remain in the school of origin or should transfer to a new school, and what plans are needed to ensure continuous school enrollment. This form, once completed, can be submitted to the court to meet the district and ERH's obligations to provide written explanations of their recommendations/decisions on school of origin.

Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

**STEP 1: Meeting Participants**

- Education Rights Holder(s) ("ERH")  Present? Name: \_\_\_\_\_
- Mandatory Participant**
- Youth  Present? Name: \_\_\_\_\_
- Caregiver(s), if different than ERH  Present? Name: \_\_\_\_\_
- Social Worker/Probation Officer  Present? Name: \_\_\_\_\_
- Attorney for Youth/Public Defender  Present? Name: \_\_\_\_\_
- AB Foster Youth Liaison (sending school)  Present? Name: \_\_\_\_\_
- AB Foster Youth Liaison (receiving school)  Present? Name: \_\_\_\_\_
- Academic Counselor  Present? Name: \_\_\_\_\_
- School Administrator  Present? Name: \_\_\_\_\_
- Other  Present? Name: \_\_\_\_\_
- Other  Present? Name: \_\_\_\_\_

**STEP 2: Identify School Options**

- Option 1:** School youth attended before home placement change, or current school if youth has not yet moved: \_\_\_\_\_.
- Option 2:** School of residence after home placement change: \_\_\_\_\_.
- Option 3:** School attended when youth first entered foster care/probation system: \_\_\_\_\_.
- Option 4:** Any other school(s) attended within the last 15 months where the youth has a connection: \_\_\_\_\_.
- Option 5:** Any school(s) to which the youth would have matriculated (elementary to middle or middle to high school) from options 1-4 above, using district feeder patterns: \_\_\_\_\_.



**STEP 3: Complete Best Interest Analysis by Considering Pros and Cons of School of Origin Options**

Discuss the pros and cons of each school using the chart below. First, write in the name of each school of origin option (identified in Step 2 above) into the top row. **School Option 1, the youth's current school (or the school the youth attended before the home placement change), is shaded grey to remind meeting participants that it is strongly favored**, especially if the youth has experienced significant school instability in the past and/or has struggled to recover after past school changes. Then, discuss with the team which school or schools best answer each question and place an "X" in the appropriate box(es).

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Name of School</b>					
<b>Youth Preference</b> What school(s) does the youth want to attend?					
<b>Length of Attendance</b> Which school(s) has the youth attended long enough to develop relationships, trust, and a feeling of belonging?					
<b>Academic Strengths</b> Which school(s) has the strongest academic program and/or college going culture to support the needs of the youth?					
<b>Special Education</b> If the youth has an IEP, which school(s) can provide the most appropriate program?					
<b>English Learner</b> If the youth is an English learner, which school(s) can best support the youth's language development needs?					
<b>Social/Emotional</b> At which school(s) has the youth developed positive relationships with peers and/or teachers?					
<b>Timing of Transfer</b> Which school will prevent a mid-semester school change? (Check only the school where the youth is currently attending)					
<b>Anticipated Length of Placement</b> If the youth is in (or about to be placed in) a permanent living situation (e.g., with a relative or someone seeking legal guardianship or adoption of the student), which school(s) would also work for that home placement?					



	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Extracurricular Activities</b> Which school(s) will enable the youth to be connected to extracurricular activities?					
<b>School Discipline</b> At which school(s) does the youth have positive behaviors (free or minimal discipline history)?					
Which school(s) are within 15 miles of the new placement? <sup>1</sup>					
What is the school schedule? (Start time / End time)	____ / ____	____ / ____	____ / ____	____ / ____	____ / ____

**Impact of Distance on Education**

How long is the youth willing to spend in transit each day? \_\_\_\_ minutes

How early is the youth willing to leave for school/get home from school? \_\_\_\_ AM / \_\_\_\_ PM

**STEP 4: Foster Youth Liaison Recommendation**

The youth's AB 490 Education Liaison:  recommends or  does not recommend that the youth remain in their school of origin for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STEP 5: ERH Best Interest Determination**

The ERH makes the final decision about whether remaining in the current school or any other school of origin is in the youth's best interest, based on the completion of the chart, all the information available to the team, the Foster Youth Liaison's recommendation, and what the ERH believes would best serve the youth's needs.

ERH Chooses:  to have the youth remain in \_\_\_\_\_ school of origin (if checked, go to Step 6) OR  
 to waive the youth's right to remain in their school of origin and requests immediate enrollment at: \_\_\_\_\_ school (complete statement below, then skip to Step 7 for consent).

The youth's ERH waives the youth's right to remain in their school of origin for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

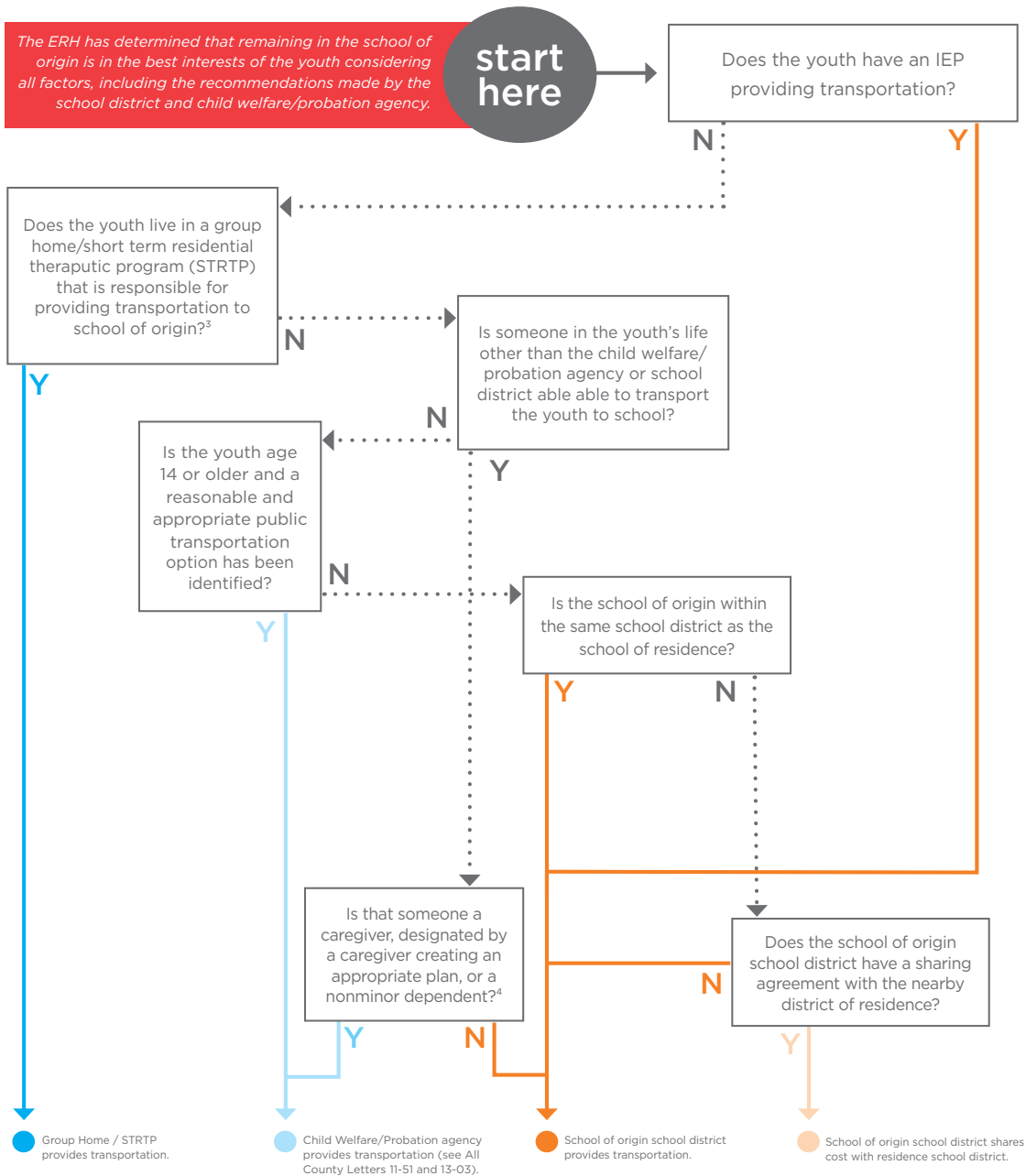
<sup>1</sup> School districts may establish a distance within which transportation to the school of origin is presumptively feasible, such as 15 miles. However, a youth who lives further away may not be denied the right to attend the school of origin or denied access to transportation.



## STEP 6: Transportation Plan

If the ERH decides that attendance at a school of origin is in the best interests of the youth, use the Transportation to School of Origin Flowchart to identify whether the school or county placing agency will be responsible for providing that transportation and in what form (e.g., reimbursement, bus service, public transit pass, etc.).<sup>2</sup> The county placing agency and school district may also agree to split certain costs for transportation at the end of each year. Note that under the Federal Every Student Succeeds Act, written procedures are required between school districts and county child welfare organizations.

Transportation to School of Origin Flowchart



<sup>2</sup>Under the Every Student Succeeds Act, the written procedures describing transportation cost splitting must also describe how disputes regarding school of origin will be addressed and who will pay while the dispute is ongoing. Best practices suggest that for ease of implementation, the school of origin district where the youth already has been attending should pay for transportation in the first instance, seeking reimbursement as appropriate after the dispute is resolved.

<sup>3</sup>As of January 1, 2017, short term residential treatment programs (STRTPs) must provide core educational services such as transportation to school of origin. WIC § 11463(b). Additionally, current group home contracts for foster and probation youth may include obligations to provide and funding for transportation, including school of origin.

<sup>4</sup>All County Letters 11-51 and 13-03 specify guidelines for reimbursement of caregivers for transportation to school of origin. Although biological parents may not be directly reimbursed, if the court allows unsupervised visits, the caregiver can make an appropriate plan to have the parent transport the youth and be reimbursed by the child welfare/probation agency. Otherwise, the school district should provide reimbursement for biological parents who transport the youth to school.





**Summary of Transportation Plan**

Transportation to the school of origin will be provided by:

Group Home / Short-term Therapeutic Residential Treatment Program (STRTP).

Child Welfare or Probation Agency in the form of:

Reimbursement to an individual: Individual’s name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Agency providing reimbursement: \_\_\_\_\_

Public transportation to be facilitated by the child welfare or probation agency:

The route identified is: \_\_\_\_\_

\_\_\_\_\_

The School of Origin school district in the form of:

Bus or other vehicle

Reimbursement to an individual: Individual’s name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Public transportation to be facilitated by the school district:

The route identified is: \_\_\_\_\_

\_\_\_\_\_

Other (including shared responsibility with nearby district or County Office of Education). Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STEP 7: Consent**

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

Caregiver Signature<sup>5</sup>: \_\_\_\_\_

School Administrator: \_\_\_\_\_

<sup>5</sup> Note that the ERH is the only person with the right to consent to a change from the school of origin. However, the caregiver should also be consulted regarding the mode of transportation.



Youth's Name \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Date of Alleged Violation \_\_\_\_\_ School of Alleged Violation \_\_\_\_\_

I am filing a complaint on the following issue(s): Check all that apply.

- Enrollment in school of origin:** A foster/probation youth (hereinafter referred to using the term 'foster' only) has been denied the right to remain in their school of origin (this includes any school run by a school district and charter schools; this includes the right to matriculate with their peers in accordance with established feeder patterns within the district of origin). (*Education Code § 48853.5*)
- Enrollment in regular public school:** A foster youth has been denied the right to attend the youth's regular public school or been forced to attend a continuation school, independent study program, or other alternative educational setting, without the education rights holder's agreement that that is in the youth's best interests. (*Education Code § 48853, 48853.5*)
- Immediate Enrollment:** A foster youth has been denied the right to immediately enroll (including in the same/equivalent classes/grade) for any reason including but not limited to, entering the school any time after the school year has begun, being credit deficient, having behavioral issues, having outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records. (*Education Code § 48853.5*)
- Equal Access to School Services:** A foster youth has been denied equal access to academic resources (e.g., tutoring, A-G/Honors courses), school services (e.g., school based mental health services), extracurricular activities (e.g., sports, art, drama, music), enrichment activities (e.g., field trips, college fairs), or any other support or service for any reason including missing a sign-up or try-out deadline. (*Education Code § 48853*)
- Records:** The district failed to ensure the proper transfer of records from one school to another within 2 business days of a foster youth's transfer. (*Education Code § 48853.5; 49069.5*)
- Partial Credits and Checkout Grades** (*Education Code § 48853.5; 49069.5; 51225.2*)
  - A foster youth has been denied the right to credits, including partial credits based on seat time, and/or check out grades upon transfer into or out of the school/district.
  - A foster youth has been denied the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities.
  - A foster youth has been denied the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school or denied the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.
- Graduation Under AB 167/216, "Foster Youth Graduation Exemption"** (*Education Code § 51225.1, 51225.3*)
  - A foster youth has been denied the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the pupil: (1) transferred schools after the completion of their second year of high school; and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school.
  - A foster youth has been denied the right to remain in their local high school for a fifth year to complete school district graduation requirements if they are reasonably able to do so.
  - The district has failed to inform a foster youth, their education rights holders, and/or their social worker/probation officer of their eligibility or ineligibility for the graduation exemption within thirty (30) days of transferring into the school/district.
  - The district has failed to issue a 'normal high school diploma' for the foster youth upon their completion of all required state coursework.
- Discipline:** The foster youth liaison failed to notify the foster youth's attorney and/or appropriate representative of the county placing agency of pending expulsion proceedings, proceedings to extend a suspension, or pending manifestation determination for a student with an Individualized Education Program ("IEP"). (*Education Code § 48853.5*)
- Other:** \_\_\_\_\_



A. Please give the facts about your complaint. Provide details such as the names of those involve, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. You may attach additional pages and include as much text as necessary to fully describe the situation. \_\_\_\_\_

B. With whom have you spoken regarding this complaint? Please include that person’s title and the result of the discussion. \_\_\_\_\_

C. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents. Yes  No

D. Is there a specific remedy you action you would like the District to take?

No. I do not have a specific remedy in mind, but would like the district to resolve this complaint.

Yes. I am seeking the specific remedy below:

- Immediate enrollment in school. Name of school: \_\_\_\_\_
- Compensatory education services to make up for lost school days in the amount of: \_\_\_\_\_
- Issuance of full or partial credits.
- Graduation under the foster youth graduation exemption or eligibility certification for graduation under the foster youth graduation exemption.
- Other (specify): \_\_\_\_\_

**Please send me a copy of the written response to my complaint within 60 calendar days.**

**Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**City & Zip Code:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Relationship to the Youth:** \_\_\_\_\_

Note: If dissatisfied with the District’s decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district’s decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. See 5 CCR § 4652.

# Transferring to a New School: Enrollment, Disenrollment, and Partial Credits

If the ERH determines that a school transfer is in the youth's best interest, CSWs/POs are responsible for working with school districts to ensure the youth has been properly disenrolled from the prior school, enrolled in the new school, and that records (including any partial credits for high school youth) are timely transferred between schools.

*Cal. Educ. Code §§ 48853, 48853.5, 49069.5.*



## Overview of the Law

### Enrollment Rights of Foster/Probation Youth:

- **Immediate enrollment in local comprehensive public school** if their ERH decides it is in their best interest, even if they do not have any of the required documents (e.g., transcripts, immunization records, proof of residence). Immediate enrollment rights also apply to charter schools. CSW/POs must help ERHs collect and keep copies of key documents and provide them to the new caregiver and school as part of the youth's Health and Education Summary. Even though these documents are not required for enrollment, they are needed for districts to effectively serve youth.
- **Education in the least restrictive environment** (usually their local comprehensive school) as determined by their ERH in the youth's best interest. Youth may not be forced to attend a continuation school, adult school, or independent study program, even if they are credit deficient/off track for high school graduation, have failing grades, or have behavior problems. There are limited exceptions to this rule.<sup>15</sup>
- **Enrollment in the same or equivalent classes** as those taken at the youth's prior school, even if they are transferring mid-semester. Youth cannot be enrolled in all or a majority of elective classes, or be forced to re-take a class they have already passed unless their ERH agrees, in writing, that it is in the youth's best interest.
- **Full or partial credits**, based on seat-time, for all work satisfactorily completed, if transferring schools mid-semester. Upon receiving notification that a foster youth is transferring schools, a sending school must issue check out grades and full or partial credits on an official transcript within 2 business days. The receiving school must accept all check out grades and credits, and apply them to the same or equivalent courses.
- **Equal participation in extra-curricular activities** regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).

<sup>15</sup>Limited exceptions include if the youth has: (1) an IEP requiring a different placement; (2) been expelled or transferred to an alternative school after a formal hearing and school board decision; or (3) been placed in an emergency shelter for a short period of time for either: (1) health and safety emergencies; OR (2) when awaiting an ERH decision regarding whether or not to utilize SOO if: (a) a SOO decision cannot be made quickly; AND (b) it is not practical to transport the youth to the SOO in the meantime; AND (c) the youth would otherwise not receive educational services; AND (d) temporary, special, and supplementary services are available to meet the youth's unique needs.

# Transferring to a New School Continued

## School Transfer Rights of Foster/Probation Youth:

- **Request for Transfer:** As soon as the CSW/PO or county office of education becomes aware of the need to transfer a foster/probation youth out of their current school<sup>16</sup>, the county placing agency or county office of education must contact the school district and notify them of the date the youth will be leaving the school and request that the youth be transferred out.
- **Forwarding Records:** School districts must compile a youth's complete education records as of the last day of actual attendance and forward a copy of all records to the new school within two business days of a request. This includes, but is not limited to, a transcript (including full/partial credits and check out grades), current class schedule, attendance, immunization/health records, and IEP/504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding

fines. When requested, school districts must also send a copy of a youth's education records to CSWs fulfilling case management responsibilities or assisting with enrollment and POs or district attorneys investigating: (1) a criminal allegation; (2) whether to declare the youth a ward of the court; or (3) a violation of probation.

- **Collecting and Updating Records:** On each required home visit, the CSW/PO must ask the caregiver whether there is any new information that should be added to the child's Health and Education Summary and update the Summary with the information before the next court date or within 48 hours of a change in placement. The CSW/PO must help the caregiver obtain relevant health and education information for the child's Health and Education Summary. Caregivers must be provided a copy of the Health and Education Summary within 30 days of an initial placement and within 48 hours of any subsequent placement.

*Cal. Educ. Code §§ 48432.5, 48853, 48853.5, 48859, 49069.5, 49076, 51225.2, 51228; Welf. Inst. Code §16010; 5 C.C.R. 438(c), 361.*

## Best Practice Highlight

In Los Angeles County, a **1399 Form** is sent by the CSW to the new school to inform them that the youth is enrolling, make them aware of the youth's needs, and provide key contact information, including the youth's ERH.



<sup>16</sup>This only occurs after the CFT conducted to determine whether it is in the youth's best interests to remain in their school of origin.

# Transferring to a New School Continued

## Best Practices for Disenrolling Foster/Probation Youth STEP 1<sup>17</sup>

**CSW/PO Notifies the School District of Disenrollment and Requests Transfer of Records:** As soon as the CSW/PO learns that a youth's ERH has chosen not to have them remain in their school of origin and that the youth must transfer out of their current school, the CSW/PO contacts the youth's prior school to inform them of the date of the youth's transfer, and requests that the youth's transcript (including partial credits) be completed and sent to the CSW/PO and all records be gathered and forwarded to the youth's new school. **See CSW/PO Notice of School Change and Request For Records, CSW/PO Checklist.**

### STEP 2

**Review of Records:** CSW/PO collects and reviews records to ensure the youth's Education Summary is complete (e.g., immunization records, IEPs). CSW/PO ensures the youth has an up-to-date transcript including a determination of seat time, check out grades, full or partial credits earned, and current class schedule.<sup>18</sup> If there is a problem with the transcripts, the CSW/PO or ERH works with the district's AB 490 Foster Youth Liaison to correct the transcript. If the district is unwilling to resolve the issue, consider filing a **Uniform Complaint Procedures Act Complaint Form.**



<sup>17</sup>These steps only begin after notification has been provided to the ERH about the move, and the ERH has made the decision that it is in the youth's best interest to transfer out of their school of origin.

<sup>18</sup>For high school youth, check their transcripts carefully. If the youth was absent from school due to a change of placement or attendance at court dates, the grades and credits of the youth should be calculated as of the last date of actual attendance, and no lowering of grades should have occurred as a result of the absence of the youth under these circumstances.

## Best Practices for Enrolling Foster/Probation Youth STEP 1

**Provide Caregiver with Health and Education Summary:** As soon as a new placement is determined, CSW/PO provides the new caregiver with the Health and Education Summary, including any education records and ERH contact information. The CSW/PO advises the caregiver on working with the ERH to determine the least restrictive environment in which to enroll the youth.

### STEP 2

**Immediate Registration at Local District/School:** The caregiver takes the youth to the new local school for registration on the day that they enter their placement. The caregiver initiates all paperwork required, and shares the ERH information with the school. As the school begins to explore placement options, the ERH should be contacted and the next step should occur.

### STEP 3

**Enrollment in the Least Restrictive Environment:** In most cases this will be the local, comprehensive school. The ERH has the ultimate decision-making authority over where a youth is enrolled in school. Once the ERH decides about school placement, after exploring options with the school/district, the caregiver ensures the student is immediately enrolled and is attending daily. If there is any disagreement about the appropriate least restrictive environment for a youth, a CFT meeting must be held with the caregiver, ERH, CSW/PO and school district to discuss school placement options. The ERH remains the ultimate decision maker and a youth cannot be placed in a continuation school unless the ERH determines it is in their best interest. **See ERH Checklist, Voluntary Transfer of Students Out of Comprehensive Schools, Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth.**

### STEP 4

**Monitoring Enrollment:** Two days after a youth has been placed in a new home, the CSW/PO contacts the ERH, caregiver, and school district to ensure that the youth: (1) has been enrolled and has begun attending their new school in an appropriate, least restrictive placement as determined by the ERH; (2) that records have been received from the prior school; and (3) that their IEP is being implemented, if they have one. For high school youth, the CSW/PO requests and reviews the youth's current class schedule to ensure they are enrolled in the same/equivalent classes as at their prior school. If the youth is not enrolled in school, the CSW/PO must notify the ERH, and hold a CFT meeting to attempt to resolve any issues. If the youth is not enrolled because the school is refusing immediate enrollment, consider filing a **Uniform Complaint Procedures Act Complaint Form.**

# Transferring to a New School Continued

## BEST PRACTICES FOR ENROLLMENT/DISENROLLMENT COURT HEARINGS (HEARINGS IMMEDIATELY BEFORE OR AFTER A SCHOOL TRANSFER)

### Before Every Court Hearing

#### STEP 1

---

**Ensure Appropriate ERH Appointed:** After every change in home placement, the CSW/PO reviews whether the ERH remains appropriate.

#### STEP 2

---

**Preparing Court Report:** The CSW/PO compiles records and information collected from the ERH, youth, caregiver, and prior and new school during disenrollment/enrollment process. The court report includes assurances that the youth: (1) was appropriately disenrolled from their previous school; (2) was awarded partial credits on an official transcript (for high school age youth); (3) had their complete education records transferred to the new school; (4) was immediately enrolled in their new school after ERH determined it was not in their best interest to remain in their school of origin; and (5) is enrolled in the least restrictive environment, as determined by the ERH. **See CSW/PO Court Report Language.**

#### STEP 3

---

**Attorney Consultation with Client About School Transfer:** The Attorney for Youth and Attorney for Parent (if parent holds education rights) each consult with their respective client about the school transfer, including confirmation that the student is enrolled in the least restrictive environment, and that records were transferred. **See Attorney for Youth Checklist, Attorney for Parent Checklist.**

#### STEP 4

---

**ERH Statement to Court:** ERH submits a **JV-537 Form** explaining the youth's needs to the court, indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in their school of origin.

### At Every Court Hearing

#### STEP 1

---

**Court Inquires:** (1) If the prior caregiver is the youth's ERH, the court asks all parties whether that person is able and willing to remain in that role, or if a new ERH is needed; (2) ensures school of origin was properly considered prior to the school transfer, and (3) ensures that the youth was immediately enrolled in the same or equivalent courses, in the least restrictive education setting according to the ERH (with any special education supports or services required by their IEP/504 plan), and all relevant education records were transferred to the new school (including partial credits for high school aged youth). **See Judge's Checklist.**

#### STEP 2

---

**Court Orders Regarding School Transfer:** Court makes any orders necessary to ensure any needs identified in Step 1 are met.

### After Every Court Hearing

The ERH/CSW/PO follows up on any court orders. This can include enrolling a youth in their least restrictive environment, holding a CFT meeting to address school of origin concerns, or gathering partial credits.





Date: \_\_\_\_\_

TO: School/District: \_\_\_\_\_

Address: \_\_\_\_\_

RE: Name of Youth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Foster Youth Liaison and Records Clerk,

The above-named foster/probation youth will be transferring to \_\_\_\_\_ school (the “receiving school”) in the \_\_\_\_\_ school district on \_\_\_\_\_ [date]. As of \_\_\_\_\_ [date], please disenroll this youth from your school, and send copies of their records to myself and the receiving school as detailed below within two (2) business days. Cal. Educ. Code §§ 48853.5 and 49069.5.

We are requesting a copy of any and all general and special education records for the above-mentioned foster/probation youth including, but not limited to the following:

- All Health Records
- All Cumulative Records (including attendance, progress reports, report cards and transcripts--including partial credits and check out grades)
- All Discipline Records
- All State and Districtwide Testing, including STAR and SBAC testing, Stanford 9 Scores and CAT – 6 Scores
- All Correspondence (e.g., inter-office notes, memos, letters, etc.)
- All Special Education Assessments (e.g. psychological, educational, speech, OT, PT, etc.)
- All Individualized Education Programs

Please provide a physical copy of all records to the addresses below within two business days of this request. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

CSW/PO Signature: \_\_\_\_\_

Child Welfare/ Probation Worker

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number/Email: \_\_\_\_\_

New School Contact Information:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_



# Graduation Planning

It is essential that all parties involved in the education-related decisions affecting a foster/probation youth work collaboratively to support the youth in reaching high school graduation. Foster/probation youth have the lowest graduation rates of any student population in the state.<sup>19</sup> Foster/probation youth have some special options regarding graduation planning. All those involved in the education of a youth in foster care/probation are encouraged to familiarize themselves with the options described below.



## Overview of the Law

### Monitoring Graduation Status:

- ERH/CSW/PO must keep the youth's Health and Education Summary up to date, and provide a copy to the caregiver within 30 days of placement (and within 48 hours of any subsequent placements) and include a copy in the court report prior to each hearing.
- The Summary must include information about a youth's course enrollment and graduation status. This can be accomplished by including a current transcript and a graduation check with the court report. ERH/CSW/POs are responsible for ensuring that the youth has had a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held and has had equal access to educational resources such as tutoring, Advanced Placement/International Baccalaureate courses, and vocational/technical education courses.

*Welf. Inst. Code § 16010; Cal. Educ. Code § 48850.*

### AB 167/216 Graduation:

- Foster/probation youth who transfer high schools after completing their second year of high school may graduate by completing minimum state graduation requirements<sup>20</sup> if, at the time of transfer, they cannot reasonably complete

additional local school district requirements within four years of high school.

- This law applies to any school run by a school district. Charter schools are not required to follow this, although they may choose to.
- Youth, ERH, and CSW/PO must be notified of youth's eligibility in writing by the school within 30 days of enrolling. If this deadline is missed, the youth or any adult working with them may file a **Uniform Complaint Procedures Act Complaint Form** to request that their eligibility be determined. Once a student is found eligible, they remain eligible, even if they transfer schools again, returns to their biological parents' care, or their court case closes.
- A youth's ERH determines if it is in the youth's best interests to use the graduation exemption, reject the exemption and graduate using district requirements (e.g., for 4 year college bound students taking A-G requirements), stay in high school for a 5th year (even if they turn 19 during that year), or defer the decision to a later date. **See Enrollment and High School Education Rights.** Regardless of the graduation option chosen, youth must receive a normal high school diploma.

*AB 1166 (effective 1/1/16); Cal. Educ. Code § 51225.1.*

<sup>19</sup>Most recently released statistics available at: <http://data1.cde.ca.gov/dataquest>

<sup>20</sup>State graduation requirements only include 130 of the following credits, instead of the 220-240 credits required by a typical high school: 30 credits of English, 30 credits of Social Studies (10 US History, 10 World History, 5 Government, 5 Economics), 20 Science (10 Life Science, 10 Physical Science), 20 Math (10 Algebra, 10 any other Math), 20 PE and 10 Art/Foreign Language/CTE.

## BEST PRACTICES FOR COURT HEARINGS REGARDING GRADUATION (HEARINGS HELD FOR HIGH SCHOOL AGED YOUTH)

### Before Every Court Hearing

#### STEP 1

**Transcript Request:** ERH/CSW/PO send a Requesting Education Records: Step-by-Step Guide to the youth's school for an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements. [See Requesting Education Records: Step-by-Step Guide, ERH Checklist, CSW/PO Checklist.](#)

#### STEP 2

**Determine Graduation Status:** ERH/CSW/PO determine whether the youth is on track for high school graduation by identifying whether they have earned the number of credits typically required at that school.<sup>21</sup> If the youth has failed more than one class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation. [See High School Graduation Check.](#) Other college preparatory suggestions can be found in [California College Pathway's College Guide.](#)

#### STEP 3

**Off Track Youth:** If the youth is off track for high school graduation, the ERH meets with the youth to identify their barriers to success and creates a plan for accessing necessary services to help the youth be successful in school. The ERH reports this plan to the CSW/PO.

#### STEP 4

**AB 167/216 Graduation:** ERH/CSW/PO identify whether the youth has transferred schools after completing their second year of high school. A youth has completed their second year of high school if two school years have passed since they first enrolled in the 9th grade. If the youth has transferred schools after completing their second year of high school, determine whether the youth, ERH, and CSW/PO have received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment. If not, send [Uniform Complaint Procedures Act Complaint Form.](#)

#### STEP 5

**Best Interest Determination:** If the youth is eligible, the ERH and the youth should discuss whether it is in the youth's best interests to accept or decline AB 167/216 graduation.

#### STEP 6

**College Preparation:** If the youth is on track for high school graduation and a senior, ERH/CSW/PO assist youth in: (1) completing the FAFSA; (2) touring colleges; (3) completing college applications and/or entrance examination requirements (e.g., community college placement test; SAT/ACT); and (4) exploring additional scholarship options. See [Financial Aid Guide for California Foster Youth.](#)

#### STEP 7

**Preparing Court Report:** ERH and CSW/PO confer about youth's education needs as it relates to their graduation status. The CSW/PO includes information regarding graduation in the court report and makes any necessary recommendations (e.g., if the youth should have but has not yet received their AB 167/216 graduation notification letter, the CSW/PO could recommend that the court order the youth's school district to provide the letter). [See CSW/PO Court Report Language.](#)



<sup>21</sup>Most schools in California expect students to earn 30 credits during each semester (60 credits per year) although some schools have different credit accumulation schemes. Completing this step may require consultation with the youth's guidance counselor.



### At Every Court Hearing

#### STEP 1

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**ERH Attends Hearing:** When appropriate, ERH attends court hearing to discuss graduation needs of the youth.

#### STEP 2

---

**Parties Inform Court:** Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency provide all necessary information to the court about the youth's graduation status and any barriers to success. **See Attorney for Parent Checklist, Attorney for Youth Checklist.**

#### STEP 3

---

**Court Inquires About Graduation Status of Youth:** Court inquires about the youth's graduation status including whether or not the youth: (1) is on track for high school graduation; (2) if necessary, is receiving any academic support services; (3) has access to A-G, Honors/Advanced Placement/International Baccalaureate, or CTE courses; (4) has transferred schools after completing their second year of high school; (5) has received their AB 167/216 eligibility notification within 30 days of enrollment; (6) has an ERH who has made a best interest decision about utilizing the AB 167/216 graduation option; (7) has completed the FAFSA, toured colleges, submitted college applications (for high school seniors only); (8) has explored vocational/employment options; and/or (9) has any need for additional funds for graduation-related activities. **See Judge's Checklist.**

#### STEP 4

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**Court Orders Regarding Graduation:** Court makes any orders necessary to ensure the youth has the services necessary to get back on track for high school graduation or stays on track for high school graduation, including having meaningful access to college and work preparatory courses.

### After Every Court Hearing

ERH/CSW/PO follows up on any court orders. This can include requesting AB 167/216 Certification using the **Uniform Complaint Procedures Act Complaint Form.**

CREDIT CHECK						
School District Credit Checklist						
School District Requirements <i>Course Name: Credits Required</i>	Courses Completed <i>Course Name: Credits Earned (School, Semester School Yr.)</i>	Courses Remaining <i>Course Name: Credits Remaining</i>				
English:						
Math:						
Science:						
Foreign Language:						
Visual/Performing Arts:						
PE:						
Health:						
Other Electives:						
Required:	Completed:			Remaining:		
AB 167/216 Analysis & Credit Checklist						
1. Does the student have an open foster care or probation court case? <input type="checkbox"/> Yes <input type="checkbox"/> No						
2. Has the student transferred schools after the second year of high school? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Total # of required school district credits remaining:	÷		=	# of semesters student must complete to satisfy local school district graduation requirements:	IF >	# of semesters left before the student completes years of high school
3. Is the student reasonably <i>unable</i> to complete all district graduation requirements (calculate below)? <input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>Eligibility:</b> If all three questions above are “yes”, the student is eligible for AB 167/216 graduation. Is the student eligible? <input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>Certification:</b> Was certification of eligibility determination provided to student, ERH, and social worker within 30 days of enrollment including instructions to ERH on how to accept eligibility?: <input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>ERH decision:</b> <input checked="" type="checkbox"/> Accept eligibility <input type="checkbox"/> Remain in high school for a 5 <sup>th</sup> year <input type="checkbox"/> Reject eligibility <input type="checkbox"/> Decision not yet made						
AB 167/216 Requirements <i>Course Name(s):(Courses Required)</i>	Courses Completed <i>Course Name: Credits Earned (School, Semester, School Yr.)</i>	Courses Remaining <i>Course Name: Credits Remaining</i>				
Social Studies • World History (1 year) • US History (1 year) • Government (.5 years) • Economics (.5 years)						
English (3 years)						
Math (2 years) • Algebra 1 (1 year)						
Science (2 years) • Biology (1 year) • Physical Science (1 year)						
Foreign Language/Visual and Performing Arts (1 year)						
PE (2 years)						
Required: 130 credits	Completed:			Remaining:		
Course Scheduling						
Create a tentative course schedule for each remaining school term, ensuring that required courses for identified graduation option are completed first. Include the number of credits remaining for each course						
Fall School Year:	Spring School Year:	Summer School Year:	Fall School Year:	Spring School Year:		

# Court Tools

This section includes role-specific tools for each court companion audience member.





**How to Use This Tool:** This tool provides sample court report language for CSW/POs regarding a youth’s education, with blank areas to fill in the details specific to each youth. If desired, the sample language can be copied into existing county placing agency report forms. The sections on Education Rights, Current School Information, and Academic/Attendance/Behavioral/Social/Emotional Needs must be included in every court report. The School Stability and Transferring to a New School: Enrollment, Disenrollment, and Partial Credits sections must be addressed in every court report immediately before or after a home placement change. The Graduation Planning section must be addressed for every high school aged youth.

## Education Rights

\_\_\_\_\_ currently holds education rights. ERH’s address and phone number are \_\_\_\_\_. ERH’s relationship to the youth is \_\_\_\_\_. They were appointed education rights holder (“ERH”) on \_\_\_\_\_ [date]. Youth’s ERH [did/did not] received appropriate notice of the upcoming hearing as it may impact the youth’s education. [If there are co-ERHs, repeat this section for each.]

### ***[If a new ERH since last court report]***

CSW/PO met with ERH on \_\_\_\_\_ [date] and explained their responsibilities as an ERH and discussed the youth’s current needs with them. ERH was given a copy of [Making Education Decisions for Children Involved with the Dependency Court](#), [Enrollment and High School Rights of Foster and Probation Youth](#), and [Requesting a Special Education Assessment: Step-by-Step Guide](#) and tools. ERH was given an up-to-date copy of the youth’s Health and Education Summary on \_\_\_\_\_ [date].

Youth’s ERH is currently meeting the youth’s education needs because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_. [For example, the ERH attends parent/teacher conferences, back to school night, and IEP meetings; the ERH regularly checks the youth’s grades, attendance and discipline records and immediately addresses any needs; the youth’s ERH helps them access necessary education services such as tutoring and special education services; the youth’s ERH helps them complete their homework nightly.]

### ***[If the ERH is not meeting the youth’s needs]***

CSW/PO has determined that the youth’s current ERH is not meeting the youth’s education needs because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[For example, the ERH has failed to attend parent/teacher conferences, back to school night, and IEP meetings; the youth is receiving low academics grades, poor attendance, and/or discipline issues and the ERH is not supporting and/or seeking services for the youth to address these concerns.]

CSW/PO has made diligent efforts to engage the youth’s ERH in the youth’s education and has determined that the ERH is [unavailable, unable and/or unwilling] to meet the youth’s education needs. See [CSW/PO Documentation of Diligent Efforts to Includes Youth’s ERH in their Education](#).



**[If recommending limitation of current ERH and appointment of an alternate ERH]**

CSW/PO recommends that \_\_\_\_\_'s education rights be limited.

CSW/PO has investigated and recommends that \_\_\_\_\_ be appointed to hold youth's education rights. \_\_\_\_\_ has \_\_\_\_\_ relationship to the youth. When recommending an ERH, priority was given to youth's [relative, nonrelative extended family member, caregiver in their planned permanent living arrangement, another adult know to the youth]. The proposed ERH does not have a conflict of interest and can act in youth's best education interests. A JV-535 has been completed and attached to this court report.

**[If recommending retaining current ERH and appointment of co-ERH]**

CSW/PO recommends that \_\_\_\_\_'s [current ERH's name] education rights NOT be limited but that \_\_\_\_\_ [proposed ERH name] be appointed as a co-ERH.

**[If recommending limitation of current ERH and no alternate ERH available]**

CSW/PO has been unable to locate an appropriate proposed ERH for the youth. CSW/PO requests that the court make the following court orders for the youth's education: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

[For youth with special education needs] CSW/PO recommends that the court request a surrogate parent from the youth's school district because youth [has/needs] an IEP. A JV-535 has been completed and attached to this court report.

**Current School Information**

CSW/PO has worked with youth's ERH to identify the following information. Youth's Health and Education Summary [is/is not] current and up-to-date. See attached Health and Education Summary. Youth currently attends \_\_\_\_\_ school, in the \_\_\_\_\_ grade. This is a [comprehensive, continuation, special education school or independent study program]. Youth has attended \_\_\_\_\_ schools since the youth was first detained by any county placing agency.

[For youth not enrolled in the local comprehensive public school] The youth's ERH has determined that the youth's current school best meet their needs because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

The youth [has/has not] been segregated into a separate school or program due to their foster youth status. [For example, youth attending on grounds school at their group home or Short Term Residential Therapeutic Program; youth required to attend a continuation or community day school due to credit deficiency, behavioral problems or return from probation placement.]

The youth's home placement [has/has not] changed during the review period. [If the youth's home placement has changed during the review period, CSW/PO must complete the School Stability and Transferring to a New School: Enrollment, Disenrollment and Partial Credits sections.]



**Academic/Attendance/Behavior/Social/Emotional Needs**

Youth currently [is/is not] passing all classes. Youth has [good/poor] school attendance. Youth [does/does not] have disciplinary issues. CSW/PO has the following concerns about youth's education \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Youth is currently receiving the following education support services \_\_\_\_\_  
 \_\_\_\_\_

Youth is being referred for \_\_\_\_\_. [For example, tutoring services through their school districts, tutoring services through their county office of education, tutoring services funded by the county placing agency, school based mental health services, school based behavioral support services, etc.]

The youth [does/does not] have an IEP.

***[If the youth has an IEP]***

The youth's IEP provides for the following educational placement and services \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_. Youth's last IEP was on \_\_\_\_\_ [date] and [is/is not] up-to-date (i.e., is less than 1 year old).

Youth recently changed schools and their 30 day IEP is scheduled for \_\_\_\_\_ [date].

Youth has the following unmet education needs \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CSW/PO requests that the court make the following orders about the youth's education needs \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A copy of the youth's [transcript/report card, attendance record, discipline log, IEP, 504 plan, graduation check, AB 167/216 certification letter] is attached to this report.





## School Stability

When locating a new home placement, school stability was considered in all of the following ways: (1) proximity to the youth's school of origin: the youth's new placement is \_\_\_\_\_ miles from their previous school; (2) school attendance area: the youth's new placement [is/is not] within the attendance area of their school of origin; (3) the number of school transfers the youth has previously experienced: this youth has experienced \_\_\_ school transfers since being detained; (4) the timing of the school year: it [is/is not] close to the end of a grading period (e.g., trimester, semester, school year); and (5) other indicators of educational stability \_\_\_\_\_.

*[For example, involvement in school related activities, significant relationships with teachers or peers, etc.]*

The current school of attendance [is/is not] the youth's school of origin.

The youth's ERH, Attorney for Youth, and current and proposed school districts [were/were not] notified within [1 day of the placement change (for general education student) or 10 days prior to the placement change (for special education student)].

A CFT meeting was held on \_\_\_\_\_ [date] where school stability was discussed. The youth, their ERH \_\_\_\_\_ [ERH name], the youth's new caregiver, the AB 490 Foster Youth Liaisons from the prior and new school district were present.

The youth's ERH decided the youth [should/should not] remain in their school of origin, as it [is/is not] in the youth's best interest according to the ERH because \_\_\_\_\_.

### ***[For Youth Remaining in School of Origin]***

The youth is being transported to their school of origin via \_\_\_\_\_. [For example, school bus, caregiver transportation with reimbursement from the county placing agency, public transportation, other means of transportation.]

[If caregiver transporting] The caregiver reimbursement from the county placing agency for transportation to school of origin was requested on \_\_\_\_\_ [date]. Reimbursement began on \_\_\_\_\_ [date].

[If transportation has not yet been determined or initiated] Transportation has not been [determined/initiated] because \_\_\_\_\_. The following steps are being taken to resolve this \_\_\_\_\_. [This should include requests for any necessary court orders.]

### ***[For Youth Not Remaining in School of Origin]***

The youth is not remaining in their school of origin. There [is/is not] a dispute regarding the youth's right to remain in their school of origin. The youth [agrees/disagrees] with the school of origin decision because \_\_\_\_\_. The youth's AB 490 Foster Youth Liaison [agrees/disagrees] with the school of origin decision because \_\_\_\_\_. The AB 490 Foster Youth Liaison [did/did not] provide a written recommendation regarding school of origin. A copy of the recommendation [is/is not] attached.



### **Transferring to a New School: Enrollment, Disenrollment, and Partial Credits**

The CSW/PO [notified/did not notify] the youth's prior school of the transfer prior to the move. The CSW/PO [did/did not] request that all records be prepared for transfer to the new school, including an up-to-date transcript including check out grades and partial credits. The CSW/PO [did/did not] review the youth's education records to ensure they were complete. See attached documentation.

The CSW/PO [did/did not] provide the new caregiver with an up-to-date Health and Education Summary including all education records and ERH contact information within [30 days of the first placement/48 hours of any subsequent placement].

The youth [was/was not] immediately enrolled in school on the same day the home placement occurred, [for high school students, that the youth was enrolled in the same/equivalent classes], that records were received from the prior school, and [for students with an IEP, that their IEP is being implemented].

### **Graduation Planning**

Youth [is/is not] on track to graduate from high school within 4 years. See attached current transcript and graduation check. Youth [is/is not] enrolled in A-G, AP, and/or CTE courses.

[If youth transferred schools after completing the 10<sup>th</sup> grade] Youth [is/is not] AB 167/216 eligible. Youth [did/did not] receive their AB 167/216 certification letter within 30 days of enrolling in a new school (after completing the 10<sup>th</sup> grade).

[If youth is in their final year of high school] Youth [has/has not] completed the FAFSA. Youth [has/has not] toured colleges [please list those toured]. Youth [has/has not] completed college applications (please list those completed).

# Education Rights Holder Checklist



These steps are designed to guide ERHs, including those with and without their own attorneys. If you are represented by an attorney, please consult with that attorney prior to speaking with other parties, attorneys, or the court.

ISSUE	DESCRIPTION OF WORK
<b>Before Every Court Hearing</b>	
Investigate Education Needs	Meet with the youth, investigate the youth’s education needs, and determine if they are being met. Investigation includes requesting and reviewing education records (use the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> ), speaking with the youth’s caregiver (if the caregiver is not also the ERH), school staff, and other relevant adults (e.g., tutor), and attend education meetings at school and with the county placing agency to gather information about the youth’s education needs. Determine whether the youth: (1) is in their school of origin; (2) is attending the least restrictive education setting that can meet their needs; (3) has appropriate special education services, if needed; and (4) has an appropriate graduation plan, if the youth is in high school. <b><u>See Making Education Decisions for Children Involved with the Dependency Court.</u></b>
Make Best Interests Decisions	On an ongoing basis, act in the youth’s best interests, make decisions and take actions to protect the education interests of the youth.
Appointment of Education Attorney	If you need support in protecting the youth’s best education interests, consult with the Attorney for Youth and CSW/PO and/or request the appointment of an education attorney using the <b><u>317(e) Referral Form.</u></b>
<b>School of Origin:</b> Request a Hearing Following a Placement Change	Request a hearing by filling a <b><u>JV-539 form</u></b> if: (1) the new home placement is too far from the School of Origin (“SOO”) for transportation to be feasible (this is a youth-specific question as different distances/modes of transportation may be appropriate based on the age and developmental needs of the youth); (2) the school district, CSW/PO, and caregiver cannot establish a transportation plan; (3) there is an alternative home placement option that is more accessible to the school of origin; (4) there is a different school of origin that should be considered that would require a different home placement; (5) the timing of the school year requires it (e.g., if there are only a few weeks left in the semester); and (6) any other reason that there may be a question about the move, or its impact on the youth’s ability to attend the school of origin.
<b>School of Origin:</b> Make Best Interest Determination Decision at Child and Family Team (“CFT”) Meeting	Attend and participate in the CFT held right before or after a home change. Discuss school stability needs with the youth, new caregiver, CSW/PO, and AB 490 Foster Youth Liaisons from the prior and new school districts. Identify all potential schools of origin, gather input from CFT members, and then make the final decision whether remaining in any potential schools of origin is in the youth’s best interests utilizing the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet.</u></b> Work with the CFT to develop an appropriate transportation plan. If there is a dispute about whether the youth should continue to attend their SOO or about the transportation options, the youth has a right to remain in their SOO pending the results of the dispute. If the dispute is solely between the school district and the ERH, it may be appropriate for the ERH to file a <b><u>Uniform Complaint Procedures Act Complaint Form</u></b> with the school district.
<b>School of Origin:</b> Prepare Statement to Court	After any home placement change, prepare a statement to the court, utilizing the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet,</u></b> indicating whether the proposed change of school placement is in the youth’s best interest and whether any efforts have been made to keep the youth in the SOO.



ISSUE	DESCRIPTION OF WORK
<p><b><u>Transferring to a New School</u></b></p>	<p>If you determine the youth should not remain in their SOO, work with the youth's caregiver to ensure they are immediately enrolled in their new school of residence. If the youth is not enrolled because the school is refusing immediate enrollment, consider filing a <b><u>Uniform Complaint Procedures "UCP" Act Complaint</u></b>. <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b></p>
<p><b><u>Transferring to a New School:</u></b> High School Aged Youth</p>	<p>Ensure high school youth are enrolled in the same/equivalent classes as those they were enrolled in at their prior school and that they received their partial credits from their prior school. If the new school refuses to enroll them in the same/equivalent classes, or the prior school refuses to issued partial credits, consider filing a <b><u>UCP Act Complaint</u></b>. <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b></p>
<p><b><u>Graduation Planning:</u></b> Determine if the Youth is On Track</p>	<p>Request an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements using the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b>. Use the <b><u>High School Graduation Check</u></b> to determine whether the youth is on track for high school graduation by identifying whether they have earned the number of credits typically required at that school.<sup>1</sup> If the youth has failed more than 1 class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation.</p>
<p><b><u>Graduation Planning:</u></b> For Off Track Youth</p>	<p>If the youth is off track for high school graduation, meet with the youth and the school to identify the barriers to their success and create a plan for accessing necessary services to help the youth be successful in school.</p>
<p><b><u>Graduation Planning:</u></b> For Off Track Youth Who Transferred Schools After Completing 10th Grade</p>	<p>If the youth transferred schools after completing their second year of high school, and you have not received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment, consider filing a <b><u>UCP Act Complaint</u></b>. If the youth is eligible, make a best interest decision with the youth about their graduation options. <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b></p>
<p><b><u>Graduation Planning:</u></b> For On Track Youth</p>	<p>If the youth is on track for high school graduation and a senior, work with the youth's school counselor to assist the youth in: (1) completing the FAFSA and researching/applying for additional scholarships; (2) touring colleges; and (3) completing college applications. (See <b><u>California College Pathway's College Guide.</u></b>)</p>
<h2>At Every Court Hearing</h2>	
<p>Attend Court and Inform Judge about Youth's Education Needs</p>	<p>Attend and participate in all court hearings that relate to the youth's education, including informing the Court about whether the youth is enrolled in school (i.e., school of origin, least restrictive environment) and the youth's graduation status and graduation plan.</p>
<p><b><u>School of Origin</u></b></p>	<p>At any hearing after a change in the youth's education placement, the ERH must submit a statement to the court indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their school of origin. The <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> can be used for this purpose. If necessary, attend court to ensure stability issues are addressed and resolved by the judge.</p>
<h2>After Every Court Hearing</h2>	
<p>For Newly Appointed ERHs, Investigate Education Needs of Youth</p>	<p><b><u>See Rights and Duties of Court Appointed ERHs.</u></b></p>
<p>Implement Court Orders</p>	<p>Work with the youth and any other necessary adult to implement all court orders.</p>

<sup>1</sup> Most schools in California expect students to earn 30 credits during each semester (60 credits a year) although some schools have different credit accumulation schemes.



