

SAN DIEGO COUNTY INTERAGENCY AGREEMENT

FOR PROVIDING EDUCATIONAL SUPPORT TO STUDENTS IN FOSTER CARE

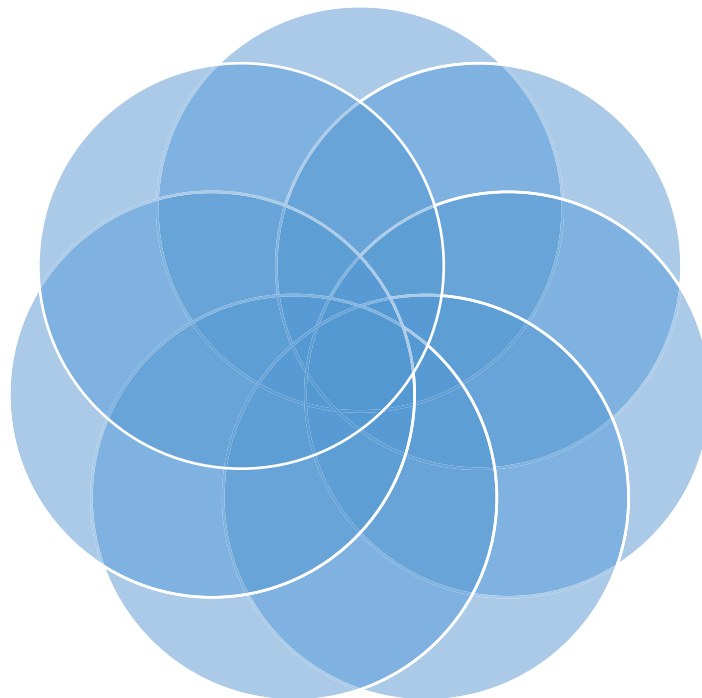
**PROBATION
DEPARTMENT**

**HEALTH AND
HUMAN SERVICES
CWS**

**SUPERINTENDENT
OF SCHOOLS**

**PUBLIC AND
ALTERNATE
PUBLIC DEFENDER**

**SCHOOL
DISTRICTS**



**SUPERIOR
COURT**

**VOICES FOR
CHILDREN**

AUGUST 2016

SAN DIEGO COUNTY

INTERAGENCY AGREEMENT AMONG: SAN DIEGO COUNTY

SUPERINTENDENT OF SCHOOLS:

FOSTER YOUTH SERVICES COORDINATING PROGRAM

SAN DIEGO COUNTY LOCAL EDUCATION AGENCIES (LEAs)

SAN DIEGO MOMENTUM LEARNING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SAN DIEGO COUNTY
HEALTH AND HUMAN SERVICES AGENCY
CHILD WELFARE SERVICES
(A Placing Agency)

SAN DIEGO COUNTY PROBATION DEPARTMENT
(A Placing Agency)

SAN DIEGO COUNTY DEPARTMENT OF THE PUBLIC DEFENDER (SDPD) AND
SAN DIEGO COUNTY DEPARTMENT OF THE ALTERNATE PUBLIC DEFENDER
(SDAPD)

DEPENDENCY LEGAL GROUP OF SAN DIEGO (DLG)

VOICES FOR CHILDREN
COURT APPOINTED SPECIAL ADVOCATES (CASAs)

Prepared under the auspices of the Foster Youth Services Coordinating Program Executive Advisory Council.

Copies can be obtained at the San Diego County Office of Education, Foster Youth Services Coordinating Program & Homeless Education Services Program web-site at:<http://www.sdcoe.net/student/ss/fys.asp>

<http://www.sdcoe.net/student-services/student-support/fyscp/Pages/foster-youth-forms-and-brochures.aspx>

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PART 1

OVERVIEW

A: Acknowledgements

This document was developed by a subcommittee of the Foster Youth Services Coordinating Program, Executive Advisory Council, chaired by Dr. Michelle Lustig, Manager for Foster Youth Services Coordinating Program of the San Diego County Office of Education. Stakeholders included:

County of San Diego:

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Superior Court of California, San Diego:

Beth Brown, Staff Attorney

Voices for Children:

Jane Wehrmeister, Senior Advocacy Supervisor

Contact information for the subcommittee members is listed in Appendix G.

B: Background

STATEMENT OF THE PROBLEM

Approximately one in five children in foster care in the United States resides in California, and critical to their successful transition to adulthood is education. Nationally, only 51% of students in foster care graduate from high school, 26%-40% repeat one or more grades, and 31% are below grade level in math or reading. These academic difficulties are attributed to the nature of the abuse and trauma children in foster care have experienced. Frequent changes in home and school placements can also have a detrimental effect on children in foster care academic performance and future success in life. Some of the barriers that children in foster care face as a result of frequent changes in placement include:

- Loss of education records, resulting in potential loss of academic credits and time spent in school and increased risk of dropping out of school
- Loss in their continuity of education, which further exacerbates the learning gaps that these students face
- Loss of health records, resulting in possible duplication of immunizations and a potential break in continuity of essential health care and medication
- Difficulties adjusting to changing care and school environments, resulting in stress and behavioral problems
- Loss of contact with persons familiar with their health, education, and well-being needs, resulting in inadequate care and inappropriate school placements
- Lack of permanent family or family-like support systems upon exit from the foster care system
- Lack of bonding with peers, which can lead to higher risk of delinquency

LEGISLATIVE RESPONSE

In recent years, the California Legislature has taken an active role in addressing the academic needs of foster children by passing significant foster care education laws to ensure:

- a meaningful opportunity to meet state academic achievement standards
- stable school placements
- placement in the least restrictive educational programs
- access to the academic resources, services and extracurricular and enrichment activities available