TYPE OF ISSUE	DESCRIPTION OF WORK
<b>Before Every Court Hearing</b>	
<p><b>Education Rights Holder:</b> Appropriateness of Current Education Rights Holder (“ERH”)</p>	<p>Communicate with youth’s current ERH to determine ERH’s ongoing ability and willingness to continue holding education rights. Make diligent efforts to contact the current ERH before recommending any change in ERH using the <b>County Social Worker/Probation Officer Documentation of Diligent Efforts to Include Youth’s Current Education Rights Holder in their Education.</b></p> <p>Parent ERHs: Prior to recommending the limitation of a parent’s education rights, consider whether the parent’s inability to hold the youth’s education rights is short term in nature and/or whether the parent is attempting to reunify with the youth and consider whether appointing a second, co-ERH along with the parent is feasible.</p> <p>ERHs After a Home Change: Pay particular attention to who holds education rights after a change in home placement, especially if the youth’s prior caregiver holds education rights.</p>
<p><b>Education Rights Holder:</b> Identify New ERH</p>	<p>If, after making diligent efforts to include the ERH in the youth’s education, you determine that the current ERH is unable or unwilling to continue holding education rights, work with the adults involved in the youth’s life to identify a new potential ERH. When selecting a new potential ERH, preference must be given to relative caregivers, nonrelative extended family members, the caregiver in the youth’s planned permanent living arrangement, or another adult known to or selected by the youth.</p>
<p><b>School of Origin:</b> Locate a Placement Geographically Close to the Youth’s School of Origin</p>	<p>Any time a home placement change is considered, and a search is being conducted for a new home placement, consider educational stability, including: (1) proximity to the youth’s school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the timing of the school year; and (5) other indicators of educational stability such as involvement in activities, significant relationships with teachers or peers, etc.</p>
<p><b>School of Origin:</b> Notice Requirements When a Home Placement Changes</p>	<p>Provide notice to the court, the Attorney for Youth, the ERH, and the youth’s current and proposed school district (if known) no more than one court day after making the decision to change a youth’s placement using the CSW/PO Notice of Placement Change Impacting School Stability.</p> <p>For Special Education Youth: If there is an active IEP, this notice must be provided at least ten days prior, and the special education office of the potential new district must also receive notice.</p>
<p><b>School of Origin:</b> Determine Interim Transportation Plan</p>	<p>Unless the ERH, with the consultation of the CSW/PO, AB 490 Foster Youth Liaison and the new caregiver, can immediately make an informed decision regarding whether it is in the youth’s best interest to remain in their SOO, work with the school district to set up an interim transportation plan to get the youth to their SOO while the ultimate decision on best interest is pending. If the move is happening immediately, the CSW/PO must set up immediate transportation.</p>
<p><b>School of Origin:</b> Convene a CFT to Discuss Best Interest Determination</p>	<p>Convene a CFT including the youth, ERH, caregiver, and AB 490 Foster Youth Liaisons from both districts (SOO and where the youth now resides) to discuss the potential move, the school options, best interest of the youth, and transportation using the <b>School of Origin Best Interests Determination Procedures &amp; Worksheet.</b> If there is a dispute about whether the youth should continue to attend their SOO or about the transportation option, the youth has a right to remain in their SOO pending the results of the dispute.</p>
<p><b>School of Origin:</b> Develop Permanent Transportation Plan</p>	<p>If the ERH determines that it is not in the youth’s best interest to transfer out of their SOO, assist the CFT in developing a transportation plan that is developmentally appropriate for the youth. The team’s transportation plan will be documented in the <b>School of Origin Best Interests Determination Procedures &amp; Worksheet.</b></p>
<p><b>School of Origin:</b> Court Report</p>	<p>For either a specific hearing on SOO or the next regularly scheduled hearing after a home change, use the <b>CSW/PO Court Report Language</b> to prepare a court report addressing: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) the responses of the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable), specifying whether each agrees with the school placement decision (and if they disagree, why); (5) a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of school placement.</p> <p>Ensure the youth’s ERH knows that they have a duty to provide a statement to the court regarding the best interest determination.</p>



ISSUE	DESCRIPTION OF WORK
<p><b><u>Transferring to a New School:</u></b> Disenrolling</p>	<p>As soon as you know that the youth's ERH has chosen not to have the youth remain in their SOO and that the youth will be transferring out of their current school, contact the youth's prior school to inform them of the date of the youth's transfer and request that the youth's transcript (including partial credits) be completed and sent to you and that all records be gathered and forwarded to the youth's new school using the <b><u>CSW/PO Notice of School Change and Request for Records</u></b>.</p>
<p><b><u>Transferring to a New School:</u></b> Ensure Partial Credits Were Issued and that Health and Education Summary is Up-To-Date</p>	<p>Collect and review records to ensure the youth's Education Summary is complete (e.g., immunization records, IEPs). Ensure the youth has an up-to-date transcript including a determination of seat time, check out grades, full or partial credits earned, and current class schedule. If there is a problem with the transcripts, work with the youth's ERH and the district's AB 490 Foster Youth Liaison to correct the transcript. <b><u>See Enrollment and High School Rights of Foster and Probation Youth</u></b>.</p>
<p><b><u>Transferring to a New School:</u></b> Ensure New Caregiver has Health and Education Summary</p>	<p>As soon as a new placement is determined, provide the new caregiver with the Health and Education Summary, including all education records and ERH contact information.</p>
<p><b><u>Transferring to a New School:</u></b> Immediate Enrollment</p>	<p>Ensure the caregiver takes the youth to their local school/district for enrollment on the day they enter the placement. Advise the caregiver on working with the ERH to determine the least restrictive environment in which to enroll the youth. <b><u>See Enrollment and High School Rights of Foster and Probation Youth</u></b>.</p>
<p><b><u>Transferring to a New School:</u></b> Confirm Appropriate Enrollment</p>	<p>Two days after a youth has been placed in a new home, contact the ERH, caregiver and school district to ensure that the youth: (1) has been enrolled and has begun attending their new school in an appropriate, least restrictive placement as determined by the ERH; (2) that records have been received from the prior school; (3) that their IEP is being implemented, if they have one; and (4) that they are enrolled in the same/equivalent classes/grade as at their prior school.</p> <p>If the student is not enrolled in school, notify the ERH and hold a CFT meeting to attempt to resolve any issues.</p>
<p><b><u>Graduation Planning:</u></b> Determine if the Youth is On Track</p>	<p>Use the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> to request an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements. Determine whether the youth is on track for high school graduation by using the <b><u>High School Graduation Check</u></b> to verify whether they have earned the number of credits typically required at that school.<sup>1</sup> If the youth has failed more than one class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation. If the youth is off track for high school graduation, meet with the youth, ERH, caregiver, and school to identify the barriers to their success and create a plan for accessing necessary services to help the youth be successful in school. <b><u>See Enrollment and High School Rights</u></b>.</p>
<p><b><u>Graduation Planning:</u></b> On Track</p>	<p>If the youth is a senior and on track for high school graduation, work with the youth's ERH and school counselor to assist the youth in: (1) completing the FAFSA and researching/applying for additional scholarships; (2) touring colleges; and (3) completing college applications. Ensure the youth has necessary funds to participate in all graduation activities. <b><u>See California College Pathways Guide</u></b>.</p>
<p><b><u>Graduation Planning:</u></b> For Off Track Youth Who Transferred Schools After Completing 10th Grade</p>	<p>If the youth transferred schools after completing their second year of high school, and you have not received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment, work with the youth's ERH to send a <b><u>Uniform Complaint Procedures Act Complaint</u></b>. If the youth is eligible, support the ERH in making a best interest decision about the youth's graduation options.</p>

<sup>1</sup> Most schools in California expect students to earn 30 credits during each semester (60 credits per year) although some schools have different credit accumulation schemes.



ISSUE	DESCRIPTION OF WORK
Notice to ERH of Court Hearings	Provide appropriate notice to ERH of all regularly scheduled court hearings that might affect the youth's education. Prior to any hearing where limitation or termination of education rights is being recommended, notice to ERH is required.
Court Report	<p>Confer with ERH about youth's needs including but not limited to: (1) the type of school the youth is attending (e.g., school of residence, school of origin, alternative school such as continuation school); (2) what the youth's academic and social, emotional, and behavioral needs are at school; (3) a copy of the youth's IEP/IFSP/504 plan; (4) whether the youth is on-track for high school graduation; and (5) any unmet education needs. Use the <b>CSW/PO Court Report Language</b> to draft a court report including all this information.</p> <p>Additionally, if the youth experienced a change in home placement, and remained in their school of origin, the court report must include all information required in the School Stability Court Report (see above).</p> <p>If the youth experienced a change in home placement and is transferring to a new school, the court report must include all information required in the School Stability Court Report (see above) and whether the youth was: (1) appropriate disenrolled from their prior school and received their partial credits on an official transcript; (2) was immediately enrolled, in the same/equivalent classes, in their new school, in the least restrictive environment; and (3) education records have been transferred to their new school.</p>
Court Report: Necessary Court Orders	Make any necessary recommendations to court regarding youth's education needs using the <b>CSW/PO Court Report Language</b> (e.g., ordering that the school district provide transportation to school of origin, granting permission for a youth to receive a special education assessment).
Court Report: Changing Education Rights	If the youth's ERH needs to be changed, include the recommendation and the reason (e.g., ERH unwilling to participate in the youth's education after diligent attempts are made and documented using the <b>County Social Worker/Probation Officer Diligent Efforts to Include Youth's Current Education Rights Holder in Their Education Tool</b> ) and who is recommended to hold education rights moving forward. Complete and attach the <b>JV-535 Form</b> and submit it to the court, along with the court report. If the youth has or may need an IEP and there is no potential ERH identified through your best efforts, complete the JV-535 Form requesting a surrogate parent from the youth's school district. Use the <b>CSW/PO Court Report Language</b> to prepare report.
<b>After Every Court Hearing</b>	
Notification to new ERH about Duties	Provide the new ERH with information on ERH responsibilities and the youth's current education needs. Provide a copy of the Informational Guides to assist the ERH in exercising education rights (e.g., <b>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</b> ).
<b>School of Origin:</b> Implementing Court Order	The court clerk provides a copy of the <b>JV-538 Form</b> to the CSW/PO and ERH who may then use it to implement any court orders related to school stability.
Convene CFT Meeting	Convene a CFT to address school stability, enrollment in the least restrictive environment, or for any other reason ordered by the court.
<b>Transferring to a New School</b>	Follow up on any court orders regarding enrollment in the least restrictive environment or records transfer/awarding of partial credits.
<b>Graduation Planning:</b> For Off Track Youth Who Transferred Schools After Completing 10th Grade	Follow up on any court orders regarding graduation. This can include working with the ERH to request AB 167/216 Certification using the <b>Uniform Complaint Procedures Act Complaint Form</b> .

ISSUE	DESCRIPTION OF WORK
<b>Before Every Court Hearing</b>	
Investigate Education Needs	Consult client about their education needs, including but not limited to how they are doing in school, whether they are on track for high school graduation, participation in extra-curricular activities, their desire to remain in or return to their school of origin, need for additional academic/behavioral support at school, any safety concerns.
<b>Education Rights Holder:</b> Appropriateness of ERH	Consult client about whether their ERH is supporting them. If the youth identifies that their ERH is not supporting them, discuss potential alternative ERHs. Pay particular attention to who holds education rights after a change in home placement, especially if the youth's prior caregiver holds education rights.
<b>Education Rights Holder:</b> Appointment of Education Attorney	If client has unmet needs for which an education attorney might be warranted, refer client for appointment of a Welfare and Institutions Code Section 317(e) attorney using the <b><u>317(e) Referral Form</u></b> .
<b>School of Origin:</b> Request a Hearing Following a Placement Change	Ensure client participated in the CFT held to discuss school stability. Confirm that client's ERH took client's desires into account when making the best interest determination. If no CFT was held, client's ERH ignored their desire to remain in school of origin, and/or client's proposed placement change will negatively impact their ability to stay in their school of origin, request a hearing using the <b><u>JV-539 Form</u></b> . Some examples of when this would be appropriate would include clients with special needs or strong connections to their SOO, client suggests/requests alternate home placement closer to SOO, nearing the end of a school grading period, or client needs transportation to SOO.
<b>Transferring to a New School:</b> Hearing Following a Placement Change	If client's ERH determined that staying in client's school of origin is not in the child's best interests, confirm client was immediately enrolled in their new school (in the least restrictive environment) in the same/equivalent classes and that they received partial credits.
<b>At Every Court Hearing</b>	
<b>Education Rights Holder</b>	Provide an update to the court regarding client's education including whether the client's ERH is appropriate, that school of origin was considered prior to a school change, that client was immediately enrolled in their new school, that client's special needs are being addressed, and client's progress towards high school graduation. Request relevant orders regarding the youth's education needs including but not limited to appointment of a new ERH using the <b><u>JV-535 Form</u></b> .
<b>After Every Court Hearing</b>	
<b>Education Rights Holder</b>	Provide information to any newly appointed ERH on their responsibilities and the current education needs of client. Share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).  Ensure all court orders are complied with.



## When Parent Holds Educational Rights

ISSUE	DESCRIPTION OF WORK
<b>Before Every Court Hearing</b>	
<b>Education Rights Holder</b>	Meet with client and discuss the youth's education needs, including the parent's ability to meet the youth's education needs, or any barriers to being able to exercise (or regain) education rights. Share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).
<b>Education Rights Holder:</b> Appointment of Education Attorney	If the youth has unmet needs for which an education attorney might be warranted to assist the parent in exercising their education rights, discuss the option of referring the youth for appointment of a Welfare and Institutions Code Section 317(e) attorney. If appropriate, consult with the Attorney for Youth, to complete the <b>317(e) Referral Form</b> .
<b>After Every Court Hearing</b>	
<b>School of Origin:</b> Hearing Following a Placement Change	Meet with client and discuss whether school stability was addressed at a CFT. If so, review a copy of the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> , including the ERH statement.  If a CFT was not held, request that court order a CFT to discuss school stability. If client decided that the youth should remain in their school of origin, and this decision is not being implemented, request a hearing to resolve the dispute using a <b>JV-539 Form</b> .
<b>Transferring to a New School:</b> Hearing Following a Placement Change	If the client determined that transferring schools was in the youth's best interests, confirm with client that the youth was immediately enrolled in the same/equivalent classes in their new school, in the least restrictive environment, and that all records were transferred, including partial credits. Share <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> with client if needed to collect records.
<b>Education Rights Holder:</b> Update Court on Client's Education Needs and Request Relevant Court Orders	Provide all necessary information to the court about client's ability to hold education rights. If the youth was recently removed from client, discuss the client's ability to remain actively involved in the youth's education and desire to continue holding education rights. If client is maintain education rights, and you have not already done so, share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).
<b>After Every Court Hearing</b>	
Informing New <b>Education Rights Holder</b>	Support client ERH in implementing any court orders regarding the youth's education.

## How to Use This Tool

This tool provides sample questions and minute order language to support judges as they address the education needs of youth in their courtrooms, and is specifically tailored to the needs of foster and probation youth. In the first section, there are questions that should be addressed at every hearing; later sections address questions that only need to be addressed at hearings on a particular topic, such as hearings following a change in home placement. Based on the answers to the questions, sample language is provided that can be read in to the record and/or input on the minute order.

A judge may join a school district in a proceeding by using the [JV-540 Joinder form](#) if the school district has failed to meet their legal obligations to a youth. Alternatively, the judge may order the CSW/PO to ensure that the school district complies with the district's obligations.

## At Every Court Hearing

Education Rights: Inquire about the status of the education rights holder from the [social worker/probation officer] court report and all parties. Pay particular attention to appropriateness of education rights holder following a home placement change where prior caregiver holds education rights.		
QUESTION FROM THE BENCH		
<p><i>Who is the current education rights holder? Is the current education rights holder meeting the youth's education needs?</i></p>		
ANSWER		
If parents hold education rights and <b>are</b> meeting the youth's education needs:	If someone else holds education rights and <b>is</b> meeting the youth's education needs:	If current education rights holder is <b>not</b> meeting the youth's education needs:
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER		
The court determines that parental education rights will not be limited and biological mother and father continue to hold education rights.	The court determines that parental education rights were limited on [date] and [name of education rights holder] was appointed to hold education rights on [date]. The court finds that the youth's current education rights holder, [name of education rights holder], is meeting their education needs and will remain appointed as education rights holder.	<p>The court finds that the youth's current education rights holder, [name of education rights holder], is not meeting their education needs because the education rights holder is [unwilling, unable, or unavailable] to hold them because ...</p> <p>OR</p> <p>The court finds that the youth's current education rights holder, [name of education rights holder], is not acting in the youth's best interests because ...</p>



## At Every Court Hearing

Education Rights: Appointment of a new education rights holder				
<b>Has the current education rights holder received timely notice of this hearing?</b>				
<b>ANSWER</b>				
If no:	If yes, <b>has a new proposed education rights holder been identified?</b>			
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>	If no:	If no, and the youth has an IEP:	If yes, <b>was priority in selecting a proposed education rights holder given to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, or another adult known to the youth before proposing an adult unknown to the youth?</b>	
			If no,	If yes, <b>does the new proposed education rights holder have any conflict of interest which might restrict or bias his or her ability to make decisions, including but not limited to, the receipt of compensation or attorney's fees for the provision of services?</b>
The court hereby orders [social worker/probation officer] to provide appropriate notice to the current education rights holder [education rights holder name]. A new hearing to address education rights will be held on [date].			If yes,	If no
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>				
As the parties have been unable to identify a proposed education rights holder, I am ordering the county placing agency to make every effort to identify a potential education rights holder to make future education decisions for the youth, including but not limited to identifying potential relatives, nonrelative extended family members, foster parents, adults supporting the youth (e.g., mentor, tutor), Court Appointed Special Advocate, or other adults known to the youth. A new hearing to address education rights will be held on [date].	The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and requesting that the youth's current school district appoint a surrogate parent within 30 days. A new hearing to address education rights will be held on [date, 30 days from current date]. The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.	The court hereby orders [social worker/probation officer] to identify a new proposed education rights holder, giving priority to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, and/or another adult known to the youth before proposing an adult unknown to the youth. A new hearing to address education rights will be held on [date].	The court hereby orders the [social worker/probation officer] to identify a new proposed education rights holder who does not have a conflict of interest. A new hearing to address education rights will be held on [date].	The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and appointing [proposed education rights holder name] as education rights holder. <sup>1</sup> The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.

<sup>1</sup>It is also a best practice to appoint a Developmental Services Decision-Maker whenever a new education rights holder is appointed.



## At Every Court Hearing

<b>Education Rights: Appointment of a co-education rights holder</b>	
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>	
<p>The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] and does not limit the education rights of [current education rights holder name]. The court hereby appoints a co-education rights holder, [co-education rights holder name], to work with [current education rights holder name]. The court clerk will provide a copy of the new JV-535 to the education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.</p>	

<b>Education Needs: Inquire about the education needs of the youth.</b>	
<b><i>Is the youth enrolled in school?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If no,	The court hereby orders that a Child Family Team ("CFT") meeting be held within 3 business days, including the youth, the youth's education rights holder, current caregiver, and AB 490 Foster Youth Liaisons from the youth's prior and new school to discuss: (1) school stability; (2) the implementation of youth's education rights holder's decision regarding best interests; and (3) the immediate enrollment of the youth in school. A new hearing will be held on school stability on [date].
<b><i>Can the county placing agency confirm that the youth has not been segregated in a separate school or program because of their foster status?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If no,	The court hereby orders that a CFT meeting be convened within 3 business days including the youth's education rights holder to determine the youth's least restrictive educational setting. A new hearing will be held on school enrollment in the least restrictive environment on [date].
<b><i>How is the youth doing in school academically? What are their current grades? Does the youth have basic literacy and math skills?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If there are any education concerns:	<p>The court hereby orders that the youth be referred for [tutoring services through their school district, tutoring services through their county office of education, tutoring services funded by the county placing agency, other academic support service, etc.].</p> <p>AND/OR</p> <p>The court hereby orders that the county placing agency refer the youth to the school district for a special education assessment. [If the youth does not have a current education rights holder] Consent for that assessment is hereby granted with this order.</p>
<b><i>How is the youth doing behaviorally and socially in school? Is the youth attending school regularly? Does the youth have or need school based mental health services?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If there are any education concerns:	The court hereby orders that the youth be referred for [school based mental health services, school based behavioral support services, weekly attendance checks, etc.].
<b><i>Does the youth have an IEP? Is the youth's IEP meeting their needs? Is the youth's IEP being implemented? Is it up-to-date (i.e., has the school held a meeting and made changes at least once per year)? What services are being provided?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If there any concerns with the IEP:	The court hereby orders that the youth's IEP team convene within 30 days to address _____ unmet education need.



## At Every Court Hearing

**Is the youth participating in any extracurricular activities? Does the youth need any supplies/uniforms or transportation in order to participate in extracurricular activities?**

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If there are any concerns:	The court hereby orders that the county placing agency purchase [_____] for the youth in order for them to participate in [_____] extracurricular activity. AND/OR The court hereby orders that [_____] provide transportation so the youth can participate in [_____] extracurricular activity.

**Do any interested persons have information to add about the youth's education needs?**

## At Every Hearing Following a Change in Home Placement

**School Stability**

**Was school of origin considered by the county placing agency when placing the youth in a new home, including but not limited to: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the youth's school matriculation schedule; and (5) other indicators of educational stability?**

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the county placing agency conduct a new home placement search that takes into account school stability. A new hearing will be held on school stability on [date].

**Did the county placing agency provide notice to the court, the Attorney for Youth, the education rights holder, and the youth's current and proposed school district (if known)...**  
**[for a general education youth] no more than one court day after making the decision to change a youth's placement?**  
**[for a special education youth] at least ten days prior to changing the placement, including notice to the special education office of the potential new district?**

ANSWER	
If no:	If yes, <b>Was a CFT held (including the [social worker/probation officer], youth, education rights holder, new caregiver, and AB 490 Foster Youth Liaisons from the prior and new school districts) to discuss whether or not it is in the youth's best interests to remain in their school of origin?</b>
	If no:

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court hereby orders the county placing agency to provide appropriate notice prior to moving the child's home placement.	The court hereby orders that the county placing agency convene a CFT to discuss whether it is in the youth's best interests to remain in their school of origin. The youth's prior and new school district AB 490 Foster Youth Liaisons must be invited to attend the CFT. The youth's education rights holder must attend and make the final best interest determination. A new hearing will be held on school stability on [date].

**Has the youth been allowed to remain in their school of origin pending the best interest determination?**

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].



## At Every Court Hearing Following a Change in Home Placement

<b><i>Did the youth's education rights holder decide that it is in the youth's best interest to remain in their school of origin?</i></b>	
<b>ANSWER</b>	
If no:	If yes, <b><i>is the youth currently attending their school of origin?</i></b>
<i>If not in the youth's best interests, see Transferring Schools.</i>	If no:
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>	
The court hereby orders that the youth is immediately re-enrolled in their school of origin [SOO name].	
<b><i>If the youth's education rights holder decided it was in the youth's best interest to remain/return to their school of origin, is there a dispute with any other party about this decision?</i></b>	
<b>ANSWER</b>	
If yes, <b><i>do the following people agree or disagree with the school placement decision and if they disagree, why do they disagree: youth, education rights holder, Attorney for Youth, AB 490 Foster Youth Liaison from prior and new school districts, and CASA (if applicable)?</i></b>	
If the court believes remaining in the school of origin is in the youth's best interests:	If the court believes transferring to the new school is in the youth's best interests:
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>	
Court makes findings on a <b>JV-538</b> . The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].	Court makes findings on a <b>JV-538</b> . The court hereby orders that the youth be immediately enrolled in their new local comprehensive school of residence [school name].
<b><i>If the youth is (or should be) attending their school of origin, does the youth need transportation to their school of origin?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If yes,	The court hereby orders that the County Placing Agency provide reimbursement to [caregiver name] for transporting the youth to their school of origin pursuant to All County Letters <b>11-51</b> and <b>13-03</b> . A new hearing will be held to confirm that transportation reimbursement has begun on [date].  OR The court hereby orders that the County Placing Agency and School District of Origin (via a joinder on <b>JV-540 Form</b> ) identify and fund a transportation plan for youth by [date]. A new hearing will be held to confirm a transportation plan has been implemented on [date].

<b>Transferring Schools</b>	
<b><i>If the youth's education rights holder determines that they will not remain in their school of origin, how will the proposed school placement serve the best interest of the youth? [Review JV-537 Form or other education rights holder statement explaining the youth's needs to the court, indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their school of origin.]</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If the court believes attending the school of origin is in the youth's best interests:	The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].



## At Every Court Hearing Following a Change in Home Placement

<p><b>What type of school is being proposed? Is the youth enrolled in the least restrictive education placement available that meets the youth's needs (e.g., local comprehensive school vs. continuation school)? If no, Did the youth's education rights holder determine that attending an alternative school site was in the youth's best interests?</b></p>	
<p><b>ANSWER</b></p>	
<p>If no,</p>	<p>If yes, <b>what is the timeline for returning the youth from the alternative school site back to the local comprehensive school?</b></p>
	<p>If there is no timeline or the timeline seems unreasonable (e.g., 1 year),</p>
<p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>	
<p>The court hereby orders that, with the consent of the youth's education rights holder, the youth be immediately [or at the end of the current semester] enrolled at their local comprehensive school, as this is the youth's least restrictive educational placement.</p> <p>AND/OR</p> <p>The court hereby orders that the county placing agency convene a CFT meeting with the youth, their education rights holder and caregiver, and the youth's school district to reach agreement about a placement. If agreement is not reached within 3 business days, the court will set a new hearing date to decide the youth's education placement.</p>	<p>The court hereby orders that the youth's education rights holder and [social worker/probation officer] convene a meeting with the school to discuss the plan and timeline to return the youth to their local comprehensive school.</p>
<p><b>Has the county placing agency notified the new school of the placement change, including the name and contact information for the youth's education rights holder?</b></p>	
<p><b>ANSWER</b></p>	<p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>
<p>If no:</p>	<p>The court hereby orders that the county placing agency provide notice to the new school, including the name and contact information for the youth's education rights holder.</p>
<p><b>Was the youth immediately enrolled in the new school?</b></p>	
<p><b>ANSWER</b></p>	<p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>
<p>If no and the delay was caused by the school:</p>	<p>The court hereby orders the youth's education rights holder to file a <b>Uniform Complaint Procedures Act Complaint</b> against the school for compensatory education services.</p>
<p><b>Was the youth enrolled in the same/equivalent classes/grade as at their old school? If not, did the youth's education rights holder determine that enrollment in different classes/grade was in the youth's best interests?</b></p>	
<p><b>ANSWER</b></p>	<p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>
<p>If no,</p>	<p>The court hereby orders that the youth be immediately enrolled in the same/equivalent classes/grade as they were enrolled in at their old school.</p>
<p><b>If the youth has an IEP or 504 plan, are the supports and services in the plan being implemented in the new district? Was an IEP held within 30 days of enrolling in the new school?</b></p>	
<p><b>ANSWER</b></p>	<p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>
<p>If no,</p>	<p>The court hereby orders that the youth's school district immediately implement the youth's [IEP/504 supports] and services and convene an [IEP/504] meeting to address the youth's ongoing needs.</p>



## At Every Court Hearing Following a Change in Home Placement

<b><i>Has the county placing agency provided the youth's Health and Education Summary to the caregiver?</i></b>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the county placing agency provide the youth's Health and Education Summary to the youth's caregiver within 2 business days.
<b>[For high school aged youth that transferred schools in the middle of a school grading period]</b> <b><i>Did the youth receive their partial credits?</i></b>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the youth's education rights holder and [social worker/probation officer] work with the youth's school to ensure partial credits are issued on an official transcript and forwarded to their new school.

## At Every Court Hearing for High School Aged Youth

Graduation Planning	
<b><i>Is the youth enrolled in the correct classes for their graduation plan?</i></b>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the education rights holder and [social worker/probation officer] to work with the youth's school counselor to place the youth in the proper classes for their graduation plan.
<b><i>Is the youth on-track for high school graduation within 4 years?</i></b>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that a CFT meeting be convened including the youth, their education rights holder, and their current caregiver to identify the barriers to the youth's success and develop a plan to access necessary services to help the youth succeed in school.
<b><i>If off-track, did the youth transfer schools after completing 2 years of high school?</i></b>	
ANSWER	
If yes, has the youth been certified as eligible or ineligible for AB 167/216 graduation?	
If no,	
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court hereby orders the youth's education rights holder and [social worker/probation officer] to work with the school to seek the certification. If the certification is not received within 10 school days, the education rights holder and [social worker/probation officer] are ordered to file a <b>Uniform Complaint Procedures Act Complaint</b> against the school to ensure the youth is certified.	
<b><i>If the youth is AB 167/216 graduation eligible, has the youth's education rights holder made a best interest decision about which graduation path is best for the youth?</i></b>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the [social worker/probation officer] to convene a CFT Meeting including the youth, their education rights holder, and their caregiver to discuss the youth's post high school needs, including college and vocational interests, and to decide, based on the education rights holder's evaluation of what is in the youth's best interests, what the youth's graduation plan will be.














## At Every Court Hearing for High School Aged Youth

<b><i>If on-track for high school graduation, is the youth enrolled in A-G, Advanced Placement, or Career Technical Education courses?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If no,	The court hereby orders the youth's education rights holder and [social worker/probation officer] to consider whether enrolling in A-G, Advanced Placement or Career Technical Education courses could benefit the youth.
<b><i>[For youth who are in their last year of high school] Have the youth's education rights holder and [social worker/probation officer] assisted them in completing the FAFSA, touring colleges, and submitting college applications?</i></b>	
<b>ANSWER</b>	<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>
If no,	The court hereby orders the [social worker/probation officer] assist the youth in completing their FAFSA, touring colleges, and completing/submitting college applications.

<b>Concluding Education Issues</b>	
<b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>	
The court finds that the youth's education need [are/are not] being met.	
[If there are any outstanding issues, or any orders have been made by the court, the judge must direct the clerk to set a new hearing date within a reasonable period of time, including an updated report from the [social worker/probation officer] on the relevant education issue.]	

# Appendix

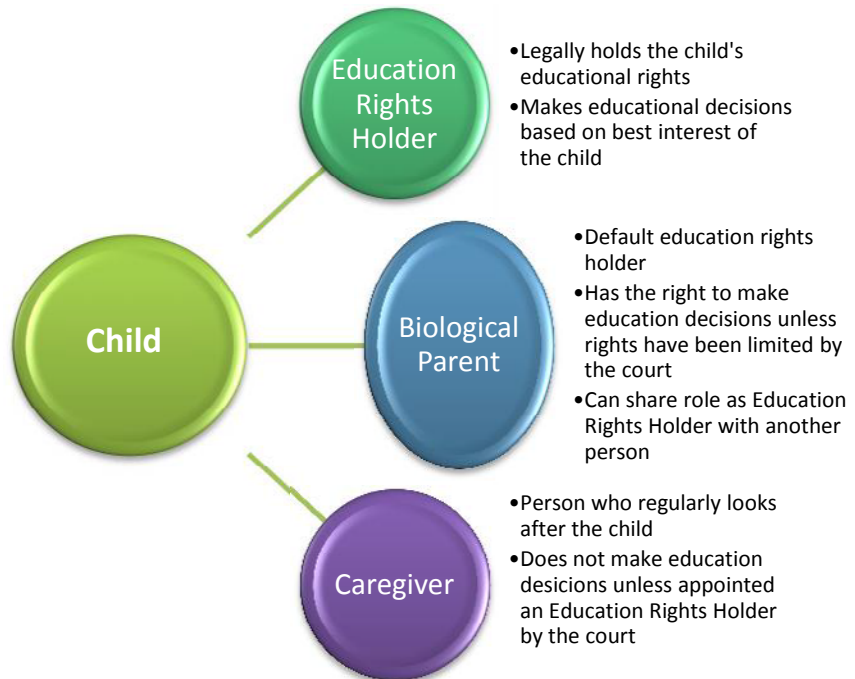
 Making Education Decisions for Children Involved with the Dependency Court	A1
 Enrollment and High School Education Rights for Foster and Probation Youth	A5
 Requesting a Special Education Assessment: Step-by-Step Guide	A7
 Requesting a Special Education Assessment: Step-by-Step Guide: Letter	A8
 Requesting Education Records: Step-by-Step Guide	A9
 Requesting Education Records: ERH Letter	A10
 Requesting Education Records: CSW/PO Letter	A11
 ACL No. 11-51	A12
 ACL No. 13-03	A20



**As a PARENT you have the RIGHT to make decisions about your children’s education. This applies even if your family has an open case, and even if your children have been removed from your home.**

Being an active participant and advocate in your children’s education can help show the court you are following your case plan and being a positive force in your child’s life. If you are not able or willing to make these decisions, the court can limit your education rights and appoint another person to be the child’s Education Rights Holder (ERH).

If you do not want this to happen, it is important to stay involved in your child’s education.



**WHAT KIND OF EDUCATION DECISIONS NEED TO BE MADE?**

- Every child needs a parent or other adult to keep track of the child’s progress in school and make decisions about what school the child should attend, whether the child needs special education services, what to do about attendance and behavior problems, etc. This includes young children before they are school-age, because children need parent consent for preschool and developmental services.
- **Biological parents who need support can ask the court to appoint another person to co-hold education rights with the parent. It may not be necessary to limit parent’s education rights if there is a co-holder.**

This flyer gives you some tips and suggestions for how to stay involved and help your child succeed in school

**THE BASICS:**

- Talk to the child about education; help the child set goals
- Keep a folder with the child’s education records, contact persons, etc.
- Talk to the child’s caregiver about how the child is doing in school
- Review all report cards, progress reports, grades, attendance records, so you can see the child’s strengths and areas where the child may need help. Many school districts have online systems where parents can log in and see grades, attendance, and other information; contact your child’s school to ask about getting access to their system.
- Track attendance – make sure the child is getting to school every day, on time, and if there are problems with attendance, find out why – this is important even for young children.
- Attend all school meetings concerning the child – back to school night, parent-teacher conferences, IEP meetings, etc.
- Ask about tutoring, afterschool programs, and summer programs if the child needs to catch up in school or needs help with schoolwork.
- Encourage the child to participate in school activities (sports, music, clubs, etc.)





## If the child is moved to a new placement ...

- Children in foster care are allowed to stay in their “school of origin” even if they move outside the area for that school. Talk to your social worker and attorney to make sure every effort is made to keep the child in their school of origin, if that is best for the child (by finding a placement close to that school or arranging for transportation) or at least delaying a move until the end of the semester or school year.
- If the child does move to a new school, talk to your social worker and attorney to make sure the child is promptly enrolled in the new school, all their records and credits are transferred to the new school, and the new school placement meets the child’s needs. If the child is in high school, talk to the child to make sure they are enrolled in the right classes in the new school.

## If the child has behavior problems at school ...

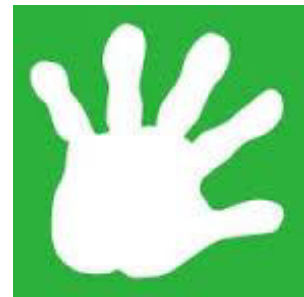
- Address problems early on – meet with teachers and principals and ask about ways to help the child with behavior problems,
- Keep notes about all contacts with the school about behavior issues.
- Talk to the child about any behavior problems; ask the child what would help.
- School suspensions and expulsions are very serious -- if the child is suspended, make sure the school gives you and the child’s attorney written notice, and informs you what the suspension is for and when the child can return to school. Contact the child’s attorney for help if the child has long or repeat suspensions, or is referred for expulsion.

## If the child has, or may have, special needs ...

- If the child is struggling in school, consider asking for an assessment to find out if the child needs special education services. If the child does need special education, ensure that the child has an up-to-date and adequate IEP (Individualized Education Plan) and the plan is being carried out.
- If the child is under 5 years old and you have concerns about their development (for example, if they are not able to do things other children their age can do), talk to your social worker or attorney about asking for developmental assessments and services.

## If the child is in high school ...

- Make sure the student's transcript includes all his/her credits, and the child is taking the classes needed for graduation.
- Talk to the student about college and career goals, and help the student get information about college applications, financial aid, job training programs, etc.



## If the child is under 5 years old

- Preschool and Headstart programs can help young children develop, learn, and be ready for school. Talk to your social worker about enrolling your child in these programs.
- Four-year olds may be eligible for Transitional Kindergarten in their local elementary school.





## Need Assistance?

If you are struggling to help your child access appropriate early intervention, special education, general education, or regional center services, the following people may be able to help you:

1. **Your child's social worker**
2. **Parent's Attorney:** Parents can contact their court appointed attorney from the Los Angeles Dependency Lawyers Inc:
  - a. Law Offices of Katherine Anderson - (323) 262-2950
  - b. Law Office of Marlene Furth - (323) 262-3071
  - c. Law Offices of Jolene Metzger - (323) 262-2353
  - d. Law Offices of Rachel Ewing - (323) 262-3028
  - e. Law Offices of Danielle Butler Vappie - (323) 859-3730
3. **Minor's Attorney:** if you are a caregiver without an attorney and need additional assistance with seeking early intervention, general education, and/or special education services for your child please discuss your concerns with the child's attorney in court. If appropriate, they can complete a WIC 317e referral to have your child appointed a free education attorney.
4. Your service coordinator at the regional center or the **DCFS Regional Center** Support email: [RegionalCenterSupport@dcfs.lacounty.gov](mailto:RegionalCenterSupport@dcfs.lacounty.gov)
5. **At your child's school:**
  - a. Pupil Services & Attendance Counselor
    - i. LAUSD: <http://achieve.lausd.net/site/Default.aspx?PageID=7366> (tab 2 under Pupil Services Staff Directory)
  - b. Special Education Office
  - c. AB 490 Foster Youth Education Liaison
    - i. LAUSD: Silvia Navarro, 5th Floor, Edelman Courthouse (213) 408-5303 or by school: <http://achieve.lausd.net/Page/7339> (under 2015-2016 FYAP Directory)
    - ii. All other district liaisons can be found at: <http://www.lacoe.edu/StudentServices/HomelessFosterYouth/FosterYouth.aspx>
6. **Community Advocacy Agencies** include:
  - a. Grandparents as Parents: Laura Carson, 626-277-2602
  - b. Project Fatherhood: 213-260-7604
  - c. CADRE: 323-752-9997
  - d. Shields for Families: 323-526-6359 or 323-242-5000
7. **Other Legal Agencies:** you can also contact the legal agencies found on the reverse side who may provide additional assistance for children in the child welfare system



Legal Agency Name	Legal Agency Provides Help With:			
	Early Intervention/ Regional Center	Regional Center Ages 3+	Special Education	General Education
Alliance for Children's Rights (213) 368-6010 3333 Wilshire Blvd. Ste 550 Los Angeles, CA 90010 www.kids-alliance.org	X		X	X
Disability Rights California, Los Angeles Regional Office (213) 213-8000 350 South Bixel Street, Suite 290 Los Angeles, CA 90017 www.disabilityrightsca.org	X	X	X	
Disability Rights Legal Center (213) 736-1334 800 S Figueroa St. Los Angeles, CA 90017 www.disabilityrightslegalcenter.org		X	X	
Learning Rights Law Center (213) 489-4030 205 S. Broadway, Suite 1008 Los Angeles, CA 90012 www.learningrights.org	X	X	X	
Mental Health Advocacy Services (213) 389-2077 3255 Wilshire Blvd., Ste 902 Los Angeles, CA 90010 www.mhas-la.org	X		X	
Public Counsel Children's Law Project (213) 385-2977 x. 500 601 S. Ardmore Ave. Los Angeles, CA 90005 www.publiccounsel.org	X	X	X	



## SCHOOL ENROLLMENT FOR FOSTER AND PROBATION YOUTH

### Have you heard this before?

If you are missing credits, have bad grades, or are pregnant or parenting, you must go to an independent study program or continuation school, not your local school.

You can't enroll in school without providing all of your records to your new school.

You can't take the same classes you were in at your last school because those classes are too full at our school.

### What are my rights as a foster or probation youth?

- ✓ You have a right to attend your local school, unless you (1) have an IEP that requires you to attend a different type of school; (2) have been expelled after a formal hearing; or (3) are currently in juvenile hall or camp (youth returning from hall/camp have a right to attend their local school).
- ✓ You cannot be forced to attend a continuation school, adult school, independent study program, or school for pregnant/parenting teens, even if you are not on track for high school graduation, have failing grades, or have behavior problems at school.
- ✓ You have a right to attend your 'school of origin': (1) the school you attended when you were first removed from your parents; (2) the last school you attended; or (3) any school you attended in the last 15 months where you felt a connection.
- ✓ You have a right to be *immediately* enrolled in and attend school, even if you do not have any of the required documents (transcripts, immunization records, proof of residence).
- ✓ You have a right to be enrolled in the same classes you were taking at your old school if you transfer mid-semester.

Education Code §§ 48853, 48853.5

### What can you do to protect your rights?

- ✓ Ask your caregiver, education rights holder (if you are under 18), social worker or probation officer for help.
- ✓ Work with your education rights holder to figure out what school would be best for you. Go and enroll.
  - Bring a copy of your transcript; a document, such as a gas bill, that shows your current address; and any other school records you have. Remember, you have a right to immediate enrollment even if you do not have any of these documents.
- ✓ If any school refuses to enroll you, contact the Alliance for Children's Rights for help: 213.368.6010.
- ✓ Meet with a school counselor to set up your class schedule. You must be enrolled in the same classes you were taking at your last school. They cannot make you take all elective classes.
- ✓ Ask your school counselor to request your records from your old school, including an official transcript with all partial credits and check out grades.

*If you believe that you are not enrolled in the correct school or that you were not given partial credits, speak with your education rights holder and social worker. You can also contact the Alliance for Children's Rights for assistance.*





## STAYING ON TRACK FOR HIGH SCHOOL GRADUATION: FOSTER/PROBATION YOUTH

### Right to Partial Credits

#### Did you ever:

- ✓ Transfer schools mid-semester and not get credits for the classes you took at your old school?
- ✓ Take the same class more than once, even though you already passed the class?
- ✓ Transfer schools mid-semester and get put in different classes than those you were taking at your old school?

#### As a foster or probation youth, you:

- ✓ Have a right to receive partial credits when you transfer schools mid-semester for all work you completed before moving.
  - ✓ Cannot be forced to retake parts of a class you already passed if it would throw you off track for graduation.
  - ✓ Must be enrolled in the same or similar courses as those you were in at your last school.
- Education Code §§ 49069.6, 51225.2

### Should I Graduate Under AB 167/216

#### What is AB 167/216 Graduation?

You can receive a high school diploma if you:

- ✓ Transfer after your second year of high school;
- ✓ Are behind in credits and off track for high school graduation;
- ✓ Complete state graduation requirements (130 credits); and
- ✓ Remain in high school for four years.

#### What are the state graduation requirements?

You must complete the following 130 credits:

- ✓ English: 30 credits
- ✓ Math: 20 credits (including Algebra 1/Mathematics 1)
- ✓ Social Sciences: 30 credits (World History, US History, Government, Economics)
- ✓ Science: 20 credits (Physical Science, Biological Science)
- ✓ Visual/Performing Arts or Foreign Language: 10 credits
- ✓ Physical Education: 20 credits

### Partial Credit Checklist

#### Before you leave your old school:

1. Make sure you are 'disenrolled'
2. Get a grade for each class (even if you were only there for a short amount of time)
3. Ask your counselor to give you a final transcript including partial credits

**If you believe that your enrollment, partial credit or AB 167/216 graduation rights have been violated, speak with your education rights holder, social worker or probation officer. You can also contact the Alliance for Children's Rights at 213.368.6010 for assistance.**

### Can you Graduate Under AB 167/216?

- ✓ Within 30 days of transferring to a new school, the school must provide you, your education rights holder, and social worker or probation officer with a letter telling you whether you are eligible or not. Keep this letter in case you transfer to another school.
- ✓ If you are eligible, only your education rights holder can decide whether you should graduate under AB 167/216. **If you are 18 or older, you are your own education rights holder.** Education Code § 51225.1



Family



Education



Stability



Justice





## Why might your child need a special education assessment?

Special education assessments can help determine whether a child has an education disability and whether they are in need of special education services. Through special education your child may be eligible to receive an Individualized Education Program (“IEP”) that is specifically designed to meet their unique needs based on their disability.

## What does a child with an educational disability look like?

- Poor grades
- Poor attendance
- Low test scores
- Problems with memory, concentration or attention
- Behavior problems
- Social or emotional problems
- Speech and language problems

## What is an Individualized Education Program (“IEP”)?

An IEP is a written education program developed by the school district, teachers, and the education rights holder (“ERH”). IEPs include how the child is currently doing in school, and what everyone involved will do for the next school year to improve the child’s education outcomes.

## Procedures for Requesting a Special Education Assessment:

- Step 1. Complete the form:** Fill out the form ([download Word Doc](#)). Include what your concerns are in the areas of academics and/or behavior. Also include why you suspect your child has a disability and/or any diagnosed disabilities they already have (e.g. ADHD or depression). Make sure to sign and date the form.
- Step 2. Submit the form:** Turn in the attached form to the principal or special education coordinator at your child’s school.
- Step 3. Get proof:** You should get proof that the school received your request, in case you later have any difficulties getting a response from the school. There are 3 possible ways to get proof that you submitted the special education assessment request.
  - a) If submitting the form in person, get a date stamp on the form and keep a copy as proof.
  - b) If submitting via fax, keep a copy of the fax transmittal report confirming that the fax was received.
  - c) If sending via mail, send it via certified mail. Make sure to keep the certified mail receipt as proof.
- Step 4. Get the School’s Response:** Your child’s school is legally required to send you a written response within 15 calendar days of receiving the request for an assessment. Your child’s school only has two options to respond to your request. They can send you an assessment plan granting the assessment **OR** a written refusal to complete the assessment. **DO NOT** accept other options. Do not agree to a parent-teacher conference or a Student Study Team (SST) meeting instead of the assessment you requested.
- Step 5. Review and Sign the Assessment Plan:** After you receive the assessment plan from the school, you have 15 calendar days to sign it and return it. Before returning it to the school, review the assessment plan to make sure they are doing all necessary assessments (i.e. cognition, academics, motor/processing, social/emotional/behavioral/attention). Request in writing, on the assessment plan, to receive a copy of the assessment report(s) 5 business days before the IEP meeting.
- Step 6. Holding the IEP Meeting:** After you return the signed assessment plan to your child’s school, the school legally has only 60 calendar days to hold an Individualized Education Program (“IEP”) meeting to discuss the results of the assessments and whether your child is eligible for special education. Make sure to read your child’s assessment report prior to the meeting and prepare any questions you may want to ask at the meeting. If you don’t agree with the school’s determination of IEP eligibility or the services/supports they offer, don’t sign the IEP document. Ask your school for a list of attorneys/advocates who can help you appeal their decision.

[Download instructions in Spanish \(PDF\)](#) | [Download sample letter in Spanish \(Word Doc\)](#)



Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Principal/Special Education Coordinator:

I am currently requesting a comprehensive psycho-educational assessment for \_\_\_\_\_  
Child's Name

who is in the \_\_\_\_\_ at \_\_\_\_\_. My child lives within the boundaries of the  
Grade Name of School

\_\_\_\_\_ School District. This assessment is needed at this time because my  
Name of the School District

child has the following needs:

Academic Needs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Behavior Needs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Accordingly, please forward a proposed assessment plan to me within fifteen (15) calendar days. Educ. Code §§ 56043(a) and 56321(a). If you have any further questions regarding this correspondence, do not hesitate to contact me.

Sincerely,



## Who has a right to education records?

- Biological parents- Unless their rights have been limited or terminated by a court
- Adoptive Parents with adoption order
- Legal Guardians with letters of guardianship from a court
- Responsible adults appointed by the court to hold education rights via JV-535 (ex. Foster parents, Relative caregivers, Court Appointed Special Advocates)
- Social workers or probation officers (Educ. Code § 49076(i),(n))
- Caregivers (SB 233, effective January 1, 2018, grants access to current school records to caregivers)

## The Purpose of Requesting Records

- Track education performance over time
- To help better understand the child's needs
- To determine interventions that have or have not worked in the past
- They allow comparison between old testing and new testing to monitor academic progress

## Examples of Records You May Receive

- Report cards: They will show academic progress throughout the child's education history
- Transcripts: These show how close to graduation a child may be based on their accumulated class credits
- Attendance records: They show whether the child is going to all of their class periods daily
- Special Education Assessments: These show a child's current functioning both academically and behaviorally
- Individualized Education Programs ("IEPs"): These show whether services/goals are meeting the child's needs

## Procedures for ERHs or CSW/POs to Request Education Records

- Step 1.** Complete the form: Sign and date the form (Download [Word Doc for ERHs](#) or [Word Doc for CSW/POs](#)).
- Step 2.** Submit the form: In person, via fax, or via email. Ensure to put the form on county letter head and include a photo copy of your county badge.
- Step 3.** Get proof: You should get proof that the school received your records request, in case you later have any difficulties getting the school to send records. There are 3 possible ways to get proof that you submitted the records request form.
- a) If submitting the form in person, get a date stamp on the form and keep a copy as proof.
  - b) If submitting via fax, keep a copy of the fax transmittal report confirming that the fax was received.
  - c) If sending via mail, send it via certified mail. Make sure to keep the certified mail receipt as proof.
- Step 4.** Get records: Schools, by law, have only 5 business days to send you the records you requested. You should call the school 2 days after submitting the records request form, to confirm that it was received and that they will be sending you records within 5 business days. If the school informs you that they do not have records for your child, ask that they put this in writing.
- Step 5.** If by the 5<sup>th</sup> day you have not received any records, contact the school and request that they send them to you immediately.
- Step 6.** Organize and Review Records: Once you receive the records, organize them chronologically, by school year, and read through them to make sure you received everything you requested. You should make sure that you received all of the child's report cards, attendance records, transcripts, behavior notes/suspension notices. If your child is in special education, pay close attention to the IEP dates and make sure that you have an IEP for each year they were eligible and an assessment every three years. If you notice that anything is missing, you should go back to the school and request that they give you the missing documents.

[Download instructions in Spanish \(PDF\)](#) | [Download sample letter in Spanish \(Word Doc\)](#)



Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

RE: Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Records Clerk,

I am hereby requesting a copy of any and all general and special education records for the above mentioned child. I am requesting all records, including, but not limited to the following:

1. All Health Records
2. All Cumulative Records (including attendance, progress reports, report cards and transcripts)
3. All Disciplinary Records
4. All Star testing, Stanford 9 Scores and CAT – 6 Scores
5. All Correspondence (e.g., inter-office notes, memos, letters, etc.)

*And if applicable:*

6. All Special Education (e.g. psychological, educational, speech, OT, PT, etc.)
7. All Testing Protocols
8. All Individualized Education Programs

Please note that I am the education rights holder (“ERH”) for this child. Please waive all fees associated with the duplication of these records, as such fees would effectively deny me access to these records. Please provide a physical copy of all records to the address below. I understand that by law, these records should be provided to me in 5 working days. 17 CCR § 52164(b); Educ. Code §§ 49069, 56504. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

ERH Signature: \_\_\_\_\_

ERH Name: \_\_\_\_\_

ERH Address: \_\_\_\_\_

ERH Phone Number: \_\_\_\_\_



Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

RE: Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Records Clerk,

I am hereby requesting a copy of any and all general and special education records for the above mentioned child. I am requesting all records, including, but not limited to the following:

1. All Health Records
2. All Cumulative Records (including attendance, progress reports, report cards and transcripts)
3. All Disciplinary Records
4. All Star testing, Stanford 9 Scores and CAT – 6 Scores
5. All Correspondence (e.g., inter-office notes, memos, letters, etc.)

*And if applicable:*

6. All Special Education (e.g. psychological, educational, speech, OT, PT, etc.)
7. All Testing Protocols
8. All Individualized Education Programs

Please note that I am the social worker/probation officer for this child. I have included a copy of my badge with this records request. Please waive all fees associated with the duplication of these records. Please provide a copy of all the requested records to the address, fax, or email provided below within 5 working days. Please note that school districts must share education records with child welfare agencies without parental or guardian consent pursuant to Educ. Code § 49076(i), (n). Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

CSW/PO Signature: \_\_\_\_\_

CSW/PO Name: \_\_\_\_\_

CSW/PO Address: \_\_\_\_\_

\_\_\_\_\_

CSW/PO Phone Number: \_\_\_\_\_

CSW/PO Fax: \_\_\_\_\_

CSW/PO Email:



**CDSS**

**WILL LIGHTBOURNE**  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



**EDMUND G. BROWN JR.**  
GOVERNOR

September 23, 2011

ALL COUNTY LETTER NO. 11-51

**TO:** ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
KARUK TRIBE

**SUBJECT:** THE FOSTERING CONNECTIONS TO SUCCESS AND  
INCREASING ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351)  
EDUCATION TRAVEL REIMBURSEMENT

**REFERENCE:** ASSEMBLY BILL (AB) 1612, CHAPTER 725, STATUTES OF 2010  
AB 1933, CHAPTER 563, STATUTES OF 2010  
SENATE BILL (SB) 1353, CHAPTER 557, STATUTES OF 2010  
ALL COUNTY LETTER (ACL) NO.10-12, DATED MARCH 15, 2010

Public Law (PL) 110-351 amended Title IV-E of the Social Security Act to require that a case plan includes a plan for ensuring the educational stability of the child while in foster care, hereinafter referred to as “educational stability plan,” including:

- Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity of the foster home placement to the school in which the child is enrolled at the time of placement.
- An assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

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Page Two

- If remaining in such school is not in the best interests of the child, assurances by the state agency and the local education agencies to provide immediate and appropriate enrollment in a new school, which includes submission of all educational records of the child to the new school.

The PL 110-351 also provides for the cost of reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement as an allowable foster care maintenance cost. Accordingly, eligibility for reimbursement for the cost of educational travel as described in this ACL, assuming that all other eligibility conditions are met, commences simultaneously with the commencement of the child's eligibility for a foster care maintenance payment.

Federal policy recognizes that the Title IV-E agency has the discretion to determine what is considered reasonable travel in examining factors such as distance and the time to travel. Additionally, AB 1933 and SB 1353 allow the child to remain in the school of origin for the duration of the foster care placement, if it is in the best interest of the child; and allow the child to remain in the school of origin throughout multiple placement changes, if it is in the best interest of the child. The AB 1933 also allows foster children to matriculate with their peers in accordance with the feeder patterns of school districts.

The purpose of this ACL is to provide instruction and guidance to county child welfare and probation departments regarding the applicable rates to be paid for reimbursement of costs related to transporting a child in grades Kindergarten through 12<sup>th</sup> to his/her school of origin based on the educational stability plan.

The California Department of Social Services (CDSS) convened a workgroup that included staff from the State Department of Education, child welfare advocacy groups, counties and the County Welfare Directors Association (CWDA) for the purpose of developing a uniform statewide rate and methodology for the cost of travel to a child's school of origin. The educational travel reimbursement rate for licensed foster family homes, approved relatives, small family homes, non-related extended family members (NREFM) and certified foster homes, and the key considerations to be made when determining the rate for each child is outlined below. The educational travel rate and methodology for children placed in congregate care settings such as group homes or community treatment facilities will be addressed separately.

**Travel Distance:** Determine the number of miles between the child's current foster care placement and the school of origin.

**Travel Arrangement:** Determine the appropriate travel plan for each child by considering the child's capacity to travel safely using public or school transportation, the provider's ability to provide the transportation or other reasonable alternatives, etc.



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Travel arrangements should assure all children arrive and depart safely from their schools in a timely manner. For example, a foster parent who has children attending schools located some distance from each other or in opposite directions where the possibility of transporting both children at the same time would cause one child to be late for school, requires planning for alternative transportation to ensure each child arrives and departs from school on time.

**Reasonable Travel and Exceptions:** In accordance with the Administration for Children, Youth and Families, Children’s Bureau Program Instruction 10-11, the county has the discretion in determining what is considered reasonable travel by examining factors such as distance and length of time the child will be traveling as part of the child’s educational stability plan. The PL 110-351 and AB 1933 require that educational planning for a child be coordinated between the responsible placement and educational agencies and the person holding the right to make educational decisions for the child.

Nothing in statute prohibits the responsible agencies from sharing the cost of transportation. The responsible educational agency must provide or arrange for transportation when that need is documented in the student’s Individual Education Plan. Please refer to Education Code Section 56040, Chapter 34 Code of Federal Regulations (CFR) 300.24 and 34 CFR 300.

The rates to be paid to foster family home providers including licensed foster parents, approved relatives, certified foster parents, small family licensees and NREFMs, for each foster child, whose educational stability plan indicates that the child will remain in the school of origin are as follows:

Distance from Foster Care Placement to School of Origin (in miles) One Way	Educational Travel Rate per Month per Child
Up to 3 miles	\$0
4 to 8 miles	\$58
9 to 13 miles	\$154
14 to 18 miles	\$250
19 to 23 miles	\$347
24 or more miles	\$443

**Administration of Rate Methodology**

The workgroup developed a methodology for a rate to be paid for children who remain in their schools of origin in accordance with their educational stability plan. The rate methodology is based on the foster parent or other designee’s driving four (4) one-way trips per day (one round trip from home to the school in the morning and one round trip from home to the school in the afternoon), fifteen school days per month, 180 school days per year divided by twelve months. Counties are not required to prorate payments for days children do not attend their school of origin.



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Partial miles are rounded up if it is 0.5 and above or rounded down if less than 0.5. The rates reflected in the chart above are for a twelve month period and are intended to be used for the cost of daily transportation to and from the school, as well as for other educational-related transportation such as, extra-curricular activities, sports related activities, school dances, after-school activities, as well as parent-teacher conferences and those instances when the caregiver needs to travel to the school to pick-up the child for appointments or illnesses. The educational travel reimbursement is only for the child whose educational stability plan indicates that the child will remain in the school of origin. Educational travel is part of the foster care maintenance payment and temporary absence regulations apply.

Educational travel rates may be paid for children taking public transportation to their school of origin. The counties may purchase transportation passes or reimburse the foster parents for purchasing passes. The rates reflect the low, medium and high costs of monthly public transportation passes in the state. If the cost of the monthly public transportation pass falls between two levels, reimbursement to the provider will always be at the higher of the two levels. For example, if in County Z, public transportation passes cost \$45.00 per month, County Z will pay for or reimburse a foster parent purchasing a bus pass for their foster child to attend their school of origin at the \$50.00 rate. The rates to be paid for public transportation are specified below.

Public transportation passes are reimbursed at the flat rates of \$25, \$50, or \$75 dollars per month per child, as determined by the placement agency.

Fifteen minutes of administrative time has been allotted to county placing agencies to determine the educational travel plan and monthly reimbursement and to arrange payment. This activity is performed for each child for whom an initial educational travel monthly payment must be calculated and whenever circumstances have changed (the child has moved to a new foster home, etc.) and a new payment must be calculated.

Foster Family Agencies (FFAs) will receive payment for educational travel costs from the responsible placing agencies as part of the maintenance payment for each child whose educational stability plan indicates that the child will remain in the school of origin. Certified foster parents will not be reimbursed separately for the costs of providing transportation. The FFAs are required to pay the entire amount of the educational travel reimbursement to the certified foster parents responsible for providing the travel. In those instances when the FFA is providing the transportation rather than the certified foster parent, the travel reimbursement may be retained by the FFA. Foster parents and FFAs must immediately report to the responsible placement agencies any changes that would affect the educational travel reimbursements for children in their care.



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Additionally, an overpayment may be assessed for a provider who is no longer transporting a child to their school of origin, but continues to receive an education travel rate as part of the maintenance payment.

**Cost Sharing Ratios**

The educational travel rate is part of the maintenance payment; therefore, the cost sharing ratios are the same as for Aid to Families with Dependent Children-Foster Care payments as follows:

	Federal	County 2011 Realignment	County
Federal Case:	50%	20%*	30%
Nonfederal Case:		40% *	60%

\*Effective July 1, 2011, the state share has been realigned to the county share per AB 118

**Overpayments**

Educational travel reimbursements are subject to overpayment determinations as described in CDSS Regulations Division 45-303 through 45-306.

**Special Project Codes**

Counties will be required to use one statewide special project code to identify each child who is receiving a transportation reimbursement. The statewide special project code is identified below.

***S-1 Educational Travel Reimbursement- A child who is receiving educational travel reimbursement as a result of remaining in their school of origin.***

The CWDA and CDSS will collaboratively develop a survey tool to capture relevant data on the number of children receiving an educational travel reimbursement, the amount of the reimbursement, the duration of the payment, and any other pertinent data that will inform the use and payment of the educational travel reimbursement.

**Claiming/Retroactive Payments**

A future CFL for current month claims and instructions will be provided with the monthly updated CA 800 FC FED and the CA 800 Non FED assistance claims to include the educational travel reimbursement to the counties. Counties must maintain the appropriate documentation to support the expenditures for purposes of a federal or state audit.

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**Inquiries**

Any questions regarding educational travel rates can be directed to the Foster Care Rates Bureau consultant at (916) 651-9152. Any questions regarding the assistance claim can be emailed to [assistance.claims@dss.ca.gov](mailto:assistance.claims@dss.ca.gov). Questions concerning educational planning and case plan assurances related to educational stability can be directed to the Child and Youth Permanency Branch at (916) 651-7464.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Director

**Attachments**



Attachment

### Education Travel Reimbursement Rate Methodology

The basis for this methodology is the 2010 American Automobile Association (AAA) average driving costs based on 15,000 miles per year. Additionally, this methodology used the five 2009 medium sedan car models selected by AAA, to determine the average miles per gallon (mpg) of these vehicles through the [www.fueleconomy.gov](http://www.fueleconomy.gov) website, which was determined to be 19.6 mpg. This methodology also used the [www.fuelgaugereport.com](http://www.fuelgaugereport.com) website to provide the current California average fuel cost of \$3.15 per gallon. The CDSS utilized the [www.milesgallon.com](http://www.milesgallon.com) website to calculate the cost of fuel per mile using an average distance of 15,000 miles per year, an average of 19.6 mpg, along with the maintenance and tire costs provided for by AAA allowed for determining the operating costs. The AAA costs associated with depreciation and vehicle financial charges were excluded.

**The following assumptions apply:**

- A school-age foster child will be transported to their school of origin and back to their foster care placement by the foster parent, or designee equating to 4 one-way trips, 15 school days per month (based on 180 school days per year divided by 12 months).
- 17% of the total school age foster care population will use public transportation, (according to San Diego Unified School District Transportation Department.)
- **Some** foster children with Individual Educational Plans will not receive a travel reimbursement because the Department of Education is responsible for their transportation and its costs.
- Using data from the Child Welfare Services/Case Management System identifying the number of children placed outside the zip code of their home of removal:
  - 36.6% of children may be driven between 1-5 miles per day, one way to school
  - 16.8% of children may be driven 6 to 10 miles per day, one way to school
  - 46.6% of children may be driven 11 miles or more per day, one way to school

**Average 2010 AAA Driving Cost Estimates**  
**15,000 total miles per year**

Annual Operating Costs: \$3,205 (gas + maintenance +tires)  
Annual Ownership Costs: \$1,616 (insurance +license +registration +taxes)  
 Total cost per year \$4,821

\*Gas costs were based on the 2010 AAA Fuel Gauge Report price per gallon of \$3.15.

The AAA costs above were used to calculate the I cost per mile as described below

<b>Annual Operating Costs</b>	<b>per Mile</b>	<b>Annual Ownership Costs</b>	<b>per Mile</b>
Gas:*	0.1600 cents	Full-coverage insurance	0.0687 cents
Maintenance:	0.0454 cents	License, Registration, Taxes	0.039 cents
Tires:	0.0083 cents		

**Cost per mile: 0.2137cents per mile**      **Cost per mile: 0.1077cents per mile**

DSS will evaluate the educational travel reimbursement rate periodically and consider adjustments based upon the above methodology

**Total cost per mile                      \*32.14 cents**

Attachment

**2009 Five Top-Selling Medium Sedan Car Models Selected by AAA**

<b>Make</b>	<b>Model</b>	<b>MPG</b>
<i>Chevy</i>	<i>Impala</i>	18
<i>Ford</i>	<i>Fusion</i>	17
<i>Honda</i>	<i>Accord</i>	21
<i>Nissan</i>	<i>Altima</i>	23
<i>Toyota</i>	<i>Camry</i>	19

<b>Average MPG for the Five Top Selling Medium Sedans</b>	<b>19.6 MPG</b>
---	-----------------

**Schedule of Flat Rates for Educational Travel Standard Local Mileage Disallowance of 3 Miles**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>Rate</b>
<b>Distance from the foster care placement to the school of origin</b>	<b>Average distance from the foster care placement to the school of origin</b>	<b>Standard local school mileage disallowance of 3 miles</b>	<b>Additional miles for each one-way trip to the school of origin</b>	<b>Additional miles for two round trips to the school of origin each school day</b>	<b>Additional miles for an average of 15 school days per month</b>	
<b>(in miles)</b>	<b>(in miles)</b>	3	<b>(A minus B)</b>	<b>(C x 4)</b>	<b>(D x 15)</b>	
Up to 3	3	3	0	0	0	\$0
4 to 8	6	3	3	12	180	\$58
9 to 13	11	3	8	32	480	\$154
14 to 18	16	3	13	52	780	\$250
19 to 23	21	3	18	72	1080	\$347
24 and up	26	3	23	92	1380	\$443



CDSS

WILL LIGHTBOURNE  
DIRECTORSTATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)EDMUND G. BROWN  
GOVERNOR

March 28, 2013

ALL COUNTY LETTER NO. 13-03

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
TITLE IV-E AGREEMENT TRIBES

SUBJECT: THE FOSTERING CONNECTIONS TO SUCCESS AND  
INCREASING ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351)  
EDUCATION TRAVEL REIMBURSEMENT

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010);  
AB 212 (CHAPTER 459, STATUTES OF 2011);  
PUBLIC LAW 110-351, DATED OCTOBER 7, 2008;  
WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 11400(W);  
ACL NO. 11-51, DATED SEPTEMBER 23, 2011  
ACL NO. 12-44, DATED SEPTEMBER 11, 2012;

This letter is to clarify education travel reimbursements for placements not addressed in All County Letter (ACL) No. 11-51, dated September 21, 2011. This letter establishes that those Non-Minor Dependents (NMDs) placed in a Supervised Independent Living Placement (SILP) as described in ACL No. 12-44 and attending high school at their school of origin and meeting all other requirements (as described in ACL No. 11-77, Page 6, Section 4) are entitled to receive the education travel reimbursement. This reimbursement is to be paid directly to the NMD.

REASON FOR THIS TRANSMITTAL

- State Law Change  
 Federal Law or Regulation Change  
 Court Order  
 Clarification Requested by One or More Counties  
 Initiated by CDSS



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Page Two

The AB 12 (California’s Fostering Connections to Success Act) and AB 212 provided statutory authority for California’s implementation of extended foster care, as authorized by federal Public Law 110-351. Additionally, AB 12 and AB 212 provided a new category of placement option, Supervised Independent Living Setting (SILS), a supervised setting as specified in a NMDs transitional independent living case plan, in which the youth is living independently. The Transitional Housing Placement Plus Foster Care (THP+FC) placements and SILPS are considered types of SILS.

A SILP, as described in ACL No. 12-44, is a foster care placement approved and supervised by the county social worker or probation officer for that NMD only and in which the NMD is living independently, can be their own payee, and is not receiving provider-based supportive services. A SILP is the least restrictive placement option and will receive only the basic Aid to Families with Dependent Children-Foster Care rate with no specialized care increment (W&IC Section 11400(w)).

The THP+FC as described in ACL No. 12-44 is a program for NMDs, which is offered by a licensed transitional housing placement provider-based, supervised housing and supportive services program that includes regular contact with a provider case manager. Through THP+FC, NMDs are able to gain a level of independence in a supervised setting. This type of SILS placement is more restricted and has a higher rate structure than a SILP. **However, THP+FC providers are not eligible for education travel reimbursement.**

Subsequent to implementation of ACL No. 11-51, it has come to the attention of the Department of Social Services that there may be occasions when a NMD placed in a SILP is attending high school at their school of origin. In those instances, provided all other requirements have been satisfied, the NMD would be entitled to receive the education travel reimbursement, made payable to the youth.

**Rates**

**Mileage Rates:**

Distance from Foster Care Placement to School of Origin (in miles) One Way	Educational Travel Rate per Month per Child
Up to 3 miles	\$0
4 to 8 miles	\$58
9 to 13 miles	\$154
14 to 18 miles	\$250
19 to 23 miles	\$347
24 or more miles	\$443

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Page Three

### **Public Transportation Rates**

Public transportation passes are reimbursed at the flat rates of \$25, \$50, or \$75 per month per youth, as determined by the placement agency. If the costs of the monthly public transportation pass falls between two levels, reimbursement to the provider or NMD will always be at the higher of the two levels.

### **Inquiries**

Any questions regarding educational travel rates can be directed to the Foster Care Rates Bureau consultant at (916) 651-9152. Any questions regarding the assistance claim can be emailed to [assistance.claims@dss.ca.gov](mailto:assistance.claims@dss.ca.gov). Questions concerning educational planning and case plan assurances related to educational stability can be directed to the Child and Youth Permanency Branch at (916) 651-7464.

Sincerely,

### ***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division





**Jill Rowland**  
Education Program Director  
213.368.6010 | [j.rowland@kids-alliance.org](mailto:j.rowland@kids-alliance.org)

For more information or to download the Court Companion, visit [kids-alliance.org/fyetcourtcompanion](http://kids-alliance.org/fyetcourtcompanion).



ASSOCIATION OF CALIFORNIA  
SCHOOL ADMINISTRATORS

**Dr. Wes Smith**  
Executive Director  
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CHILDREN'S LAW CENTER OF CALIFORNIA  
[clceducation@clccal.org](mailto:clceducation@clccal.org)



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DIRECTORS ASSOCIATION

**Frank J. Mecca**  
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CHILD WELFARE COUNCIL  
[www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx](http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx)



KEEP KIDS IN SCHOOL AND OUT OF COURTS INITIATIVE  
**Tracy Kenny**  
Attorney, Center for Families, Children & the Courts  
916-263-2838 | [tracy.kenny@jud.ca.gov](mailto:tracy.kenny@jud.ca.gov)



CA DEPT OF SOCIAL SERVICES  
**Placement Services & Support Unit**  
916-657-1858 | [fostercareeducation@dss.ca.gov](mailto:fostercareeducation@dss.ca.gov)



LOS ANGELES COUNTY OFFICE OF EDUCATION  
**Dr. Rachelle Touzard**  
Director of Foster Youth Services  
[Touzard\\_Rachelle@lacoedu](mailto:Touzard_Rachelle@lacoedu)



CALIFORNIA SCHOOL BOARDS ASSOCIATION  
**Teri Burns**  
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EDUCATION COORDINATING COUNCIL  
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213.893.2507 | [sgluckman@ocp.lacounty.gov](mailto:sgluckman@ocp.lacounty.gov)



# California Foster Youth Education Task Force

## California Foster Youth Education Law Fact Sheets



Eighth Edition, January 2021

Cover photos by FatCamera and PeopleImages via iStock.com

Fact Sheet Number One – Educational Rights and School Stability

Fact Sheet Number Two – Educational Decision-Making for Foster Youth

Fact Sheet Number Three – Early Care and Education

Fact Sheet Number Four – Special Education

Fact Sheet Number Five – School Discipline

Fact Sheet Number Six – Foster Youth Graduation Exemption Requirements

Fact Sheet Number Seven – Transition Services to Support College and Career

*The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for youth in foster care. For more information, visit the website at <http://www.cfyetf.org>.*

*This fact sheet is current as of January 2021. To report any errors, please e-mail us at [cfyef@gmail.com](mailto:cfyef@gmail.com).*

**The California Foster Youth Education Task Force thanks the individuals listed below for their time and effort in writing and revising this publication:**

***First edition (April 2005):***

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***Second edition (November 2006):***

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***Third edition (October 2008):***

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***Fourth edition (December 2010):***

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Miho Murai, Ann Quirk, Cheryl Theis, Leecia Welch, Jacqueline Wong

***Fifth edition (February 2014):***

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***Sixth edition (June 2017)***

Alliance for Children’s Rights Education Team, Betsy DeGarmoe, Ruth Diep, Diana Glick,  
Michelle Lustig, Martha Matthews, Debbie Raucher, Joanna Robold, Angela Vazquez

***Seventh edition (June 2019)***

Alliance for Children’s Rights Education Team, Melanie Bridges, Lea Michelle Cash, Lily Colby, Betsy DeGarmoe,  
Elizabeth Engelken, Diana Glick, Michelle Lustig, Danielle Mole, Anjanette Pelletier, Ann Quirk, Debbie Raucher,  
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Alliance for Children’s Rights Education Team, Elizabeth Engelken, Laurie Furstenfeld, Diana Glick, Michelle Lustig,  
Angela McNair Turner, Danielle Mole, Anjanette Pelletier, Debbie Raucher, Danielle Wondra

# CFYETF Member Organization List

- Alameda County Office of Education, Foster Youth Services Coordinating Program
- Alhambra Unified School District
- All Saints Church Foster Care Project
- Alliance for Children's Rights
- Allied Health
- Amador CASA
- Amador County ILP
- Antelope Valley SELPA
- Antelope Valley Union High School District
- Arroyo Seco School District
- Association of California School Administrators
- Bonita Unified School District
- Butte County Office of Education
- Calaveras County Office of Education, Foster Youth Services Coordinating Program
- California Alliance of Caregivers
- California Alliance of Child and Family Services
- California Association of Supervisors of Child Welfare and Attendance
- California Community Colleges Chancellor's Office
- California Department of Education (CDE)
  - Student Achievement and Support Division
  - Analysis, Measurement, and Accountability Reporting Division
- California Department of Social Services (CDSS), Children and Family Services Division
- California Foster Care Ombudsperson
- California Youth Connection (CYC)
- CASA of Los Angeles
- Casey Family Programs
- Catholic Charities of Santa Clara County
- Centinela Valley Union High School District
- Child and Family Policy Institute of California
- Child Care Law Center
- Child Care Resource Center
- Children Now
- Children's Law Center of California
- Children's Legal Services of San Diego
- Choice Educational Services
- City and County of San Francisco
- Conrad N. Hilton Foundation
- Contra Costa County Office of Education
- Corona-Norco Unified School District
- County of San Bernardino, Children & Family Services
- County of San Luis Obispo Department of Social Services
- County Welfare Directors Association of California (CWDA)
- CSU Channel Islands
- CSU Fullerton, Guardian Scholars Program
- CSU Monterey Bay, Guardian Scholars Program
- Cypress College, Guardian Scholars Program
- Del Norte County Office of Education
- Del Norte Unified School District
- Department of Rehabilitation
- Disability Rights Education & Defense Fund (DREDF)
- Dominguez High School
- East Bay Children's Law Offices
- Educational Results Partnership
- El Dorado County Office of Education
- Elder Law and Disability Rights Center
- Elk Grove Unified School District, Foster Youth Services
- Empowerment Congress, Education Subcommittee on Achievement Gap & Foster Youth
- Eureka City Schools
- Fighting Back Santa Maria Valley
- First Star Bruin Guardian Scholars Academy
- First Star Sacramento State Academy
- FKCE Saddleback College
- Foster Care Counts/Foster Nation
- Foster Horizons, Inc.
- Fostering a Forever Future
- Foundation for California Community Colleges
- Fresno City College, NextUp Program
- Fresno County Superintendent of Schools – Foster Youth Services Coordinating Program
- Fresno Unified School District
- Future Is Now Schools
- Give Something Back
- Glenn County Health and Human Services Agency
- GRACE/End Child Poverty CA
- Hathaway-Sycamores Child and Family Services
- Healing Pathways Clinic
- Healthy Minds Consulting
- Human Trafficking Action Network
- Humboldt County Office of Education, Foster Youth Services Coordinating Program
- i.e. communications, LLC
- Irvine Valley College Guardian Scholars
- John Burton Advocates for Youth
- Judicial Council of California
- Jurupa Unified School District
- Just in Time for Foster Youth
- Kern County Superintendent of Schools, Foster Youth Services Coordinating Program
- Kings County Office of Education, Foster Youth Services Coordinating Program
- Knight High School
- La Habra High School
- Lake Elsinore Unified School District
- Law Office of Miho Murai
- Learn4Life
- Legal Advocates for Children & Youth, a program of the Law Foundation of Silicon Valley
- Lodi Unified School District

- Los Angeles County Department of Children and Family Services
- Los Angeles County Office of Child Protection, Education Coordinating Council
- Los Angeles County Office of Education, Foster Youth Services Coordinating Program
- Los Angeles County Probation Department
- Los Rios Community College District
- Lynwood Unified School District
- M & I Educational Consulting Network
- Madera Unified School District
- Mariposa County Health and Human Services Agency
- Mariposa County Office of Education, Foster Youth Services Coordinating Program
- Mary Graham Children's Foundation
- McKinley Children's Center
- Mendocino County SELPA
- Mental Health Advocacy Services, Inc.
- Merced County Office of Education
- Merced County Office of Education, Foster Youth Services Coordinating Program
- Modesto City Schools
- Modesto Junior College
- Monterey County Office of Education, Foster Youth Services Coordinating Program
- Moreno Valley College
- Morningside High School
- Murrieta Valley Unified School District
- MW Management
- National Center for Youth Law
- New Alternatives - Transitional Youth Housing San Diego
- Oaks Middle School
- Office of Assemblyman Jim Patterson
- Orange County Department of Education, Foster Youth Services Coordinating Program
- Orange Unified School District
- Pacific Charters
- Palm Springs Unified School District
- Pivotal
- Placer County Office of Education, Foster Youth Services Coordinating Program
- Plumas CASA
- Porterville Unified School District
- Prevention WORKS
- Pritzker Foster Care Initiative
- Public Counsel
- Quartz Hill High School
- River Delta Unified School District
- Riverside Community College District
- Riverside County Office of Education, Foster Youth Services Coordinating Program
- Riverside Unified School District
- Robbin and Associates
- Roseville City School District
- Roseville Joint Union High School District, Homeless and Foster Youth Services Coordinating Program
- Sacramento County Department of Health and Human Services
- Sacramento County Office of Education, Foster Youth Services Coordinating Program
- Sacramento State University, Guardian Scholars Program
- San Bernardino City Unified School District
- San Bernardino County Human Services
- San Bernardino County Superintendent of Schools, Foster Youth Services Coordinating Program
- San Diego County Office of Education, Foster Youth Services Coordinating Program
- San Francisco CASA
- San Jose State University Guardian Scholars
- San Luis Obispo County Office of Education, Foster Youth Services Coordinating Program
- San Marcos Unified School District
- San Mateo County
- San Mateo County SELPA
- Santa Barbara County Education Office
- Santa Cruz County Office of Education Foster Youth Services/FosterEd
- Scholarship Prep Public Schools
- SELPA Administrators of California
- Seneca Family of Agencies
- Shasta County Office of Education, Foster Youth Services Coordinating Program
- Siskiyou County Office of Education
- Solano County Office of Education, Foster and Homeless Youth Services
- Solano County Office of Education, Youth Development Services
- Sonoma County Office of Education, Foster & Homeless Youth Education Services
- South Monterey County Joint Union High School District
- Stevens Educational Consulting for Foster Youth Families
- Stockton Unified School District
- Stuart Foundation
- Student Senate for California Community Colleges
- Sutter County Superintendent of Schools
- The Academy Project
- The Brightest Star, Inc.
- The Red Shoe Project, Inc.
- Tulare County Office of Education, Foster Youth Services Coordinating Program
- Twin Rivers Unified School District
- University of Arizona, Forbes School of Business
- University of La Verne, Kern County Campus
- Vista Unified School District
- West Valley College
- WestEd
- Whittier Union High School District
- Willows Unified School District
- Woodland Community College
- Yolo County SELPA
- Youth Engagement Project (YEP)
- Youth Justice Education Clinic at Loyola Law School
- Yuba County Office of Education

# Citations and Abbreviations Key

AB	Assembly Bill (California)	GC	California Government Code
CCR	California Code of Regulations	SB	Senate Bill (California)
CFR	Code of Federal Regulations	USC	United States Code
CRC	California Rules of Court	WIC	California Welfare & Institutions Code
EC	California Education Code		

Where to access the resources cited throughout the fact sheets:

California Codes: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

California Code of Regulations: <http://ccr.oal.ca.gov/>

California Department of Social Services, All County Letters and Notices:

<https://www.cdss.ca.gov/inforesources/letters-and-notices>

California Rules of Court: <http://www.courts.ca.gov/rules.htm>

Code of Federal Regulations: <http://www.ecfr.gov>

United States Code: <http://www.law.cornell.edu/uscode/text>

# Guide to Frequently Used Terms

- **Best Interest Determination (BID):** A foster youth's educational rights holder (ERH) determines whether it is in the youth's best interest to remain in their school of origin. *CRC 5.650(f)*. Foster youth have the right to remain in their school of origin if it is in their best interest; school of origin is the default. *EC 48853.5(f)*.
- **Foster Child or Youth:** A child or youth who has been removed from their home pursuant to WIC 309 (temporary custody), is the subject of a petition filed under WIC 300 (dependent-victim of abuse or neglect) or WIC 602 (juvenile who has violated the law), or has been removed from their home and is the subject of a petition under WIC section 300 or 602. *EC 48853.5(a)*.

For purposes of the Local Control Funding Formula (LCFF), *EC 42238.01(b)* defines "foster youth" as any of the following:

- A child or youth who is the subject of a petition filed under WIC Section 300 (meaning a court has taken jurisdiction over a child and declared the child to be a dependent of the court due to the presence or risk of abuse or neglect). This includes both children who are living at home (i.e., with their biological parents) while a dependent of the court as well as children who the court has ordered to be removed into the care, custody and control of a social worker for placement outside the home.
  - A child or youth who is the subject of a petition filed under WIC Section 602 (meaning a court has taken jurisdiction over a child and declared the child to be a ward of the court due to the child's alleged violation of certain criminal laws) and has been ordered by a court to be removed from home pursuant to WIC Section 727 and placed into foster care as defined by WIC Section 727.4(d) (e.g., placed into a foster home or short-term residential therapeutic program).
  - A youth between ages 18 and 21 who is enrolled in high school, is a non-minor dependent under the placement responsibility of child welfare, probation, or a tribal organization participating in an agreement pursuant to WIC Section 10553.1, and is participating in a transitional independent living case plan.
  - Effective the 2020-21 school year, a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the law, provided that the child would also meet one of the descriptions in WIC Section 300 describing when a child may be adjudged a dependent child of the juvenile court. *EC 42238.01(b)(4)(A)*.
- **Free Appropriate Public Education (FAPE):** All local educational agencies (LEAs) are responsible for ensuring that each child with disabilities is served appropriately, at no expense to the parent. *34 CFR 300.17, 300.101, 300.2*.
  - **Educational Rights Holder (ERH):** The parent or guardian or other person holding the right to make educational decisions for a foster youth; may be appointed by the court. *WIC 361, 726*. See *CRC 5.650(e)-(f)* for a list of rights and responsibilities. If the court is unable to locate a responsible adult for the child and the child either has been referred to a local educational agency (LEA) for special education or has an Individualized Education Program (IEP), the court must refer the child to the LEA for appointment of a "surrogate parent." *WIC 361(a)(4), 726(c)(1); GC 7579.5-7579.6; CRC 5.650(a)(2)(A)(i), (d); see also WIC 319(j)(3), (5)*.
  - **Individualized Educational Program (IEP):** The right of a child with a disability to an educational program designed to meet their individual needs and based on adequate assessment is assured. At or before age 16, this includes the development of an Individual Transition Plan (ITP) to provide for transition into the world of work. *EC 56032, 56043(g)(1)*.
  - **Least Restrictive Environment (LRE):** Each child is assured of their right to be educated with non-disabled peers to the maximum extent appropriate to the needs of the disabled child. *34 CFR 300.114*.
  - **Local Educational Agency (LEA):** A school district, county office of education, charter school, or special education local plan area. *EC 48859(c), 56026.3*.
  - **School of Origin:** A foster child's "school of origin" is (1) the school in which the child was last enrolled, (2) the school the child attended when permanently housed (i.e., prior to removal from the home), or (3) any other school the child attended within the immediately preceding 15 months to which the child feels connected. *EC 48853.5(g)*. For additional considerations, see the Educational Rights and School Stability fact sheet.
  - **Special Education Local Plan Area (SELPA):** An organization of one or more LEAs into an overarching body to disburse and utilize special education funding to meet the needs of children attending schools that are members of the SELPA—including, but not limited to, staff training and specialized programs. *EC 56195.1*.

# Educational Rights and School Stability



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

It is the intent of the Legislature to ensure that students in foster care have a meaningful opportunity to meet the challenging academic achievement standards to which all students in the state are held. Educators, social workers, probation officers, caretakers, advocates, and juvenile courts must work together to serve the educational needs of students in foster care. *EC 48850.*



### GUIDING PRINCIPLES

Students in foster care must have access to the same academic resources, services, and extracurricular and enrichment activities that are available to all students. All educational and school placement decisions are made by the educational rights holder in consultation with other parties, must be based on the child's best interests and must consider, among other factors, educational stability and the least restrictive educational setting necessary to achieve academic progress. *EC 48850(a)(1), 48853(h); WIC 361(a)(6), 726(c)(2).*

Educational matters must be considered at every court hearing. Social workers and probation officers have many education-related reporting requirements. See *CRC 5.651(c) and 5.668(d) for a list of requirements*. Without parental consent or a court order, representatives of the state and local child welfare agencies that are responsible for a child's care and protection may access the child's school records and may disclose the records and information in them to other authorized individuals and entities that are engaged in addressing the child's educational needs so long as the information is directly related to the assistance provided by that individual or entity. *20 USC 1232g(b)(1)(L); EC 49076(a)(1)(N).*

Foster parents and relative caregivers, regardless of whether they hold educational rights for a foster youth, have the right to access the foster youth's current or most recent records of grades, transcripts, attendance records, online school portals, individualized education programs (IEPs), and 504 plans. *EC 49069.3(a).*

### FOSTER YOUTH SERVICES COORDINATING PROGRAMS

Foster Youth Services Coordinating (FYSC) Programs is a program of the California Department of Education (CDE) administered by county offices of education. The program helps to improve children's educational performance and personal achievement. FYSC Programs have the flexibility to design services to meet a wide range of needs of foster youth. Commencing with the 2015-16 fiscal year, under AB 854, the FYSC Programs coordinate and ensure that local educational agencies within its jurisdiction are providing services to foster youth students pursuant to a foster youth services coordinating plan with the purpose of ensuring positive educational outcomes. *EC 42920.5*

FYSC Programs provide support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care. FYSC Programs have the ability and authority to ensure that health and school records are obtained to establish appropriate placements and coordinate instruction, counseling, tutoring, mentoring, vocational training, emancipation services, training for independent living, and other related services. FYSC Programs increase the stability of placements for foster children and youth. These services are designed to improve the children's educational performance and personal achievement, directly benefiting them as well as providing long-range cost savings to the state.

For a list FYSC Programs county contacts, see <https://www.cde.ca.gov/ls/pf/fy/contacts.asp>.

### SCHOOL STABILITY

Students in foster care may attend programs operated by the local educational agency (LEA) of the licensed children's institution or foster family home in which the foster youth is placed, or the foster child may continue in their school of origin for the duration of the jurisdiction of the court unless one of the following applies: (1) The student has an IEP requiring placement in a nonpublic, nonsectarian school or agency, or in another LEA; or (2) The parent or guardian or other person holding the right to make educational decisions (educational rights holder or ERH) for the student determines that it is in the best interest of the student to be placed in another educational program, in which case the ERH shall provide a written statement that the ERH has made that determination. *EC 48853(a), 48853.5(f).*

Before placing a child in a juvenile court school, community school, or other alternative school setting, the ERH must consider placement in the regular public school. *EC 48853(c).*



- **School of Origin**

A foster child's "school of origin" is (1) the school in which the child was last enrolled, (2) the school the child attended when permanently housed (i.e., prior to removal from the home), or (3) any other school the child attended within the immediately preceding 15 months to which the child feels connected. *EC 48853.5(g).* If a foster child's residence changes, the LEA must let the child remain in their school of origin for as long as the court has jurisdiction over the child's placement. *EC 48853.5(f).*

For the purposes of the school of origin right, "foster child" means a child who has been removed from their home pursuant to WIC 309, is the subject of a petition filed under WIC 300 or 602, or has been removed from their home and is the subject of a petition filed



# Educational Rights and School Stability (continued)

under WIC 300 or 602. *EC 48853.5(a)*. This is a broad right that applies whether the child is living at home (i.e., with biological parents) or in a placement outside the home.

If the court's jurisdiction ends during an academic year and the child is in kindergarten or grades 1 through 8, inclusive, the right to remain in the school of origin lasts through the end of that academic year. If the court's jurisdiction ends while the child is in high school, the right to remain in the school of origin lasts through graduation. *EC 48853.5(f)(2)-(3)*.

When transitioning between grade levels, the child has the right to continue in their school district of origin in the same attendance area, or if transitioning to a middle or high school, and the school designated for matriculation is another school district, to the school designated for matriculation in that school district. *EC 48853.5(f)(4)*.

A foster child who remains in their school of origin satisfies the residency requirements for attendance in that school district. *EC 48204(a)(2)*. LEAs and placing agencies must work together to develop a plan that ensures that foster children attend the school of origin as the default, and that the child should remain in the school of origin following a change of placement unless the ERH, in consultation with the other parties in court and the school districts, determines it is in their best interest to change schools. *20 USC 6311(g)*.

## • Transportation

If the child remains in their school of origin, transportation may be needed between the child's foster care placement and school. Under the Every Student Succeeds Act (ESSA) of 2015, LEAs must collaborate with child welfare to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of their time in foster care. The transportation procedures must (1) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 675(4)(A) of Title 42; and (2) ensure

that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin under certain conditions. *20 USC 6312(c)*. A school district is not required to provide transportation services to allow a foster child to attend a school or school district, unless there is an agreement with a local child welfare agency that the school district assumes part or all of the transportation costs in accordance with *20 USC 6312(c)(5)*, or unless otherwise required under federal law. *EC 48853.5(f)(5)*.

The LEAs and placing agencies are encouraged to collaborate to ensure maximum use of available federal moneys, explore public-private partnerships, and access any other funding sources to promote the well-being of foster children through educational stability. *EC 48853.5(f)(10)*.

In some cases, the caregiver may be able to provide transportation, in which case the placing agency can reimburse them for reasonable costs. *20 USC 6312(c)(5); 42 USC 675(4)(A)*. The California Department of Social Services (CDSS) explains how to calculate the reimbursement in All County Letter No. 11-51. In addition, CDSS recently issued guidance, in All County Information Notice I-86-20, to clarify that other trusted adults in a foster youth's life may provide transportation to the

youth's school of origin and are also eligible for reimbursement.

For foster youth with an IEP and for whom their IEP team has determined that transportation is a necessary related service for the youth to benefit from their IEP, the LEA must provide transportation as part of its responsibility to provide a free appropriate public education (FAPE), with consideration of location, placement, and the needs of the youth. *EC 56040; EC 41850(b)(5)*.

## • Role of the Placing Agency

In making out-of-home placement decisions, the placing agency must promote educational stability by considering a placement's proximity to the child's school of origin and attendance area, the number of previous school transfers, and the school matriculation schedule, among other factors. *WIC 16501.1(d)*. The child's case plan must include specific information about their educational stability and assurances that the placing agency has taken steps to ensure such stability. *WIC 16010(a), 16501.1(d), (e) and (g)*.

Within one court day of deciding to change a child's placement to a location that could result in a school change, the social worker or



# Educational Rights and School Stability (continued)

probation officer must notify the court, the child's attorney, and the child's educational rights holder or surrogate parent (hereinafter collectively referred to as "educational rights holder" or ERH). *CRC 5.651(e)(1)(A)*. If a child who is changing schools has an IEP, the social worker or probation officer must give written notice of the impending change to the current LEA and the receiving Special Education Local Plan Area (SELPA) at least 10 days in advance. *CRC 5.651(e)(1)(B)*.

If the child's attorney or ERH requests a hearing on the proposed change, the social worker or probation officer must provide a report on the proposed change including whether a dispute exists, how the proposed change serves the best interest of the child, and the responses of all interested parties within two court days after the hearing is set, and the hearing must be held within five court days. Pending the hearing, the child has a right to remain in their school of origin. *CRC 5.651(e)(2)-(4)*.

LEAs and placing agencies must work together to ensure foster children attend the school of origin as the default following a change of placement unless the ERH, in consultation with the other parties in court and the school districts, determines it is in their best interest to change schools. *20 USC 6312(c)(5)(B)* and *EC 48853.5(f)*.

## • Role of the Court

At any hearing that follows a decision to change a foster child's initial placement or any subsequent change of placement that could lead to a removal from the school of origin, the court must determine whether the placing agency made the appropriate notifications, including:

- The social worker notified the court, the child's attorney and the ERH, no more than one court day after making the placement decision, of the proposed placement decision. *CRC 5.651(e)(1)(A)*.
- If the child had a disability and an active IEP before removal, the social worker, at least 10 days before the change of placement, notified in writing the LEA that provided a special education program for the child before removal and the receiving Special Education Local Plan Area (SELPA). *CRC 5.651(e)(1)(B)*.

The child's attorney must discuss any proposed placement change that could result in a school change with the child and the child's ERH, as appropriate, and may request a hearing on the proposed change. *CRC 5.651(e)(2)(A)*. The ERH also may request a hearing. Any such hearing request must be made no later than two court days after the attorney or ERH received notice of the proposed change. *CRC 5.651(e)(2)*.

If there is a hearing request, the social worker or probation officer must provide a report on the proposed change including whether a dispute exists, how the proposed change serves the best interest of the child, and the responses of all interested parties within two court days after the hearing is set, and the hearing must be held within five court days. Pending the hearing, the child has a right to remain in their current school. *CRC 5.651(e)(2)-(4)*; *EC 48853.5(f)(9)*. The court must consider whether it is in the child's best interest to change schools and may make orders related to this issue, including joining parties such as the LEA to ensure transportation is **appropriately and timely provided**. *CRC 5.651(f)*.

## • Role of the LEA

"Local educational agency" (LEA) has different definitions throughout the Education Code but, for purposes of these fact sheets, generally means a school district, a county office of education, a charter school, or a Special Education Local Plan Area (SELPA). *EC 48859(c)* and *56026.3*. SELPAs are consortia of educational agencies formed to serve the special education needs of children attending schools that are members of the SELPA.

Each LEA shall designate a staff person as the educational liaison for foster children. *EC 48853.5(c)*. The educational liaison is responsible for the following: (1) ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children; and (2) assist foster children when transferring from one school to another school or from one school district to another school district to ensure proper transfer of credits, records, and grades. *EC 48853.5(c)*.

If the local child welfare agency appoints a "Point of Contact" (POC), then the LEA must also appoint a POC to facilitate communication. *20 USC 6312(c)*. This could potentially be the same person as the educational liaison.

The role of the educational liaison is advisory with respect to placement decisions and determination of the school of origin. *EC 48853.5(e)*. The educational liaison, in consultation with, and with the agreement of, the foster child and the foster child's ERH, may recommend, in accordance with the foster child's best interest, that the foster child's right to attend the school of origin be waived and the foster child be enrolled in a public school in the attendance area in which the foster child resides if the educational liaison first provides the foster child and the foster child's ERH with a written explanation stating the basis for the recommendation and how the recommendation serves the foster child's best interests. *EC 48853.5(f)(6)-(7)*.

If a dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school of origin pending resolution of the dispute. The dispute shall be resolved in accordance with the existing dispute resolution process, such as a uniform complaint, available to a student served by the LEA. *EC 48853.5(f)(9)*.

To facilitate communication between school districts and foster children's attorneys, the attorneys (or their law firm or organization) should provide their contact information at least once a year to the educational liaisons of each LEA serving their clients in the county of court jurisdiction. In addition, a foster child's caregiver or ERH may provide the attorney's contact information to the LEA. *WIC 317(e)(4)*.

*For more information about educational rights holders (ERHs), see the Educational Decision-Making for Foster Youth Fact Sheet*

## LOCAL PUBLIC SCHOOL

Foster youth have the right to be educated in the least restrictive educational setting, which often means their local comprehensive school. Foster youth cannot be forced to attend a continuation school or other alternative education setting, even if they are credit deficient or have poor grades or behavior problems. A youth's ERH can decide that is in the youth's best interest to attend a continuation school or other alternative education setting and seek placement for the youth there. *EC 48850(a)(1)*, *48853(h)*; *WIC 726(c)(2)*. (For exceptions to this rule, see the School Discipline Fact Sheet.)

# Educational Rights and School Stability (continued)

## • Immediate Enrollment

If the ERH, foster child, and educational liaison agree that it is in the best interest of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school. *EC 48853.5(f)(8)(A)*.

A student shall not be denied enrollment or readmission to a public school solely on the basis that the student has had contact with the juvenile justice system, including but not limited to arrest, adjudication by a juvenile court, supervision by a probation officer, detention in a juvenile facility, or enrollment in a juvenile court school. *EC 48645.5(b)*.

## • Fees or Items Owed

The new school shall immediately enroll the foster child even if the foster child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including but not limited to records or other proof of immunization history, proof of residency, other documentation, or school uniforms. *EC 48853.5(f)(8)(B)*.

A student shall not owe or be billed for a debt owed to a school or district. If a student owes debt to a school or district, the school or district shall not take negative action against a student, such as withholding grades, transcripts, or a diploma. This provision applies to foster youth even if they have willfully damaged or refused to return property. *EC 49014*

## • Timely Transfer of Records

Within two business days after the foster child's request for enrollment, the educational liaison for the new school shall contact the school last attended by the foster child to obtain all academic and other records. *EC 48853.5(f)(8)(C)*. Within two business days after receiving a transfer request from a county placing agency or notification of enrollment from the new LEA, the current LEA shall transfer the student out of school and deliver the educational information and records of the student to the next educational placement. *EC 49069.5(d)*. The last school attended by the foster child shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended.

*EC 48853.5(f)(8)(C)*. This applies to foster youth even if they have willfully damaged or refused to return property. *EC 49014(g)*.

As part of the transfer process, the current LEA shall compile the complete educational record of the student, including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the foster child's 504 plan or IEP. *EC 49069.5(e)*. The current LEA shall ensure that, if the foster child is absent from school due to a change of placement, the grades and credits of the student will be calculated as of the date the student left school and no lowering of grades will occur as a result of the absence of the student under these circumstances. *EC 49069.5(g)*.



## Grade and Credit Protections

LEAs (including charter schools) must accept coursework satisfactorily completed by a foster child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the child did not complete the entire course; must issue full or partial credit for the coursework satisfactorily completed; and must not require the child to retake a course already satisfactorily completed in one of these settings. Any credits accepted must be applied to the same or equivalent coursework. If partial credit has been awarded in a particular course, the child must be enrolled in the same or equivalent course at their new school, so that they may continue and complete the entire course; the child must not be required to retake the portion of the course already completed unless the LEA, in consultation with the ERH, finds that the child is reasonably able to complete that portion without causing a delay in meeting the other requirements for their graduation from high school. Notwithstanding the above, a foster child may not be prevented from retaking a course they

need to meet the admission requirements for California State University or the University of California. *EC 51225.2*.

A child's grades may not be lowered due to absences caused by a change in placement, verified court appearance, or related court-ordered activity. *EC 49069.5(h)*.

## SPORTS AND ACTIVITIES

Students in foster care must have access to the same extracurricular activities and interscholastic sports that are available to all students. If a court or child welfare agency changes a child's residence, the child immediately is deemed to meet all residency requirements for participation in interscholastic sports and other extracurricular activities. *EC 48850(a)*.

## UNIFORM COMPLAINT

If a right under Education Code Section 48853.5 is denied, anyone (including a youth, ERH, social worker/probation officer, caregiver, or legal representative) may file a written complaint with the school district or charter school under the Uniform Complaint Procedures Act. *EC 48853.5(i)(1)*; *5 CCR 4630*. When a complaint is filed, the district must investigate and provide a written response, including a proposed resolution, within 60 days. *5 CCR 4631*.

If the person who filed the complaint is not satisfied, they may then file a complaint with the California Department of Education (CDE). The CDE will then have 60 days to investigate and provide a written response. *EC 48853.5(i)(2)*.

If a school district finds merit in a complaint or the State Superintendent finds merit in an appeal, the school district shall provide a remedy to the affected student. *EC 48853.5(i)(3)*.

# Educational Decision-Making for Foster Youth



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

Parents generally have the right to make educational and developmental services decisions for their children unless their child in a legal guardianship, their child has been freed for adoption (parental rights have been terminated), or the juvenile court has limited their educational rights.

*WIC 319(j), 361, 726(a)-(c), 358.1(e); GC 7579.5; EC 56055; 34 CFR 300.30; CRC 5.64*

### WHY DOES THIS MATTER?

When it is unclear who has the right to make educational decisions for a child, these important decisions often are not made in a timely manner, if at all. For example:

- **Special Education Evaluation**

Local educational agencies (LEAs) generally cannot start evaluating a student for disabilities that make them eligible for special education until the adult who holds educational rights signs a proposed assessment plan. *20 USC 1414(a); EC 56506.*

- **Individualized Education Program (IEP)**

A student's IEP cannot be implemented without the approval and signature of the adult who holds educational rights. *20 USC 1414(a); 34 CFR 300.300; EC 56346.*

- **School Placement**

The best interest determination cannot be made for a child without the educational rights holder (ERH). A child's ERH may determine it is in the child's best interest to attend an educational program other than or operated by the LEA. *EC 48853(a)(3).*

### COURT'S CONSIDERATIONS

Educational matters, including who has the authority to make educational decisions for a foster child and whether someone else should be appointed to hold educational rights, must be considered at every court hearing for every child, including for children ages 0-5. *CRC 5.649 and 5.651(b)-(c).* The social worker or probation officer must include information in every court report about educational decision-making, including who holds the child's educational rights. *See CRC 5.651(c) for a list of the information required to be included in these court reports.*

### APPOINTING EDUCATIONAL DECISION-MAKERS

- **Court-Appointed Decision-Makers**

A juvenile court can limit the right of a parent or guardian to make educational decisions for a child if it is necessary to protect the child. Any limitations must be specified in a court order. *WIC 319(j), 361(a), 726(a)-(b); CRC 5.649.* Court form JV-535 is used for this purpose, as well as to document other findings and orders about educational decision-making. *CRC 5.649-5.650; see also court form JV-535(A) (optional attachment containing additional education-related information, findings, and orders).*

At the same time a court limits a parent or guardian's educational decision-making rights, it must appoint a "responsible adult" to make educational decisions for the child. *WIC 319(j), 361(a), 366(a)(1)(C), 726(b)-(c); see also CRC 5.650, 5.534(f).* The California Rules of Court refer to this person as an "educational rights holder" (ERH). *CRC 5.502(13); see also CRC 5.649-5.651.* The appointment must be made regardless of whether the child has been identified as needing special education or other services. Before appointing someone who is not known to the child, the court must determine whether there is an adult who is known to the child who is available and willing to serve as the child's ERH. *WIC 319(j)(2), 361(a)(4), 726(c)(1); CRC 5.650(c)(1).*

The ERH has all of the educational decision-making rights normally held by a parent or guardian. *See CRC 5.650(e)-(f) for a list of rights and responsibilities.* The ERH is entitled to

receive notice of and participate in court and related proceedings concerning educational matters and may use court form JV-537 to explain the child's educational needs to the court. *CRC 5.650(j).*

Educational decision-making rights can be temporarily limited prior to the disposition stage of a court case and as early as the initial detention hearing if the child's parent or guardian is unavailable, unable, or unwilling to make educational decisions (and other conditions are met). A temporary limitation expires at the end of the disposition hearing or when the petition is dismissed, but the court may later renew the limitation, if appropriate. *WIC 319(j); CRC 5.649(b), 5.650(g)(1)(A).*

At any time, anyone with an interest in the child may ask the court to limit or transfer educational decision-making rights by submitting court forms JV-180 and JV-535 to the court. *See WIC 388, 778.* Moreover, the child's attorney, social worker, or probation officer can request a hearing for appointment of a new educational decision-maker using court form JV-539. *CRC 5.650(d)(4), (g)(2).*

A legal guardian appointed by a juvenile or probate courts has the right to make educational decisions unless the court specifically orders otherwise. *CRC 5.650(e)(2); 34 CFR 300.30(a)(3), (b)(2); EC 56028(a)(3).*



### LEA-Appointed Decision-Makers

If the court is unable to locate a responsible adult for the child and the child either has been referred to the LEA for special education or has an IEP, the court must refer the child to the LEA for appointment of a "surrogate parent." *WIC 361(a)(4), 726(c)(1); GC 7579.5-7579.6; CRC 5.650(a)(2)(A)(i), (d); see also WIC 319(j)(3), (5).* The LEA must make reasonable efforts to appoint a surrogate parent within 30 days. *GC 7579.5(a).* It must select a relative caretaker, foster parent, or court-appointed special advocate (CASA) if one is willing and able to serve. *GC 7579.5(b).*



# Educational Decision-Making for Foster Youth (continued)

When a surrogate parent is appointed, resigns, or a LEA terminates the appointment, replaces, or appoints another surrogate parent, it must use court form JV-536 to tell the court, the child's attorney, and the child's social worker or probation officer about appointments and changes. *CRC 5.650(d)*.

A surrogate parent may represent an individual with exceptional needs in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of a free appropriate public education to the individual. *EC 56050(b)*. Notwithstanding any other provision of law, this representation shall include the provision of written consent to the IEP including nonemergency medical services, mental health treatment services, and occupational or physical therapy services. *EC 56050(b)*.

## • Court as Educational Decision-Maker

If educational decision-making rights have been limited and none of the above options apply, the court itself may make educational decisions for a dependent child with the input of any interested person. *WIC 319(j)(3)*, *361(a)(4)*; *CRC 5.650(a)(2)*. Please refer to the section below regarding who cannot be appointed as an Educational Decision-Maker.

## FOSTER PARENTS

If the juvenile court has limited the right of the parent or guardian to make educational decisions on behalf of a youth aged 16 or older and the youth has been placed in a planned permanent living arrangement (described in *WIC 16501(i)(2)*), Education Code section 56055 authorizes a foster parent to exercise parental rights for the duration of the parent/foster child relationship in matters relating to identification, assessment, instructional planning and development, educational placement, IEP development, and all other matters relating to the provision of a free appropriate public education for the foster child. Section 56055 authorizes the foster parent to consent in writing to the IEP, including nonemergency medical services, mental health treatment services, and occupational or physical therapy. It is encouraged that court form JV-535 be used in these cases to ensure coordination of services and case planning.

## WHO CANNOT BE EDUCATIONAL DECISION-MAKER

### • Court-Appointed Decision-Makers

A person who has a conflict of interest cannot be appointed to make educational decisions. A conflict can arise from "any interests that might restrict or bias" the person's ability to make educational decisions, including but not limited to the receipt of compensation or attorney's fees for the provision of services pursuant to these sections of the law. A foster parent is not deemed to have a conflict of interest solely because they receive compensation. *WIC 361(a)(2)*, *726(c)*; see also *CRC 5.650(c)(2)*. Moreover, under federal special education law, when the court appoints an educational decision-maker for a foster child with a disability, it may not appoint an employee of the California Department of Education, the LEA, or any other agency that is involved in the education or care of the child. *20 USC 1415(b)(2)(A)*; *34 CFR 300.519(d)(2)*. Therefore, the social worker, probation officer, or group home staff serving the student may not be appointed.

### • Surrogate Parents

As above, a person who has a conflict of interest cannot be appointed to make educational decisions. A surrogate parent may not be employed by the California Department of Education, the LEA, or any other agency involved in the education or care of the child. *20 USC 1415(b)(2)(A)*; *34 CFR 300.519(d)(2)*; *GC 7579.5(i)-(j)*.

## RESPONSIBILITIES OF EDUCATIONAL DECISION-MAKERS

In addition to the responsibilities listed above specific to court- or LEA-appointed educational decision-makers, both types are required to meet with the child for whom they are making educational decisions, investigate the child's needs and whether they are being met, and, for each court review hearing, provide information and recommendations concerning the child's educational needs either in person or by submitting them in advance to the court or social worker. *WIC 361(a)(6)*, *726(c)(2)*; *CRC 5.650(f)(2)-(4)*.



## LENGTH OF COURT APPOINTMENTS

With the exception of temporary appointments prior to the disposition stage of a court case (see above), an appointment to make educational decisions lasts until *one* of the following occurs:

- The youth reaches 18 years of age, or is attending an institution of postsecondary education, at which time the youth holds their own educational rights (e.g., see *EC 49061(a)*, *56041.5*; for a definition of "eligible student," see <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>), unless the youth chooses not to make their own educational decisions or has been deemed by the court to be incompetent to do so.
- Another adult is appointed to make educational decisions.
- The right of the parent or guardian to make educational decisions is fully restored.
- A successor guardian or conservator is appointed.
- The youth is 16 years of age or older and is placed in a planned permanent living arrangement, at which time the foster parent, relative caretaker, or nonrelative extended family member has the right to make educational decisions, so long as the parents' or guardian's educational decision-making rights previously were limited and the current caregiver is not specifically prohibited by court order from making the child's educational decisions.

*WIC 361(a)(1)*, *726(b)*; *CRC 5.650(g)*; see also *EC 56055*, *CRC 5.534(f)(2)*, *5.650(a)(1)*, *(b)*, *(e)(1)*.

# Educational Decision-Making for Foster Youth (continued)

If an appointed ERH resigns from the appointment, the ERH must tell the court and the child's attorney and may use the court form JV-537 to do so. *CRC 5.650(g)(2)*.



## DEVELOPMENTAL SERVICES DECISION-MAKERS

Much—but not all—of the information in this fact sheet about court-appointed educational decision-makers for foster children also applies to the process for appointing an adult to make decisions about services for children and for non-minor dependents with developmental disabilities, as established by SB 368 (2011). See *WIC 319(j), 361(a), 726(b)-(c); CRC 5.502(13), 5.534(f), 5.649-5.651*.

Developmental disabilities include intellectual disability, cerebral palsy, epilepsy, autism, and other disabling conditions found to be closely related to intellectual disability. *WIC 4512(a)*. See *WIC 4512(b)* for a definition and list of common services for people with developmental disabilities. Such services often are provided by or through the California Department of Developmental Services and its regional center system.

See <https://www.dds.ca.gov/rc/> for more information.

# Early Care and Education



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### EARLY CARE AND EDUCATION PROGRAMS AND SERVICES

Early education is recognized as a key to children's later education success and a stabilizing force for families. In California, Early Care and Education (ECE) is provided by a patchwork of public, private non-profit, and private for-profit ECE service providers. State and federally funded affordable child care in California is administered by the California Department of Education's Early Learning and Support Division through contracts with public and private agencies and the Department of Developmental Services Early Start Program. Starting July 1, 2020, all child care programs except for state preschool will be transferred to and administered by the California Department of Social Services.

Eligibility for publicly funded affordable child care is based primarily on a family's income and need for care, with more specific individual criteria for certain programs. Children at risk of abuse and neglect or children receiving protective services through the county welfare department remain a top priority for receiving services. Under *EC 8263(b)*, the first priority for federal and state subsidized child development services are given to neglected or abused children who receive child protective services or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. *EC 8263(b); 5 CCR 18106*.

Consequently, many programs streamline enrollment for children receiving child welfare services by waiving income requirements and making them automatically eligible. Families seeking child care should contact their local Child Care Resource and Referral Agency (R&R) for assistance finding child care at <http://www.cde.ca.gov/sp/cd/re/rragency/ist.asp> or <http://www.rnetwork.org>. R&Rs will also assess whether a family is eligible for state and federally funded child care and whether the family needs to be placed on a child care waiting list.

### Early Education Options May Include the Following:

- **California Work Opportunity and Responsibility for Kids (CalWORKs) Child Care**

Families, resource parents, or caregivers who currently receive or received CalWORKs cash assistance or a diversion payment within the past two years are eligible to receive assistance paying for child care with a provider of their choice, if they are employed or participating in county-approved activities. Child care is provided for children through age 12, and up to age 21 for children who have exceptional needs or are severely disabled.



Eligible families are entitled to immediately receive child care and not be placed on a waiting list, and to receive at least 12 months of child care assistance. To qualify, the family, resource parent, or caregiver must be working, looking for work, getting training, going to school, or doing an activity that addresses family needs (such as counseling, housing search, or medical appointments). Families are also eligible for CalWORKs child care if they are experiencing homelessness or cannot take care of their child due to a physical or mental health condition.

CalWORKs child care payments are in the form of a voucher that recipients can use to pay the child care provider or center of their choice. The local Child Welfare Agency or Alternative Payment Program paying for CalWORKs child care usually makes the voucher payment

directly to the person or child care center providing child care. *EC 8350-8355; WIC 11323.1-11323.3*.

- **Early Head Start and Head Start**

Early Head Start and Head Start are federally funded programs promoting school readiness by enhancing social and cognitive development. Early Head Start provides family-centered services that facilitate child development, support parental roles, and promote self-sufficiency for children from birth to age 3. It also serves pregnant women with low incomes. Head Start provides part-day preschool programs for children ages 3 to 4, as well as educational, social, health, and other services, with a particular focus on early reading and math skills. Children in foster care are automatically eligible and have a priority for admission in both programs. To receive funding, all new Head Start programs must have a plan to meet the needs of children in foster care, including transportation. *42 USC 9831, 9840a. 45 CFR 1302.20-1302.24, 1305.2*.

- **State Preschool Programs**

State preschool programs offer both part-day and full-day services that provide a core class curriculum that is developmentally, culturally, and linguistically appropriate for children ages 3 and 4. The program also provides meals and snacks to children, parent education, referrals to health and social services for families, and staff development opportunities to employees. The program is administered through local educational agencies (LEAs), colleges, community-action agencies, and private nonprofit agencies.

- **Alternative Payment Programs (APPs)**

APPs, funded with state and federal funds, offer an array of child care arrangements for parents, such as in-home care, family child care, and center-based care. The APP helps families arrange child care services and makes payment for those services directly to the child care provider selected by the family or directly to the parent. The APP is intended to increase parental choice and accommodate the individual needs of the family. The program is for children through age 12 and children with disabilities up to age 21. *EC 8201, 8208(i)*.

# Early Care and Education (continued)

- **Emergency Child Care Bridge Program for Foster Children and Parenting Foster Youth (Bridge Program)**

Adopted in 2017, the Bridge Program helps foster families and parenting foster youth access high-quality child care for foster children by providing (1) an emergency, time-limited voucher to help them pay for child care for up to 6 months, with an extension to 12 months, as needed; (2) child care navigation support, with navigators helping them to immediately access child care and then working continuously with them to transition or stabilize the children in long-term, high-quality child care; and (3) training for the child care workforce in trauma-responsive best practices to better meet the unique needs of abused and neglected children. *EC 8212(a)(5); WIC 11461.6*. Foster families and parenting foster youth can receive the Bridge Program voucher for foster children through age 12, and if the child has a disability, they may qualify to receive child care vouchers until age 21.

## EARLY INTERVENTION SERVICES ACT – PART C OF IDEA

To be eligible for federal funding for early intervention programs under the Individuals with Disabilities Education Act (IDEA, reauthorized under the Individuals with Disabilities Education Improvement Act of 2004), states must ensure that appropriate early intervention services are available to all infants and toddlers with developmental delays or at risk of developing such delays who are in foster care or in the custody of a child welfare agency. *34 CFR 303.1, et. seq.*

In addition, states receiving funding under Child Abuse and Prevention Treatment Act (CAPTA) must establish procedures to refer every child under the age of 3 who has been involved in a substantiated case of abuse or neglect to early intervention services funded under Part C of the IDEA. *42 USC 5106a*.

## California’s Early Start Program

The California Early Intervention Services Act was California’s response to federal legislation requiring early intervention services. It created the Early Start Program designed to ensure that infants and toddlers



with developmental delays or at risk of developing such delays and their families are provided with early intervention services in a coordinated, family-centered system that is available statewide through the state’s 21 regional centers. Regional centers are non-profit organizations that contract with the Department of Developmental Services to provide services under Part C of the IDEA. *GC 95000 et seq.*

## Early Start Eligibility

The Early Start program serves children under the age of 3 years old. To be eligible for services, the regional center must conduct a developmental evaluation to determine eligibility in five developmental domains including cognition, physical/motor, communication, social/emotional, and adaptive behavior, and conduct comprehensive multidisciplinary assessments to determine the need for services (e.g., speech and language assessment, occupational therapy assessment, physical therapy assessment). The evaluation and assessment(s) are also used to establish baselines from which to draft “outcomes” (i.e., goals) in an eligible child’s Individualized

Family Service Plan (IFSP). Children can be eligible for services under the following categories (*GC 95014, 95020*):

### Category 1: Developmental Delay

Children qualify for Early Start if they have a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social/emotional development; or adaptive development. A developmental delay is defined as “a significant difference between the expected level of development for their age and their current level of functioning,” and must be determined by a qualified evaluator. A difference between expected and actual levels of development is significant if the child is delayed by 33% in one or more developmental areas. *GC 95014(a)(1)*.

### Category 2: Established Risk

Children may be eligible for Early Start services if they have a condition diagnosed by a qualified individual that has a high probability of resulting in developmental delay. *GC 95014(a)(2)*.

### Category 3: High Risk

Children are also eligible for Early Start services if they are at high risk of having substantial developmental disabilities due to biomedical risk factors, such as significant prematurity or prenatal substance exposure. *GC 95014(a)(3)*.

## Responsibility for Services

Infants and toddlers who have only hearing, vision, or severe orthopedic impairments (or a combination of these) are served by LEAs through coordination with the Special Education Local Plan Area (SELPA). All other children qualifying for Early Start will receive services through one of California’s regional centers. All children and families receiving Early Start services will be assigned a service coordinator approved by the Department of Developmental Services to coordinate the services provided. *GC 95014(b) and 17 CCR 52120*.



# Early Care and Education (continued)

## Early Start Referrals

After receiving a referral to Early Start, the regional center has 45 days to complete an evaluation and assessments, hold a meeting to determine eligibility, and develop an Individualized Family Service Plan (IFSP). *GC 95020; 17 CCR 52086.*

## The Individualized Family Service Plan (IFSP)

The family, service coordinator, and service providers must meet at least every six months, or more often if necessary, to determine whether the child is making progress and whether any changes need to be made to the IFSP. An IFSP should include:

1. A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social and emotional development, and adaptive developments;
2. A statement of the family's concerns, priorities, and resources related to meeting the special developmental needs of the child;
3. A statement of the major outcomes expected to be achieved for the infant or toddler and family;
4. The details of the services to be provided—who will provide them, where, how often, etc.;
5. The services to be provided including the duration, location, and frequency of services to be provided (e.g., one hour per week of speech and language therapy provided in home), and the agency responsible for providing the identified services;
6. The name of the child and family's service coordinator;
7. The steps that will be taken to ensure the child and family receive appropriate services once the child reaches the age of 3; and
8. The projected dates for the initiation of services provided and the anticipated duration of those services. *GC 95020(d).*

## Transition Requirements

A plan for a smooth and effective transition between early education services and the services the child may receive after their third birthday must be developed for all children receiving early intervention services, including developing and implementing an Individualized Education Program (IEP) if the child is eligible for special education. *34 CFR 303.124.*

## Due Process Procedures

Most SELPAs throughout California utilize a conflict resolution support process referred to as Alternative Dispute Resolution (ADR). Any educational rights holder who believes the LEA is not appropriately assessing or serving a child may request ADR support from the SELPA. This first level of collaborative problem-solving preserves relationships, ensures a focus on the needs of the child, and supports ongoing teamwork focused on the resources available for the child.

If a child's educational rights holder disagrees with the services offered by the IFSP, or if the LEA or regional center refuses to evaluate or offer services to a child, the educational rights holder can file for a due process hearing with the Office of Administrative Hearings (OAH). OAH Complaints should be filed at: Office of Administrative Hearings, Attention: Early Start Intervention Section, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833; phone (800) 515-2229, fax (916) 376-6318.

If anyone believes that the agency responsible for providing services written in the child's IFSP is not meeting its obligations, they can file a complaint with the Department of Developmental Services (DDS). DDS Complaints should be filed at: Department of Developmental Services Office of Human Rights, Attention: Early Start Complaint Unit, 1600 Ninth Street, Room 240, M.S. 2-15, Sacramento, CA 95814.

All complaints and due process hearing requests should include:

1. The name, address, and phone number of the person filing the complaint;
2. A statement that the regional center or a service provider receiving funds under Part C of the Individuals with Disabilities Education Act has violated a state or

federal law or regulation regarding early intervention services;

3. A statement of facts upon which the violation is based;
4. The party responsible; and
5. A description of the voluntary steps taken to resolve the complaint (if any).

Once the Department receives a complaint, it has 60 days to investigate and issue a written decision. *17 CCR 52170-52171.*

An administrative law judge will hear both sides and make a decision within 30 days of the complaint being filed. *17 CCR 52174.*

## Regional Center Transfers

When a foster child changes home placements, their social worker must immediately send a Notice of Relocation to the child's sending regional center (the regional center where the child received services before they changed homes). The Notice of Relocation must include the child's name, date of birth, new address, caregiver and ERH names and contact information, and court of jurisdiction.

Upon receiving a Notice of Relocation, the sending regional center must immediately send to the receiving regional center (the regional center that will serve the child in their new home) a Notice of Transfer and all records needed to provide services for the child in the new placement, including assessments. The Notice of Transfer must include the same information as the Notice of Relocation, plus a copy of the current IFSP and the contact information of the child's social worker.

The sending regional center is responsible for funding services for the child in their new placement until the receiving regional center has effectively assumed responsibility over the case. Throughout the entire transfer process, services must be provided to the child with no breaks or delays. To aid in this, the receiving regional center must provide information about available service providers to the sending regional center within 14 days of receiving the Notice of Transfer.

A receiving regional center has effectively assumed responsibility when all the following occurs: (1) a new service coordinator has been assigned to the child's case; (2) the IFSP from

## Early Care and Education (continued)

the sending regional center is adopted or, if changes to the sending regional center's IFSP are necessary to meet the child's needs or services are not available in the new location, a new or revised IFSP has been developed within 30 days of the Notice of Transfer; and (3) the child is receiving the services and supports in the adopted, new, or revised IFSP.

If the child has been found eligible for Early Intervention by the sending regional center but does not yet have an IFSP, the receiving regional center must also consider the child eligible and must develop an initial IFSP within 30 days of the Notice of Transfer.

If all services in the child's IFSP have not started in their new location within 30 days of the Notice of Transfer, the sending regional center must report in writing to the court, social worker, and the child's ERH, regardless of which regional center is at fault. The report must state what services are being provided to the child and the steps being undertaken to secure any services identified in the child's IFSP but not yet provided. The sending regional center must continue reporting at 30-day intervals until all services in the child's IFSP have started. *17 CCR 52111; WIC 4643.5; Department of Developmental Services, Inter-Regional Center Transfer Guidelines, Dec. 8, 1998.*

### PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES

All LEAs are required to provide special education services for eligible children with disabilities between the ages of 3 and 5 years old. *EC 56001(b) and 56440(c).* These services are documented in an Individualized Education Program (IEP).

#### Eligibility

To be eligible for preschool special education services under IDEA Part B, a child must meet one of the 13 special education eligibility criteria. Additionally, the child must also need specially designed instruction and services, and must have needs that cannot be met by modifying a regular environment in the home or school (or both) without ongoing monitoring or support.

A child is not eligible for special education and services if the child does not otherwise meet the eligibility criteria and their educational needs are primarily due to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or
4. Environmental, cultural, or economic factors.

*EC 56441.11(b)-(c).*

### Transition Services

Prior to transitioning a child receiving preschool special education services to grade school (kindergarten or first grade), an appropriate reassessment of the child must be conducted by the LEA to determine if the child is still in need of special education services. *EC 56445(a).*

***For more special education information, please refer to the Special Education Fact Sheet.***



# Special Education



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

Children in foster care have the same rights as all other students in regards to special education. Individuals with exceptional needs have a right to a free appropriate public education (FAPE) in the least restrictive environment (LRE).

### WHAT IS SPECIAL EDUCATION?

Special education is specially designed instruction and related services to meet the unique educational needs of children with disabilities. *EC 56031*. Special education includes instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education. *EC 56031(a)*. Special education also includes related services, such as the following:

- Speech-language pathology services
- Audiological services
- Orientation and mobility services
- Adapted physical education
- Physical and occupational therapy
- Vision services
- Specialized driver training instruction
- Counseling and guidance services, including rehabilitation
- Psychological services
- Parent counseling and training
- Health and nursing services
- Social worker services
- Specifically designed vocational education and career development
- Recreation services
- Specialized services for low-incidence disabilities
- Interpreting services

*EC 56363*.

The local educational agency (LEA) in which a student resides is generally the LEA responsible for providing special education services, unless a child's educational rights holder (ERH) determines they will remain in their school of origin. When a child remains in their school of origin, the district of origin is responsible for providing special education services. *EC 56030*. Other LEAs responsible for providing special education may include:

- The Special Education Local Plan Area (SELPA) that serves the geographic area

where the foster youth has been placed in a licensed children's institution or foster family home. *EC 56156.4*

- The county office of education if the area is not served by a SELPA. *EC 56156.4*.
- Charter school. *EC 47641*
- When a foster youth continues to attend their school of origin but is placed in a licensed children's institution or foster family home located in another LEA's boundaries, the school of origin is responsible for the daily provision of services, but the LEA in which the foster youth currently resides has responsibility for the provision of FAPE.
- When a foster youth's ERH determines the youth should retain connection to their school of origin, and the youth is placed for educational purposes in a nonpublic school (NPS) pursuant to their IEP, the NPS will continue to provide for the daily provision of educational and other authorized IEP services to ensure the provision of FAPE until such time that the student can return to the school of origin when a less restrictive environment becomes appropriate.

### FEDERAL AND CALIFORNIA LAW

**Individuals with Disabilities Education Act (IDEA):** The Individuals with Disabilities Education Act (IDEA), reauthorized under the Individuals with Disabilities Education Improvement Act of 2004, is the primary federal program that authorizes state and local aid for special education and related services for children with disabilities. *20 USC 1400 et seq.* The IDEA ensures that all children with disabilities have access to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet each student's unique needs. IDEA's corresponding federal regulations are found at *34 CFR Part 300*.

**California Law:** California special education statutes, including the Education Code, Government Code, and Welfare and Institutions Code are aligned with the IDEA. *EC5600*.

### PARENT/EDUCATIONAL RIGHTS HOLDER (ERH)

**Parent:** For purposes of special education, a "parent" means any of the following:

- A biological or adoptive parent of a child
- A foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf specifically has been limited by a court order, and the youth is 16 years of age or older and is placed in a planned permanent living arrangement
- A guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, including a responsible adult appointed for the child in accordance with *WIC 361* and *726*
- A surrogate parent who has been appointed pursuant to *GC 7579.5* or *7579.6*
- A specific person(s) identified by a judicial decree or order identified to make educational decisions on behalf of the child (also called an educational rights holder or ERH). *EC 56028*.

*See Fact Sheet on Educational Decision-Making for Foster Youth for more information.*

### IDENTIFICATION AND ASSESSMENT

**Child Find:** LEAs have a duty to actively and systematically identify, locate, and assess individuals with exceptional needs who may be entitled to special education services. *20 USC 1412(a)(3)*; *EC 56301(a)-(c)*, *34 CFR 300.111*.

#### Assessment

Referral for an assessment for special education starts the process. A referral may be made by anyone, including an individual's parent or guardian, teacher or other service provider, social worker/probation officer, or foster parent, consistent with the limitations Contained in federal law. *EC 56029*.

## Special Education (continued)



When a verbal referral is made, staff of the LEA shall offer assistance to the individual making a verbal request to ensure the request will be received in writing. *5 CCR 3021*. All referrals to school staff shall be written and include (1) a brief reason for the referral and (2) documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the timelines for completing the assessment plan or assessment. *5 CCR 3021*.

In response to the request for an assessment, the LEA may provide: (1) a written refusal to assess or (2) an assessment plan. *EC 56321 and 56500.4*. If an assessment is to be conducted, the parent/ERH shall be given an assessment plan within 15 calendar days of the referral for assessment, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five schooldays from the date of receipt of the referral, unless the parent agrees in writing to an extension. *EC 56321*. If the child demonstrates any evidence that they have a disability (e.g., mental health diagnosis or failing grades), an LEA likely cannot refuse to conduct the assessment because they will meet the legal standard of a "suspected disability," which is the low threshold required to qualify for an assessment.

Generally, a child cannot be assessed without written consent of a parent/ERH. Exceptions may apply if:

- A child is a ward of the court (in limited circumstances) *20 USC 1414(a)(1)(D)*; or
- The LEA prevails at a due process hearing. *EC 56321, 56381(f), 56506*.

The parent/ERH has 15 calendar days to provide written consent to the proposed assessment. *EC 56321(c), 56043(b)*.

The initial Individualized Education Program (IEP) team meeting to determine eligibility must be held within 60 calendar days (not school days) of receipt of written consent to assessment, not including summer vacation or school breaks of more than five days. *EC 56344(a), 56043(c)*.

When a child with a disability transfers from one LEA to another in the same academic year, the LEAs must work together to complete the assessments within the 60-day timeline, unless the ERH agrees in writing to give them more time. *20 USC 1414(b)(3)(D)*; *EC 56320(i)*.

A parent/ERH has the right to obtain, at public expense, an independent educational evaluation (IEE) of the child from qualified specialists if the parent disagrees with the assessment conducted by the LEA. *EC 56329(b)*.

### Eligibility for Special Education Services

Two conditions must be met:

1. The child has an impairment adversely affecting educational performance that requires special education.
2. The impairment fits into one of the qualifying categories of disabilities:
  - Intellectual Disabilities;
  - Hearing Impairment;
  - Deafness;
  - Speech or Language Impairment;
  - Visual Impairment (including blindness);
  - Deaf-Blind;
  - Emotional Disturbance;
  - Orthopedic Impairment;

- Autism;
- Traumatic Brain Injury;
- Other Health Impairment;
- Specific Learning Disability; or
- Multiple Disabilities.

*20 USC 1401(3)*; *EC 56026*.

A complete reevaluation, followed by a triennial IEP meeting, must be conducted every three years, or more frequently upon request. *20 USC 1414(a)(2)(B)*, *EC 56381 and 56043(k)*.

*Age:* Students may be eligible for special education from birth to age 22. Regional centers are required to provide special education/early intervention services from birth to age 3 (see Early Care and Education Fact Sheet). LEAs are required to provide special education services for eligible students ages 3 to 22, or when the student receives their diploma, whichever comes first. Generally a student must be found eligible for

## THE IEP MEETING

### Individualized Education Program

An IEP is a written document for each individual with exceptional needs that describes the student's present levels of academic achievement and functional performance, learning goals, school placement, and services. *EC 56032, 56345, and CFR 300.320*. The IEP is developed, reviewed, and revised by the "IEP team" during "IEP meetings." The IEP document is a contract that guarantees what services a student is required to receive.

When the student reaches age 16, the IEP shall address postsecondary goals and transition services. *EC 56341.5(e), 56043(g)(1), 56345.1*.

As appropriate and necessary, the LEA must provide opportunities to involve students with disabilities in nonacademic and extracurricular activities, including athletics, recreational, special interest groups/clubs, and employment. *EC 56345.2*.

# Special Education (continued)

**Who Attends?** The IEP Team consists of one or both parents/ERH, at least one regular education teacher of the student, at least one special education teacher of the student, an LEA representative who is designated to grant or refuse any request made by the ERH, an individual who can interpret the assessment, other individuals with expertise or knowledge about the student's needs invited at the discretion of the LEA or ERH (e.g., social worker), and when appropriate, the student. *20 USC 1414(d)(1)(b); 34 CFR 300.321; EC 56341.*

**What's an IEP Meeting?** At the IEP meeting, a student's eligibility for special education services under IDEA is determined. If a student is found eligible, then an IEP document and plan is developed. The written IEP includes measurable goals and objectives, modifications and accommodations, individualized related services, and behavioral plans, where necessary. *20 USC 1414(d); EC 56345; 5 CCR 3040(b).*

The LEA shall schedule the IEP meeting at a mutually agreed-upon time and place for LEA participants and the parent/ERH. *EC 56341.5(c).* If the parent/ERH cannot attend the IEP meeting, with their consent the LEA shall accommodate the parent/ERH's participation with other methods, such as a video or telephone conference call. *EC 56341.5(g).*

A parent/ERH has the right to audio or electronically record an IEP meeting with 24-hour notice to the LEA. *EC 56321.5, 56341.1(g).* A deaf or non-English-speaking parent/ERH has a right to request an interpreter to ensure that they understand the IEP team discussion. *EC 56341.5(i).*

**To Agree or Disagree?** If the parent/ERH needs time to think over or disagrees with part of an IEP plan, they do not have to sign the document at the IEP meeting. Parents have the right to withhold consent to the IEP document in part or in its entirety. Any part of the IEP document to which the parent/ERH does not consent cannot be implemented, and may become the basis for a due process fair hearing or other dispute resolution option (e.g., a SELPA or LEA-level Alternative Dispute Resolution process). Any part of the IEP that is agreed to should be clearly written on the document. The child's ERH must sign the IEP document before any services can begin. *20 USC 1414; EC 56346.*

## Timelines

A student's IEP must be reviewed at least once annually, or more frequently upon request by the ERH or school. *20 USC 1414(d)(4); EC 56341.1, 56343, 56043.* If a parent requests an IEP meeting outside of the annual review, the LEA has 30 calendar days to hold the IEP meeting. *EC 56343.5.*

When a student who has an IEP is transferred from LEA to LEA within the state, the new LEA shall provide "comparable" services to the existing IEP for the initial 30 days of enrollment. At that time, the LEA shall adopt the previous IEP or must present a new offer of FAPE for the parent/ERH's consent. *EC 56325.*

## PLACEMENT AND SERVICES

### Least Restrictive Environment

FAPE must be provided in the Least Restrictive Environment (LRE). Children with disabilities are to receive an education to the maximum extent appropriate with non-disabled peers and are not to be removed from regular classes unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily. *20 USC 1412(a)(5)(A); EC 56040.1.*

In California, to determine whether a placement represents the LRE for a particular student, the Ninth Circuit Court of Appeals stated a four-factor balancing test, in which the court considers: (1) the educational benefits of placement full-time in a regular class; (2) the non-academic benefits of such placement; (3) the effect the student has on the teacher and children in the regular class; and (4) the costs of mainstreaming the student. *Sacramento City Unified Sch. Dist., Bd. of Educ. v. Rachel H. by & Through Holland, 14 F.3d 1398, 1404 (9th Cir. Cal. Jan. 24, 1994).*

### Continuum of Options

The spectrum of placement options moves from least restrictive to most restrictive:

- Least restrictive placements include full inclusion and mainstreaming with specifically designed instruction and/or related support.
- More restrictive placements may include a specialized setting and related supports.

- Most restrictive placements may include a non-public day program, residential placement, a home hospital program, or services provided in a one-on-one structure.

## Nonpublic Schools

A nonpublic school (NPS) is a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an Individualized Education Program (IEP). The school must be certified by the Department of Education and meet certain standards set by the Superintendent and Board of Education. *EC 56034.* All nonpublic schools must prepare a School Accountability Report Card (SARC) in the same manner as public schools and include all the same data. *EC 56366(a)(9).* A list of nonpublic schools can be found on the California Department of Education's website at <https://www.cde.ca.gov/sp/se/ds/>. Nonpublic schools are held to the same standards as public schools, including teacher credentials and access to standards-based curriculum, extracurricular activities, and support services. *EC 56366.10.* They are also held to a high accountability standard through regular reports and visits. *EC 56366, 56366.1.*

A student shall not be placed in an NPS unless the severity of the disability is such that education in a regular class with accommodations and modifications cannot be achieved satisfactorily. *EC 56040.1.* The student in foster care must have an IEP which requires such placement as the LRE and the student's ERH must agree to this placement prior to placement in an NPS. *EC 56342.1, 56320.*

When a student is placed in a licensed children's institution (LCI) or Short-Term Residential Therapeutic Program (STRTP) with an on-grounds NPS, the student may attend the on-grounds school only if the IEP team has determined that there is no appropriate public program in the community, the on-grounds program is appropriate and can implement the student's IEP, and the ERH has consented to the placement through the IEP process. *2 CCR 60510(c)(2).*

At least annually, the LEA must consider whether or not the needs of the student continue to be best met at the NPS and whether changes to the IEP are necessary,

# Special Education (continued)

including whether the student may be transitioned to a public school setting. *EC 56366(a)(2)(B)(ii)*. An LCI or STRTP cannot require that a student be identified as an individual with exceptional needs or have an IEP as a condition of residential placement or admission. *EC 56155.7*.

If the student does have an IEP, the LCI cannot require attendance at an NPS owned or operated by an agency associated with the institution. Those services may only be provided if the LEA determines that appropriate public alternative educational programs are not available and the student's ERH agrees to NPS placement in the IEP process. An LCI or STRTP cannot refer a student to or place a student in an NPS. *EC 56366.9*.

An LCI or NPS may not require as a condition of placement that educational authority for a student be designated to that institution, school, or agency, allowing it to represent the interests of the child for educational and related services. An LCI cannot hold educational rights for a youth because it would represent a conflict of interest. *EC 48854*.

## School-Based Mental Health Services (SBMH)

IDEA requires that schools provide the services necessary for a child to access and benefit from their education. School-based mental health services are provided to those students whose social and emotional functioning interferes with progress towards individual goals. In such cases, the IEP team may address the social and emotionally based needs by providing:

- Assessment of mental health needs, including interpretation of assessments and integration of information in service planning;
- Consultation with IEP team providers, student, family, and other staff to develop an appropriate program to serve the youth;
- Positive behavior intervention, including appropriate behavioral support;
- Assessment for and administration and management of medications; and
- Specialized placements such as Day Treatment, Nonpublic or STRTP placement.

This list is not exhaustive. *34 CFR 300.34(a), (c)(2), (c)(8), (c)(10), (c)(14), 300.104; EC 56363(a), (b)(9), (b)(10), (b)(11), (b)(13)*.

Counseling services are provided by qualified social workers, psychologists, school counselors, or other qualified personnel and may include therapeutic counseling when a student requires it. *34 CFR 300.34(c)(2)*.

Some schools call these services other names like "educationally related mental health services." Regardless of what an LEA calls SBMH, they should understand what is being asked for if requesting SBMH services for youth.

## Functional Behavioral Assessment (FBA)

A functional behavioral assessment (FBA) is an assessment of a student's maladaptive behavior. The assessment may include extensive observation of the student and an in-depth analysis of the student's environment and past history. The goal is to determine what triggers the maladaptive behavior, what enables the behavior, and to learn how to best redirect, adapt, or change the behavior through the use of positive intervention strategies. Prior to conducting a functional behavioral assessment, the LEA must obtain consent from the person who holds educational rights. *20 USC 1414(a); EC 56506*.

## Basic Concepts

**Who Conducts the FBA?** Functional behavioral assessments should be conducted by trained and knowledgeable staff. *EC 56320(b), 56525*.

## What Is a Behavioral Intervention Plan (BIP)?

A behavioral intervention plan (BIP) is a plan that may be developed when the behavior of a student with a disability impedes their learning, or the learning of others, and the student's IEP team then considers the use of positive behavioral supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. *EC 56520 et seq.*

## What Interventions Are Appropriate?

Interventions are to be positive in nature. Behavioral interventions do not include procedures that cause pain or trauma. Behavioral interventions respect the individual's human dignity and personal



privacy. Such interventions shall ensure the individual's physical freedom, social interaction, and individual choice. *EC 56520*.

## FBA and BIP Procedures

**When Must the LEA Conduct a FBA and Develop a BIP?** The LEA must conduct a FBA and develop a BIP when one of the following occurs:

- When the IEP team determines a behavior that violates a code of student conduct (i.e., school rule) is a manifestation of the child's disability pursuant to *20 USC 1415(k)(1)(E) & (F)*.
- When a student is removed from their current placement as a result of (a) weapon possession; (b) illegal drug possession/use; or (c) infliction of serious bodily injury, regardless of whether the behavior was a manifestation of the child's disability, so that the behavior does not recur. *20 USC 1415(k)(1)(D)(ii), 34 CFR 300.530*.
- When the student is removed from their placement for more than 10 consecutive school days (i.e., suspension or expulsion), whether or not the behavior is determined to be related to their disability. *20 USC 1415(k)(1)(D)(ii)*.

# Special Education (continued)

If the IEP team determines a behavior that violates a code of student conduct is a manifestation of the child's disability and that the child already has a BIP, the IEP team must review the BIP and modify it, as necessary, to address the behavior. *20 USC 1415(k)(1)(F)*.

**What Happens if There Is a Behavioral Emergency?** Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs or others that cannot be immediately prevented by a less restrictive response. The intervention shall not be used as a substitute for the systemic BIP that is designed to address the target behavior. *EC 56521.1*.

Emergency interventions may not include (1) locked seclusion (unless it is in a facility otherwise licensed or permitted by state law to use a locked room); (2) employment of a device, material, or object that simultaneously immobilizes all four extremities (except that prone containment may be used as an emergency intervention by staff trained in such procedures); or (3) force that exceeds that which is necessary under the circumstances. *EC 56521.1*.

Whenever an emergency intervention is used, the LEA must (1) notify the parent (and residential care provider or foster parent, if appropriate) within one day; (2) immediately forward a Behavioral Emergency Report to the student's file and designated administrator; (3) schedule an IEP meeting within two days for any student without a current behavioral intervention plan to determine the necessity for a functional behavioral assessment and an interim behavioral intervention plan; and (4) schedule an IEP meeting to consider BIP modification, if the student already has a BIP and the incident involves a previously unseen behavior or the previously designed plan is ineffective. *EC 56521.1*.

## PROCEDURAL RIGHTS / DISAGREEMENTS WITH SCHOOLS

Alternative Dispute Resolution (ADR) is an informal method of settling disagreements that may arise in an IEP meeting or with the special education process in many LEAs. ADR provides specific options to support open communication, promote understanding, and reach agreements that support the student and strengthen relationships. ADR is designed to meet the interests of the parties involved that

results in a mutually agreeable outcome, rather than a decision made solely by a third party, hearing officer, or judge.

As noted above, if a parent/ERH disagrees with the IEP assessment conducted by the LEA, the parent/ERH has the right to obtain, at public expense, an independent educational evaluation of the child from qualified specialists. *EC 56329(b)*.

## Compliance Complaint

A parent/ERH may file a compliance complaint with the California Department of Education when the parent/ERH feels that the LEA has violated its duty under a student's IEP or special education laws. Anyone may file a compliance complaint (the individual does not have to hold educational rights for the child). *5 CCR 4650; 5 CCR 4600; EC 56500.2*.

## Due Process

A parent/ERH may file for a due process hearing if they are in disagreement with the LEA regarding:

- Implementation of the child's IEP;
- The student's eligibility for special education;
- Assessments of the student;
- Educational placement of the student; or
- Changes made to the child's IEP without the parent/ERH's approval.

The parent/ERH may file a written complaint with the Office of Administrative Hearings (OAH), Special Education Unit. A copy of the complaint is served on the LEA. After a complaint is filed, the LEA has 10 days to provide a written response. *EC 56502*.

## Stay Put Provision

If the parent/ERH files for a due process hearing, the student must generally remain in their current placement with services listed in the last agreed upon IEP until the disagreement is resolved. This is known as "stay put." *20 USC 1415(j); 34 CFR 300.518; EC 56505(d)*.

## Resolution Session

Within 15 days of the request for due process, the LEA must offer a resolution session between the parent/ERH and an LEA

representative who has authority to bind the LEA to a resolution unless both parties agree to waive the resolution session. The LEA cannot bring an attorney to the resolution session unless the parent/ERH brings an attorney. If the session leads to resolution, the parties sign a binding agreement that can be voided within three days of signing. If the parties do not reach a resolution, the next step is mediation. *EC 56501.5*.

## Mediation

After filing for due process, the parent/ERH has the option to mediate the dispute with the LEA. During the time of this mediation process, the student is generally entitled to remain in their current school placement. An attorney may represent any of the parties at the mediation. Mediation is voluntary. If the parent/ERH proceeds to a mediation with the LEA, OAH will provide a neutral mediator. All discussions are confidential. If no agreement is reached, the parties proceed to hearing. *20 USC 1415e; 34 CFR 300.506, EC 56501(b)(1)-(2); EC 56503*.

## Due Process Hearing

At least five days prior to the hearing, the parent/ERH and the LEA must provide OAH and each other with copies of the following:

- All documents expected to be introduced at the hearing; and
- A list of all witnesses and their general area of testimony that the parties intend to present at hearing. *EC 56505(e)*.

The due process hearing should be conducted at a time and place reasonably convenient to the parent/ERH and the student. *EC 56505(b)*. An impartial hearing officer from OAH should conduct the hearing. *20 USC 1415(f)(3); 34 CFR 300.511(c); EC 56501(b)(4); EC 56505(c)*.

At the hearing, both parties have the right to make oral arguments; present evidence and confront, cross-examine, and compel the attendance of witnesses; have a written or electronic verbatim record of the hearing; and receive a written or electronic decision from the hearing officer. *EC 56505*.

## Examples of Due Process Remedies

- *Compensatory education*: an equitable remedy to make up for education lost due to the LEA's violation of FAPE.

# Special Education (continued)

- *Tuition reimbursement*: parents/ERHs who remove their children to private school may be entitled to reimbursement if they prevail at a due process hearing.

Further evaluations or independent educational evaluations (IEEs).

- Additional services or an increase in existing services.
- Changes in placement.
- Attorneys' fees. *20 USC 1415(i)(3)*.

## OTHER RELEVANT LAWS AND POLICIES

***Student Study Team (SST)***: An SST is a function of general education, not special education, and is governed by LEA policy rather than federal or state law. Schools cannot require parents to have an SST prior to an IEP or referral for special education assessment. Students struggling in school may be referred to an SST. An SST can be the first step towards determining whether a student needs special education services but cannot be required. Once an assessment request is made, the LEA must respond in writing within 15 calendar days. *EC 56321*.

***Section 504*** of the Rehabilitation Act of 1973 provides services to students who have a physical or mental impairment that substantially impairs a major life activity, including learning. *34 CFR 104.3(j)*. Examples of disabilities that may require accommodations and supports in the general education program are asthma, diabetes, ADD, ADHD, and mental health disorders such as anxiety, depression or PTSD. If the student qualifies, the LEA must prepare a plan that outlines special services, accommodations, and modifications that will be implemented to assist the student. Students who qualify under IDEA generally qualify for protections under 504, but there are some students who *only* qualify for 504.



## SIMILARITIES AND DIFFERENCES BETWEEN 504 AND IDEA:

Generally, Section 504 covers a broader group of students than IDEA. Both a 504 plan and an IEP under IDEA require LEAs to provide students with disabilities with FAPE, however there are fewer procedural safeguards under Section 504 plans. While an IEP under IDEA is governed by an extensive body of state and federal laws and regulations, each LEA will have its own Section 504 policy.



# School Discipline



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

Suspensions and expulsions are two types of school discipline. Both are governed by *EC 48900-48927*. A suspension is a short-term removal from school. *EC 48925(d)*. An expulsion is a longer-term removal from an entire school district. *EC 48925(b)*.

In order to lawfully suspend or expel a student, the student's school district must prove that the student committed an act that is both prohibited by the education code and related to school activities or school attendance. *EC 48900(s)*.

#### School Attendance Review Boards

*EC 48320* enhances the enforcement of compulsory education laws and diverts students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted. *EC Section 48321* provides several organizational structures for School Attendance Review Boards (SARBs) at the local and county level to create a safety net for students with persistent attendance or behavior problems. Although the goal of SARBs is to keep students in school and provide them with a meaningful educational experience, SARBs do have the power, when necessary, to refer students and their parents or guardians to court. See <http://www.cde.ca.gov/ls/ai/sb/>

#### Prohibited Acts

The descriptions of prohibited acts appear in *EC 48900*, *48900.2-48900.4*, and *48900.7*. For example, prohibited acts include but are not limited to possession of a weapon, possession of drugs or alcohol, and fighting. Students can be suspended or expelled for many acts, but they should *not* be suspended or expelled for being truant, tardy, or absent from school activities. *EC 48900(w)*.

#### Connection to School

The act must be related to school activities or school attendance in any school district. "Related" includes but is not limited to acts committed on school grounds, while going to or coming from school, during the lunch period (on or off campus), and during or while going to or coming from a school-sponsored activity. *EC 48900(s)*.



### ALTERNATIVES TO DISCIPLINE

While school districts have long had discretion to use alternatives to suspension and expulsion, the California legislature, through *AB 1729 (2012)*, recognized the considerable damage done by the overuse of suspension and expulsion, including lower academic achievement, lower graduation rates, worse overall school climates, and disproportionate impact on certain vulnerable student populations; emphasized the need for effective interventions for problematic student behavior; and clarified the wide scope of discretion school officials have to use school discipline practices other than suspension and expulsion.

Alternatives to suspension and expulsion should be age-appropriate and "designed to address and correct the student's specific misbehavior." *EC 48900(v)*. Other means of correcting inappropriate student behavior can include meetings, case management, counseling, assessments, positive behavior supports, community service, and a variety of programs, such as those that address pro-social behavior, anger management, or restorative justice. See *EC 48900.5(b)* for a full list of recognized alternatives to traditional school discipline.

For most offenses, alternatives are required to have been tried *and* found not to have corrected a student's misbehavior *before* the student can be suspended. *EC 48900.5(a)*.

### SUSPENSIONS

#### Suspension Procedures

A suspension must be preceded by an informal

conference unless an "emergency situation" exists. At the conference, the student must be informed of the reason for the disciplinary action and the evidence against them, and be given a chance to present their version and evidence in their defense. *EC 48911(b)-(c)*. An "emergency situation" means a school administrator has determined that there is "a clear and present danger to the life, safety, or health of students or school personnel." In this situation, the student may be suspended without a pre-suspension conference but must be notified of the right to return to school for a conference to be held within two school days. If the student is unable to attend a conference within two school days, the conference must be held as soon as the student is able to return. *EC 48911(c)*.

At the time of a suspension, the school must make a reasonable effort to contact the student's educational rights holder (ERH) by phone or in person (see the Educational Decision-Making for Foster Youth Fact Sheet). *EC 48911(d)*. In addition, the ERH must be given written notice of the suspension (*EC 48911(d)*) and may request a meeting with school officials to discuss the cause and duration of the suspension, the applicable school policies, and other pertinent matters. *EC 48914*.

Although a school can request that an ERH attend a conference to discuss the student's behavior, the school is prohibited from penalizing the student (including by delaying reinstatement in school) for the ERH's failure to attend. *EC 48911(f)*.

#### Limits on Suspensions

Schools generally are required to try other means of correcting a student's behavior before imposing a suspension. Effective July 1, 2020, students in grades K-8 may not be issued an out-of-school suspension for "disruption" and/or "defiance." Furthermore, no student in grades K-12 may be expelled on the basis of "defiance" or "disruption." *SB 419 (2019)*; *EC 48900(k)*.

Since January 2013, it is no longer lawful for a student to be suspended for a first offense on the grounds that the student's presence at school "causes a danger to property or threatens to disrupt the instructional process."

# School Discipline (continued)

*AB 1729 (2012)*. However, a student can be suspended for a first offense if a school administrator determines that the student's presence at school "causes danger to persons." *EC 48900.5(a)*.

A student can also be suspended for a first offense for certain prohibited acts, such as:

- Caused or threatened physical injury to another person, or willfully used force or violence upon another person except in self-defense;
- Possessed, sold, or otherwise furnished a firearm, knife, explosive or other dangerous object;
- Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of a controlled substance;
- Unlawfully offered, arranged, or negotiated to sell a controlled substance; or
- Committed or attempted to commit robbery or extortion.

*EC 48900.5(a), 48900(a)-(e)*.

If a suspension is imposed, it should not, with few exceptions, exceed 5 consecutive school days or 20 days per school year. *EC 48911(a), 48903*.

## Exceptions

A student may be suspended up to 30 total days in a school year if they are enrolled in or transfer to another school for disciplinary reasons. *EC 48903*.

A student who has been recommended for expulsion may be suspended through the time the school board makes its decision on the expulsion. Prior to extending the suspension, the school must hold a meeting to which the student and their ERH have been invited and must determine that the student's presence at school or in an alternative school placement "would cause a danger to persons or property or a threat of disrupting the instructional process." If the youth is a foster or probation student, the school district also must invite the child's attorney and an appropriate representative of the county placing agency to this meeting. Any decision to extend a suspension in this way must be in writing. *EC 48911(g)*.

## School Work Missed During Suspension

A student may be required to complete assignments and tests missed during the suspension. *EC 48913*. School work should be requested from the school for the student to complete while out of school on suspension.

Effective January 1, 2020, upon the request of the student, parent/guardian or ERH, a teacher must provide any student in grades 1-12, who has been suspended from school for two or more schooldays, the homework that they would otherwise have been assigned.

If a homework assignment that is requested and turned in to the teacher by the due date or when the student returns from suspension, whichever is later, is not graded before the end of the academic term, that assignment cannot be included in the student's overall grade in the class. *AB 982 (2019); EC 47606.2, EC 48913.5*.



## Supervised Suspension Classroom

Some suspensions may be served in a supervised suspension classroom rather than off school grounds. The classroom or school must promote completion of school work and tests the student misses during the suspension and make appropriate counseling services available. The school must notify the student's ERH at the time it assigns the student to the suspension classroom. The notice must be in writing if the student will be in the suspension classroom for longer than one class period. *EC 48911.1*. In most cases, supervised suspension, like out-of-school suspension, should be used only when other means of correction fail to bring about proper conduct. *EC 48900.5(a)*.

## EXPULSIONS

### Discretion Not to Expel

For most acts that violate the education code, school officials have discretion to not recommend expulsion, and the governing board has discretion to not expel. They can decide that expulsion would be inappropriate under the circumstances. *EC 48915(a)-(b), (e)*. School officials should determine whether they are recommending expulsion "as quickly as possible" so that a student does not lose instructional time. *EC 48915(a)(2)*.

### Mandatory Recommended Expulsions

The law requires recommendation for expulsion for a small category of acts. Those acts are firearm offenses (but not possession of an imitation firearm), brandishing a knife at another person, selling controlled substances, committing or attempting to commit sexual assault or battery, and possessing an explosive. *EC 48915(c)-(d)*.

### Expulsion Procedures

A student who is recommended for expulsion has due process rights. They include:

- The right to a hearing held within 30 school days of the date a school official determined the student committed the act, unless the student makes a written request to postpone the hearing. The student has a right to at least one 30-day postponement and can ask for more. *EC 48918(a)*.
- The right to receive written notice of the hearing at least 10 calendar days before the hearing. The notice must include the date and place of the hearing, a statement of the specific facts and charges that are the basis for the expulsion recommendation, a copy of the district's disciplinary rules, and a list of the student's and ERH's rights. *EC 48918(b)*. If the student is a foster or probation student and the decision to recommend expulsion is a discretionary act, the school district

# School Discipline (continued)

also must provide the hearing notice to the student's attorney and an appropriate representative of the county placing agency at least 10 calendar days before the date of the hearing. *EC 48918.1(a)(1)*.

- The right to bring a lawyer or other advocate to the hearing. *EC 48918(b)(5)*.
- The right to receive copies of the documents that will be used at the hearing, to question all witnesses and evidence at the hearing, and to bring their own witnesses and evidence to the hearing. *EC 48918(b)(5)*.
- The right to ask the governing board to subpoena witnesses. *EC 48918(i)*.
- The right to receive the governing board's written decision on the expulsion recommendation within 10 school days of the hearing or, in some situations, within 40 school days of the beginning of the suspension for the incident in question. *EC 48918(a), (j)*.
- If expelled, (1) the right to receive notice of the right to appeal, and (2) the right to be educated while expelled. *EC 48918(j)*.

In addition, for mandatory recommended expulsions involving foster and probation students, the school district may—but is not required to—provide written notice of the hearing to the student's attorney and county placing agency representative at least 10 calendar days before the date of the hearing. *EC 48918.1(a)(2)*.

## Necessary Findings

Generally, in order to expel a student, a governing board must do the following things:

- Ensure that the student's due process rights, including timelines and procedures, were not violated.
- Find that the student committed a prohibited act that was related to school activities or school attendance.
- Except in the case of mandatory recommended expulsions, find one or

both of the following:

- Other means of correction are not feasible or repeatedly have failed to bring about proper conduct.
- Due to the nature of the act, the student's presence causes a continuing danger to the physical safety of the student or others. *EC 48915(a)-(e), 48918*.

## Appeals

If a governing board orders expulsion, the student has up to 30 days from the date of the expulsion decision to appeal to the county board of education. *EC 48919*. There are limited grounds for appeal (e.g., whether the hearing was fair, whether relevant evidence could not be produced or was excluded improperly) and many rules that must be followed in the appeals process. *EC 48919-23*. There are no other administrative appeals above the county board of education level. *EC 48924*. Any further appeal must be pursued in court.

## Education During Expulsion

The school district must ensure that an educational program is provided to an expelled student for the entire period of the expulsion. *EC 48916.1, 48915(f)*. The written expulsion decision must specify the alternative educational placement. *EC 48918(j)(2)*.

## Rehabilitation Plan

At the time of expulsion, the governing board also must recommend a rehabilitation plan, which will be considered when the student applies for readmission to the district. The plan may include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and other rehabilitative programs. *EC 48916(b)*.

For expulsions related to controlled substances or alcohol, the school board may require, with parent/ERH consent, enrollment in a drug



rehabilitation program. *EC 48916.5*.

## Readmission After Expulsion

An expulsion order remains in effect until the school district orders readmission. The date when a student must be considered for readmission to the district must be set by the governing board at the time of the expulsion decision. The date must be *no later than*:

- For mandatory expulsions, one year from the date of the expulsion.
- For non-mandatory expulsions, the last day of the semester following the semester in which the expulsion occurred.
- For non-mandatory expulsions during summer sessions or intersessions of year-round programs, the last day of the semester following the summer session or intersession in which the expulsion occurred.

The governing board may set a date earlier than these maximum time periods. *EC 48916(a)*.

A student should follow the district's rules and procedures for requesting readmission, which should be provided at the time of the expulsion decision. After the process is completed, the governing board must readmit the student unless it finds that the student either failed to complete the rehabilitation plan or "continues to pose a danger to campus safety or to other pupils or employees of the school district." *EC 48916(c)*.

If readmission is denied, the governing board must provide written notice of the reason(s) for the denial and offer the student an educational program. *EC 48916(d)-(e)*.

## Enrollment in Another District

A student may apply for enrollment in another school district during the period of expulsion. An expelled student must disclose the ongoing expulsion at the time of enrollment. Certain procedures must be followed, including a hearing to determine whether the student poses a danger to students or staff of the new district. Enrollment is not guaranteed, and any enrollment that is permitted may be limited to certain types of educational programs or dependent on specified conditions. *EC 48915.1-.2*.

# School Discipline (continued)

## Suspended Expulsions

A governing board can decide to expel a student, but suspend enforcement of the expulsion order. A “suspended expulsion” is an actual expulsion that puts a student on probationary status and allows them to enroll in an educational program deemed appropriate by the school board to rehabilitate the student. *EC 48917(a), (c)*. If the student violates any behavioral rules during the probationary period, the school board can revoke the suspension and expel the student under the terms of the original expulsion order. *EC 48917(d)*.

If the student satisfactorily completes the rehabilitation program, they must be reinstated in a district school, and the governing board may order the expulsion records to be expunged. *EC 48917(e)*.

A governing board’s decision to suspend enforcement of an expulsion order does not affect the timeline for appealing the expulsion to the county board of education. If a student wishes to appeal the expulsion, they must do so within 30 days of the expulsion decision regardless of whether the expulsion order is suspended; otherwise, they lose the right to appeal. *EC 48917(f)*.



## INVOLUNTARY TRANSFERS

In some situations, a student may be transferred against the wishes of their ERH to the school district’s continuation school or community day school for reasons that may or may not be related to school discipline. Specific procedures for and rights related to involuntary transfers must appear in the school district’s written policies. *EC 48432.5, 48662*.

### Involuntary Transfer to Continuation Schools

A school district may transfer a student who is at least 16 years old to its continuation school for certain prohibited acts or for habitual truancy or attendance problems. Prior to the transfer, the student and their ERH are entitled to written notice and a hearing to discuss the reason(s) for the proposed transfer and to present and question relevant evidence and witnesses. None of the people involved in the final involuntary transfer decision shall be staff of the school where the student is enrolled. A student should not be transferred involuntarily unless other means have been tried and have failed to improve the student’s conduct or unless the student committed a prohibited act and their “presence causes a danger to persons or property or threatens to disrupt the instructional process.” A final transfer decision must be in writing and may be subject to periodic review. A transfer generally should not extend past the semester following the semester in which the act(s) leading directly to the transfer occurred. *EC 48432.5*.

### Voluntary Transfers to Continuation Schools

Different laws, policies, and procedures apply to voluntary, as opposed to involuntary, transfers to continuation schools, including the requirement that the decision to voluntarily transfer a student must be in their best educational interest as determined by their ERH and that voluntary transfers not be used as an alternative to expulsion unless alternative means of correction have been attempted pursuant to *EC 48900.5* and *48432.3*.

### Transfer to Community Day Schools

A school district may transfer a student to its community day school if the student has been expelled, has been referred for probation under the California Welfare & Institutions Code, or has been referred to the community

day school by a school attendance review board or other district-level referral process. *EC 48662*.

## SCHOOL DISCIPLINE NOTICES FOR FOSTER CHILDREN

The school discipline-related notices and invitations that a school district provides to a foster or probation student’s attorney and an appropriate representative of the county placing agency (see the Special Education Fact Sheet) may be provided by the district’s educational liaison for foster children, if so designated by the district’s superintendent. *EC 48853.5(d)*. If so designated, the educational liaison shall provide notifications of the following:

- 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 school district has proposed a change of placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent. *EC 48853.5(d)*.

To facilitate communication between school districts and foster children’s attorneys, the attorneys (or their law firm or organization) must provide their contact information at least once a year to the educational liaisons of each local educational agency (LEA) serving their clients in the county of court jurisdiction.

In addition, a foster child’s caregiver or ERH may provide the attorney’s contact information to the LEA. *WIC 317(e)(4)*.

## DISCIPLINE RECORDS

A student’s ERH has a right to add to the student’s school record a written statement or response to any disciplinary action that appears in the student’s file. *EC 49072*.

# School Discipline (continued)

## STUDENTS WITH DISABILITIES

Protections in the Individuals with Disabilities

Education Act (IDEA) apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e., students who have not yet been found eligible, but the school had knowledge of a disability, including students who have been referred for initial evaluation). *34 CFR 300.534*. If a request for a special education evaluation is made before the disciplinary period, the assessment must be completed, an Individualized Education Program (IEP) meeting held, and a manifestation determination IEP held before further discipline can be instituted. If a request for a special education evaluation is made during the disciplinary period, it must be conducted in an expedited manner. *20 USC 1415(k)(5)(D)(ii)*; *34 CFR 300.534(d)(2)*. Students who do not fall into these categories may be disciplined as students without disabilities. *20 USC 1415(k)(5)(D)*; *34 CFR 300.534(d)*.

## NOTICE OF DISCIPLINARY ACTION

A student's ERH is entitled to be notified of an LEA's decision to take disciplinary action and of their procedural rights on the same day the decision is made. *20 USC 1415(k)(1)(H)*; *34 CFR 300.530(h)*.

## 10-DAY THRESHOLD

A student with a disability who violates a code of student conduct may be removed from their current educational placement to an appropriate "interim alternative educational setting," other setting, or may be suspended for up to 10 school days, so long as similar disciplinary measures are taken against students without disabilities. *20 USC 1415(k)(1)(B)*; *34 CFR 300.530(b)*.

School personnel can consider any unique circumstances on a case-by-case basis when determining whether to change the placement of a student with a disability who violates a code of student conduct. *20 USC 1415(k)(1)(A)*; *34 CFR 300.530(a)*.

A "change of placement" of more than 10 school days could result from an extended suspension of more than 10 consecutive school days, pending an expulsion hearing; a pattern of suspensions or removals of more than 10 school days in a school year, based on similar behavior; or placement in an "interim

alternative educational setting" (see below); or an expulsion. *See 34 CFR 300.536*.

If an LEA wants to change the placement of a student with a disability for more than 10 school days because of a violation of a code of student conduct, it must convene an IEP meeting to make a "manifestation determination." The meeting must be held within 10 school days of the LEA's decision to seek the change in placement. *20 USC 1415(k)(1)(E)*; *34 CFR 300.530(e)*. If the youth is a foster or probation student (as defined in EC 48853.5) and the change of placement would result from a discretionary (as opposed to mandatory) expulsion recommendation, the LEA must invite the student's attorney and an appropriate representative of the county placing agency to participate in the meeting. *EC 48915.5(d)*.

After a student with a disability has been removed from their placement for more than 10 school days in the same school year, they are entitled to a free appropriate public education (FAPE) during any subsequent days of removal. *34 CFR 300.530(b)(2)*.

## INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES)

A school may move a student with a disability to an IAES for no more than 45 school days, regardless of whether the conduct was a manifestation of the student's disability, if the student, in connection with a school activity, has a weapon; knowingly has, uses, sells, or solicits the sale of a controlled substance; or inflicts serious bodily injury upon another person. Serious bodily injury has been interpreted in case law to require a very serious injury including maiming. Injuries that do not require hospitalization are often found to not meet this standard. *20 USC 1415(k)(1)(G)*; *34 CFR 300.530(g)*; *see 20 USC 1415(k)(7) (defining these violations)*; *34 CFR 300.530(i)*.



## MANIFESTATION DETERMINATION

At the manifestation determination meeting, the IEP team must consider all relevant information to determine whether the conduct in question (1) was caused by, or had a direct and substantial relationship to, the student's disability or (2) was the direct result of the LEA's failure to implement the student's IEP. If the answer to either item is "yes," the conduct is considered to be a manifestation of the student's disability. *20 USC 1415(k)(1)(E)*; *34 CFR 300.530(e)*.

### Finding of Manifestation

If the IEP team finds that the student's behavior was a manifestation of their disability:

- A functional behavioral assessment (FBA) must be conducted, if one has not already been done. (See the Special Education Fact Sheet.)
- A behavioral intervention plan (BIP) must be developed and implemented or, if one already exists, reviewed and modified to address the behavior.
- The student must be returned to the placement from which they were removed, unless the IEP team agrees to a change of placement as part of the BIP or the student was moved to an "interim alternative educational setting." *20 USC 1415(k)(1)(F)*; *34 CFR 300.530(f)*.

If the IEP team finds that the student's conduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy the deficiencies. *34 CFR 300.530(e)(3)*.

### Finding of No Manifestation

If the IEP team finds that the student's behavior was not a manifestation of their disability:

- The school may discipline the student in the same manner and for the same duration as it would a student without disabilities.
- The student must continue to receive Free Appropriate Public Education (FAPE),

# School Discipline (continued)

enabling the student to participate in the general education curriculum and progress toward their IEP goals.

- The student must receive, as appropriate, a Functional Behavioral Assessment (FBA) and Behavior Intervention Services (BIS) and modifications that are designed to address the behavior violation so that it does not recur. *20 USC 1415(k)(1)(C)-(D); 34 CFR 300.530(c)-(d).*



## IEP Team Disagreements

Any disagreement related to the manifestation determination or placement may be resolved through an expedited due process, which must be held within 20 school days of a request. The hearing officer can return the student to the placement from which they were removed or temporarily place the student in an appropriate “interim alternative educational setting” (IAES). Pending the hearing decision, a student who was placed in an IAES must remain in that setting unless the placement expires (no more than 45 school days) or the IEP team agrees otherwise. *20 USC 1415(k)(3)-(4); 34 CFR 300.532-300.533.* The setting must be determined by the IEP team. *20 USC 1415(k)(2); 34 CFR 300.531.*

Students in these settings have the same rights to FAPE, an FBA, and BIS as students for whom no manifestation was found. *20 USC 1415(k)(1)(D); 34 CFR 300.530(d).*

## REFERRAL TO LAW ENFORCEMENT

An LEA that reports a crime committed by a student with a disability must ensure that copies of the student’s special education records are transmitted to the law enforcement authorities to whom the crime is reported. *20 USC 1415(k)(6)(B); 34 CFR 300.535(b).*

# Foster Youth Graduation Exemption Requirements



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

The key to improving outcomes for youth in foster care and former juvenile court school pupils is identifying the specific roadblocks to their educational success and working to remove them.

California sets minimum high school graduation requirements. However, school districts may require students to complete additional coursework above minimum state requirements to graduate from high school. Foster youth who transfer high schools may be required to complete different and/or additional local graduation requirements in their new school district. Often, they cannot complete these requirements within four years of high school. Assembly Bills 167 (2009) and 216 (2013), codified in *EC 51225.1*, exempt students in foster care from local graduation requirements under certain conditions.



### EXEMPTION FROM LOCAL GRADUATION REQUIREMENTS

Notwithstanding any other law, a school district or charter school shall exempt a student in foster care or a former juvenile court school pupil who transfers between schools at any time after the completion of the student's second year of high school from all coursework and other requirements adopted by the governing board of the school district

that are in addition to the statewide course requirements specified in *EC 51225.3*, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. *EC 51225.1*.

A student must satisfy each of the following eligibility requirements to graduate under the exemption:

1. The youth must be a student in foster care or a former juvenile court school pupil. It does not matter where they live. The youth can either be removed from their home pursuant to WIC Section 309 or subject to a petition filed under WIC Sections 300 or 602. *EC 51225.2*.
2. The youth must have transferred schools after their second year of high school.

To determine whether a youth is in the third or fourth year of high school, the school district may use either the number of credits earned to the date of transfer or the total length of enrollment in high school, whichever will make the youth eligible for the exemption. *EC 51225.1(c)*.

Note: Schools, youth, educational rights holders (ERHs), social workers, and probation officers cannot request or require a school transfer for the sole purpose of making a youth eligible for AB 167/216 exemption from graduation requirements. *EC 51225.1(k)-(l)*.

3. The youth must complete all California graduation requirements.

California requires students to complete all of the following one-year courses, unless otherwise specified, in order to receive a diploma of graduation from high school:

- Three courses in English.
- Two courses in Mathematics, including one year of Algebra I unless previously completed.

*EC 51224.5*.

- Two courses in Science, including Biological and Physical Sciences.
- Three courses in Social Studies, including United States History; World History; a one-semester course in American Government and Civics; and a one-semester course in Economics.
- One course in Visual/Performing Arts, Foreign Language or Career Technical Education. American Sign Language qualifies as a foreign language.
- Two courses in Physical Education, unless exempted.

*EC 51225.3(a)*.

4. The district must find that the youth is not reasonably able to complete the additional local graduation requirements within four years of high school.

If the school district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school, then the youth must complete these additional requirements in order to graduate. *EC 51225.1*.

If the foster youth is exempted from local graduation requirements and completes the statewide coursework requirements before the end of their fourth year of high school and that student would otherwise be entitled to remain in attendance at the school, a school or school district shall not require or request that the student graduate before the end of their fourth year of high school. *EC 51225.1(e)*.

If the foster youth is exempted from local graduation requirements, the school district shall notify the student and the ERH how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities through the California Community Colleges. *EC 51225.1(f)*. A foster youth who is eligible for the exemption and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses for which they are otherwise eligible, including courses necessary

# Foster Youth Graduation Exemption Requirements (continued)

to attend an institution of higher education (*EC 51225.2(e)*), regardless of whether those courses are required for statewide graduation requirements. A youth's ERH determines whether utilizing the graduation exemption is in the youth's best interest.

## FIFTH YEAR OF HIGH SCHOOL

If the school district determines that the student in foster care is reasonably able to complete the school district's graduation requirements within the student's fifth year of high school, the school district shall do all of the following:

- Inform the student of their option to remain in school for a fifth year to complete the school district's graduation requirements.
- Inform the student, and the person holding the educational rights, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
- Provide information about transfer opportunities available through the California Community Colleges.
- Permit the student to stay in school for a fifth year to complete the school district's graduation requirements upon agreement with the ERH or the student, if the student is 18 years of age or older. *EC 51225.1(b)*.

## REASONABLENESS

Determinations as to whether a student is reasonably able to complete a district's additional requirements should be made on an individual basis. The following are key factors that should be considered: (1) the youth's academic abilities (e.g., state testing results, grades); (2) courses completed and credits earned; (3) nature and extent of additional district requirements; (4) number of semesters remaining before the youth completes four years of high school; and (5) whether the youth can complete additional district requirements without taking courses before/after the regular school day.

In making this determination, the district and the district's foster youth liaison should consult with the youth's caregiver, the youth's ERH, the youth's social worker or probation officer, and anyone else familiar

with the youth and their educational history.

Note: If a youth is not initially eligible for the graduation exemption when they first transfer, they have a right to ask for reconsideration of their eligibility at any later time. If the youth satisfies the eligibility criteria, the school district must find the youth eligible if an exemption is requested by the student and the student qualifies for the exemption. *EC 51225.1(h)*.

## NOTICE REQUIREMENTS

Within 30 calendar days of the date the student in foster care or a former juvenile court school pupil who may qualify for the exemption from local graduation requirements transfers into a school, the school district shall notify the student, the ERH, and the student's social worker and/or probation officer of the availability of the exemption and whether the student qualifies for an exemption.

Assembly Bill 1166 (2015) added that if the school district fails to provide timely notice, the student shall be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the termination of the court's jurisdiction over the student, if the student otherwise qualifies for the exemption. *EC 51225.1(d)*.

## DURATION OF ELIGIBILITY

Once a youth is found eligible for an exemption from local graduation requirements, their right to graduate by completing minimum state course requirements may not be revoked, regardless of whether the youth's foster care or probation case closes or they later change schools again. *EC 51225.1(i)-(j)*.

## UNIFORM COMPLAINT

If a right under this law is denied, anyone (including a youth, ERH, social worker/probation officer, caregiver, legal representative) may file a written complaint with the school district or charter school under the Uniform Complaint Procedures. When a complaint is filed, the district must investigate and provide a written response, including a proposed resolution, within 60 days. *EC 51225.1(m)(1)*.

If the person who filed the complaint is not satisfied, they may file a complaint with the California Department of Education (CDE). The

CDE will then have 60 days to investigate and provide a written response. *EC 51225.1(m)(2)*.

If a school district finds merit in a complaint or the State Superintendent finds merit in an appeal, the school district shall provide a remedy to the affected student. *EC 51225.1(m)(3)*.

## JUVENILE COURT SCHOOLS AND THE GRADUATION EXEMPTION

If a student completes the graduation requirements of their school district of residence while attending a juvenile court school, the student shall be issued a diploma from the school they last attended before detention or the county superintendent may issue the diploma. *EC 48645.5(a)*.

When a student attending a juvenile court school becomes entitled to a diploma pursuant to *EC 48645.5(d)*, the county office of education shall notify the student, their ERH, and their social worker or probation officer of all of the following:

- The student's right to a diploma;
- How taking coursework and other graduation requirements adopted by the county office of education or continuing education upon release will affect the student's ability to gain admission to a postsecondary education institution;
- Information about transfer opportunities available through the California Community Colleges; and
- The student's or their ERH's option to defer or decline the issuance of a diploma for meeting state graduation requirements so that a student may take additional coursework at the juvenile court school or, once released, at a school operated by a local educational agency.

The county office of education must advise the student and their ERH, when deciding whether to elect to decline the issuance of a diploma for meeting state graduation requirements, to consider whether the student is highly likely to enroll in a school operated by a local educational agency or charter school, to benefit from continued instruction, and to graduate from high school. *EC 48645.7*.

Upon release from the juvenile institution, the district in which the student enrolls will assess if they meet the requirements for an exemption from local graduation requirements per *EC 51225.1*.



# Transition Services to Support College and Career



## California Foster Youth Education Task Force

Eighth Edition, January 2021

### INTRODUCTION

As youth in foster care transition into adulthood, there are a variety of supports in place to ensure that they can complete their high school education and successfully transition to college and career.

Under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and California's Assembly Bill 12, foster youth may remain eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments and other benefits until age 21 under certain conditions. *WIC 11403.*

Youth who do not qualify for extended foster care benefits under AB 12 but are attending high school, a vocational program or a GED program full-time, and are reasonably expected to complete the program or receive a high school equivalency certificate before their 19th birthday, may retain their AFDC-FC, Kin-GAP, or CalWORKs foster care payments until they graduate or reach their 19th birthday. *WIC 11253, 11403.01, 11405.*

For more information, see [www.jbaforyouth.org/ca-fostering-connections](http://www.jbaforyouth.org/ca-fostering-connections)

### Enrollment in High School (Until Age 18)

Youth are subject to compulsory full-time education until age 18 unless they are exempt. *EC 48200.* Youth over age 18 may enroll for additional years in alternative education programs until a diploma is awarded.

### Enrollment in Adult Education Programs

A student may be able to enroll in an adult education program, subject to the district's availability. Adult education programs offer free to low-cost classes for adults 18 and older. Students can get a high school diploma or general education diploma (GED), take career technical education classes, learn English and learn about U.S. citizenship. *EC 52500.1.*

### Students with Special Needs

Youth are entitled to special education services under California law until age 22. *EC 56041.* See *Special Education Fact Sheet.* Additionally, college campuses have disabled student support programs that can offer a range of accommodations. Information about programs for disabled students at California Community Colleges can be found at <https://www.cccco.edu/Students/Support-Services/Special-population>

### HIGHER EDUCATION

#### Campus Support Programs

There are a wide range of academic support programs for former foster youth attending college in California. Programs such as Guardian Scholars and Next Up-Cooperating Agencies Foster Youth Educational Support (CAFYES) are comprehensive programs that support former foster youth in their efforts to gain a university, community college, or vocational education. Campus support programs vary and students may receive: financial aid, housing support, academic and personal counseling, and employment services. All community colleges have a designated Foster Youth Success Initiative Liaison. The best way to find out about a specific campus support program is to contact the program coordinator. See <http://www.cacollegepathways.org/find-campus-support-programs/find-campus-support-programs-for-foster-youth>

#### California Promise Grant

The California Promise Grant (formerly known as the Board of Governors Fee Waiver (BOG)) is funded by the State of California for California residents to waive the full amount of enrollment fees for eligible students at community colleges, including foster youth. While most students are subject to loss of the fee waiver if they do not make Satisfactory Academic Progress, foster youth are exempt from this provision. *5 CCR 58621.*

### Chafee Grant (Education and Training Voucher-ETV)

Current or former foster youth who have not reached their 26th birthday and have financial needs may qualify for up to \$5,000 a year for career and technical training or college. Funds may be used to pay costs associated with being in school, including tuition and fees and non-tuition expenses such as books, housing, food, childcare, and transportation. The student must have had an open dependency/foster care case between ages 16 and 18, and the California Department of Social Services will verify eligibility status. Information is available at <https://chafee.csac.ca.gov/>

The requirements related to academic progress are more flexible for the Chafee ETV grant than other forms of financial aid. If a student fails to demonstrate Satisfactory Academic Progress (SAP), as defined by the institution where the student is enrolled, for two consecutive semesters (or equivalent enrollment), the student may continue to receive a Chafee ETV grant but must meet with an appropriate college staff member to develop a plan for improving academic progress. If a student subsequently fails to meet SAP standards for a third consecutive semester (or equivalent), the student must meet with an appropriate college staff member to update their plan. A student who fails to update their plan or who fails to meet SAP for a fourth semester (or equivalent) loses eligibility for subsequent awards but may appeal to retain eligibility. *EC 69519.*

### Financial Aid

Foster Youth Services Coordinating Programs are required to coordinate efforts to ensure, to the extent possible, that foster youth are supported to complete a Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA). *EC 42921(e)(3)(B).*

When filling out the FAFSA/CADAA, students currently or formerly in foster care should indicate they are/were a dependent/ward of the court or were in foster care after age 13, or were in a legal guardianship in order to qualify as an independent student. Independent students are not required to report parental income on the FAFSA/CADAA. Payments received as part of extended foster care do not

# Transition Services to Support College and Career (continued)



need to be reported as income on the FAFSA. *US Department of Education, Dear Colleague Letter GEN-13-18, available at <https://ifap.ed.gov/dear-colleague-letters/07-03-2013-gen-13-18-subject-extended-foster-care-payments>*

In order to qualify for maximum financial aid, students must submit the FAFSA by March 2. Those who miss this deadline should submit the FAFSA as soon as possible.

College financial aid offices have the ability to verify foster youth status automatically. In some circumstances, however, students may be asked to provide evidence of foster care status.

<http://www.cacollegepathways.org/financial-aid/>

Students who report on their FAFSA that they did not file a tax return are typically required to submit an IRS Verification of Non-Filing, however, this requirement has been temporarily suspended for foster youth due to the COVID-19 public health crisis. *DOE IFAP 7/9/20, available at <https://ifap.ed.gov/electronic-announcements/070920AltAcceptDocCompleteIRSVNFW2ProfJudgmentCOVID>*

## Cal Grant Eligibility

Foster youth who were in foster care at any point after age 13 qualify for extended eligibility for the Cal Grant program.

1. Instead of having to apply within one year after high school graduation, foster youth are able to apply for an entitlement Cal Grant if they meet other eligibility criteria and have not reached their 26th birthday as of July 1 of the award year.
2. Foster youth can receive a Cal Grant for up to 8 years.

Foster youth attending community college can submit a FAFSA late (through September 2) and maintain eligibility for an entitlement Cal Grant. *EC 69433.6, 69435.3.*

## Priority Registration

Foster youth attending a public college or university who were in foster care after the age of 16 and are under age 26 are entitled to priority registration for classes. In order to access priority registration at community colleges, students must first complete an orientation, assessment, and educational plan. Students should contact the admissions and records office or foster youth contact to ensure access. *EC 66025.9.*

## Priority Housing

Foster youth can receive priority access to on-campus housing at most public colleges and universities in California. In addition, universities that have student housing open during school breaks are required to give first priority to current and former foster youth and are required to allow foster youth to remain in housing that is available during academic breaks at no extra charge. *EC 76010; 90001.5; 92660.*

## FOSTER YOUTH VERIFICATION

Current and former foster youth may be required to provide written verification of foster care status in order to qualify for certain benefits. Youth who are unable to obtain verification from their county can request verification from the Foster Care Ombudsperson's office by calling 1-877-846-1602.

## TRANSITIONAL SERVICES AND SUPPORTS

State law specifies that before terminating dependency jurisdiction, the state must assist youth in foster care with applying for admission to college, a vocational training program, or other educational institution and obtaining financial aid, where appropriate. If the youth has not received this assistance along with other important documents, and is not prepared to exit the system, the court may retain jurisdiction so long as it takes the department to comply with assisting the youth. *WIC 391.*

Effective 2018, foster care social workers are required to document in the case plan of any youth aged 16 or older who will support the youth with applications for financial aid and college. *WIC 16501.1.*

## INDEPENDENT LIVING SERVICES

Youth may be eligible for Independent Living Program (ILP) services through various county agencies depending on their status. These ILP services may include: life skills training, transitional housing, assistance with transportation, and scholarships. Youth who are in foster care age 16 and older are required to have a Transitional Independent Living Plan that is updated every six months. *WIC 16501.1.*

If the youth qualifies for special education services, they should have an Individualized Transition Plan starting at age 16. *20 USC 1414; EC 56341.5.* If they are transition age youth (16-25 years), they may also be eligible for services through the Department of Mental Health under the full service partnership, funded by the Mental Health Services Act. Public Counsel has prepared a comprehensive manual, ABCs of Transition and the Independent Living Program, available at <http://www.publiccounsel.org/publications?id=0042>

In addition, California Department of Social Services (CDSS) has a website at <https://cdss.ca.gov/inforesources/foster-care/independent-living-program>

## Foster Youth Services Coordinating Program

### Foster Youth Education Rights

#### 1. Right to remain in your school of origin: YOUTH INITIALS

- You have the right to stay in the same school after you move to a new foster care placement. Your “school of origin” can be:
  1. The school you attended when you first entered foster care
  2. The school you most recently attended or
  3. Any school you attended in the last 15 months that you feel connected to
- Your school district, education rights holder, caregiver and social worker/probation officer must work with you to develop a plan to transport you to your school of origin
- If you are transitioning from elementary school to middle school or from middle school to high school, you have the right to transition to the same school as your classmates.
- If there is any disagreement about which school you will attend, you have the right to stay in your school of origin until the disagreement is resolved.

#### 2. Right to immediate enrollment in school: YOUTH INITIALS

- You have the right to immediately enroll in your regular home school after you move placements.
- You cannot be forced to attend a continuation school or other alternative education program, such as independent study, even if you are behind in credits or have discipline problems at school.
- You have a right to immediately enroll in school and begin attending classes, even if you do not have the paperwork you would normally need for enrollment (such as birth certificate, transcript or IEP) or you did not check-out from your previous school.
- Your previous school must send your education records to your new school after you enroll.
- You have the right to participate in any activities available at your new school, such as sports teams, tutoring, or after-school clubs, even if you miss a tryout or sign-up deadline.

#### 3. Right to partial credits for high school students: YOUTH INITIALS

- If you change schools during the school year, you have a right to partial credits in all classes that you are passing when you leave your old school, even if you do not complete the entire class.
- After you change schools, your new school must accept the partial credits issued by your old school and update your transcript.
- After you change schools, you have the right to be enrolled in the same or similar classes you were enrolled in at your last school.
- You cannot be forced to retake a class or part of a class that you have already completed with a passing grade, if it would make you off-track for high school graduation.
- You have the right to take or retake any class that you need to go to a California State University or University of California.
- Your grade cannot be lowered because you were absent from school for a court hearing, placement change, or a court-related activity.

#### 4. Graduation rights: YOUTH INITIALS

- If you are behind on your credits and you transferred schools after 10<sup>th</sup> grade, you may be eligible to graduate under AB167/216 by completing only the state graduation requirements (130 credits in specific classes) instead of your school district’s requirements.
- If you are eligible, the decision of whether to graduate under AB167/216 is made by your education rights holder.
- You have the right to stay in high school for a fifth year to complete your school district graduation requirements, even if you turn 19 years old. (Not applicable if you accept AB167/216 eligibility).

**5. College rights:** YOUTH INITIALS

- You have the right to have the application fee waived when you apply to a community college in California.
- You have the right to receive the maximum amount of federal student aid and you may be eligible for up to \$5,000 per year from the Chafee scholarship.

**6. School discipline rights:** YOUTH INITIALS

- You cannot be suspended for more than 5 school days in a row or for more than 20 days in a school year.
- You have a right to be told why you are being suspended and the right to provide your version of events and evidence before you are suspended, unless there is an emergency. If the behavior for which you are being suspended could subject you to criminal charges, you should consult with your education rights holder or attorney before providing an oral or written statement to the school or police.
- Your attorney and social worker must be invited to a meeting before your suspension can be extended beyond 5 days and a suspension can only be extended if you are being considered for expulsion.
- You have a right to a formal hearing, and to be represented by an attorney at that hearing, before you are expelled.
- If you are facing a possible expulsion, your attorney and social worker must be notified. If you are in special education, your attorney and social worker must be invited to a meeting to decide whether your behavior was related to your disability.

**7. Right to your school records:** YOUTH INITIALS

- You have the right to access your school records if you are 16 years or older or have finished 10<sup>th</sup> grade.
- Your social worker/probation officer, education rights holder and caregiver can access your school records as well.

**If you believe your education rights have been violated**, you can file a complaint. The school has 60 days to investigate and give you a written response. For information about how to file a complaint please visit: [cde.ca.gov/re/cp/uc](http://cde.ca.gov/re/cp/uc) or call the California Department of Education Coordinated School Health and Safety Office at (916) 319-0914.

By signing my name below, I certify that I have read the above information. Any questions concerning my rights have been discussed. My signature also certifies my understanding of, and agreement with, the above policies. I understand that I will receive a copy of this document upon agreement to participate in FYSCP.

\_\_\_\_\_  
Youth  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Guardian  
Signature

\_\_\_\_\_  
Date

## School of Origin Best Interest Determination Procedures & Worksheet

Before recommending that a foster youth move from their school of origin, the district must provide a written explanation of why a school change is in the youth's best interests, and obtain a written waiver from the ERH. The following steps guide a determination of whether a youth should remain in the school of origin or should transfer to a new school, and what plans are needed to ensure continuous school enrollment.

Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

### STEP 1: Meeting Participants

- |                                     |                          |          |             |
|-------------------------------------|--------------------------|----------|-------------|
| Education Rights Holder(s) ("ERH")  | <input type="checkbox"/> | Present? | Name: _____ |
| <b>Mandatory Participant</b>        |                          |          |             |
| Student                             | <input type="checkbox"/> | Present? | Name: _____ |
| Caregiver(s), if different than ERH | <input type="checkbox"/> | Present? | Name: _____ |
| Social Worker/Probation Officer     | <input type="checkbox"/> | Present? | Name: _____ |
| Minor's Attorney/Public Defender    | <input type="checkbox"/> | Present? | Name: _____ |
| Foster Youth Counselor/Liaison      | <input type="checkbox"/> | Present? | Name: _____ |
| Academic Counselor                  | <input type="checkbox"/> | Present? | Name: _____ |
| School Administrator                | <input type="checkbox"/> | Present? | Name: _____ |
| Other                               | <input type="checkbox"/> | Present? | Name: _____ |
| Other                               | <input type="checkbox"/> | Present? | Name: _____ |

### STEP 2: Identify School Options

**Option 1:** School student attended before home placement change, or current school if student has not yet moved:

\_\_\_\_\_.

**Option 2:** School of residence after home placement change: \_\_\_\_\_.

**Option 3:** School attended when student first entered foster care/probation system: \_\_\_\_\_.

**Option 4:** Any other school(s) attended within the last 15 months where the student has a connection:

\_\_\_\_\_.

**Option 5:** Any school(s) to which the student would have matriculated (elementary to middle or middle to high school) from options 1-4 above, using district feeder patterns: \_\_\_\_\_.

### STEP 3: Complete Best Interest Analysis By Considering Pros And Cons Of School Of Origin Options

Discuss the pros and cons of each school using the chart below. First, write in the name of each school of origin option (identified in Step 2 above) into the top row. **School Option 1, the student’s current school (or the school the student attended before the home placement change), is shaded grey to remind meeting participants that it is strongly favored**, especially if the student has experienced significant school instability in the past and/or has struggled to recover after past school changes. Then, discuss with the team which school or schools best answer each question and place an “X” in the appropriate box(es).

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Name of School</b>					
<b>Student Preference</b> What school(s) does the student want to attend?					
<b>Length of Attendance</b> Which school(s) has the student attended long enough to develop relationships, trust, and a feeling of belonging?					
Which school(s) would the student like more time at to continue their development of positive relationships and/or academic progress?					
<b>Academic Strengths</b> Which school(s) has the strongest academic program and/or college going culture to support the needs of the student?					
If the student has academic challenges, which school(s) has a robust intervention program to support the needs of the student?					
Which school(s) has an academic emphasis or program of interest to the student?					
<b>Special Education</b> If the student has an IEP, which school(s) can provide the most appropriate program?					
<b>English Learner</b> If the student is an English learner, which school(s) can best support the student’s language development needs?					
<b>Social/Emotional</b> At which school(s) has the student developed positive relationships with peers and/or teachers?					
If the student has experienced difficulties with peers or staff, which school(s) is free of those negative experiences?					

Which school(s) has positive behavioral programs, restorative justice, or other schoolwide social-emotional interventions in place?					
If the student would benefit from it, which school(s) provides access to school-based counseling?					
<b>Timing of Transfer</b> Which school will prevent a mid-semester school change? (Check only the school where the student is currently attending)					
<b>Consistency of Curriculum</b> Which school(s) uses the same curriculum or set of standards as the most recent school?					
Which school(s) follow the same graduation requirements as the most recent school?					
<b>Anticipated Length of Placement</b> If the student is in (or about to be placed in) a permanent living situation (e.g., with a relative or someone seeking legal guardianship or adoption of the student), which school(s) would also work for that home placement?					
<b>Extracurricular Activities</b> Which school(s) will enable the student to be connected to extracurricular activities?					
<b>School Discipline</b> At which school(s) does the student have positive behaviors (free or minimal discipline history)?					
Which school(s) has identified positive ways to address future disciplinary issues? <sup>1</sup>					
Which school(s) are within 15 miles of the new placement? <sup>2</sup>					
What is the school schedule? (Start time / End time)	___ / ___	___ / ___	___ / ___	___ / ___	___ / ___

**Impact of Distance on Education**

How long is the student willing to spend in transit each day? \_\_\_\_ minutes  
 How early is the student willing to leave for school? \_\_\_\_ AM  
 How late is the student willing to get home from school? \_\_\_\_ PM

**STEP 4: Foster Youth Liaison Recommendation**

The youth's AB 490 Education Liaison: \_\_\_ recommends or \_\_\_ does not recommend that the youth remain in their school of origin for the following reasons:

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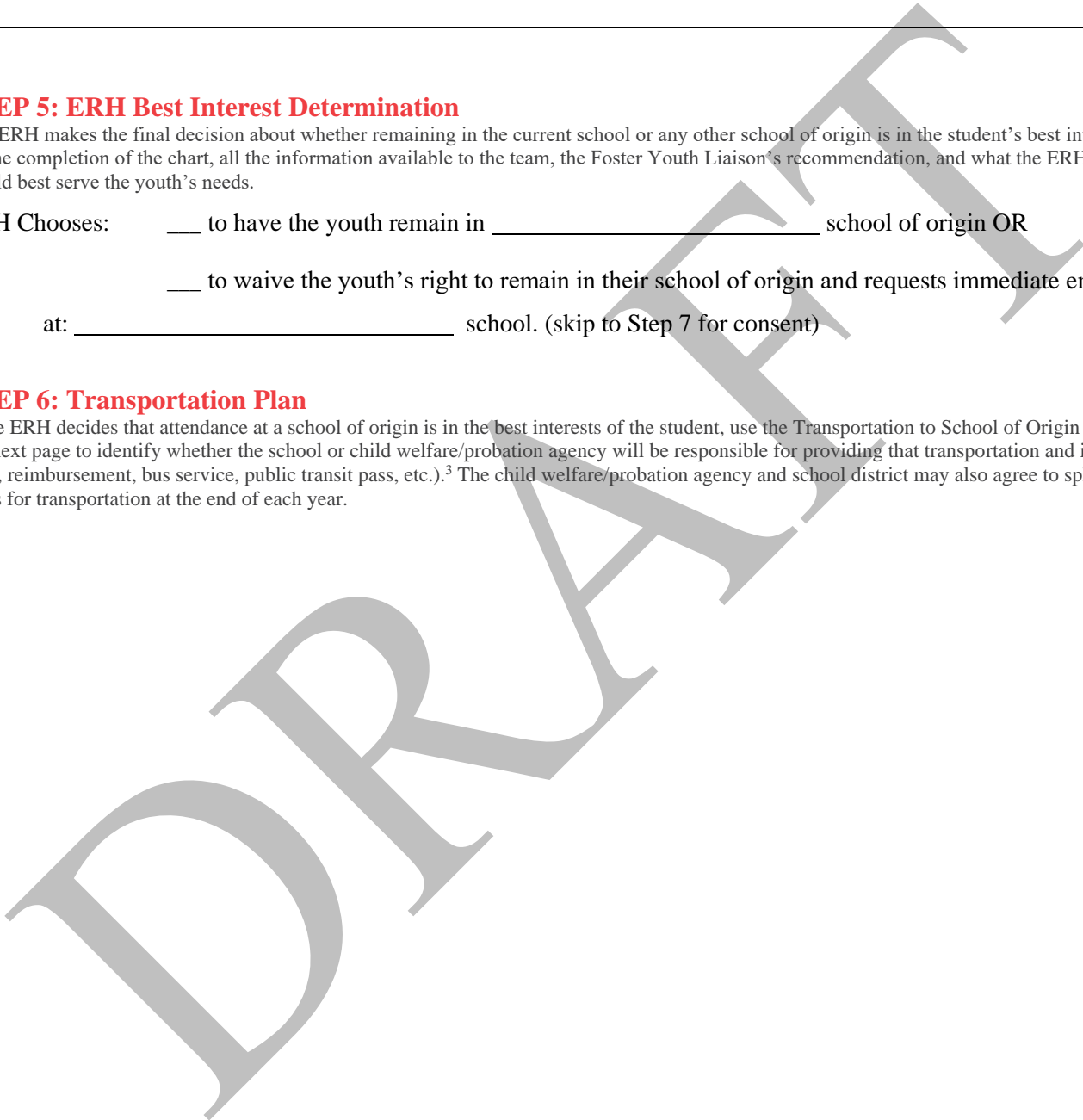
**STEP 5: ERH Best Interest Determination**

The ERH makes the final decision about whether remaining in the current school or any other school of origin is in the student's best interest, based on the completion of the chart, all the information available to the team, the Foster Youth Liaison's recommendation, and what the ERH believes would best serve the youth's needs.

ERH Chooses: \_\_\_ to have the youth remain in \_\_\_\_\_ school of origin OR  
\_\_\_ to waive the youth's right to remain in their school of origin and requests immediate enrollment  
at: \_\_\_\_\_ school. (skip to Step 7 for consent)

**STEP 6: Transportation Plan**

If the ERH decides that attendance at a school of origin is in the best interests of the student, use the Transportation to School of Origin Flowchart on the next page to identify whether the school or child welfare/probation agency will be responsible for providing that transportation and in what form (e.g., reimbursement, bus service, public transit pass, etc.).<sup>3</sup> The child welfare/probation agency and school district may also agree to split certain costs for transportation at the end of each year.





## Summary of Transportation Plan

Transportation to the school of origin will be provided by:

Group Home / STRTP.

Child Welfare or Probation Agency in the form of:

Reimbursement to an individual:

Individual's name:

Relationship to student:

Agency providing reimbursement:

Public transportation to be facilitated by the child welfare or probation agency:

The route identified is:

The School of Origin school district in the form of:

Bus or other vehicle

Reimbursement to an individual:

Individual's name:

Relationship to student:

Public transportation to be facilitated by the school district:

The route identified is:

Other (including shared responsibility with nearby district).

Describe:

### **STEP 7: Consent**

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

School Administrator: \_\_\_\_\_

## School of Origin Recommendation Letter

Date: \_\_\_\_\_

TO: Education Rights Holder:  
Address:

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

We recently attempted to contact you regarding \_\_\_\_\_ because the student moved to a new home placement.

This student no longer lives within the boundaries of \_\_\_\_\_, which was the school the student was attending prior to moving. However, as a foster/probation youth, the student has a right to continue attending this school if you believe it is in the student's best interest. Cal. Educ. Code §§ 48853, 48853.5.

As the student's education rights holder, you have the responsibility to determine whether it is in the student's best interest to remain in their school of origin or if they should transfer to the new local public school. Factors you may wish to consider include: (1) the distance between the student's new home and the school they were attending; (2) the quality of the previous school and the new local public school; and (3) the timing of the transfer (beginning of the semester or mid-semester).

At this time, this student is currently enrolled in:

The school the student was attending before changing home placements: \_\_\_\_\_.

The new local public school based on their new home address, pending your decision regarding whether the student should return to their previous school: \_\_\_\_\_.

The youth's AB 490 Education Liaison: recommends or does not recommend that the youth remain in their school of origin for the following reasons:

Please contact us immediately so we may discuss the pros and cons of transferring schools and whether you think it is in the student's best interest to continue attending the same school they were attending before moving to their current home.

Thank you,



### Potential School Change/Notice of School Change Form (PSCF)

**Step 1: EHSD Social Worker to complete the following section and send it to CCCOE Education Liaison.**

Child Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Caregiver Name: \_\_\_\_\_ Caregiver Phone Number: \_\_\_\_\_

Caregiver Address: \_\_\_\_\_

Education Right's Holder (ERH) Name: \_\_\_\_\_ ERH relationship to Child: \_\_\_\_\_

ERH Phone Number: \_\_\_\_\_ Date JV 535 filed (not applicable if parent(s) is the ERH): \_\_\_\_\_

Social Worker Name: \_\_\_\_\_ Social Worker Phone Number: \_\_\_\_\_

Social Worker Fax Number: \_\_\_\_\_ Social Worker Email: \_\_\_\_\_

Current School Name: \_\_\_\_\_ District: \_\_\_\_\_

Proposed School Change to: \_\_\_\_\_ Proposed District: \_\_\_\_\_

Who is requesting school change: \_\_\_\_\_

Reason requesting school change: \_\_\_\_\_

Is ERH aware a school placement change is being considered?  Yes  No

Is child (10 years and older) aware a school placement change is being considered?  Yes  No

Additional Comments: \_\_\_\_\_

**Step 2: CCCOE Education Liaison is to review and forward the form to current Foster Youth District Liaison.**

Name of reviewing CCCOE Education Liaison: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

**Step 3: Foster Youth District Liaison is to complete the following section and forward the form to CCCOE Education Liaison.**

Grade Level: \_\_\_\_\_ Date Enrolled: \_\_\_\_\_ Current GPA: \_\_\_\_\_

Does child/youth have a disability or accommodation plan?  IEP  504  Other  No

Concerns for academic success?  Behavior  Suspension/Expulsion (current or previous)  School Work  
 Attendance  Other: \_\_\_\_\_

Comments: \_\_\_\_\_

AB 167 Approved?  Yes  No Comments: \_\_\_\_\_

Extracurricular Activities: \_\_\_\_\_

Foster Youth District Liaison recommendation for best interest of child:  Maintain current school  Change School

Comments: \_\_\_\_\_

Proposed date of school change, if recommended: \_\_\_\_\_

Name of reviewing Foster Youth District Liaison: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Step 4: CCCOE Education Liaison is to review and forward the form to EHSD Social Worker.**

**Step 5. EHSD Social Worker is to complete the following section and forward the form back to the Education Liaison.**

Is ERH in agreement with above school placement recommendation?  Yes  No

Is child (10 years and older) in agreement with above school placement recommendation?  Yes  No

**Step 6. CCCOE Education Liaison is to provide a copy to the Foster Youth District Liaison.**



**FOSTER YOUTH SERVICES COORDINATING PROGRAM  
DIRECT SERVICE WAIVER  
FISCAL YEAR 2021-2022**

Contra Costa County Superintendent  
AB 854 Education Code Section 42921 (a) (2) (A)

*If a school district annually certifies in writing to the foster youth services coordinating program that it is unable, using any other state, federal, local, or private funds, to provide **tutoring, mentoring, and counseling**, and if those services are established as needed and identified by the appropriate school district, in collaboration with the county child welfare agency or county probation department, the school district may enter into a temporary agreement with the foster youth services coordinating program to provide those services.*

**Certification:** I certify that \_\_\_\_\_ District is unable, using any other state, federal, local, or private funds, to provide tutoring, mentoring, and counseling services and that those services are established as needed and identified by the appropriate school district, in collaboration with the county child welfare agency or county probation department.

**Name of District:** \_\_\_\_\_

**Category:**

- Tutoring       Mentoring       Counseling

**Description of service(s):**

**Amount needed:**

\$ \_\_\_\_\_

\_\_\_\_\_  
Signature District Fiscal Authority

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date

The county foster youth services coordinating program agrees to provide \_\_\_\_\_ District with the above requested services for the 2021-2022 school year. It is mutually agreed that if the Congress of the State Legislature does not appropriate sufficient funds for the program, this Agreement shall be amended to reflect any reduction in funds.

\_\_\_\_\_  
Signature CCCOE FYS Program Coordinator

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature CCCOE Fiscal Authority

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date



**TRANSITION PARTNERSHIP REFERRAL FORM**  
**TO THE DEPARTMENT OF REHABILITATION**

Date: \_\_\_/\_\_\_/\_\_\_

TPP

WCW

**Student Name:** \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_ SSN: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

Email: \_\_\_\_\_

DOR Paperwork Attached  IEP Disability: \_\_\_\_\_

**School Name:** \_\_\_\_\_

Current Grade: \_\_\_\_\_ Expected Graduation Date: \_\_\_/\_\_\_/\_\_\_

High School Diploma  Certificate of Completion

Name of School Counselor/Teacher: \_\_\_\_\_

Counselor/Teacher Phone Number: \_\_\_\_\_

**Social Worker Name:** \_\_\_\_\_

Phone number: \_\_\_\_\_

Student on Probation/Parole?  Yes  No

If Yes, Officer Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Mother:** \_\_\_\_\_ **Father:** \_\_\_\_\_

Custodial Parents (if different from above): \_\_\_\_\_

Phone Number (if different from student information): \_\_\_\_\_

Address: \_\_\_\_\_

**AGENCY - FOSTER PARENTS AGREEMENT  
Child Placed by Agency in Foster Home**

**Complete in Duplicate:**

One copy to: Foster parents  
Child's Social  
Service Record

*The agreement will be initiated when the child is placed in the facility and whenever the rate changes.*

NAME OF CHILD		PARENT'S NAME
BIRTHDATE OF CHILD	DATE PLACED	CASE NUMBER
FOSTER PARENT'S NAME		ADDRESS

Anticipated duration of placement is \_\_\_\_\_ months.

The agency will pay \$ \_\_\_\_\_ per \_\_\_\_\_ for room and board, clothing, personal needs, recreation, transportation, education, incidentals and supervision. First payment to be within 45 days after placement with subsequent payments no later than the 15th of the month following provision of care.

If additional amounts are to be paid, the reason, amount and conditions shall be set forth here: \_\_\_\_\_

Special problems/needs:  No  Yes If yes, explain. \_\_\_\_\_

**Special Permissions:** Special permission for substitute supervision is subject to Community Care Licensing granting an exception to the licensing regulation, which requires that substitute supervision in the foster home be limited to an adult.

- Child 15 years or older has permission to remain without adult supervision during temporary absences of the the foster parent(s), not to exceed six (6) consecutive hours in any one 72-hour period.
- Substitute supervision may be provided to the foster child by someone 16 years of age or older (not a foster child) during temporary absences of the foster parent(s), not to exceed six (6) consecutive hours in any one 72-hour period.
- Other (Explain) \_\_\_\_\_
- No special permissions granted.

AGENCY AGREES TO	FOSTER PARENTS AGREE TO
<ol style="list-style-type: none"> <li>Provide the foster parent with educational stability requirement, school of origin and travel plan, knowledge of the background and needs of the child necessary for effective care. This may include a social work assessment, medical reports, education assessment, and identification of special needs when necessary. This shall be made available to foster parents within 14 days from date of placement.</li> <li>Develop a plan for the child and share pertinent aspects with the foster parents.</li> <li>Inform foster parents they may give the same consents on behalf of the child as the parent, except for those prohibitions provided in Social Services Manual Regulations.</li> <li>Not remove the child with less than 7 calendar days written notice unless: the child is physically or psychologically endangered; court orders removal; parents or guardians order removal (voluntary placement); signed waiver obtained from foster parents; removal is from an interim placement directly into an adoptive home.</li> <li>Involve foster parents in future planning for the child. The placement shall be reviewed within 6 months.</li> <li>Assist the child in his use of foster care.</li> <li>Assist in the maintenance of the child's constructive relationships with parents and other family members and to involve parents in future planning for this child.</li> <li>Provide procedure for grievances of foster parents.</li> <li>Contact the child and foster parents at least once a month. If case plan would indicate less frequent contacts, the foster parent will be informed.</li> <li>Inform foster parents if child has any tendencies toward dangerous behavior.</li> <li>Provide Medi-Cal card or other medical coverage at time of placement. Arrange for medical examination within 30 days unless child has had such within past 6 months and information is available.</li> <li>Provide a clothing allowance as permitted to meet initial clothing needs.</li> <li>In cooperation with foster parents arrange for visiting by parents or relatives on: _____.</li> <li>Provide arrangements for school of origin travel as appropriate.</li> <li>Provide assistance with emergencies. Telephone number for after-hours or weekends is: _____.</li> </ol>	<ol style="list-style-type: none"> <li>Provide this child the nurture, care, clothing and training suited to his needs.</li> <li>Develop an understanding of the responsibilities, objectives, and requirements of the Agency in regard to the care of this child.</li> <li>Recognize the Agency's responsibility for planning for this child, as given by the court or the parent(s).</li> <li>Recognize any limitations of consent imposed by the court or the parent.</li> <li>Increase their knowledge and ability to care for this child.</li> <li>Encourage the child's relationships with his parents and relatives.</li> <li>Cooperate in visiting arrangements between child and parents.</li> <li>Not use corporal punishment, punishment in the presence of others, deprivation of meals, monetary allowances, visit from parent, home visits, threat of removal or any type of degrading or humiliating punishment, and to use constructive alternative methods of discipline.</li> <li>Respect and keep confidential information given about the child and his family.</li> <li>Immediately notify agency of significant changes in this child's health, behavior, or location.</li> <li>Accept the child's special problems as given above in my provision of care.</li> <li>Help with termination of placement including return to his own parents, relatives home, or adoptive placement.</li> <li>Give the agency prior notice of at least 7 days if removal of child is requested unless it is agreed upon with the agency that less time is necessary.</li> <li>Conform to the licensing/certification requirements.</li> <li>Provide state and federal agencies access to documentation when documentation is maintained on children in their care.</li> <li>Give advance written notice to the licensing agency and the person or agency responsible for the child of any (foster parent(s)) absence of 48 hours or longer. (Absence may be reported by telephone in case of emergencies.)</li> <li>Notify the agency immediately if an application is made on behalf of this child for any kind of income. Examples of income include, but are not limited to, child support payments, Veterans Benefits, Railroad Retirement, Social Security, RSHDI, and Supplemental Security Income/State Supplemental Program (SSI/SSP).</li> <li>Remit to Department of Public Social Services any income received on behalf of this child while in foster care up to the full cost of board and care plus medical cost. In addition, I will cooperate to have the Social Security Administration, or the appropriate agency, make the Department of Public Social Services the payee for any funds received on behalf of this child.</li> <li>Foster parent agrees to immediately notify the placing agency of any changes to the child's educational travel, withdrawal from school or graduation.</li> </ol>

**\*See below for Optional Long-Term Placement Intent**

*I have read the foregoing and agree to meet these requirements. The terms of this agreement shall remain in force until changed by mutual agreement of all parties or when this child is removed from home.*

SIGNATURE OF CHILD PLACEMENT WORKER		SIGNATURE OF FOSTER MOTHER	
TITLE	NAME OF AGENCY	SIGNATURE OF FOSTER FATHER	
ADDRESS		ADDRESS	
PHONE NUMBER ( )	DATE	PHONE NUMBER ( )	DATE

**Long-Term Placement Intent**

*I have read the foregoing and agree to meet these requirements. The terms of this agreement shall remain in force until changed by mutual agreement of all parties or when this child is removed from home. In signing this section, the agency, foster parents and foster care child signify their desire that this child remain in this home as a permanent member of this family.*

SIGNATURE OF CHILD PLACEMENT WORKER		SIGNATURE OF FOSTER MOTHER	
TITLE	NAME OF AGENCY	SIGNATURE OF FOSTER FATHER	
ADDRESS		ADDRESS	
PHONE NUMBER ( )	DATE	PHONE NUMBER ( )	SIGNATURE OF FOSTER CARE CHILD

**AGENCY - GROUP HOME AGREEMENT****Child Placed by Agency in Group Home**

NAME OF CHILD	PARENT'S NAME
BIRTHDATE OF CHILD	DATE PLACED
CASE/REFERRAL NUMBER	PROGRAM ID

Anticipated duration of placement is \_\_\_\_\_ months.

The Agency will pay \$ \_\_\_\_\_ per \_\_\_\_\_ for room and board, clothing, personal needs, recreation, transportation, education, incidentals, and supervision.

First payment to be within 45 days after placement with subsequent payments no later than the 15th of the month following provision of care.

If additional amounts are to be paid, the reason, amount and conditions shall be set forth here:

Special problems/needs:  No  Yes If yes, explain:

Agency Agrees To:	Group Home Agrees To:
<ol style="list-style-type: none"> <li>1. Provide the group home with knowledge of the background and needs of the child necessary for effective care. This shall include a social work assessment, medical reports, educational assessment, psychological/psychiatric evaluations and identification of special needs when necessary. This shall be made available to group home within 14 days from date of placement.</li> <li>2. Work with the group home toward development of a treatment plan.</li> <li>3. Work toward termination of child's placement with group home staff.</li> <li>4. Continue paying for this child's care as long as eligible and the group home maintains child on an active status or until the agency requests that placement be terminated.</li> <li>5. Assist in the maintenance of this child's constructive relationships with parents and other family members, and to involve parents in future planning for this child.</li> <li>6. Contact this child in the group home at least once a month. If case plan would indicate less frequent contacts, the group home will be informed.</li> <li>7. Inform group home if child has any tendencies toward dangerous behavior.</li> <li>8. Provide Medi-Cal card or other medical coverage at time of placement.</li> <li>9. Provide authorization for medical treatment, signed by this child's parents or legal guardian.</li> <li>10. Provide a clothing allowance as permitted to meet initial clothing needs.</li> <li>11. Provide assistance with emergencies. Telephone number for after-hours or weekends is: _____</li> <li>12. ➤ At the time of this placement, the out-of-home provider was given the known educational, medical, familial and behavioral information regarding this child.</li> </ol>	<ol style="list-style-type: none"> <li>1. Provide this child the nurture, care, clothing, and training suited to his needs.</li> <li>2. Follow admission requirements related to medical screening, physical examination, medical testing and immunization.</li> <li>3. Develop an understanding of the responsibilities, objectives, and requirements of the Agency in regard to the care of this child and work with the agency in planning for this child.</li> <li>4. Encourage the maintenance of the natural parent-child relationship and include the child's parents in the treatment plan whenever possible.</li> <li>5. Not use corporal punishment, punishment before the group, deprivation of meals, monetary allowances, visit from parent, home visits, threat of removal or any type of degrading or humiliating punishment, and to use constructive alternative methods of the discipline.</li> <li>6. Respect and keep confidential information given about the child and his family.</li> <li>7. Work toward termination of placement on a planned basis with maximum involvement of the child, parents, and the agency.</li> <li>8. Conduct a staffing or review on this child at least quarterly.</li> <li>9. Submit an initial diagnostic summary to the agency within three(3) months from the date of placement. This summary shall include information listed on the last page of this agreement form.</li> <li>10. Submit ongoing written evaluations to the agency quarterly. These evaluations shall include information listed on the last page of this agreement form.</li> <li>11. Immediately notify agency of significant changes in this child's health, behavior, or location.</li> <li>12. Submit copies of any pertinent information such as school reports, medical reports and psychological/psychiatric reports as completed.</li> <li>13. Make arrangements and provide support for all youth 16 and over to participate in the Independent Living Skills Program (ILSP).</li> <li>14. Give the agency prior notice of at least 7 days of intent to discharge this child unless it is agreed upon with the agency that less notice is necessary.</li> <li>15. Conform to the licensing requirements.</li> <li>16. Provide state and federal agencies access to documentation when documentation is maintained on children in their care.</li> <li>17. Notify the agency immediately if an application is made on behalf of this child for any kind of income. Examples of income include, but are not limited to, child support payments, Veterans Benefits, Railroad Retirement, Social Security, RSHDI, and Supplemental Security Income/State Supplemental Program (SSI/SSP).</li> <li>18. Remit to Department of Public Social Services any income received on behalf of this child while in foster care up to the full cost of board and care plus medical cost. In addition, I will cooperate to have the Social Security Administration, or the appropriate agency, make the Department of Public Social Services the payee for any funds received on behalf of this child.</li> </ol>

***I have read the foregoing and agree to meet these requirements. The terms of this agreement shall remain in force until changed by mutual agreement of all parties or when this child is removed from the group home.***

SIGNATURE OF CHILD PLACEMENT WORKER		SIGNATURE OF AUTHORIZED GROUP HOME REPRESENTATIVE	
TITLE	PHONE NUMBER	TITLE	
NAME OF AGENCY Contra Costa County Children & Family Services		NAME OF GROUP HOME	
ADDRESS		ADDRESS	
AGENCY PHONE NUMBER	DATE	PHONE NUMBER	DATE

State of California Health and Welfare Agency  
Department of Social Services  
CWS Case Management System  
SOC 154 (Rev 04/2005)

**AGENCY - GROUP HOME AGREEMENT**

Confidential in accordance with  
Penal Code Section 11167.5 and/or  
WIC Sections 827 and 10850

**Copy 1: Caregiver**  
**Copy 2: CFS Clerical Specialist**



**Initial diagnostic summary shall include:**

- A. Medical and dental needs
- B. Psychological/psychiatric evaluations obtained
- C. Staffing review summaries
- D. Educational assessment
- E. Peer adjustment
- F. Relationship to staff
- G. Involvement in recreation program
- H. Behavioral problems
- I. Short-term treatment objectives (goals established for next 3 months)
- J. Long-range goals including anticipated length of placement
- K. Tasks planned to reach objectives and goals and staff who will be performing these tasks, including agency service activity
- L. Identification of unmet needs
- M. Involvement of child and his parents in the treatment program

**Quarterly evaluations shall include:**

- A. Current status of child's physical and psychological health
- B. Reassessment of child's adjustment to the group home, program, peers, school, and staff
- C. Progress toward short-term objectives and long-range goals including tasks which have been performed to reach these objectives and goals
- D. Reassessment of unmet needs and efforts made to meet these needs
- E. Modification of treatment plan, tasks to be performed and anticipated length of placement
- F. Involvement of child and his parents in treatment program

### PLACEMENT AGENCY - FOSTER FAMILY AGENCY AGREEMENT CHILD PLACED BY AGENCY IN FOSTER FAMILY AGENCY

Name of Child:	FFA Name:
Birth Date of Child:	Date Placed With FFA:
Case Number:	Date First Entered Foster Care:

Please select the Level of Care from the drop down menu:

The Placement Agency will pay \$ \_\_\_\_\_ per month in return for the above named child’s care and supervision as defined in Welfare and Institutions Code 11460 and other applicable law and regulations. First payment to be made within 45 days after placement with the subsequent payments to be made monthly.

**FOR PRIVATE ADOPTION AGENCY REIMBURSEMENT PROGRAM (PAARP) PARTICIPANTS:** The County Placement Agency will pay \$8,000 of PAARP compensation to dually licensed foster family and adoption agency. The County shall compensate the agency \$4,000 at the time the adoptive placement agreement is signed and \$4,000 at the time of finalization of the adoption, or one payment of \$8,000 if the adoption agency opts to be paid in full at finalization.

Agency Agrees To	Foster Family Agency Agrees To
<ol style="list-style-type: none"> <li>1. Provide the Foster Family Agency (FFA) with knowledge of the background and needs of this child. This shall include but not be limited to the social work assessment, medical reports, educational assessments, psychiatric/psychological evaluations, most recent Child and Adolescent Needs and Strengths assessment (CANS) and identification of special needs. This shall be made available to the FFA within 14 days from date of placement.</li> <li>2. Inform the FFA, before placement, of this child’s behaviors and proclivities that might be harmful to others (including pets) in the home, school or neighborhood.</li> <li>3. Work with the FFA in the development and progress of a needs and services plan. The county placing agency will notify and invite the FFA to participate in any <u>Child and Family Team (CFT)</u> meetings to discuss the child’s needs and services plan.</li> <li>4. <u>Ensure a facilitated CFT is convened as necessary and within 60 days of the child’s arrival in order to ensure the ongoing needs of the child are met in support of the child’s needs and services plan. Reconvene for subsequent CFT at least once every six months.</u></li> </ol>	<ol style="list-style-type: none"> <li>1. Provide this child with foster/resource parent(s) who have been approved to care for the child’s needs in accordance with applicable laws and regulations and educational stability requirement.</li> <li>2. Conform to applicable Title 22, Division 6 regulations and all laws governing foster care.</li> <li>3. Notify the agency within 24 hours (unless there is a separate written agreement with the placing agency) by phone followed in writing of significant changes in the child’s health, behavior or location as well as significant issues including suspected physical or psychological abuse, death, injury, unusual incidents, absence of a child, placement issues and school non-attendance and all items listed under Section 80061 of Title 22, Division 6.</li> <li>4. <u>Proactively request and support CFT processes to ensure the ongoing needs of the child are met in support of the child’s needs and services plan.</u></li> <li>5. Work together with the placing agency to encourage the maintenance of the familial-child relationship and include the child’s family members, as indicated in the needs and services plan, in treatment planning and/or CFTs whenever possible and cooperate with the reunification process.</li> </ol>

<b>Agency Agrees To (Continued)</b>	<b>Foster Family Agency Agrees To (Continued)</b>
<p>5. Work with FFA staff toward successful completion of the child's needs and services plan, a positive placement outcome and timely permanency for the child. Provide the FFA a JV 220A, Prescribing Physician's Statement, if applicable, upon approval by the juvenile court, and subsequent renewals.</p> <p>6. Work together with the FFA to develop and maintain positive relationships with the child's parents (or guardians) and other family members, and cooperate with the reunification process, e.g. provide written information regarding a child's <u>educational</u>, medical and transportation needs.</p> <p>7. Maintain contact with the child monthly or as specified in the child's approved case plan.</p> <p>8. <u>Expediently convene a CFT meeting to develop and implement a placement preservation strategy when notified by the Foster Family Agency that the placement may be disrupted, unless the social worker or placing agency determine that remaining in the placement will pose an imminent risk to the health and safety of the child, youth, other children or others in the home, the court orders removal, the parent or guardians request removal (voluntary placement), removal is from an interim placement directly into an adoptive home, or the foster youth's CFT and the foster youth if they are 10 years of age or their representative if they are less than 10 years of age, unanimously agree to waive the requirement to hold a CFT and develop a placement preservation strategy.</u></p> <p>9. <u>Not to make a placement change between the hours of 9:00 p.m. and 7:00 a.m., unless a mutual agreement to do so is made by the current and prospective caregivers, the social worker or probation officer, and the youth over the age of 10 or that youth's representative.</u></p> <p>10. <u>Serve written notice to Foster Family Agency 14 days prior to making a placement change if after implementing the placement preservation strategy it is determined a placement change is necessary.</u></p>	<p>6. Use constructive alternative methods of discipline; not use corporal punishment; deprivation of meals, monetary allowances, visits from parents, or home visits; threat of removal or any degrading or humiliating punishment.</p> <p>7. Respect and keep confidential information given about this child and their family.</p> <p>8. Work with the placing agency to develop and submit to them a needs and services plan that develops an understanding of the responsibilities, objectives and requirements of the agency in regard to the care of this child, including the information listed on page 4 of this form, within 30 days of placement of the child. The needs and services plan shall be up-dated at least every six months.</p> <p>9. Written progress reports shall be provided at least every six months or more frequently by mutual agreement.</p> <p>10. <u>FFAs shall complete SW time studies as requested by CDSS, to identify IV-E allocable and non-allocable activities in accordance with federal/state law and instructions provided by CDSS.</u></p> <p>11. Notify the agency of any unintended move of the child between approved homes prior to the move and do not make a placement change between the hours of 9:00 p.m. and 7:00 a.m., unless a mutual agreement to do so is made by the current and prospective caregivers, the social workers or probation officer, and the youth over the age of 10 or that youth's representative.</p> <p>12. Immediately notify the agency prior to an unplanned placement disruption and participate in a CFT to develop and implement a placement preservation strategy unless there is an imminent threat to the health and safety of the child, youth, other children, or others in the home.</p> <p>13. If, after the placement preservation strategy has been implemented and the foster/resource parent(s) request removal of the child, notify the agency immediately and work with the agency to transition the child to a new placement within 14 days.</p>

Agency Agrees To (Continued)	Foster Family Agency Agrees To (Continued)
<ol style="list-style-type: none"> <li>11. Continue paying for the child’s care as long as the child remains in placement or in the absence of the child the placing agency asks the FFA to retain an open placement.</li> <li>12. Provide a Medi-Cal card or other medical coverage and a Medical Consent form signed by the child’s parents, legal guardian or court at the time of placement.</li> <li>13. Inform the FFA of its clothing allowance policy and provide the funding consistent with those policies or any revised policies.</li> <li>14. Pay for medical costs incurred prior to the establishment of Medi-Cal eligibility.</li> <li>15. Verify and remit/reconcile any underpayments within 45 days of FFA notification of such underpayments.</li> <li>16. Notify the FFA within 12 months of suspected overpayments, in accordance with applicable laws and regulations.</li> <li>17. Provide for arrangements for school of origin travel as appropriate.</li> <li>18. Provide a contact telephone number for emergencies and after business hours:</li> <li>19. Emergency #: _____</li> </ol>	<ol style="list-style-type: none"> <li>14. <u>Prior to an unplanned placement disruption, proactively engage the CFT and county agency to stabilize the child.</u></li> <li>15. FFA social worker shall visit this child in private in their foster home at least once per calendar month and provide documentation of these visits to the agency caseworker/probation officer on a flow basis every month as visits are completed.</li> <li>16. Provide state and federal agencies access to records as provided by state and federal law.</li> <li>17. Notify the placing agency if the child receives any source of income such as income from work, SSI, SSA, child support, etc. Notify the county of any property the child obtains, including bank accounts. (It will be the county’s responsibility to verify the income/property.)</li> <li>18. Follow any requirements associated with the county’s clothing allowance policy and procedures.</li> <li>19. Remit any overpayment in full to the county welfare department upon receipt of a notice of action or following the completion of due process.</li> <li>20. Inform county upon discovery of any apparent overpayment.</li> <li>21. Immediately notify the placing agency of any changes to the child’s educational travel arrangements (if applicable) including a change in approved homes.</li> </ol>

**Initial needs and services plan summary shall include:**

- A. Medical and Dental needs
- B. Psychological/psychiatric evaluation obtained or scheduled
- C. Staffing review summaries
- D. Educational assessment
- E. Peer adjustment
- F. Relationship to adults
- G. Involvement in recreation programs
- H. Behavior Problems
- I. Short-term treatment objectives (goals established for next 3 months)
- J. Long-range goals including anticipated length of placement
- K. Tasks planned to reach objectives and goals and who will be performing these tasks, including agency service activity
- L. Identification of unmet needs
- M. Involvement of child and their parents in the treatment program

**Periodic update of needs and services plan shall include:**

- A. Current status of child’s physical and psychological health as well as confirmation of medical and dental exams
- B. Reassessment of child’s adjustment to the foster home, treatment program, peers and school
- C. Progress toward short-term objectives and long-range goals including tasks which have been performed to reach these objectives and goals
- D. Reassessment of unmet needs and efforts made to meet these needs
- E. Modification of treatment plan, tasks to be performed and anticipated length of placement
- F. Involvement of child and their parents in treatment program

***By this signature I attest that I have read this agreement and agree to fulfill these requirements and I am authorized on behalf of my agency to sign this. The terms of this agreement shall remain in force until changed by mutual consent, in writing, of both parties.***

Child’s Placement Worker Representative’s Name:	Phone Number:
Child’s Placement Worker Representative’s Signature:	Date:
County Name and Agency:	Title:
Foster Family Agency Representative’s Name:	Phone Number:
Foster Family Agency Representative’s Signature:	Date:
Name of Agency:	Title:
FFA Address:	



5.  Permanency Goals Discussed with youth/family/CFT  
 Youth's Placement stability was reviewed/assessed
6. If reunification is the permanency goal, provide information on how the parent(s) from whom the child was removed provided input on who should be members of the CFT : \* \_\_\_\_\_
7. Was the CFT meeting held at a time and place convenient for the family? \*  YES  NO  
 Describe how the location and time of the CFT meeting was determined: \*
8. Explain all the recommendations of the CFT and any inconsistencies between the CFT recommendations and the case plan and why the case plan recommendation is different than what was recommended by the CFT. \* WIC 706.6(3)(A), WIC 706.6(b)(2) \_\_\_\_\_

Appropriate placement would include: (31-206.31) Check all that apply.

<input type="checkbox"/>	Ability to dispense psychotropic drugs	<input type="checkbox"/>	On-grounds school	<input type="checkbox"/>	Substance abuse treatment
<input type="checkbox"/>	Family Counseling	<input type="checkbox"/>	Group/Individual therapy	<input type="checkbox"/>	Specialty Mental Health Services
<input type="checkbox"/>	Trauma-informed services	<input type="checkbox"/>	Therapeutic services for sexual perpetrator	<input type="checkbox"/>	Therapeutic services to address victimization of sexual exploitation
<input type="checkbox"/>	Independent Living skills	<input type="checkbox"/>	Therapeutic services for Pyromaniac	<input type="checkbox"/>	Other: _____

9. Relatives to be assessed for possible placement: (31-205.1(g))

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Youth is a Native American. See attached document (31-515)

10. Qualified Individual (QI) Determination (*this section is only applicable when considering an STRTP placement or if an emergency placement into an STRTP was made*) \*

- a. Please describe how the determination by the QI was conducted in conjunction with the CFT: \_\_\_\_\_
- b. Please list the placement preferences of the minor/NMD and the CFT: \_\_\_\_\_
- c. Are the placement preferences of the child/NMD and the CFT the same from the QI recommendations?  YES  NO  
 If they differ, please summarize the rationale provided by the QI: \_\_\_\_\_

11. Family Reunification Goal:

Return Home       Permanent Placement with a fit and willing relative  
 Adoption       Legal Guardianship       Another Planned Permanent Living Arrangement (APPLA):

12. Describe the latest concurrent plan pursuant (WIC 11400 & WIC 16501.1(f)(10)) (Describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.) \_\_\_\_\_
13. Identify the intensive and ongoing efforts to return the youth to the home of the parent, place the youth for adoption, establish a legal guardianship, or place the youth with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the youth \_\_\_\_\_

14. **THE PROBATION OFFICER WILL CASE MANAGE ALL OF THE ACTIVITIES DESCRIBED BELOW** as well as compliance with Court Orders, conduct monthly visits with the youth, placement provider, and contacts with parents. (31-206.51) Probation will arrange transportation and services as needed. (List all supports and services; activities designed to enable the safe reunification to their home. (31-201, 31-320, 31-206, 31-206.222(a))

Projected date by which youth may be reunified in the home of a parent/guardian(s): \_\_\_\_\_  
(m/d/yyyy)

**YOUTH/CHILD:** (31-206.22) Objectives must be specific, time limited, to enable safe return of youth home.

Objective	Area of Need Addressed	Projected Completion Date (31-206.23)	Date Completed (31-206.21)

**PROVIDER:** (31-206.34)

Name(s): \_\_\_\_\_

Objective (31-206.221)	Area of Need Addressed	Projected Completion Date (31-206.23)	Date Completed (31-206.21)

**PARENT/GUARDIAN(s):** (31-206.22)

Name(s): \_\_\_\_\_

Objective (31-206.211)	Area of Need Addressed	Projected Completion Date (31-206.23)	Date Completed (31-206.21)

Parent/Guardian(s) advised they may request adoption and legal guardianship counseling and services on \_\_\_\_\_  
(31-206.212) (m/d/yyyy)

15. Services and steps to be taken to implement the permanency alternative should reunification fail:

(31-206.318(a) (31-206.222(b))

- Probation Officer to consider appropriate response for any violations of Court Order.
- Probation Officer will review youth's progress in completing case plan objectives during placement visits and phone contacts.
- Continue engagement with family and with family finding efforts.
- Emancipation or Independent Living Program
- Adoption Assessment & Planning
- Legal Guardianship Assessment & Planning
- Other: \_\_\_\_\_



16. Scheduled visits between child/youth and their family. (31-206.32) (31-206.33)
- Child is / will be placed locally. Youth shall have visits with  Mother(s)  Father(s)  Family  Grandparents  
 Other: \_\_\_\_\_  Has transportation.
- Has transportation issues. Visits will be facilitated by:
- Transportation Assistance i.e. tap cards, bus passes, taxi/Uber vouchers etc. [ ] Other: \_\_\_\_\_
- Family members who are included in visiting plans: \_\_\_\_\_  
 Visits will be scheduled:  Weekly  Bi-weekly  Monthly  Other: \_\_\_\_\_  
 Dates of scheduled visits: \_\_\_\_\_

17.  Youth is / will be placed out-of-county, in \_\_\_\_\_ County.  
 \_\_\_\_\_ County will continue to monitor compliance and case plan progress.  
 Youth shall have visits with  Mother(s)  Father(s)  Family  Grandparents  
 Other: \_\_\_\_\_  Has transportation.
- Has transportation challenges and visits will be facilitated by  Bus Passes  Other: \_\_\_\_\_
- Family members who are included in visiting plans \_\_\_\_\_  
 Visits will be scheduled:  Weekly  Bi-weekly  Monthly  Other \_\_\_\_\_
- Scheduled visits Dates: \_\_\_\_\_  
 Reason for out-of-county placement: (specify 31-206.32, 31-206.313(a)) \_\_\_\_\_

18.  Youth is / will be an out-of-state placement.
- Out-of-state residential facility has been approved and authorized in accordance to WIC Section 727.1(b) and Family Code 7911.1 Date: \_\_\_\_\_
- Out-of-state RFA home meets all requirements within the residing state, and ICPC approval obtained: Date: \_\_\_\_\_

What in-state facilities were used or considered and state the reasons other in-state facilities were reviewed and not recommended: (31-206.312(a)) \_\_\_\_\_

**Note:** New placements in out-of-state residential facilities are prohibited on and after July 1, 2022 pursuant to Family Code 7911 and WIC 727.1.

19. Reasons why the youth will be placed a substantial distance from home of parent/guardian. State why is the placement the most appropriate and in the best interest of the youth. (31.206.313) (WIC 706.6):

\_\_\_\_\_

Not applicable  Receiving County has been notified on \_\_\_\_\_  
 (date)

Responsibilities of sending county: (31-505): \_\_\_\_\_  
 Responsibilities of receiving county: (31-505) (31-206.312): \_\_\_\_\_

20. Reasons why this specific placement is most appropriate and is in the best interest and meets the special needs of the youth, least restrictive, most family-like setting that promotes normal childhood experiences, in closest proximity to youth's home: (WIC 706.6(B)) (31-206.314) (3-206.313(a)) (31-206.316): \_\_\_\_\_

21. Efforts made to place youth and siblings together and reasons for separating siblings. (31-206.311) (31-206.318(b))
- Not applicable Reason for separation: \_\_\_\_\_

a. If applicable, indicate the nature of the sibling relationship, the impact of placement and planning for legal permanence, the continued need for sibling interaction, need to suspend sibling interaction and other factors taken into consideration.

\_\_\_\_\_

- b. If siblings are NOT placed together, please indicate the following:  
The frequency and nature of the visits between the siblings: 1) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised; 2) If there are visits between the siblings, a description of the location and length of the visits; 3) Any plans to increase visitation between the siblings: \_\_\_\_\_

22. The Probation Officer will visit the youth "Visit" means face-to-face "Contact" means face-to-face, phone, etc.  
(31-206.32) (31.206.24) (31.206.241) (31.206.315)(31-320)

- Three visits will take place within 30 calendar days, from the date of the youth's initial placement order.  
(This timeline begins on the date of the youth's initial placement order, which can include contact with the youth, while awaiting placement in juvenile hall)

Subsequent visits will be conducted in accordance with the following schedule:

- Monthly - Provider will also be contacted/visited at that time.
- Other: \_\_\_\_\_

**Note:** No visit exceptions are permissible for STRTPs, unless a youth is in runaway status and the placement order has been revoked or closed.

23. The Probation Officer will visit/have contact with the youth's Parent(s)/Guardian(s)/Family (31.206.24) (31.206.241) (31.206.315) (WIC 706.6(p))

- Monthly  Other \_\_\_\_\_

Justification for exception to contact:

- Case Plan Goal is not reunification  No Parent/Guardian (previous 300 WIC Dependent)
- Other reason(s) \_\_\_\_\_

24. Foster Care Rights (31-236(a))

- Pursuant WIC 16001.9, the youth has been informed of their rights at least every six months, no later than annually by their probation officer.

25. Credit Report inquiry for youth ages 14 years or older and younger than 18 years and NMD over 18 years (WIC 10618.6)

- A copy of their credit report was provided to the youth. Date provided: \_\_\_\_\_
- No problems identified
- Youth referred to agency/organization to help clear youth's credit report

Name of agency/organization referred: \_\_\_\_\_

26. Health Passport: (31-206.35)

The required health care information is  attached  being prepared by: \_\_\_\_\_.

It will be given to the care provider within 30 days of placement. A copy of this information attached to this document and includes names and address(es) of health care provider(s), immunization records, medical considerations, current medications, where information is documented, a plan to ensure medical care with scheduled periodic health assessments. (31-206.351, 31-206.352, 31-206.36).

Date referred to Public Health Nurse: \_\_\_\_\_

Date information given to Care Provider: (31-405.1(n)) (31-405.1(m)) \_\_\_\_\_

Name/address of Health Care Provider: \_\_\_\_\_

- Youth will be provided a medical exam and dental exam within 30 calendar days after placement. (31-206.361)

Date of Medical Exam: \_\_\_\_\_ Date of Dental Exam: \_\_\_\_\_

Reproductive Rights: For a youth in foster care 10 years of age or older or a non-minor dependent, the case plan shall be updated annually to indicate that the case management worker has completed the following: (WIC 16501.1(f)(21))

- Informed the youth or non-minor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.
- Informed the youth or non-minor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights regarding those services.
- Informed the youth or non-minor dependent how to access reproductive and sexual health care services and facilitated access to that care, including assistance with any identified barriers to care, as needed
- For a youth 10 years or older, or non-minor dependent enrolled in high school, it has been verified that the youth or non-minor dependent has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the youth will receive the instruction.
  - Describe how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the court: \_\_\_\_\_
  - Describe how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the Court: \_\_\_\_\_

27. Education Passport: (31-206.35)

The required educational information is being prepared by \_\_\_\_\_ and includes: school records, immunizations, known medical problems, known medications, names/address of health and educational providers.

It will be given to care provider within 30 days of placement. This document contains the school plan for the youth that includes names and address of the education provider, (31.206.351(a)) youth's school records, assurances that takes into account their proximity of school at the time of placement. (31-206.351)

- Attached (31.206.351(c))
- Will be attached to the case plan when completed.

Youth is performing at \_\_\_\_\_ Grade level (31-206.351(b))

Youth has special education needs: \_\_\_\_\_

Youth has an Individualized Education Plan dated: \_\_\_\_\_

Identified adult to provide assistance with post-secondary education, including career and technical education, and related financial aid (WIC 16501.1(g)(22)): \_\_\_\_\_

- The youth does not wish to pursue postsecondary education, career, or technical education at this time. (The youth may change their mind at any time at which point the case plan shall be updated to identify an adult and indicate above)

Date information was given to Care Provider: \_\_\_\_\_

- A recommendation has been made to the Court that the right of the parent to make educational decisions be limited by the Court. (31-206.38)

Date of recommendation report: \_\_\_\_\_ Date of Court Order: \_\_\_\_\_ (copy in file)

- Assigned Educational Rights Holder (If other than a parent): \_\_\_\_\_

28. Independent Living Plan

- The youth is 16 years of age or older. (31-206.37)
- Independent Living Plan is attached.
- Referred to \_\_\_\_\_ for an Independent Living Plan. Once the plan has been completed, the Probation Officer will review and approve the plan. A copy of the plan will be given to the Care Provider.
- The ILP agency will provide regular progress reports to the Probation Officer.
  - Date the plan was reviewed and approved by Probation Officer: \_\_\_\_\_
  - Date the plan given to Care Provider: \_\_\_\_\_

29. Permanent Plan: (31-201), (31-206.318(a)), (31-206.318(c))

- Return Home
- Permanent Placement with a fit and willing relative
- Adoption
- Legal Guardianship
- Another Planned Permanent Living Arrangement (APPLA):

If the case plan goal is a permanent plan of adoption, guardianship or APPLA, indicate the child's wishes regarding their permanent placement plan and an assessment of their wishes below: (WIC 16501.1(f)(15)(A))

Child's permanent placement plan: \_\_\_\_\_

Assessment of permanent plan: \_\_\_\_\_

Identify any barriers to achieving legal permanence and list the steps that will be taken to address those barriers.

\_\_\_\_\_

**Note:** For a youth in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help them prepare for the transition from foster care to successful adulthood should be included in an aftercare service plan.

When a youth has been in foster care for 15 of the most recent 22 months, complete the following: (WIC 727.32) (31-206.318)

Termination of parental rights is not in the best interest of the youth for the following compelling reasons:

- The parent/guardian(s) has/have maintained regular visits and contact with youth and the youth would benefit from the continued relationship.
- The permanent plan is for the youth to return to their home (reunification). (31-206.23)
- Compelling reason(s) exist as to why it is not in the best interest of the youth to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.  
Compelling reason(s) include: \_\_\_\_\_

A determination by the licensed county adoption agency that all of the following apply:

- a. The child is unlikely to be adopted. (31-206.318(e))
- b. The child is living with a relative who is unable or unwilling to adopt because of exceptional circumstances.
- c. Removal of the child from the physical custody of their relative or foster parent would be detrimental to the child's emotional well-being.

Probation has not provided the family with reasonable efforts necessary to achieve reunification.

Date this section was completed: \_\_\_\_\_

30. The youth has been placed at: \_\_\_\_\_

Address: \_\_\_\_\_

Reason(s) this placement was determined most appropriate and, in the youth's best interest: (706.6(g) WIC) (31-206.314)

\_\_\_\_\_

Name and address of school the youth will attend while residing in this placement (WIC 706.6(j)) (31-206.351(a))

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

- This is same school youth was attending.
- The previous school was considered, however, based on other factors in determining the appropriate placement it is necessary for the youth to change schools.
- School records have been forwarded to the new school  Yes  No

Other educational information: \_\_\_\_\_

31. The Court has approved placement of the youth or NMD in an STRTP: \*  Yes  No

If no, please explain: \_\_\_\_\_

32. Pursuant to WIC - 727(a)(4)(E), if a youth is 13 years and older, has an active placement order through delinquency court, is anticipated to remain in placement in an STRTP for 12 consecutive months, 18 nonconsecutive months,\* or in the case of a youth younger than 13 years of age placed in an STRTP for more than six (6) consecutive or nonconsecutive months,\* the Chief Probation Officer of the county probation department or their designee shall approve the continued placement, no less frequently than every 12 months.

Chief Probation Officer or their designee has approved the child/youth continued placement in an STRTP.\*  
Expected date of completion: \_\_\_\_\_

Describe child/youth's needs that justify continued placement in an STRTP, include barriers that need to be addressed:

\_\_\_\_\_

33. Prior to a child/NMD's discharge from an STRTP, please provide a description of the type of home-based services that will encourage the safety, stability, and appropriateness of the next placement. Include description of home-based services recommended by the QI and the CFT, when applicable : \*

A plan for aftercare support services to the youth and family is attached and was developed with the STRTP pursuant to Section 4096.6 \*

YES  NO (not applicable at this time)

**SIGNATURE PAGE:**

**YOUTH:** This case plan has been reviewed with me and I have received a copy of my plan (WIC 16501.1(f)(13)). I agree to actively participate in the activities and work toward the goals as described. I have reviewed my case plan and my plan for permanency. I have been advised that I have the right to receive information about my placement and case plan, including changes to my plan as described. ( WIC 16001.9 (a)(38) )

Youth's Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
(m/d/yyyy)

**PARENT/GUARDIAN(S):**

This case plan has been reviewed with me and I have been provided an opportunity to participate in the development of the case plan. I agree to actively participate in the activities and work toward the goals described. I also understand that adoptive/counseling services are available to me should I request them. I have received a copy of this plan.

Parent's Signature: \_\_\_\_\_  
(31.210.13)

Date: \_\_\_\_\_  
(m/d/yyyy)

If no parent/guardian is available/willing to sign the above, indicate efforts to obtain signature and reason parent did not sign: (31-210.131) \_\_\_\_\_

Youth / Parent REFUSED TO SIGN CASE PLAN. Document present by DPO on: \_\_\_\_\_

**Probation Officer's Signature:** \_\_\_\_\_  
(31-210.11)

Date: \_\_\_\_\_  
(m/d/yyyy)

**Probation Supervisor's Signature:** \_\_\_\_\_

Date: \_\_\_\_\_  
(m/d/yyyy)

**Date the Case Plan was reviewed with Care Provider: (31-405.1)** \_\_\_\_\_

**Date a copy of the Case Plan given to Care Provider: (31-405.1)** \_\_\_\_\_

**Provider Staff's Signature:** \_\_\_\_\_  
(31-405.1)

Date: \_\_\_\_\_

**Provider Staff's Name/Job Title/Name of Organization (printed):** \_\_\_\_\_

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## JUVENILE PROBATION PLACEMENT CASE PLAN

Initial Case Plan    
  Updated Case Plan    
 Juvenile Court No.:                       
 Probation Case No.:                   

Check appropriate Reasonable Candidate Case Plan Goal:                     
 Family Maintenance Services have been unsuccessful  
 Case Plan Goal is Family Reunification  
 Permanency Planning (without Reunification)

Youth's Name:                       
 DOB:                       
 PO's Name:                       
 Date:                     
 Date of Placement Order:                       
 Date youth was detained:                   

Offense: Two counts of (F) PC 288(b)(1), Forcible Lewd Act Upon Child, (F) PC 289(d), Sexual Penetration of Unconscious Person

**1. Enter corresponding date for each:**

Initial Case Plan with Family Maintenance Goal completed on: (31-206.1)	Youth was removed from his/her home on: (31-101.5) (31-210.1)	Date of Child and Family Team (CFT) Meeting: (WIC 16501.1(c))	STRTP Placement is recommended. Date Interagency Placement Committee reviewed & approved placement: (WIC 4096)	Resource Family: Relative or Non-Relative Placement: (WIC 16501.1)
██████████	██████████	██████████	██████████	██████████

**2. Type of home or living arrangement needed: (31-206.312(a) (31-206.313) (WIC 16501.1 (2) & WIC 706.6 (c)(1))**

On January 20, 2021,                    was adjudicated for two counts of (F) PC 288(b)(1), Forcible Lewd Act Upon Child and (F) PC 289(d), Sexual Penetration of Unconscious Person. On February 24, 2021, the Court adjudged the minor a Ward and ordered into out of home placement. On March 11, 2021, an Interagency Placement Committee approved                    for a Short Term Residential Therapeutic Program (STRTP) setting to receive juvenile sex offender treatment. He was placed at                    on March 16, 2021 where he remains today.

The minor's behavior in the instant offense warrant a need for him to attend juvenile sex offender treatment, in order to address his sexual behavior, address any cognitive distortions that may have led to the offense, help him understand the effect of his behavior on the victim, and work toward developing appropriate relationships. The minor will also benefit from continuing individual therapy outside of his family home in order to address his motivation to offend. Additionally, the minor will benefit in receiving family counseling, all of which                    provides.

**3. Please explain how the probation officer made a reasonable and good faith effort to identify and include all required individuals in the CFT:**                    collaborated with Probation in order to conduct a CFT for the minor. The CFT was conducted on November 23, 2021, via zoom in order to accommodate all supportive participants.                    case worker,                    conducted the CFT and explained the process to the minor, his mother, and team; expressing that the meeting is youth centered. Communicative efforts were made by Probation to include all supportive adults.

**4. List all CFT Members (child/nonminor dependent, family members and supports, caregivers, tribal representative, educational rights holder, and others) and nonrelative extended family members not part of the CFT:**

Name	Relationship to Child/Family	Preferred Method of Contact (Phone or Email)	Present
██████████	██████████ Director	██████████	<input checked="" type="checkbox"/>
██████████	Case Manager	██████████	<input checked="" type="checkbox"/>
██████████	Mother	██████████	<input checked="" type="checkbox"/>
██████████	Therapist	██████████	<input checked="" type="checkbox"/>
██████████	Spanish Interpreter	██████████	<input checked="" type="checkbox"/>
██████████	Probation Officer	██████████	<input checked="" type="checkbox"/>

**5. Permanency Goals Discussed with youth/family/CFT: Yes**  
 Youth's Placement stability was reviewed/assessed: Yes

**6. If reunification is the permanency goal, provide information on how the parent(s) from whom the child was removed provided input on**

# JUVENILE PROBATION PLACEMENT CASE PLAN

who should be members of the CFT: Continuing placement at [REDACTED] is appropriate. Reunification after treatment is not appropriate due to the victim's residing in the household.

7. Was the meeting held at a time and place convenient for the family?  YES  NO

Describe how the location and time was determined by CFT Meeting: In order to provide an opportunity for all participants to engage in the CFT, [REDACTED] conducted the meeting via Zoom at a time that was appropriate for all participants.

8. Explain all the recommendations of the CFT and any inconsistencies between the CFT recommendations and the case plan WIC 706.6(3)(A), WIC 706.6(2) There were no inconsistencies.

Appropriate placement would include: (31-206.31) Check all that apply.

<input type="checkbox"/>	Ability to dispense psychotropic drugs	<input checked="" type="checkbox"/>	On-grounds school	<input type="checkbox"/>	Substance abuse treatment
<input checked="" type="checkbox"/>	Family Counseling	<input checked="" type="checkbox"/>	Group/Individual therapy	<input type="checkbox"/>	Specialty Mental Health Services
<input checked="" type="checkbox"/>	Trauma-informed services	<input checked="" type="checkbox"/>	Therapeutic services for sexual perpetrator	<input type="checkbox"/>	Therapeutic services to address victimization of sexual exploitation
<input checked="" type="checkbox"/>	Independent Living skills	<input type="checkbox"/>	Therapeutic services for Pyromaniac	<input type="checkbox"/>	Other:

9. Relatives to be assessed for possible placement: (31-205.1(g))

Name: N/A Relationship: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Youth is a Native American. See attached document (31-515)

10. Qualified Individual (QI) Determination (this section is only applicable when considering an STRTP placement or if an emergency placement into an STRTP was made)

- a. Please describe how the determination by the QI was conducted in conjunction with the CFT: N/A
- b. Please list the placement preferences of the minor/NMD and the CFT: N/A
- c. Are the placement preferences of the child/NMD and the CFT the same from the QI recommendations?  YES  NO  
 If they differ, please summarize the rationale provided by the QI: N/A

11. Family Reunification Goal:

- Return Home
- Adoption
- Permanent Placement with a fit and willing relative
- Legal Guardianship
- Another Planned Permanent Living Arrangement (APPLA):

12. Describe the latest concurrent plan pursuant (WIC 11400 & WIC 16501.1(f)(10)) (Describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.) The minor, [REDACTED] staff, and Probation are working to identify goals for independent living. With reunification not being an appropriate option, Probation will continue to collaborate with the minor and other supportive member of his life for alternative living arrangements.

13. Identify the intensive and ongoing efforts to return the youth to the home of the parent, place the youth for adoption, establish a legal guardianship, or place the youth with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the youth. The minor and the undersigned are currently working towards looking into alternative living arrangements.

14. THE PROBATION OFFICER WILL CASE MANAGE ALL OF THE ACTIVITIES DESCRIBED BELOW as well as compliance with Court Orders, conduct monthly visits with the youth, placement provider, and contacts with parents. (31-206.51) Probation will arrange transportation and services as needed. (List all supports and services; activities designed to enable the safe reunification to his/her home. (31-201, 31-320, 31-206, 31-206.222(a))

Projected date by which youth may be reunified in the home of a parent/guardian(s): [REDACTED]

YOUTH/CHILD: [REDACTED] Objectives must be specific, time limited, to enable safe return of youth home.



## JUVENILE PROBATION PLACEMENT CASE PLAN

Objective	Area of Need Addressed	Projected Completion Date	Date Completed
Juvenile sex offender treatment	Address sexually harmful behavior	1/26/2023	In progress
Reduce impulsivity, manage anxiety, and adjustment to trauma	Receive individual, group and family therapy	1/26/2023	In progress
Education	Acquire high school credits Look into college options	1/26/2023	In progress

**PROVIDER:** [REDACTED]

Name(s): [REDACTED]

Objective (31-206.221)	Area of Need Addressed	Projected Completion Date (31-206.23)	Date Completed (31-206.21)
Education	Assist minor with his education needs and prepare for college options	1/26/2023	In progress
Juvenile sex offender treatment	Address sexually harmful behavior and provide rehabilitation	1/26/2023	In progress

**PARENT/GUARDIAN(s):** (31-206.22)

Name(s): [REDACTED]

Objective (31-206.211)	Area of Need Addressed	Projected Completion Date (31-206.23)	Date Completed (31-206.21)
Family Therapy	Participate in family therapy with the minor	1/26/2023	In progress
Develop Healthy Boundaries	Establish healthy boundaries through the help of therapy	Ongoing	In progress

Parent/Guardian(s) advised they may request adoption and legal guardianship counseling and services on \_\_\_\_\_ (31-206.212) (m/d/yyyy)

15. Services and steps to be taken to implement the permanency alternative should reunification fail: (31-206.318(a) (31-206.222(b)))

- Probation Officer to consider appropriate response for any violations of Court Order.
- Probation Officer will review youth's progress in completing case plan objectives during placement visits and phone contacts.
- Continue engagement with family and with family finding efforts
- Emancipation or Independent Living Program
- Adoption Assessment & Planning
- Legal Guardianship Assessment & Planning
- Other: \_\_\_\_\_

16. Scheduled visits between child/youth and his/her family. (31-206.32) (31-206.33)

- Child is placed locally. Youth shall have visits with  Mother(s)  Father(s)  Family  Grandparents  Other: \_\_\_\_\_  Has transportation.
- Has transportation issues. Visits will be facilitated by:
  - Transportation Assistance i.e. tap cards, bus passes, taxi/Uber vouchers etc. [ ] Other: \_\_\_\_\_
  - Family members who are included in visiting plans \_\_\_\_\_
- Visits will be scheduled:  Weekly  Bi-weekly  Monthly  Other \_\_\_\_\_

# JUVENILE PROBATION PLACEMENT CASE PLAN

Dates of scheduled visits \_\_\_\_\_

17.  Youth is / will be placed out-of-county, in \_\_\_\_\_ County.  
 Contra Costa County will continue to monitor compliance and case plan progress.  
Youth shall have visits with  Mother(s)  Father(s)  Family  Grandparents  
 Other:  Has transportation.  
 Has transportation challenges and visits will be facilitated by  Bus Passes  Other: \_\_\_\_\_  
 Family members who are included in visiting plans \_\_\_\_\_  
 Visits will be scheduled:  Weekly  Bi-weekly  Monthly  Other \_\_\_\_\_  
Scheduled visits Dates: \_\_\_\_\_  
Reason for out-of-county placement: (specify 31-206.32, 31-206.313(a)) placement is appropriate and is the best interest of the youth, as \_\_\_\_\_ provides Juvenile Sex Offender specific treatment.

18.  Youth is / will be an out-of-state placement.  
 CFT recommended youth be placed out-of-state. Date of CFT: \_\_\_\_\_  
 QI recommended out-of-state placement. Date: \_\_\_\_\_  
 Out-of-state residential facility has been approved and authorized in accordance to WIC Section 727.1(b) Date: \_\_\_\_\_  
 Out-of-state RFA home meets all requirements within the residing state, and ICPC approval obtained: Date: \_\_\_\_\_

What in-state facilities were used or considered and state the reasons other in-state facilities were reviewed and not recommended: (31-206.312(a)) \_\_\_\_\_

19. Reasons why the youth will be placed a substantial distance from home of parent/guardian. State why is the placement the most appropriate and in the best interest of the youth. (31.206.313) (WIC 706.6):  
\_\_\_\_\_  
 Not applicable  Receiving County has been notified on \_\_\_\_\_ (date)  
Responsibilities of sending county: (31-505): \_\_\_\_\_  
Responsibilities of receiving county: (31-505) (31-206.312): \_\_\_\_\_

20. Reasons why this specific placement is most appropriate and is in the best interest and meets the special needs of the youth, least restrictive, most family-like setting that promotes normal childhood experiences, in closest proximity to youth's home: (WIC 706.6(B)) (31-206.314) (3-206.313(a)) (31-206.316): On March 11, 2021, the Interagency Placement Committee approved \_\_\_\_\_ for the level of care provided in an Short Term Residential Therapeutic Program.

21. Efforts made to place youth and siblings together and reasons for separating siblings. (31-206.311) (31-206.318(b))  
 Not applicable Reason for separation: \_\_\_\_\_

- a. If applicable, indicate the nature of the sibling relationship, the impact of placement and planning for legal permanence, the continued need for sibling interaction, need to suspend sibling interaction and other factors taken into consideration.
- b. If siblings are NOT placed together, please indicate the following:  
The frequency and nature of the visits between the siblings: 1) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised; 2) If there are visits between the siblings, a description of the location and length of the visits; 3) Any plans to increase visitation between the siblings:

# JUVENILE PROBATION PLACEMENT CASE PLAN

22. The Probation Officer will visit the youth

Three visits will take place within 30 calendar days, from the date of the youth's initial placement order. \*\*\*

Subsequent visits will be conducted in accordance to the following schedule

Monthly - Provider will also be contacted/visited at that time.

Other \_\_\_\_\_

23. The Probation Officer will visit/have contact with the youth's Parent(s)/Guardian(s)/Family (31.206.24)(31.206.241)(31.206.315)(WIC 706.6(p))

Monthly

Other \_\_\_\_\_

Justification for exception to contact:

Case Plan Goal is not reunification  No Parent/Guardian (previous 300 WIC Dependent)

Other reason(s) \_\_\_\_\_

24. Credit Report inquiry for youth ages 14 years or older and younger than 18 years and NMD over 18 years (WIC 10618.6)

A copy of her/his credit report was provided to the youth. Date provided: \_\_\_\_\_

No problems identified

Youth referred to agency/organization to help clear youth's credit report

Name of agency/organization referred: \_\_\_\_\_

25. Health Passport: (31-206.35)

The required health care information is  attached  being prepared by Probation.

It will be given to care provider within 30 days of placement. A copy of this information attached to this document and includes names and address(es) of health care provider(s), immunization records, medical considerations, current medications, where information is documented, a plan to ensure medical care with scheduled periodic health assessments. (31-206.351, 31-206.352, 31-206.36).

Date referred to Public Health Nurse: 9/30/21

Date information given to Care Provider: (31-405.1(n))(31-405.1(m)) 12/20/2021

Name/address of Health Care Provider: \_\_\_\_\_

Youth will be provided a medical exam and dental exam within 30 calendar days after placement. (31-206.361)

Date of Medical Exam: 9/30/21 Date of Dental Exam: 10/21/2021

**Reproductive Rights:** For a youth in foster care 10 years of age or older or a non-minor dependent, the case plan shall be updated annually to indicate that the case management worker has completed the following: (WIC 16501.1(f)(21))

Informed the youth or non-minor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

Informed the youth or non-minor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights regarding those services.

Informed the youth or non-minor dependent how to access reproductive and sexual health care services and facilitated access to that care, including assistance with any identified barriers to care, as needed

For a youth 10 years or older, or non-minor dependent enrolled in high school, it has been verified that the youth or non-minor dependent has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the youth will receive the instruction.

- Describe how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the court: N/A

# JUVENILE PROBATION PLACEMENT CASE PLAN

- Describe how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court: Probation will ask the minor directly and will confirm with the education provider.

## 26. Education Passport: (31-206.35)

The required educational information is being prepared by Probation and includes: school records, immunizations, known medical problems, known medications, names/address of health and educational providers.

It will be given to care provider within 30 days of placement. This document contains the school plan for the youth that includes names and address of the education provider, (31.206.351(a)) youth's school records, assurances that takes into account his/her proximity of school at the time of placement. (31-206.351)

Attached (31.206.351(c))

Will be attached to the case plan when completed.

Youth is performing at 12th Grade level (31-206.351(b))

Youth has Special Education needs: No

Youth has Individual Educational Plan dated: No

Identified adult to provide assistance with post-secondary education, including career and technical education, and related financial aid (WIC 16501.1(g)(22)): ██████████ staff and probation

The youth does not wish to pursue postsecondary education, career, or technical education at this time. (The youth may change their mind at any time at which point the case plan shall be updated to identify an adult and indicate above)

Date information was given to Care Provider:

A recommendation has been made to the Court that the right of the parent to make educational decisions be limited by the Court. (31-206.38)

Date of recommendation report: \_\_\_\_\_ Date of Court Order: \_\_\_\_\_ (copy in file)

Assigned Educational Rights holder (if other than a parent): \_\_\_\_\_

## 27. Independent Living Plan

The youth is 16 years of age or older. (31-206.37)

Independent Living Plan is attached.

Referred to \_\_\_\_\_ for an Independent Living Plan. Once the plan has been completed, the Probation Officer will review and approve the plan. A copy of the plan will be given to the care provider.

The ILP agency will provide regular progress reports to the Probation Officer.

Date the plan was reviewed and approved by Probation Officer: \_\_\_\_\_

Date the plan given to Care Provider: \_\_\_\_\_

## 28. Permanent Plan: (31-201), (31-206.318(a)), (31-206.318(c))

Return Home

Permanent Placement with a fit and willing relative

Adoption

Legal Guardianship

Another Planned Permanent Living Arrangement (APPLA):

If the case plan goal is a permanent plan of adoption, guardianship or APPLA, indicate the child's wishes regarding their permanent placement plan and an assessment of their wishes below: (WIC 16501.1(f)(15)(A))

Child's permanent placement plan: N/A

Assessment of permanent plan: N/A

Identify any barriers to achieving legal permanence and list the steps that will be taken to address those barriers.

N/A

Note: For a youth in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help them prepare for the transition from foster care to successful adulthood should be included in an aftercare service plan.

When a youth has been in foster care for 15 of the most recent 22 months, complete the following: (WIC 727.32) (31-206.318)

Termination of parental rights is not in the best interest of the youth for the following compelling reasons:

The parent/guardian(s) has/have maintained regular visits and contact with youth and he/she would benefit from continued relationship.

# JUVENILE PROBATION PLACEMENT CASE PLAN

- The permanent plan is for the youth to return to his/her home (reunification). (31-206.23)
- Compelling reason(s) exist as to why it is not in the best interest of the youth to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.  
Compelling reason(s) include: \_\_\_\_\_
- A determination by the licensed county adoption agency that all of the following apply:
  - c. The child is unlikely to be adopted. (31-206.318(e))
  - d. The child is living with a relative who is unable or unwilling to adopt because of exceptional circumstances.
  - e. Removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the child's emotional well-being.
- Probation has not provided the family with reasonable efforts necessary to achieve reunification.

Date this section was completed: \_\_\_\_\_

29. The youth has been placed at: [REDACTED]  
Address: [REDACTED]

Reason(s) this placement was determined most appropriate and, in the youth's best interest: (706.6(g) WIC) (31-206.314)  
To address the minor's need of sex offender treatment in the least restrictive environment to ensure public safety.

Name and address of school the youth will attend while residing in this placement (WIC 706.6(j)) (31-206.351(a))

School Name: [REDACTED]  
School Address: [REDACTED]

- This is same school youth was attending.
  - The previous school was considered, however, based on other factors in determining the appropriate placement it is necessary for him/her to change schools.
  - School records have been forwarded to the new school  Yes  No
- Other educational information: N/A

30. Pursuant to WIC - 727(a)(4)(E), if a youth is 13 years and older, has an active placement order through delinquency court, is anticipated to remain in placement in an STRTP for 12 months the Chief Probation Officer of the county probation department or her/his designee shall approve the continued placement, no less frequently than every 12 months.

Chief Probation Officer or her/his designee has approved the child/youth continued placement in an STRTP

Expected date of completion: 1/26/2023

Permanency Goals Discussed with youth/family/CFT   
Youth's Placement stability reviewed/assessed

Describe child/youth's needs that justify continued placement in an STRTP, include barriers that need to be addressed: A Juvenile Sex Offender treatment program provides the necessary rehabilitative services and structure for the minor to address his mental health needs and to learn behavioral techniques to address his inappropriate sexual behavior. The minor and his family will need to appropriately address the offense, along with barriers within the family, in order for the minor to be prepare for independence after [REDACTED]

31. Prior to a child/NMD's discharge from an STRTP, please provide a description of the type of home-based services that will encourage the safety, stability, and appropriateness of the next placement. Include description of home-based services recommended by the QI and the CFT, when applicable: N/A

32. A plan for aftercare support services to the youth and family is attached and was developed with the STRTP pursuant Section 4096.6  
 YES  NO (not applicable at this time)

33. Foster Care Rights.

Pursuant WIC 16001.9. The youth has been informed of their rights at least every six months by his/her probation officer.

# JUVENILE PROBATION PLACEMENT CASE PLAN

**YOUTH:** This case plan has been reviewed with me and I have received a copy of my plan (WIC 16501.1(f)(13)). I agree to actively participate in the activities and work toward the goals as described. I have reviewed my case plan and my plan for permanency. I have been advised that I have the right to receive information about my placement and case plan, including changes to my plan as described. ( WIC 16001.9 (a)(38))

Youth's Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
(m/d/yyyy)

**PARENT/GUARDIAN(S):**

This case plan has been reviewed with me and I have been provided an opportunity to participate in the development of the case plan. I agree to actively participate in the activities and work toward the goals described. I also understand that adoptive/counseling services are available to me should I request them. I have received a copy of this plan.

Parent's Signature: \_\_\_\_\_  
(31.210.13)

Date: \_\_\_\_\_  
(m/d/yyyy)

If no parent/guardian is available/willing to sign the above, indicate efforts to obtain signature and reason parent did not sign:  
(31-210.131) \_\_\_\_\_

Probation Officer's Signature: \_\_\_\_\_  
(31-210.11)

Date: \_\_\_\_\_  
(m/d/yyyy)

Probation Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
(m/d/yyyy)

Date the Case Plan was reviewed with Care Provider: (31-405.1) \_\_\_\_\_

Date a copy of the Case Plan given to Care Provider: (31-405.1) \_\_\_\_\_

Provider Staff's Signature: \_\_\_\_\_  
(31-405.1)

Date: \_\_\_\_\_

Provider Staff's Name/Job Title/Name of Organization (printed): \_\_\_\_\_

## APPRAISAL/NEEDS AND SERVICES PLAN

CLIENT'S NAME:	DATE OF BIRTH:	AGE:	SEX: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	Arrival Date: [REDACTED]
FACILITY NAME: [REDACTED]		ADDRESS: [REDACTED]		
TYPE OF NEEDS AND SERVICES PLAN: <input type="checkbox"/> ADMISSION <input checked="" type="checkbox"/> UPDATED [REDACTED]				
PERSON(S) OR AGENCY(IES) REFERRING CLIENT FOR PLACEMENT: Contra Costa Probation Department				TELEPHONE NO.: [REDACTED]
<p><b>BACKGROUND INFORMATION:</b></p> <p>[REDACTED] is a 18-year-old Hispanic male whose mother is [REDACTED]. He has no contact with his biological father. At the age of 18 his mother was sold for 30,000 Mexican pesos to the minor's father who began prostituting her to recover the money he paid for her. He has four siblings, [REDACTED] (16), and [REDACTED] (15) who live in Mexico, and [REDACTED] (11) and [REDACTED] (9) who live with mom. According to the J20-00654 dispositional report there were three sustained charges: two felony counts of 288 (b)(1) Forcible Lewd Act Upon Child, and one felony count of section 289 (d) Sexual Penetration of Unconscious Person. He admitted to counts one, two, and eight. He apologized and asked for forgiveness stating he loves his mom and youngest brother. Counts three through seven were dismissed. He has lived the past four years with his mother, and before that he lived with his grandmother in Mexico (except the first three years of his life he lived with his mom). After he moved back to live with his mom, she was having disciplinary issues with him. She confiscated his cell phone and discovered inappropriate videos he had taken of her while she was asleep. When she confronted him, he admitted to taking the video and trying to see her private parts. He was angry and said he did not see her as his mother. His mother questioned his brothers. His older brother said he had never taken a video, but he had touched his private parts.</p> <p>[REDACTED] was under the impression that his mother did not love him because of what his grandmother told him. His mother was sending money to Mexico but it wasn't being used to help take care of him. A friend of his stepdad sexually abused him, and his uncle and grandmother physically abused him. He initially said he was innocent of the accusations by his mother and his brother was abused by another family member.</p> <p>The first sexual encounter between [REDACTED] and his brother occurred approximately three years ago when they lived in Isleton. He did not believe he did anything wrong. The incidents continued when they moved to Antioch. His brother said that when they were laying on a bed when they lived in Isleton [REDACTED] took off both of their clothes and began touching his private parts. There was a previous police report regarding a verbal argument about [REDACTED] not wanting to live at home anymore and they were counseled. His brother reported in the current investigation, "I don't know how to say this but...my bigger brother had the thing with me." He also reported that his brother put his "private part on my butt" and that "his butt hurt, and his stomach hurt, he vomited, and he could not go number 2." He said the secret was breaking him. The first time he touched his mother was in Antioch. His bed was next to hers and she thought someone was caressing her butt cheeks. She thought she was just dreaming. She said it happened three times and there were several incidents where it felt that someone was touching her breast. The last incident she felt someone doing it to her vagina and that the minor put his fingers into her. She did not know what to say or do so she just lay still. She later revealed that she was raped by her uncle at the age of 12 when she was sleeping. After the interviews they went home and that night she informed the officer that [REDACTED] had gone to a friend's house. He was detained near his friend's house. It is recommended the minor be placed out of home due to the severity of his offense. His placement is necessary and appropriate. Contra Costa County recommended and approved the placement and on 3/15/21 [REDACTED] came to reside at [REDACTED], an STRTP, short-term residential treatment program. The clinical program specializes in daily intensive sex offender treatment based on a cognitive-behavioral therapy model including individual and group therapy.</p>				

**Information from relevant assessments:**

scored 8 on the ACE Assessment. This score means that he has a high level of experiences in childhood which are likely to trauma-reactions or issues in life.

He endorsed sixteen items on the Sexual Addiction Screening Test which indicates a high level of sexually compulsive or “addictive” behaviors, endorsing items consistent with a sexual problem.

**Identified Strengths:**

’s strengths are:

- He likes to draw and write songs, he is artistic.
- He likes to play soccer.
- He is motivated for treatment.
- He is in general good health.
- He cares about his family.
- He is thoughtful.

**Educational Needs or Information:**

has credits that place him in the twelve grade and is in a good place to finish high school by next spring.

NEEDS	OBJECTIVE/PLAN	TIME FRAME	PERSON(S) RESPONSIBLE FOR IMPLEMENTATION	METHOD OF EVALUATING PROGRESS
<b>SOCIALIZATION – Difficulty in interacting socially as it relates to honesty and transparency, personality characteristics of offending, impacting appropriate level of connection with peers</b>				
Develop appropriate self-awareness and increased frustration tolerance	Milieu Therapeutic Setting	4 months	Youth Counselors Primary Therapist	Residential Staffings Quarterly Reports
Learning and practicing safe boundaries, feeling safe in setting boundaries	Individual/Family/ Group Therapy		Mental Health Staff	CFTs
Develop maturity and emotional intimacy with Peers & Adults in a Position of Power				
<b>EMOTIONAL - Difficulty with anger management and sense of frustration tolerance towards limit setting</b>				
Expression of emotions, limiting his need to shut down	Milieu Therapeutic Setting	4 months	Youth Counselors Primary Therapist	Residential Staffings Quarterly Reports
Work with problems in healthy positive ways instead of expressing anger	Individual/Family/ Group Therapy		Mental Health Staff	CFTs
Expand empathy toward self and others - ability to understand and share the feelings of another				
<b>MENTAL - Difficulty with intellectual functioning impacting decision making and influence of past traumatic experiences</b>				
Opening up to others	Milieu Therapeutic Setting	4 months	Youth Counselors	Residential Staffings
Make healthy choices to promote healing traumas			Primary Therapist	Quarterly Reports



Process emotions in healthy ways	Individual/Family/Group Therapy		Mental Health Staff	CFTs
<b>PHYSICAL/HEALTH – Difficulties with physical development and health habits regarding physical activity.</b>				
Monitor Health Needs Improved sleep	Annual Physical; Semi-Annual Dental Exam & Cleaning; and Two-year Eye Examination	Ongoing	Youth Counselors Administrator	Doctors Reports
<b>FUNCTIONING SKILLS – Difficulty in developing and/or using independent functioning skills.</b>				
Learn Independent Living Skills Communicating new behavior patterns and transferring them to behavior in the community	Paid and unpaid chores, household maintenance, work with vocational mentor & attend independent living skills classes	4 months	Vocational Mentor Youth Counselors	Residential Staffing

**Proposed Transition Plan (Including potential timeline):**

Progress to the transition phase of the program. Move from main house to [REDACTED] to develop transitional living skills. Explore potential family placements because he is not return home.

**Additional Supports or Services that may be necessary:**

1) needs 24/7 Staff support and oversight to ensure his safety due to his level of emotional intelligence.

**Special Considerations due to trauma history, SOGIE, CSEC, culture, etc.):**

1) has a history of behavioral difficulties and offense in his living situation to which attention will be given through family therapy.

**Restrictions due to offense, history, court order, or terms of probation:**

- Unsupervised internet access
- Unrestricted phone calls
- Cell phone possession
- Computer Use
- Anonymous mail sending/receiving
- Dating
- Social Media Usage
- Driving
- Off-grounds job/schooling without [REDACTED] staff
- Unsupervised contact with minors
- Wearing of Gang Colors
- Visitation to be approved by Program and Probation
- Other (Describe):

- Driving
- Off-grounds job/schooling without [redacted] staff
- Unsupervised contact with minors
- Wearing of Gang Colors
- Visitation to be approved by Program and Probation
- Other (Describe):

I/We believe this person is compatible with the facility program and with other clients in the facility, and that I/we can provide the care as specified in the above objective(s) and plan(s).

[redacted]

Date: [redacted]

LICENSEE ADMINISTRATOR SIGNATURE

I/We have reviewed and agree with the above assessment and believe the licensee(s) other person(s)/agency can provide the needed services for this client.

[redacted]

Date: [redacted]

CLIENT'S THERAPIST *8*

I/We have participated in and agree to release this assessment to the licensee(s) with the condition that it will be held confidential.

[redacted]

Date: [redacted]

CLIENT'S SIGNATURE

[redacted]

Date: [redacted]

PROBATION OFFICER'S SIGNATURE

[REDACTED]

**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** Prob StartStop  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

# PLACEMENT/REMOVAL NOTICE

**MINOR'S NAME** [REDACTED] **DATE:** [REDACTED]  
**DEPUTY:** [REDACTED]  
**DATE OF LAST VISIT WITH MINOR:** [REDACTED]

\*\*\*\*\*

**REMOVED FROM:** [REDACTED]

**EFFECTIVE:** (Last day @ Facility. When Payment Stops): [REDACTED]  
**REASON:** \_youth is staying in [REDACTED] (unapproved setting)  
**NOTES:** \_

\*\*\*\*\*

**PLACED AT (Facility or Home):** \_Unapproved setting

**EFFECTIVE:** (Start Payment Date): [REDACTED]  
**New Deputy:** [REDACTED]

\*\*\*\*\*

\*\*\*\*\* CLERICAL INFORMATION \*\*\*\*\*

**EHSD HOTLINE NOTIFIED:** \_\_\_\_\_ **SUPERSESSION UPDATED:** \_\_\_\_\_  
**G. H. AGREEMENT FAXED:** \_\_\_\_\_ **2 SPREADSHEETS UPDATED:** \_\_\_\_\_  
**PAPERWORK COMPLETED/ FILED:** \_\_\_\_\_ **AUTO-BASE UPDATED:** \_\_\_\_\_  
**CWS UPDATED:** \_\_\_\_\_ **IF V&D, EHSD FISCAL NOTIFIED:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

**Confidential**

**Health  
and  
Education  
Passport**

**Instructions to Foster Parents**

Please keep this Health and Education Passport while this child is in your care. Please keep the child's Medi-Cal card, health eligibility identification cards, Medical Consent form, Birth Certificate and Immunization record with this Passport.

Take this Passport to all medical, dental, and educational visits pertaining to the child. Remind doctors, dentists, and teachers, mental health care providers, vision care providers, and other health care providers to add or correct information on the form after each visit. Please give the corrected Passport to the social worker at your next meeting. When the child leaves your care, the latest update of this Passport will go with the child to aid the next care provider.

If you have any questions, please speak with the child's social worker and/or Public Health Nurse.

Thank you.

NAME OF AGENCY: [REDACTED]		
STREET ADDRESS: [REDACTED]		
CITY AND ZIP CODE: [REDACTED]		COUNTY: [REDACTED]
NAME OF SOCIAL WORKER: [REDACTED]	CASELOAD ID: [REDACTED]	TELEPHONE: [REDACTED]

**CHILD INFORMATION**

CHILD'S NAME		BIRTH DATE	AGE	GENDER
NAME ALSO KNOWN BY		CHILD ID NUMBER	COURT NUMBER	
CASE NUMBER	MEDI-CAL RECORD NUMBER	MEDICAL INSURANCE COMPANY NAME / HMO		POLICY NUMBER
ADDRESS Confidential Address			SOCIAL SECURITY NUMBER	
			PHONE	
ETHNICITY		RELIGION	ICWA ELIGIBILITY Y	
PRIMARY LANGUAGE English		SECONDARY LANGUAGE		
NAME OF SUBSTITUTE CARE PROVIDER Confidential Name		RELATIONSHIP TO CHILD OR TYPE OF FACILITY Confidential Relationship		
SCHOOL NAME	SCHOOL ADDRESS			GRADE
PHONE	[REDACTED]			[REDACTED]

**CURRENT HEALTH INFORMATION**

- SENSITIVE HEALTH & MEDICAL INFORMATION ON FILE
- LIMITATION PUT ON SUBSTITUTE CARE PROVIDER'S ABILITY TO MAKE HEALTH DECISIONS
- INDIVIDUAL HEALTH CARE PLAN ON FILE FOR SPECIAL NEEDS CHILD

**\*\* ALERTS \*\***

DESCRIPTION

**ALLERGIES**

DESCRIPTION

None Known

ONSET DATE/FIRST VISIT

DIAGNOSED BY

**SUMMARY OF CHILD'S CURRENT HEALTH CONDITION**

**DEVELOPMENTAL / FUNCTIONAL LIMITATIONS**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> VISUAL IMPAIRMENT | <input type="checkbox"/> HEARING IMPAIRMENT                 | <input type="checkbox"/> SPEECH IMPAIRMENT                  |
| <input type="checkbox"/> SPECIAL DIET REQUIRED        | <input type="checkbox"/> NEUROLOGICAL IMPAIRMENT            | <input type="checkbox"/> MEDICAL EQUIPMENT REQUIRED         |
| <input type="checkbox"/> DEVELOPMENTALLY DISABLED     | <input type="checkbox"/> NON AMBULATORY                     | <input type="checkbox"/> MEDICAL PROCEDURES REQUIRED        |
| <input type="checkbox"/> DEVELOPMENTALLY DELAYED      | <input type="checkbox"/> SPECIAL EDUCATION PUPIL, CERTIFIED | <input type="checkbox"/> EMOTIONAL DISORDER, DSM, CURNT REV |
| <input type="checkbox"/> OTHER DESCRIPTION            |   |   |

**CURRENT HEALTH ISSUES**

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
HEALTH PROBLEM DESCRIPTION [REDACTED]		
TREATMENT PLAN / INSTRUCTIONS		

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
HEALTH PROBLEM DESCRIPTION [REDACTED]		
TREATMENT PLAN / INSTRUCTIONS		

PREScribed MEDICATIONS [REDACTED]	START DATE [REDACTED]	PROJECTED END DATE	END DATE
MEDICATION COMMENTS / INSTRUCTIONS: [REDACTED]			

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE
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DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE [REDACTED]	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
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HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE [REDACTED]
------------------------------	--------------------------------------	---

DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE [REDACTED]	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
----------------------------------	-----------------------------------	---

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE [REDACTED]
------------------------------	--------------------------------------	---

DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE [REDACTED]	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
----------------------------------	-----------------------------------	---

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS [REDACTED]	START DATE [REDACTED]	PROJECTED END DATE [REDACTED]	END DATE [REDACTED]
--------------------------------------	--------------------------	----------------------------------	------------------------

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS [REDACTED]	START DATE [REDACTED]	PROJECTED END DATE [REDACTED]	END DATE [REDACTED]
--------------------------------------	--------------------------	----------------------------------	------------------------

MEDICATION COMMENTS / INSTRUCTIONS:  
Psychotropic medication for psychiatric reasons. 150mg

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE [REDACTED]
------------------------------	--------------------------------------	---

DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE [REDACTED]	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
----------------------------------	-----------------------------------	---

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS [REDACTED]	START DATE [REDACTED]	PROJECTED END DATE [REDACTED]	END DATE [REDACTED]
--------------------------------------	--------------------------	----------------------------------	------------------------

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS [REDACTED]	START DATE [REDACTED]	PROJECTED END DATE [REDACTED]	END DATE [REDACTED]
--------------------------------------	--------------------------	----------------------------------	------------------------

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

HEALTH PROBLEM [REDACTED]	ONSET DATE/FIRST VISIT [REDACTED]	NEXT SCHEDULED VISIT DATE [REDACTED]
------------------------------	--------------------------------------	---

DIAGNOSED BY: NAME [REDACTED]	DIAGNOSED BY: PHONE [REDACTED]	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
----------------------------------	-----------------------------------	---

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE?
[REDACTED]	[REDACTED]	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE?
[REDACTED]	[REDACTED]	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE?
[REDACTED]	[REDACTED]	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]



REFERRAL DATE	REFERRED TO	DATE SEEN
[REDACTED]	[REDACTED]	[REDACTED]

REASON  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
[REDACTED]	[REDACTED]	

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
[REDACTED]	[REDACTED]	

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
[REDACTED]	[REDACTED]	[REDACTED]

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
[REDACTED]	[REDACTED]	

HEALTH PROBLEM DESCRIPTION  
[REDACTED]

TREATMENT PLAN / INSTRUCTIONS  
[REDACTED]

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MEDICATION COMMENTS / INSTRUCTIONS:

PRESCRIBED MEDICATIONS

START DATE

PROJECTED END DATE

END DATE

MEDICATION COMMENTS / INSTRUCTIONS:

PRESCRIBED MEDICATIONS

START DATE

PROJECTED END DATE

END DATE

MEDICATION COMMENTS / INSTRUCTIONS:

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

NEXT SCHEDULED VISIT DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

PRESCRIBED MEDICATIONS

START DATE

PROJECTED END DATE

END DATE

MEDICATION COMMENTS / INSTRUCTIONS:

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

NEXT SCHEDULED VISIT DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

NEXT SCHEDULED VISIT DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

NEXT SCHEDULED VISIT DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

NEXT SCHEDULED VISIT DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT PLAN / INSTRUCTIONS

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
MEDICATION COMMENTS / INSTRUCTIONS:			

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
MEDICATION COMMENTS / INSTRUCTIONS:			

WELL CHILD EXAM

DATE	EXAM TYPE	SERVICE PROVIDER			
AGE AT TIME OF EXAM	HEIGHT	HEIGHT %	WEIGHT	WEIGHT %	HEAD CIRCUMFERENCE
COMMENTS / OUTCOMES / REFERRALS					

IMMUNIZATIONS

IMMUNIZATION TYPE	DATE GIVEN OR WAIVED	WAIVED	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE



IMMUNIZATION TYPE	DATE GIVEN OR WAIVED	WAIVED	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE
[REDACTED]				
[REDACTED]				
[REDACTED]				
[REDACTED]				
[REDACTED]				
[REDACTED]				
[REDACTED]				

**Negative**

COMMENTS / RESULTS

IMMUNIZATION TYPE	DATE GIVEN OR WAIVED	WAIVED	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE
[REDACTED]				

**Negative**

COMMENTS / RESULTS

IMMUNIZATION TYPE	DATE GIVEN OR WAIVED	WAIVED	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE
[REDACTED]				

IMMUNIZATION TYPE	DATE GIVEN OR WAIVED	WAIVED	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE
[REDACTED]				

**CURRENT DEVELOPMENTAL AND MENTAL HEALTH SCREENINGS**

DATE	TYPE	SCREENED BY	RESULTS
------	------	-------------	---------

COMMENTS

**CURRENT DEVELOPMENTAL AND MENTAL HEALTH REFERRALS**

REFERRAL DATE	REFERRAL TYPE	REFERRED TO	OUT OF COUNTY
			<input type="checkbox"/>
OUTCOME OF REFERRAL	OUTCOME DATE	CONSENT TYPE	CONSENT ON FILE DATE

COMMENTS

**CURRENT DEVELOPMENTAL AND MENTAL HEALTH DATA**

PLAN TYPE	START DATE	COMMENTS	
MEETS MEDICAL NECESSITY	DATE		
INTERVENTION CHOICE	START DATE	END DATE	COMMENTS

**CURRENT HEALTH SERVICE PROVIDERS**

CURRENTLY RECEIVES SERVICES FROM:

 CA CHILDREN'S SERVICES  REGIONAL CENTER  OTHER

SERVICE PROVIDER NAME

SERVICE PROVIDER TYPE

DATE LAST SEEN

CLINIC/AGENCY NAME, IF ANY

ADDRESS

PHONE

**PAST HEALTH INFORMATION****BIRTH HISTORY**

BIRTH PLACE / HOSPITAL NAME

BIRTH LOCATION (CITY COUNTY STATE AND COUNTRY)

WEIGHT

LENGTH

HEAD CIRCUMFERENCE

APGAR

GESTATION AGE

TOXICOLOGY SCREENING

NEWBORN SCREENING RESULTS

PRENATAL / PERINATAL COMMENTS

**PAST HEALTH ISSUES**

HEALTH PROBLEM

ONSET DATE/FIRST VISIT

END DATE

DIAGNOSED BY: NAME

DIAGNOSED BY: PHONE

COMMUNICABLE DISEASE?

 YES  NO  UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT

**PAST DEVELOPMENTAL AND MENTAL HEALTH SCREENINGS**

DATE

TYPE

SCREENED BY

RESULTS

COMMENTS

**PAST DEVELOPMENTAL AND MENTAL HEALTH REFERRALS**

REFERRAL DATE

REFERRAL TYPE

REFERRED TO

OUT OF COUNTY

OUTCOME OF REFERRAL

OUTCOME DATE

CONSENT TYPE

CONSENT ON FILE DATE

COMMENTS

CHILD'S NAME

DATE OF BIRTH

**PAST DEVELOPMENTAL AND MENTAL HEALTH DATA**

PLAN TYPE	START DATE	END DATE	END REASON
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MEETS MEDICAL NECESSITY      DATE

COMMENTS

INTERVENTION CHOICE	START DATE	END DATE	COMMENTS
---------------------	------------	----------	----------

**PAST HEALTH SERVICE PROVIDERS**

PREVIOUSLY RECEIVED SERVICES FROM:

CA CHILDREN'S SERVICES     REGIONAL CENTER     OTHER

SERVICE PROVIDER NAME	SERVICE PROVIDER TYPE	DATE LAST SEEN
-----------------------	-----------------------	----------------

CLINIC/AGENCY NAME, IF ANY	ADDRESS
----------------------------	---------

PHONE

CHILD'S NAME

DATE OF BIRTH

CASE I.D. #

---

**FAMILY MEDICAL HISTORY**

---

MATERNAL - SIGNIFICANT HEALTH PROBLEMS

---

---

PATERNAL - SIGNIFICANT HEALTH PROBLEMS

---



**EDUCATION INFORMATION**

PARENT(S) / GUARDIANS EDUCATIONAL RIGHTS LIMITED?  YES  NO  
 COURT APPOINTED EDUCATION REPRESENTATIVE CAER RELATIONSHIP PHONE NUMBER

DOES THE CHILD HAVE AN INDIVIDUALIZED EDUCATION PROGRAM (IEP/IFSP)?  YES  NO MOST RECENT IEP DATE:

IS IT IN THE BEST INTEREST OF THE CHILD TO REMAIN IN THE SCHOOL OF ORIGIN?  YES  NO  NOT APPLICABLE DECISION DATE:

LOCATION OF EDUCATIONAL RECORDS / ATTEMPTS TO ACQUIRE

ARE TRANSITIONAL INDEPENDENT LIVING SERVICES BEING PROVIDED?  YES  NO  
 HAS THE CLIENT GRADUATED FROM HIGH SCHOOL?  YES  NO  
 HAS THE CLIENT COMPLETED AT LEAST ONE SEMESTER OF COLLEGE?  YES  NO  
 HAS THE CLIENT ATTENDED POSTSECONDARY/VOCATIONAL TRAINING?  YES  NO

**CLIENT SPECIAL EDUCATION**

INSTRUCTION RECEIVED?  YES  NO START DATE END DATE

**CURRENT**

SCHOOL NAME PHONE

SCHOOL ADDRESS:

CONTACT NAME START DATE SCHOOL OF ORIGIN?  YES  NO

EXPLANATION IF CHILD WAS NOT PLACED IN PROXIMITY OF PREVIOUS SCHOOL ENROLLMENT

SPECIAL EDUCATION NEEDS OF THIS CHILD

REDUCED PRICE MEAL PROGRAM?  YES  NO GRADUATION TYPE GRADUATION METHOD

GRADE GRADE LEVEL PERFORMANCE TEACHER / COUNSELOR NAME START DATE

RECEIVED TUTORING?  YES  NO

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS

EDUCATION RECORD EXAM RESULTS START DATE END DATE

EDUCATION RECORD COMMENTS

CHILD'S NAME

DATE OF BIRTH

CASE I.D. #

SCHOOL NAME

PHONE

SCHOOL ADDRESS:

CONTACT NAME

START DATE

SCHOOL OF ORIGIN?

YES  NO

EXPLANATION IF CHILD WAS NOT PLACED IN PROXIMITY OF PREVIOUS SCHOOL ENROLLMENT

SPECIAL EDUCATION NEEDS OF THIS CHILD

REDUCED PRICE MEAL PROGRAM?

YES  NO

GRADUATION TYPE

GRADUATION METHOD

GRADE

GRADE LEVEL PERFORMANCE

TEACHER / COUNSELOR NAME

START DATE

RECEIVED TUTORING?

YES  NO

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS

EDUCATION RECORD

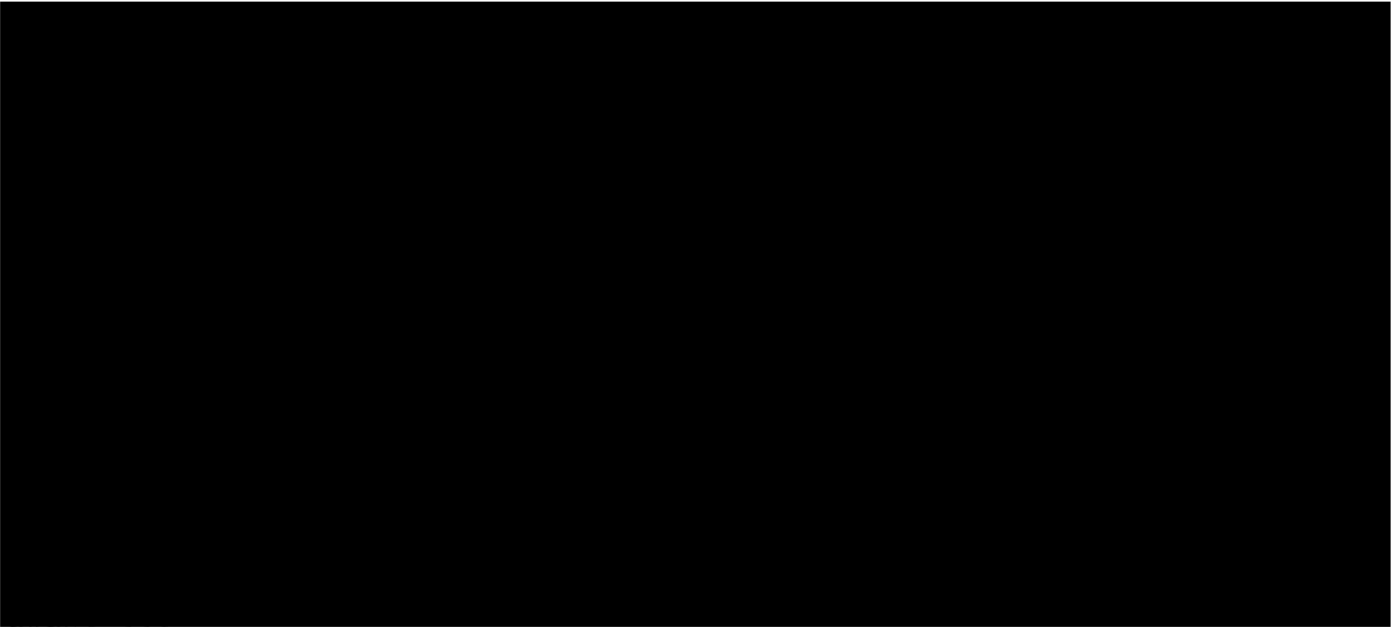
EXAM RESULTS

START DATE

END DATE

IEP

EDUCATION RECORD COMMENTS



District Graduation Requirements:

Units/Credits completed: [REDACTED] / Units/Credits Pending: [REDACTED]

EDUCATION RECORD	EXAM RESULTS	START DATE	END DATE
Progress Record		08/12/2015	
EDUCATION RECORD COMMENTS			



**PREVIOUS**

SCHOOL NAME [REDACTED]	PHONE [REDACTED]
---------------------------	---------------------

SCHOOL ADDRESS:  
[REDACTED]

CONTACT NAME [REDACTED]	START DATE [REDACTED]	END DATE
----------------------------	--------------------------	----------

REASON CHILD LEFT SCHOOL

SPECIAL EDUCATION NEEDS OF THIS CHILD

REDUCED PRICE MEAL PROGRAM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	GRADUATION TYPE	GRADUATION METHOD
--	-----------------	-------------------

GRADE [REDACTED]	GRADE LEVEL PERFORMANCE	TEACHER / COUNSELOR NAME	START DATE [REDACTED]	END DATE [REDACTED]
---------------------	-------------------------	--------------------------	--------------------------	------------------------

RECEIVED TUTORING?  
 YES  NO

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS

EDUCATION RECORD [REDACTED]	EXAM RESULTS	START DATE [REDACTED]	END DATE [REDACTED]
--------------------------------	--------------	--------------------------	------------------------

EDUCATION RECORD COMMENTS

[REDACTED]

**PLACE**

**CHILD'S PICTURE**

**HERE**

**Student Name:** \_\_\_\_\_  
 (Last) (First) (Middle)

**School:** \_\_\_\_\_

**School Year:** \_\_\_\_\_

### Student Emergency Card

**Date:** \_\_\_\_\_

#### Student Information

**Student Name:** \_\_\_\_\_ **Sex:** \_\_\_\_ **Grade:** \_\_\_\_ **Birthdate:** \_\_\_\_\_  
 (Last) (First) (Middle)

**Residence Address:** \_\_\_\_\_  
 (Street) (City) (Zipcode)

**Home/Primary Phone Number:** \_\_\_\_\_ **Student's Birthplace:** \_\_\_\_\_

#### Parent/Guardian Information

##### Parent/Guardian 1

##### Parent/Guardian 2

**Name** \_\_\_\_\_ **Name** \_\_\_\_\_

**Address** \_\_\_\_\_ **Address** \_\_\_\_\_

**City** \_\_\_\_\_ **Home Phone** \_\_\_\_\_ **City** \_\_\_\_\_ **Home Phone** \_\_\_\_\_

**Work Phone** \_\_\_\_\_ **Cell Phone** \_\_\_\_\_ **Work Phone** \_\_\_\_\_ **Cell Phone** \_\_\_\_\_

**Email Address** \_\_\_\_\_ **Email Address** \_\_\_\_\_

**Language Spoken at home:** \_\_\_\_\_ **Student Lives With:** \_\_\_\_\_

#### Emergency Contacts

If the child listed above becomes ill, requires medical attention, or must be evacuated due to a emergency/disaster and I cannot be reached, the school authorities have my permission to contact and release my child to the care and custody of one of the following.

**PLEASE NOTE: All persons picking up children MUST provide valid photo identification or your child will not be released.**

1) Name \_\_\_\_\_ Relationship \_\_\_\_\_ Home Phone \_\_\_\_\_ Cell / Work Phone \_\_\_\_\_

2) Name \_\_\_\_\_ Relationship \_\_\_\_\_ Home Phone \_\_\_\_\_ Cell / Work Phone \_\_\_\_\_

3) Name \_\_\_\_\_ Relationship \_\_\_\_\_ Home Phone \_\_\_\_\_ Cell / Work Phone \_\_\_\_\_

#### Sibling Information

Name	School	Grade	Name	School	Grade
1. _____			2. _____		
3. _____			4. _____		

#### Medical Information

**CHECK THE BOXES BELOW IF YOUR CHILD CURRENTLY HAS ANY OF THE FOLLOWING CONDITIONS:**

Asthma (Inhaler Required)  Diabetes  Sickle Cell Anemia  Severe Allergies (Epipen Required)

Seizure Disorder (Date of last seizure: \_\_\_\_\_)  Cystic Fibrosis  Other: \_\_\_\_\_

If you selected Seizure Disorder, what type of seizures did/does your child have: \_\_\_\_\_

Please list any medication(s) your child is required to take during school hours: \_\_\_\_\_

NOTE: Medical authorization forms must be completed by the physician annually for any medication/procedures required during school hours.

#### Disaster Preparedness Information

I will provide a 3-day supply of medication to the school (with current medical orders) for emergencies:  Yes  No  N/A

My child has special care procedures or needs:  Tracheostomy  GT Feedings  Catheterizations  Wheelchair

**Emergency Contact (Outside of California or outside the Bay area):**

1) Name \_\_\_\_\_ Relationship \_\_\_\_\_ Home Phone \_\_\_\_\_ Cell / Work Phone \_\_\_\_\_

If my child needs to be taken to an emergency facility, he/she may be taken to the nearest one. I give my consent for school authorities to take appropriate action for the safety and welfare of my child. I understand I will be financially responsible.

**PARENT/GUARDIAN SIGNATURE:** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CONTRA COSTA SELPA IEP TEMPLATE  
INVITATION TO INDIVIDUAL EDUCATIONAL PROGRAM TEAM MEETING/NOTICE OF MEETING**

**Student Name** \_\_\_\_\_ **Date of Birth** \_\_\_/\_\_\_/\_\_\_

Initial  Annual  Triennial  Transition Planning  Pre-Expulsion  Interim  Other \_\_\_\_\_

Address \_\_\_\_\_

Dear \_\_\_\_\_ Today's Date \_\_\_/\_\_\_/\_\_\_

An Individual Education Program (IEP) Meeting is being arranged to discuss educational program for the student named above. You are invited to attend as a member of the IEP team. Your participation and input are important in the development of an appropriate education and arriving at decisions about your child's education. You have the right to have other individuals present who have knowledge or special expertise about your child. Your child could benefit from participation in the IEP meeting and is invited to attend. If this is the initial IEP meeting and the student was receiving services under Part C through an IFSP, you may request that the district invite the Part C Service Coordinator or other representative. Secondary students age 15 or older should attend the IEP Team meeting. Parents of adult students may also participate in the meeting.

**The meeting is scheduled for:**

Date \_\_\_/\_\_\_/\_\_\_ Time \_\_\_\_\_

School / Location \_\_\_\_\_ Room \_\_\_\_\_

**We anticipate that the following members may also attend**

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> Administrator/Designee    | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Special Education Teacher | <input type="checkbox"/> _____ |
| <input type="checkbox"/> General Education Teacher | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Student                   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Psychologist              | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Specialist (type) _____   | <input type="checkbox"/> _____ |

**NOTICE:** If you wish to audio tape this meeting, you must provide 24 hour notice; we may also audio tape the meeting.

**If you would like further information about your Procedural Safeguards or the purpose of this meeting, please call:**

Name \_\_\_\_\_ Title \_\_\_\_\_

School / District \_\_\_\_\_ Phone \_\_\_\_\_

Please complete and sign this form, and return to \_\_\_\_\_

**Check the following items, as appropriate:**

- YES, I plan to attend the meeting.
- YES, I plan to attend the meeting and bring the following additional attendees: \_\_\_\_\_
- I do not plan to attend the meeting, but I am available by teleconference
- I require assistance of an interpreter. (language) \_\_\_\_\_
- I request a different time and/or place. Please call me at home (\_\_\_\_) \_\_\_\_\_ work (\_\_\_\_) \_\_\_\_\_
- I give my consent for the district to invite other agency personnel to attend the meeting if secondary transition is being addressed.

NO, I cannot attend the meeting, but hereby give my permission for the meeting to be held without me (CFR 300.322d). I understand the IEP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.

NO, I cannot attend, but I will send \_\_\_\_\_ as my representative to speak for me. I understand the IEP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.

Signature \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

Parent  Guardian  Surrogate  Adult Student

\_\_\_\_\_ **School District**  
**Modified Graduation Notification Letter**  
**AB 167/216, AB 1806, AB 2306**

Student Name: _____	Student ID: _____
Address: _____	Date of Birth: _____
Current High School: _____	Date of Enrollment: _____
Grade Level: _____	
Educational Rights Holder (ERH): _____	Phone: (____) _____
Probation Officer/Social Worker (If applicable): _____	Phone: (____) _____

The purpose of this document is to notify the above student and Educational Rights Holder of the determination of eligibility for modified graduation requirements and options for meeting graduation requirements.

Under Assembly Bills 167/216 students identified as foster, AB 1806 students living in a homeless situation, and AB 2306 students transitioning from a juvenile court school, have special rights to help them remain on track for high school graduation.

Students in transition (foster youth, students in homeless situations, and those transitioning from a juvenile court school) who transfer schools after their second year of high school may be eligible to graduate by completing the minimum California state graduation requirements if they are not reasonably able to complete all \_\_\_\_\_ School District graduation requirements by the end of their fourth year of high school. Completing second year of high school is defined as either a) completing two years of high school; or b) completing sufficient high school credits to be considered a high school junior or senior.

Students who graduate under AB 167/216, AB 1806, or AB 2306 do not have to complete additional \_\_\_\_\_ School District requirements, which require \_\_\_\_\_ credits.

<p><b>PART A. Determination of Eligibility</b> within 30 calendar days of student’s enrollment, after careful review of the student’s educational records, we have determined, and hereby certify, that the above named student:</p> <p><input type="checkbox"/> Is eligible to meet graduation requirements under <input type="checkbox"/> AB 167/216 <input type="checkbox"/> AB 1806 <input type="checkbox"/> AB 2306</p> <p>(please see Part B and Part C of this letter for further information.)</p> <p><input type="checkbox"/> Is not eligible to meet graduation requirements under <input type="checkbox"/> AB 167/216 <input type="checkbox"/> AB 1806 <input type="checkbox"/> AB 2306 because;</p> <p>___ Student is not a foster youth, student in homeless situation or student transitioning from juvenile court school.</p> <p>___ Student has not completed two years of high school.</p> <p>___ Student did not transfer to a new school after completing two years of high school.</p>
--

**School Counselor (Name):** \_\_\_\_\_

**School Counselor (Signature):** \_\_\_\_\_ **Date:** \_\_\_\_\_



\_\_\_\_\_ School District  
**Modified Graduation Notification Letter**  
**AB 167/216, AB 1806, AB 2306**

**Part B. Graduation Options for students eligible to meet modified graduation requirements under AB 167/216, AB 1806, or AB 2306.**

1. Attempt to graduate high school at the end of the fourth year by completing all school district graduation requirements. Students may attempt to accomplish this by concurrently enrolling in a community college, continuation school, or independent study program. Students may attempt to accomplish this by enrolling in district approved alternative methods for course completion.
2. Remain in high school for a fifth year, and complete all additional school district graduation requirements. The right to a fifth year of high school applies even if the student will be older than 18 years old during that additional year. The student will be allowed to remain at the local high school and will not be required to transfer to a continuation school, independent study program, or adult school to complete the fifth year.
3. Graduate by completing **California State requirements** and accept AB 167/216, AB 1806, AB 2306 eligibility. Please note that there are advantages and disadvantages to graduating under AB 167/216, AB 1806, or AB 2306. While a student may graduate with classmates and receive a regular high school diploma, students who graduate under AB 167/216, AB 1806, AB 2306 are **not eligible** to apply directly to a California State University (CSU) or University of California (UC) school.

**Important Notice to Student Educational Rights Holder**

It is important to keep a copy of this certification notification for your records. It can be used at any future school to verify that the student is already certified as AB 167/216, AB 1806, or AB 2306 eligible. The above names student retains the right to graduate under AB 167/216, AB 1806, or AB 2306 even if they transfer schools again, or their foster care/probation case closes, or they have obtained a permanent residence before they receive their high school diploma.

Please note that the school district cannot allow a student to graduate under AB 167/216, AB 1806, or AB 2306 without this document. The student and/or ERH can change their decision by submitting a new \_\_\_\_\_ **District Modified Graduation Eligibility Notification** (regarding graduating under AB 167/216, AB 1806, or AB 2306) at any time until the student receives their high school diploma.

The school counselor must submit and file this completed document to \_\_\_\_\_ with the Modified Graduation Academic Review Worksheet (if applicable) within (5) business days of receiving signed form in order for correct information to appear on the student's transcript for graduation.

\_\_\_\_\_ School District  
**Modified Graduation Notification Letter**  
**AB 167/216, AB 1806, AB 2306**

Please check box and initial one of the following three options:

<b>Part C. Choice of Graduation Path for students eligible to meet modified graduation requirements under AB 167/216, AB 1806, or AB 2306 (To be completed by student and Educational Rights Holder)</b>	
<input type="checkbox"/>	1. Graduate under _____ School District requirements in four (4) years. Initials of Student _____ Initials of Education Rights Holder _____
<input type="checkbox"/>	2. Graduate under _____ School District requirements in five (5) years.
<input type="checkbox"/>	3. Graduate under California State graduation requirement through AB 167/216, AB 1806, or AB 2306 in four (4) years. Initials of Students _____ Initials of Educational Rights Holder _____

**Educational Rights Holder (Name):** \_\_\_\_\_

**Educational Rights Holder (Signature):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Student (Name):** \_\_\_\_\_

**Student (Signature):** \_\_\_\_\_ **Date:** \_\_\_\_\_

The student and/or ERH can change their decision by submitting a new \_\_\_\_\_ School District *Modified Graduation Eligibility Notification* (regarding graduating under AB 167/216, AB 1806, or AB 2306) at any time until the student receives their high school diploma.

If you have any questions or concerns about AB 167/216, AB 1806, or AB 2306 graduation, please see the student's counselor.

**FOSTER YOUTH TEMPLATE**

**Unified**

**AB 167/216 Notification of District Graduation Requirement Exemption for Foster Youth Students**

<b>Student Name:</b>	<b>ID #:</b>	<b>Enter Date:</b>
<b>School:</b>	<b>Current Grade:</b>	<b>30 Day Deadline:</b>
<b>DOB:</b>	<b>Graduation Year:</b>	

**3<sup>rd</sup> & 4<sup>th</sup> Year High School Enrollment History:**

Dates		School of Enrollment		
From:	To:	School	District	Grade

(Disclaimer: Recommendation to consult with legal counsel to determine how this document may apply to your specific facts and circumstances)

**ACADEMIC ASSESSMENT:**

COURSE Requirements	District	AB 1806	Credits Completed	Credits Enrolled	Credit Recovery	Notes	Credits Needed
English		30					
Algebra		10					
Math		10					
Biological Science		10					
Physical Science		10					
World History/Cultures/Geography		10					
US History		10					
Government and Civics		5					
Economics		5					
Visual-Performing Arts-Foreign Language		10					
PE		20					
Additional Courses		--					
Health		--					
Electives		--					
Total Credits		130					

**Special Education Program:** \_\_\_\_\_

**Future Plans:**  Work  Adult School  Community College  State College  UC  Job Corps  Military  
 Vocational/Trade School Other: \_\_\_\_\_

**AB 1806 Exemption Granted:**  YES  NO  REEVALUATION

**Reason:** \_\_\_\_\_

**Academic Counselor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**District Homeless Liaison:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This is to notify the student below and the education rights holder (parent/guardian) that meeting basic California High School diploma requirements WILL NOT meet eligibility requirements for attendance to a four year post-secondary university. You are encouraged to contact your 2-year community college, career technical or military advisory/representative to explore post-secondary options.

- Exemption not accepted  Permission to remain in district for 5<sup>th</sup> year to complete district graduation requirements  
 Provided information about transfer opportunities available through California Community Colleges (see back page for information).

**Student Name:** \_\_\_\_\_ **Contact/Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Ed. Rights Holder (Parent/Guardian)** \_\_\_\_\_ **Contact/Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<b>CHILD'S NAME:</b> _____	
<b>ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER</b>	CASE NUMBER: _____

**Educational Rights Holder for Child or Youth**

1.  The following adult(s) is (are) designated as the educational rights holder(s), as defined in rule 5.502.
 

a. Name: _____	a. Name: _____
b. Address: _____	b. Address: _____
c. Telephone: _____	c. Telephone: _____
d. E-mail: _____	d. E-mail: _____
e. Relationship to child or youth: _____	e. Relationship to child or youth: _____
  
2. The adult(s) identified in 1. is (are) (*check all that apply*)
  - a.  The first educational rights holder identified by the court for this child or youth.
  - b.  The same educational rights holder as last identified by the court.  New contact information in item 1, above.
  - c.  A different educational rights holder from the one last identified by the court.
  - d.  The successor guardian or conservator and, as such, holds decisionmaking rights.
  - e.  The caregiver in a planned permanent living arrangement and holds  educational  developmental-services decisionmaking rights under section 361(a)(1)(E). See item 6 for limitation of parental decisionmaking rights.

**Having considered the evidence and made the findings required by law, THE COURT ORDERS that**

3.  The responsible adult identified in 1. is appointed the educational rights holder for the child or youth and is authorized to make  educational  developmental-services decisions for the child or youth to the extent permitted by law.
4.  (*Check only if 1, 2, and 3 do not apply.*) The court cannot identify a parent, guardian, or other responsible adult to act as the educational rights holder.
  - a.  The court hereby refers the child to the local educational agency for appointment of a surrogate parent under section 7579.5 of the Government Code.
  - b.  The court, with input from any interested person, will make  educational  developmental-services decisions.
    - The appointment of a surrogate parent is not warranted.
    - (*Before the dispositional hearing*) The child's attorney and the social worker or probation officer must make every effort to identify a responsible adult to make future educational or developmental services decisions for the child.
5.  The appointment of any previous educational rights holder or developmental-services decision maker is terminated.

<b>NOTICE</b>
<input type="checkbox"/> Provision of the information on this form—as well as on forms JV-535(A), JV-536, JV-537, JV-538, JV-539, JV-540, or any equivalent form—to the parent(s) or guardian(s) named in 6 <b>will</b> create a safety risk (for example, because of the placement's confidentiality). The information <b>may not</b> be disclosed to the parent or guardian.

<b>CHILD'S NAME:</b>	CASE NUMBER:
----------------------	--------------

6.  The rights of (name):
- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> mother   | <input type="checkbox"/> mother   |
| <input type="checkbox"/> father   | <input type="checkbox"/> father   |
| <input type="checkbox"/> guardian | <input type="checkbox"/> guardian |
- to make  educational  developmental-services decisions for the child or youth
- a.  are retained.
  - b.  are fully restored.
  - c.  are temporarily limited under section 319(g).
  - d.  are limited under section 361(a) or 726(b).
  - e.  have been terminated under section 366.26 or 727.31.
  - f.  transferred to the youth on his or her 18th birthday.

**Appointed Educational Rights Holder—Rights and Duties**

7. The appointed educational rights holder is authorized to have access to the child's or youth's  educational  developmental-services records and information to the extent permitted by law.
8. The appointed educational rights holder may authorize the release of  educational  developmental-services records to the child's attorney or CASA volunteer to the extent permitted by law.
9. The appointed educational rights holder must comply with all applicable state and federal confidentiality laws, including sections 362.5, 827, 4514, and 5328 and Government Code section 7579.5(f), and may share information only to the extent necessary to further the interests of the child or youth.
10. The appointed educational rights holder must meet with the child or youth; investigate the child's or youth's educational and developmental-services needs and whether those needs are being met; and, before each scheduled review hearing, provide information and recommendations to the social worker or probation officer **OR** make written recommendations to the court **OR** attend the review hearing and participate in any part of the hearing that concerns the child's education or development **OR** all of these. The rights holder may submit written recommendations on *Educational Rights Holder Statement* (form JV-537) or in any other suitable format. To the greatest extent possible, the educational rights holder must consult and collaborate with the educational liaison or regional center service coordinator, as applicable, to gather information needed to meet the needs and protect the rights of the child or youth.

**Service of Order**

11. If this is the first form JV-535 completed in this case or it includes any information different from information on the previous JV-535, the clerk will provide a copy of this form and any attachments to the child (if 10 years old or older) or youth; the attorney for the child or youth; the social worker or probation officer; the Indian child's tribe, if applicable; the local foster youth educational liaison; the county office of education foster youth services coordinator; the regional center service coordinator, if applicable; and the educational rights holder or surrogate parent in person or by first-class mail no later than five court days after the order is signed. The clerk may also make the form available to the parent or guardian (unless otherwise indicated on this form, or parental rights have been terminated, or the child has reached 18 years of age and reunification services have been terminated), to the CASA volunteer, and if requested, to any other person entitled to notice under section 293.
12. The assigned social worker or probation officer must notify the educational rights holder of the date, time, and location of each court hearing.

**This order applies to any local educational agency, school, school district, or regional center serving the child or youth in the State of California.**

Related findings and orders are attached on form JV-535(A) or its equivalent.

Date: \_\_\_\_\_ U \_\_\_\_\_  
JUDICIAL OFFICER

For your protection and privacy, please press the Clear This Form button after you have printed the form.

## Links to Additional Court Form Samples

JV-535(A): Attachment to Order Designating Educational Rights Holder

Link: <https://www.courts.ca.gov/documents/jv535a.pdf>

JV-536: Local Education Agency Response to JV-535—Appointment of Surrogate Parent

Link: <https://www.courts.ca.gov/documents/jv536.pdf>



# FOSTER YOUTH EDUCATION RIGHTS

## 1. RIGHT TO REMAIN IN YOUR SCHOOL OF ORIGIN

- ◆ You have the right to stay in the same school after you move to a new foster care placement.
- ◆ Your school district must work with you, your education rights holder, your caregiver, and your social worker/probation officer to develop a plan to transport you to your school of origin.

## 2. RIGHT TO IMMEDIATE ENROLLMENT IN SCHOOL

- ◆ You have the right to immediately enroll in your new school after you change placements.
- ◆ Your previous school must send your education records to your new school after you enroll.
- ◆ You have the right to participate in all student activities and programs available at your school.

## 3. RIGHT TO PARTIAL CREDITS FOR HIGH SCHOOL

- ◆ If you change schools during the school year, you have a right to partial credits in all classes that you are passing when you leave your old school.

## 4. GRADUATION RIGHTS

- ◆ You have the right to stay in high school for a fifth year to complete your school district graduation requirements, even if you are over 18.
- ◆ If you are behind on your credits and transferred schools after 10th grade, you may be eligible to graduate under AB 167/216.

## 5. COLLEGE RIGHTS

- ◆ You have the right to have the application fee waived when you apply to a community college in California and to four-year colleges through your school counselor.
- ◆ You have the right to receive the maximum amount of federal student aid.

## 6. SCHOOL DISCIPLINE RIGHTS

- ◆ You cannot be suspended for more than five school days in a row or for more than 20 days in a school year. If you do receive more suspensions, you must change schools.
- ◆ You have the right to be told why you are being suspended and the right to provide your version of events before you are suspended.

## 7. RIGHT TO YOUR SCHOOL RECORDS

- ◆ You have the right to access your school records if you are 16 years or older or have finished the 10th grade.
- ◆ Your social worker/probation officer and education rights holder can access your school records as well.

### \* Education Rights Holder

Every foster youth under the age of 18 must have an education rights holder, who is required to make education decisions in the youths best interest.

\*If you need information about who your education rights holder is, you can contact your social worker or attorney.

For more information, please contact one of your local Foster Youth representatives listed below:

Your Local School District  
Education Liaison:

Your FYSCP County Contact:



77 Santa Barbara Road  
Pleasant Hill, CA 94523  
(925) 942-3300

Your FYSCP State Contact:

California Department of Education  
1430 N Street, Suite 6208  
Sacramento, CA 95814-5901  
916-319-0836, Fax 916-319-0961

## GLOSSARY OF TERMS

TERM	ACRONYM	DEFINITION
<b>504 PLAN</b>		A legal document falling under the provisions of the Rehabilitation Act of 1973. It is designed to plan a program of instructional services to assist students with special needs who are in a regular education setting. A 504 Plan is not an Individualized Education Program (IEP) as is required for special education students. However, a student moving from a special education to a regular education placement could be placed under a 504 Plan. A student with a physical or emotional disability, or who is recovering from a chemical dependency, or who has an impairment (i.e. Attention Deficit Disorder) that restricts one or more major life activities can qualify to have a 504 Plan.
<b>AB 490- EDUCATION RIGHTS AND STABILITY FOR FOSTER YOUTH ACT</b>	AB 490	Assembly Bill 490 (2003) created new rights and duties related to the education of dependents and wards in foster care. Some of these rights and duties have been expanded by later laws, including AB 81 (2009); AB 12, AB 1933, and SB 1353 (2010); AB 709 and SB 578 (2011); AB 1573, SB 121, SB 1088, and SB 1568 (2012); AB 643 (2013); the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351); and the federal Uninterrupted Scholars Act (Public Law 112-278). The guiding principle of AB 490 is that educators, social workers, probation officers, caretakers, advocates, and juvenile courts must work together to serve the educational needs of students in foster care.
<b>AB 490 SCHOOL DISTRICT FOSTER CARE LIAISON</b>	AB 490 Liaison	Under AB 490 each LEA must designate an educational liaison for foster children, whose duties include the following: <ul style="list-style-type: none"> <li>• Ensuring proper educational placement, school enrollment, and checkout from school.</li> <li>• Assisting with the transfer of grades, credits, and records when there is a school change.</li> </ul>
<b>ACADEMIC PERFORMANCE INDEX</b>	API	Under <i>No Child Left Behind</i> , the API measures the academic performance and growth of schools on a variety of academic measures.
<b>ADJUDICATION HEARING (ALSO KNOWN AS A TRIAL OR JURISDICTIONAL HEARING)</b>		The hearing which occurs as the result of the parents or guardians entering a denial of the allegations in the petition. At any adjudication hearing, testimony and other evidence is presented to substantiate or refute the allegations made by Child Welfare Services in the petition.
<b>ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT</b>	APPLA	This is an updated term for what used to be called long-term foster care, in that the child is not returned home, adopted or placed with a guardian.



TERM	ACRONYM	DEFINITION
<b>ANNUAL YEARLY PROGRESS REPORT</b>	AYP	Under <i>No Child Left Behind</i> , the AYP requires each state to ensure that all schools and districts make Adequate Yearly Progress based on assessments included in the statewide accountability system.
<b>ARRAIGNMENT/ DETENTION HEARING</b>		The initial hearing in the in Dependency court following the filing of a petition. It is at this hearing that parents and/or guardians are apprised of their rights, issued a copy of the petition and appointed an attorney if they do not have one and the parent(s) or legal guardian(s) may enter a plea to the petition. At this hearing, the court makes a determination whether the child will return home or remain in temporary out-of-home care.
<b>BEHAVIORAL INTERVENTION PLAN</b>	BIP	A BIP is a written document that is developed when the individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's Individualized Education Program (IEP). The BIP becomes part of the IEP and must be written with sufficient detail so as to direct the implementation of the plan. 5 CCR § 3001(g).
<b>COLLEGE ENTRANCE COURSEWORK FOR UC OR CSU SCHOOL</b>		<p>Coursework required in high school in order to be eligible to attend a University of California or California State University school. These are:</p> <ul style="list-style-type: none"> <li>a) History/Social Science – Two years, including one year of world history, cultures and historical geography and one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government.</li> <li>b) English – Four years of college preparatory English that include frequent and regular writing, and reading of classic and modern literature.</li> <li>c) Mathematics – Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry.</li> <li>d) Laboratory Science – Two years of laboratory science providing fundamental knowledge in at least two of these three disciplines: biology, chemistry and physics.</li> <li>e) Language Other Than English – Two years of the same language other than English.</li> <li>f) Visual and Performing Arts – One year, including dance, drama/theater, music or visual arts.</li> <li>g) College Preparatory Elective – One year (two semesters), chosen from additional (“a-f”) courses beyond those used to satisfy the requirements above, or courses that have been approved solely for use as “g” electives.</li> </ul>

TERM	ACRONYM	DEFINITION
<b>CONFIRMED PLACEMENT</b>		A residential placement that has been confirmed by residence staff that the youth will be residing at their home or facility.
<b>COURT APPOINTED SPECIAL ADVOCATE</b>	CASA	Trained community members who are appointed by a judge to advocate for a specific dependent child who has been removed from the home. The volunteer gets to know the child – their needs and perspectives – and represents these to the judge and the child welfare system.
<b>DEPENDENT</b>		Any child (under age 18) found by the court to be: (a) abandoned; (b) abused or neglected; or (c) without a parent, guardian or legal custodian capable of adequately caring for the child such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.
<b>DETAINED</b>		The removal of a child by a social worker or police officer from someone legally entitled to the child's physical custody. CRC5.502(11).
<b>DETAINED PETITION</b>		A petition filed after child has been taken into temporary custody. It alleges that a child comes within the provisions of WIC Section 300 and that continued detention of the child is necessary for child's protection.
<b>DISPOSITION HEARING</b>		A hearing held to determine whether or not the court shall declare the child a dependent child of the court and, if so, where the child will live during the period of supervision. This usually occurs following an adjudication hearing and requires the receipt of a disposition report.
<b>DISTRICT APPOINTED SURROGATE PARENT</b>		Surrogate parents have the authority to represent a child with disabilities in all matters relating to the identification, evaluation and educational placement of the child and are generally appointed by a LEA to represent a child only when the court specifically limits the right of the parent or guardian to make educational decisions for the child and has not appointed or designated someone to have educational rights. As first preference, appointments shall be made to relative Substitute Care Providers, a foster parent or CASA. The person may NOT be an employee of any agency involved in the education of the child.
<b>DUAL STATUS OR DUAL JURISDICTION</b>		A child who is simultaneously designated a dependent and ward of the court pursuant to a local written protocol.
<b>EDUCATIONAL DISABILITY</b>		A child evaluated as having (1) mental retardation; (2) a hearing impairment; (3) a speech or language impairment; (4) a visual impairment; (5) a serious emotional disturbance; (6) an orthopedic impairment; (7) autism; (8) traumatic brain injury; (9) an other health impairment; (10) a specific learning disability; (11) deaf-blindness, or (12) multiple disabilities; and who, by reason thereof, needs special education and related services.

TERM	ACRONYM	DEFINITION
<b>EDUCATIONAL LIAISON</b>		Contra Costa County Office of Education’s Foster Youth Services Coordinating Program Educational Liaisons serve as a link between the schools, placing agencies, and substitute care providers by establishing a formal relationship with districts and schools to support the educational success of foster youth residing in group homes and Foster Family Agencies.
<b>EDUCATIONAL PLACEMENT</b>		The school and program of instruction in which a youth is placed. This may be general education or special education.
<b>EDUCATIONAL REPRESENTATION</b>		The person who retains educational rights for the child.
<b>EDUCATIONAL RIGHTS</b>		Per a law passed in January 2003, the Juvenile Court must name a specific person at each hearing for every dependent child to hold educational rights and act as the responsible person for the child. Initially, the biological parents usually hold these rights, but they may be suspended at any hearing. The person with educational rights has all the same rights relative to a child’s education as a parent. The first choice for a surrogate shall be a relative Substitute Care Provider, foster parent or Court Appointed Special Advocate (CASA).
<b>EVERY STUDENT SUCCEEDS ACT</b>	ESSA	ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students.
<b>EXCUSED ABSENCES</b>		By law, foster youth may not be penalized for absences or missing class time due to change of placement, attendance at court hearings, court appearances, court-related activities, or interviews with placing agency staff.
<b>FREE APPROPRIATE PUBLIC EDUCATION</b>	FAPE	FAPE is mandated by the Individuals with Disabilities Education Act and requires that all disabled children receive special education and related services at no cost to the child or his/her parents.
<b>FOSTER CARE</b>		24-hour substitute care for children outside their own homes. The overwhelming majority of children come into foster care as dependent children in the child welfare system who have been removed from their parents due to abuse or neglect. A small minority are probation wards who are in the system due to their own actions, where foster care is used as a low-end disposition structure such as placement in a group home.
<b>FOSTER FAMILY AGENCY</b>	FFA	An individual or organization that recruits, certifies, trains and supports foster parents or finds placements for children who require an alternative to a group home.

TERM	ACRONYM	DEFINITION
<b>FOSTERING CONNECTIONS TO SUCCESS AND ADOPTIONS ACT</b>		Amended Title IV-E of the Social Security Act to require that case plans for children and youth in foster care include specified assurances for educational placement stability. In addition, PL 110- 351 provides for the cost of reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement as an allowable foster care maintenance cost. (Public Law 110-351) enacted 10/07/2008.
<b>FOSTER PARENT</b>		An individual providing a home for a child who is unable to reside safely with his or her parents or guardians. Foster parents are licensed and their care for the child is usually done with the approval of the government or a social service agency. Foster parents may or may not be related to the child; foster parents include relative caretakers or non-relative extended family members (NREFM) with whom the child is placed.
<b>FOSTER YOUTH SERVICES COORDINATING PROGRAM</b>	FYSCP	Grant-funded programs for each county office of education and selected school districts to increase interagency support for foster youth. The San Diego County Program is aimed towards improving the educational outcomes of wards and dependents, ages 4 to 21. Oversight is provided by an Advisory Committee with representatives from school districts, community colleges, child welfare, probation, juvenile court, advocacy agencies and substitute care providers.
<b>FUNCTIONAL BEHAVIORAL ASSESSMENT OR FUNCTIONAL ANALYSIS ASSESSMENT</b>	FBA or FAA	A functional behavioral assessment / functional analysis assessment is an analysis of a student's maladaptive behavior. The assessment must include extensive observation of the student and an in-depth analysis of the student's environment and past history. The goal is to determine what triggers the maladaptive behavior and to learn how to best control the behavior through the use of positive intervention strategies. Prior to conducting a functional analysis assessment, the school district must obtain consent from the person who holds educational rights
<b>GROUP HOME</b>		See number 4 under licensed children's institutions.
<b>HEALTH AND EDUCATION PASSPORT</b>	HEP	A document that provides a history of health and education information, which is generated by the Child and Family Services Agency's Child Welfare Services/Case Management System (CWS/CMS) in a format called a <i>Health and Education Passport</i> .

TERM	ACRONYM	DEFINITION
<b>HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996</b>		HIPAA was enacted to allow individuals to more freely move between employers while ensuring they receive stable health care insurance coverage. Because of concerns raised over electronically storing and transmitting sensitive health information, the U.S. Department of Health and Human Services issued regulations to protect the information from public disclosure (the so-called Privacy Rule) and to protect and ensure the physical safety and integrity of the information (the so-called Security Rule). These regulations, along with related regulations, are called HIPAA and primarily apply to health care providers. It is not related to education information.
<b>HOMELESS</b>		For purposes of this document, “homeless” refers to those foster children who are in a shelter or temporary placement and awaiting a long-term placement.
<b>INDIVIDUALIZED EDUCATION PLAN</b>	IEP	A written statement for each child with a disability that include statements of: <ul style="list-style-type: none"> <li>• the child’s present level of educational performance</li> <li>• measurable annual goals, including short-term objectives</li> <li>• special education and related services to be provided.</li> </ul>
<b>INDIVIDUALS WITH DISABILITIES EDUCATION ACT</b>	IDEA	Enacted in 1997 and requires states to have in effect policies and procedures to ensure a free appropriate public education (FAPE) for all students with disabilities.
<b>INTENSIVE TREATMENT FOSTER CARE</b>	ITFC	A family-based treatment alternative to group care for children with emotional and behavioral difficulties. Utilizing trained foster parents as the primary Substitute Care Providers, this program blends the normalizing features of foster family care with intensive counseling, case management, and support services.
<b>JURISDICTIONAL HEARING (AKA ADJUDICATION HEARING)</b>		The court considers the presentation of facts it receives into evidence and makes a finding, as to whether the allegations in the petition are true, thereby allowing the child to come under WIC 300.
<b>JV-220</b>		<i>Application Regarding Psychotropic Medication</i> (form JV-220), <i>Prescribing Physician's Statement-Attachment</i> (form JV- 220(A)), must be used to obtain authorization to administer psychotropic medication to a dependent child of the court who is removed from the custody of the parents or guardian, or to a ward of the court who is removed from the custody of the parents or guardian and placed into foster care. CRC5.640 (c).

TERM	ACRONYM	DEFINITION
<b>JV-535</b>		The court must use <i>Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs (form JV-535)</i> when it limits the rights of a parent or guardian to make educational decisions for the child. CRC5.650(b). (Subd (b) amended effective January 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.)
<b>JV-536</b>		If the court refers a child to the local educational agency for appointment of a surrogate parent, the court must order that <i>Local Educational Agency Response to JV-535-Appointment of Surrogate Parent (form JV-536)</i> be served by first-class mail on the local educational agency along with form JV-535, no later than seven calendar days after the date of the order. CRC5.650(d). (Subd (d) amended effective January 1, 2008; adopted as subd (b); previously amended and re-lettered effective January 1, 2004; previously amended effective January 1, 2007.)
<b>LOCAL CONTROL ACCOUNTABILITY PLAN</b>	LCAP	The LCAP is a critical part of the new Local Control Funding Formula (LCFF). Each school district must engage parents, educators, employees and the community to establish these plans. The plans will describe the school district's overall vision for students, annual goals and specific actions the district will take to achieve the vision and goals.
<b>LOCAL CONTROL FUNDING FORMULA</b>	LCFF	The local control funding formula (LCFF) was enacted in 2013–14, and it replaced the previous kindergarten through grade 12 (K–12) finance system which had been in existence for roughly 40 years. For school districts and charter schools, the LCFF establishes base, supplemental, and concentration grants in place of the myriad of previously existing K–12 funding streams. As part of the LCFF, school districts, COEs, and charter schools are required to develop, adopt, and annually update a three-year Local Control and Accountability Plan (LCAP).
<b>LIAISON</b>		A designee of any agency participating in this Interagency Agreement who serves as the communication link with the other agencies.

TERM	ACRONYM	DEFINITION
<b>LICENSED CHILDREN'S INSTITUTIONS</b>	LCI	<p>A residential facility that is licensed by the state to provide non- medical care to children, including children with disabilities. It includes group homes. It does NOT include a juvenile court school, juvenile hall, juvenile ranch or juvenile camp. (Education Code § 56155.5) There are four types of licensed children's institutions as follows:</p> <ol style="list-style-type: none"> <li>1. Transitional Housing Placement Programs for youth who are at least 17 and living in an independent living arrangement. (not applicable to Agreement)</li> <li>2. Small Family Homes that provide 24-hour care in a family residence for six or fewer children who are mentally, developmentally or physically disabled and require special care.</li> <li>3. Foster Family Homes provide 24-hour care to six or fewer children in a family residence. The children may be disabled/handicapped or abused/neglected.</li> <li>4. Group Homes may be of any capacity and provide 24-hour non-medical care and supervision to children in a structured environment that provides social, psychological and behavioral programs.</li> </ol>
<b>LOCAL EDUCATION AGENCY</b>	LEA	A school district or County Office of Education. A school district is a geographic grouping of schools under one administration.
<b>LONG-TERM FOSTER CARE</b>	LTFC	<p>A dependency court-ordered permanent plan after adoption and legal guardianship, which places the child in the home of a foster Substitute Care Provider until the child reaches majority. The rights and responsibilities of the birth parents do not end, but the care, custody and control of the child remain with the dependency court.</p> <p>This term has been replaced by Another Planned Permanent Living Arrangement – See APPLA above.</p>
<b>MANIFESTATION DETERMINATION</b>		Manifestation determination is a test employed when a student who receives special education services is considered for suspension, expulsion or any alternative placement due to some behavioral concern. It is a process where the behavior of a student who receives special education is considered to determine if the actions that resulted in the consideration of some disciplinary action against the student were manifestations of the student's disability.
<b>MULTIDIMENSIONAL TREATMENT FOSTER CARE</b>	MTFC	Multidimensional Treatment Foster Care (MTFC) is a cost effective alternative to group or residential treatment, incarceration, and hospitalization for adolescents who have problems with chronic antisocial behavior, emotional disturbance, and delinquency.

TERM	ACRONYM	DEFINITION
<b>NON-RELATIVE EXTENDED FAMILY MEMBER</b>	NREFM	Any adult Substitute Care Provider who has an established familial or mentoring relationship with the child. [WIC §362.7.] When a child is removed or detained, he or she may be placed in an assessed home of a non-relative extended family member. [WIC §319(f).]
<b>NO CHILD LEFT BEHIND (2001)</b>	NCLB	The main federal law affecting education from kindergarten through high school. NCLB is built on four principles: <ul style="list-style-type: none"> <li>• accountability for results</li> <li>• more choices for parents</li> <li>• greater local control and flexibility</li> <li>• an emphasis on doing what works based on scientific research</li> </ul>
<b>PERMANENT PLACEMENT</b>		In this document the term is used in the context of placement in an out-of-home setting, e.g. relative home, foster home, or group home, rather than in the legal sense of reunification, adoption, etc. Placements are permanent unless they are temporary as defined later in this glossary, see Temporary Placement.
<b>PERMANENT PLANNING HEARING (AKA STATUS REVIEW HEARING)</b>		A hearing conducted by the Dependency court reviewing the status of a dependent child of the court. A review is conducted of every dependent child’s status, and occurs periodically as determined by the court, but no less frequently than once every six months, as calculated from the date of the dispositional hearing.
<b>PERSON-CENTERED PLANNING</b>		The Individuals with Disabilities Education Act (IDEA) requires that a student’s Individualized Education Program include transition planning by age 14 or earlier, if appropriate. This plan should reflect a student’s interests and preferences, current accomplishments and skills, what they still need to learn, as well as what they want to do in life. This can include a range of goals—everything from the type of career the student would like to pursue to the kind of living situation he or she hopes to have. Person-centered planning is a way to identify a student’s individual goals and to help students, families, and professionals craft plans that will support students as they strive to achieve their dreams.
<b>PLACING AGENCY</b>		Child and Family Services and the Probation Department are the two agencies in the county that place foster youth in out-of-home care.
<b>PROTECTIVE CUSTODY OR WARRANT OF ARREST FOR CHILD</b>		The court may order a protective custody warrant or a warrant of arrest for a child if the court finds that: <ol style="list-style-type: none"> <li>1. The conduct and behavior of the child may endanger the health, person, welfare, or property of the child or others; or</li> <li>2. The home environment of the child may endanger the health, person, welfare, or property of the child.</li> </ol> CRC5.526(c)(1)-(2)

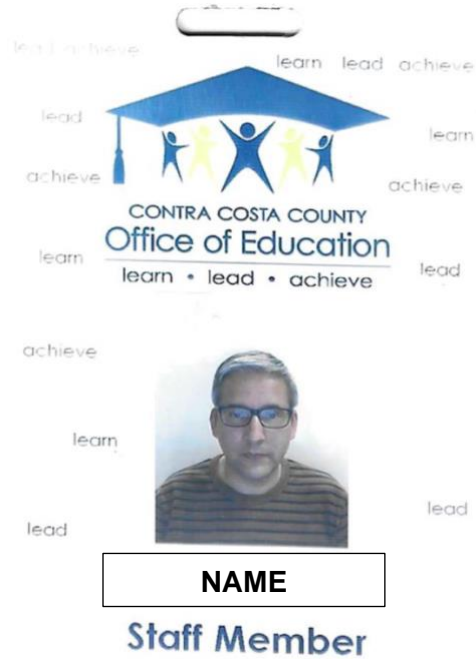


<b>TERM</b>	<b>ACRONYM</b>	<b>DEFINITION</b>
<b>RESIDENTIAL SERVICES</b>		Divisions within the two placing agencies (CFS and Probation) that work exclusively with youth who are in group homes or in homes under the authority of a Foster Family Agency.
<b>REMOVAL</b>		A court order that takes away the care, custody, and control of a dependent child from the child's parent or guardian, and places the care, custody, and control of the child with the court, under the supervision of the local child welfare agency. [CRC5.502(27).]
<b>SCHOOL ATTENDANCE REVIEW BOARD</b>	SARB	The administrative body which holds students and parents responsible for truancy.
<b>SCHOOL DISTRICT FOSTER CARE LIAISON</b>		Per AB490, every school district and County Office of Education must have an AB490 School District Foster Care Liaison. The duties of a liaison are to: <ul style="list-style-type: none"> <li>• ensure proper school placement, enrollment, and checkout from school;</li> <li>• assist with the transfer of grades, credits and records when youth transfer schools;</li> <li>• complete school record transfers within 2 business days, per EC 48853.5(c)</li> </ul>
<b>SCHOOL OF ORIGIN</b>		The school that the child last attended before experiencing homelessness or removal from the home or the school where the child was last enrolled.
<b>SPECIAL EDUCATION LOCAL PLAN AREA</b>	SELPA	A group of school districts, charter schools, and County Offices of Education in a particular geographic area who provide special education and related services to students with disabilities. SELPAs develop a local plan describing how it will provide special education services.
<b>STUDENT STUDY TEAM (AKA STUDENT SUPPORT TEAM)</b>	SST	A formal meeting of school staff, especially the classroom teacher, to discuss why a child is having difficulty and to determine a course of action to address these difficulties. SSTs are not part of a special education program.
<b>SUBSTITUTE CARE PROVIDER</b>	SCP	A person who provides out-of-home care for children. It includes foster parents and residential facility staff.
<b>SURROGATE PARENT</b>		See District Appointed Surrogate Parent

TERM	ACRONYM	DEFINITION
<b>TEAM DECISION MAKING</b>	TDM	A TDM meeting, including birth parents and youth, is held for ALL decisions involving child removal, change of placement, and reunification/other permanency plan. The TDM meeting is held BEFORE the child’s move occurs, or in cases of imminent risk, by the next working day, and always before the initial court hearing in cases of removal. Neighborhood-based community representatives are invited by the public agency to participate in all TDM meetings, especially those regarding possible child removal. The meeting is led by a skilled, immediately accessible, internal facilitator, who is not a case-carrying social worker or line supervisor. Each TDM meeting resulting in a child’s removal serves as a springboard for the planning of an “icebreaker” family team meeting, ideally to be held in conjunction with the first family visit, so that the birth-foster parent relationship can be initiated.
<b>TEMPORARY PLACEMENT</b>		Any placement that is not considered to be either a long-term or a permanent placement.
<b>TRANSITIONAL HOUSING PROGRAM FOR EMANCIPATED FOSTER/PROBATION YOUTH</b>	THP-Plus	The THP-Plus is a transitional housing placement opportunity for emancipated foster youth, aged 18-24, who emancipated from the child welfare system. Stakeholders may live alone, with departmental approval, or with roommates in apartments and single-family dwellings with regular support. Support services include regular visits to stakeholders’ residences, educational guidance, employment counseling and assistance reaching emancipation goals outlined in stakeholders’ Transitional Independent Living Plan (TILP), the case plan emancipation readiness document.
<b>TRANSITIONAL INDEPENDENT LIVING PLAN</b>	TILP	As required by state policy, the Transitional Independent Living Plan (TILP) is to be developed for a youth who is between the ages of 15 ½ and 16 by the county social worker/probation officer, with the active participation of the youth and other supporting adults. The purpose of the TILP is to describe the youth’s current level of functioning and identify emancipation goals, services, activities, and individuals assisting the youth in the process of obtaining self- sufficiency.
<b>WARD OF THE STATE OR WARD OF THE COURT</b>		Usually referring to a foster child in the custody of a public child welfare agency.
<b>WELFARE &amp; INSTITUTIONS CODE</b>		The portion of state law dealing with juvenile law.

TERM	ACRONYM	DEFINITION
<b>WELFARE &amp; INSTITUTIONS CODE 300</b>	WIC 300	The Welfare and Institutions Code (WIC) sections §300(a)–(j) that describes abuse, neglect, exploitation, and other endangerment situations and conditions whereby a child may be removed from the care and custody of parents or legal guardians and declared a dependent of the court under Child Welfare Services supervision.
<b>WELFARE &amp; INSTITUTIONS CODE 602</b>	WIC 602	The Welfare and Institutions Code (WIC) section that permits the criminal prosecution of a child suspected of committing a misdemeanor or felony. If the charges are sustained, the child may be declared a ward of the court under the Probation Department or California Youth Authority supervision.
<b>WRAPAROUND SERVICES</b>		Community-based intervention services that emphasize the strengths of the child and family and includes the delivery of coordinated, highly individualized unconditional services to address the needs and achieve positive outcomes in their lives.

## Sample Identification Badge Contra Costa County Office of Education



**Sample Identification Badge  
Children & Family Services**



**Sample Identification Badge  
Probation**





<b>Foster Youth Executive Advisory Council: 2021-2022</b>	
<b>Organization</b>	<b>Name</b>
<b>Antioch Unified School District</b>	
Counselor, Student Support Services	Barbara Aguilar
<b>CASA of Contra Costa County</b>	
Executive Director	Ann Wrixon
<b>Contra Costa County Office of Education</b>	
Senior Director, Student Programs	Nick Berger
Director, Youth Services	Alejandra Chamberlain
Supervisor, Youth Services	Esperanza Velarde-Ellis
Education Liaison I, Youth Services	Reina Robinson
Education Liaison II, Youth Services	Yvonne Beals
<b>Contra Costa County Office of the Public Defender</b>	
Juvenile Reentry and Education Attorney	Raúl Arroyo-Mendoza
<b>Contra Costa College</b>	
Manager, EOPS/CARE and CalWORKS	George Mills
<b>Contra Costa County Probation</b>	
Probation Manager	Kiki Farris
<b>Contra Costa Health Services</b>	
Integrated Health Home for Foster Youth	Abraham Rice
<b>Diablo Valley College</b>	
Program Manager, EOPS/CARE, CalWORKS and Foster Youth Services	Rachel Luna
Program Coordinator, START and Foster Youth Services	Mercedes Lezama
<b>Employment and Human Services</b>	
Division Manager, Children & Family Services	Nicole Gremillion, MSW
Program Coordinator, Contra Costa County CFS ILSP	Don Graves
<b>Foster America</b>	
Fellow	Royce Conner
<b>Liberty Union High School District</b>	
Assistant Superintendent, Administrative/Student Services	Tony Shah
Foster and Homeless Youth Liaison	Rebecca Loya
<b>Los Medanos College</b>	
Program Coordinator, Student Success and Retention	T'Sendenia Gage
<b>Mount Diablo Unified School District</b>	
Assistant Director, School and Community Services	James Wogan
<b>Oakley Unified School District</b>	
Coordinator, Special Projects	Heather Partida
<b>Pittsburg Unified School District</b>	
Support Counselor and Foster/Homeless Liaison	Valarie Bell-Sanders
<b>San Ramon Valley Unified School District</b>	
Social Worker	Dia Mundle

<b>Superior Court of California: Contra Costa County</b>	
Judge	Hon. Barbara C. Hinton
<b>West Contra Costa Unified School District</b>	
Director, Community Engagement	Martine Blake
Supervisor, Student Support Services	Julie Luera
<b>Workforce Development Board</b>	
Program Manager, Youth/Young Adult Services	Norama Burch





**FOSTER CARE AB 490 &  
MCKINNEY-VENTO HOMELESS ASSISTANCE ACT  
DISTRICT LIAISON LIST 2022-2023**

<p><b>Acalanes Union High School District</b> 1212 Pleasant Hill Road Lafayette, CA 94549</p>	<p><b>Liaison:</b> Amy McNamara <b>Title:</b> Associate Superintendent of Administrative Services</p> <p><b>Liaison:</b> Stephanie Thompson <b>Title:</b> Admin Assistant</p>	<p><b>Phone:</b> (925) 280-3900 ext. 6622 <b>Fax:</b> (925) 280-3903 <b>Email:</b> <a href="mailto:amcnamara@auhsdschools.org">amcnamara@auhsdschools.org</a></p> <p><b>Phone:</b> (925) 280-3900 ext. 6629 <b>Fax:</b> (925) 280-3903 <b>Email:</b> <a href="mailto:sthompson@auhsdschools.org">sthompson@auhsdschools.org</a></p>
<p><b>Antioch Unified SD</b> 510 G Street Antioch, CA 94509</p>	<p><b>Liaison:</b> Barbara Aguilar <b>Title:</b> Foster and Homeless Youth Liaison/Student Support Counselor</p>	<p><b>Phone:</b> (925) 779-7500 ext. 53402 <b>Fax:</b> (925) 779-7514 <b>Email:</b> <a href="mailto:barbaraaguilar@antiochschools.net">barbaraaguilar@antiochschools.net</a></p>
<p><b>Brentwood Union SD</b> 255 Guthrie Lane Brentwood, CA 94513</p>	<p><b>Liaison:</b> Kirsten Jobb <b>Title:</b> Director, Student Services</p>	<p><b>Phone:</b> (925) 513-6300 <b>Fax:</b> (925) 634-8583 <b>Email:</b> <a href="mailto:kjobb@brentwood.k12.ca.us">kjobb@brentwood.k12.ca.us</a></p>
<p><b>Byron Union SD</b> 14301 Byron Highway Byron, CA 94514</p>	<p><b>Liaison:</b> Vickey Corker <b>Title:</b> Foster and Homeless Youth Liaison</p>	<p><b>Phone:</b> (925) 634-6644 <b>Fax:</b> (925) 376-2343 <b>Email:</b> <a href="mailto:vcorker@byron.k12.ca.us">vcorker@byron.k12.ca.us</a></p>
<p><b>Canyon SD</b> P.O. Box 187 Pinehurst Road, CA 94516</p>	<p><b>Liaison:</b> Julie Patten <b>Title:</b> Principal</p>	<p><b>Phone:</b> (925) 376-4671 <b>Fax:</b> (925) 376-2343 <b>Email:</b> <a href="mailto:jpatten@canyon.k12.ca.us">jpatten@canyon.k12.ca.us</a></p>
<p><b>Contra Costa County Office of Education</b> 77 Santa Barbara Road Pleasant Hill, CA 94523</p>	<p><b>Liaison:</b> Alejandra Chamberlain <b>Title:</b> Youth Development Services Director</p>	<p><b>Phone:</b> (925) 942-3308 <b>Fax:</b> (925) 942-3490 <b>Email:</b> <a href="mailto:achamberlain@cccoe.k12.ca.us">achamberlain@cccoe.k12.ca.us</a></p>
<p><b>John Swett Unified SD</b> 400 Parker Avenue Rodeo, CA 94572</p>	<p><b>Liaison:</b> John Angell <b>Title:</b> Attendance Supervisor</p>	<p><b>Phone:</b> (510) 787-1088 ext. 1109 <b>Fax:</b> (510) 787-2184 <b>Email:</b> <a href="mailto:jangell@jsusd.org">jangell@jsusd.org</a></p>
<p><b>Knightsen SD</b> P.O. Box 265, 1923 Delta Road Knightsen, CA 94548</p>	<p><b>Liaison:</b> Veronica Polk <b>Title:</b> Principal and Special Education Director</p>	<p><b>Phone:</b> (925) 626-3303 ext. 3076 <b>Fax:</b> 925-625-0073 <b>Email:</b> <a href="mailto:vpolk@knightsen.k12.ca.us">vpolk@knightsen.k12.ca.us</a></p>
<p><b>Lafayette SD</b> 3477 School Street Lafayette, CA 94549</p>	<p><b>Liaison:</b> Patrick Gargiulo <b>Title:</b> Director, Student Services</p>	<p><b>Phone:</b> (925) 927-3516 <b>Fax:</b> (925) 284-1525 <b>Email:</b> <a href="mailto:pgargiulo@lafsd.org">pgargiulo@lafsd.org</a></p>
<p><b>Liberty Union High SD</b> 20 Oak Street Brentwood, CA 94513</p>	<p><b>Liaison:</b> Rebecca Loya <b>Title:</b> Foster and Homeless Youth Liaison</p>	<p><b>Phone:</b> (925) 634-2166 ext. 2062 <b>Fax:</b> (925) 634-1687 <b>Email:</b> <a href="mailto:loyar@luhsd.net">loyar@luhsd.net</a></p>



**FOSTER CARE AB 490 &  
MCKINNEY-VENTO HOMELESS ASSISTANCE ACT  
DISTRICT LIAISON LIST 2022-2023**

<b>Martinez Unified SD</b> 921 Susana Street Martinez, CA 94553	<b>Liaison:</b> Renee Lopez <b>Title:</b> Assessment and Data Specialist	<b>Phone:</b> (925) 335-5959 <b>Fax:</b> (925) 335-5961 <b>Email:</b> <a href="mailto:rlopez@martinez.k12.ca.us">rlopez@martinez.k12.ca.us</a>
<b>Moraga SD</b> 1540 School Street Moraga, CA 94556	<b>Liaison:</b> Susan Bishop <b>Title:</b> Director, Pupil Services	<b>Phone:</b> (925) 377-4105 <b>Fax:</b> (925) 376-8132 <b>Email:</b> <a href="mailto:sbishop@moraga.k12.ca.us">sbishop@moraga.k12.ca.us</a>
<b>Mt. Diablo Unified SD</b> 1936 Carlotta Drive Concord, CA 94519	<b>Liaison:</b> James Wogan <b>Title:</b> Assistant Director School and Community Services	<b>Phone:</b> (925) 682-8000 ext. 3054 <b>Fax:</b> (925) 566-6692 <b>Email:</b> <a href="mailto:woganj@mdusd.org">woganj@mdusd.org</a>
<b>Oakley Union Elementary SD</b> 91 Mercedes Lane Oakley, CA 94561	<b>Liaison:</b> Heather Partida <b>Title:</b> Coordinator of Special Projects	<b>Phone:</b> (925) 625-6868 <b>Fax:</b> (925) 625-1863 <b>Email:</b> <a href="mailto:hpartida@oesd.k12.ca.us">hpartida@oesd.k12.ca.us</a>
<b>Orinda Union School District</b> 25 Orinda Way, Suite 200 Orinda, CA 94563	<b>Liaison:</b> Carrie Nerheim <b>Title:</b> Director, Student Services	<b>Phone:</b> (925) 258-6218 <b>Fax:</b> (925) 258-9836 <b>Email:</b> <a href="mailto:cnerheim@orinda.k12.ca.us">cnerheim@orinda.k12.ca.us</a>
<b>Pittsburg Unified SD</b> 2000 Railroad Avenue Pittsburg, CA 94565	<b>Liaison:</b> Valarie Bell-Sanders <b>Title:</b> Support Counselor Foster/Homeless Liaison	<b>Phone:</b> (925) 473-2300 ext.3150 <b>Fax:</b> (925) 473-4273 <b>Email:</b> <a href="mailto:vsanders@pittsburgusd.net">vsanders@pittsburgusd.net</a>
<b>San Ramon Valley Unified SD</b> 699 Old Orchard Drive Danville, CA 94526	<b>Liaison:</b> Dia Mundle <b>Title:</b> Social Worker	<b>Phone:</b> (925) 552-5003 <b>Fax:</b> (925) 944-1768 <b>Email:</b> <a href="mailto:dmundle@srvusd.net">dmundle@srvusd.net</a>
<b>Walnut Creek SD</b> 960 Ygnacio Valley Road Walnut Creek, CA 94597	<b>Liaison:</b> Amy Espinoza <b>Title:</b> Special Services Director	<b>Phone:</b> (925) 944-6850 ext. 2024 <b>Fax:</b> (925) 938-4185 <b>Email:</b> <a href="mailto:aespinoza@walnutcreeksd.org">aespinoza@walnutcreeksd.org</a>
<b>West Contra Costa Unified SD</b> 1108 Bissell Avenue Richmond, CA 94801	<b>Liaison:</b> Julie Luera <b>Title:</b> Student Support Services	<b>Phone:</b> (510) 307-4508 <b>Fax:</b> (510) 970-7963 <b>Email:</b> <a href="mailto:jluera@wccusd.net">jluera@wccusd.net</a>



**FOSTER CARE AB 490 &  
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CHARTER SCHOOL LIAISON LIST 2022-2023**

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<b>Antioch Charter Academy II</b> 1201 West Tenth St. Antioch, CA 94509	<b>Name:</b> Marianne Dubitsky <b>Title:</b> Teacher	<b>Phone:</b> (925) 755-1252 <b>Email:</b> <a href="mailto:mdubitsky@antiochcharteracademy.org">mdubitsky@antiochcharteracademy.org</a>
<b>Aspire Richmond California College Preparatory Academy</b> 3040 Hilltop Mall Road Richmond, CA 94806	<b>Name:</b> Pamela Saberton <b>Title:</b> Bay Area Regional Director of Student Services	<b>Phone:</b> (510) 981-9180 <b>Email:</b> <a href="mailto:Pamela.Saberton@aspirepublicschools.org">Pamela.Saberton@aspirepublicschools.org</a>
<b>Aspire Richmond Technology Academy</b> 3170 Hilltop Mall Road Richmond, CA 94806	<b>Name:</b> Pamela Saberton <b>Title:</b> Bay Area Regional Director of Student Services	<b>Phone:</b> (510) 981-9180 <b>Email:</b> <a href="mailto:Pamela.Saberton@aspirepublicschools.org">Pamela.Saberton@aspirepublicschools.org</a>
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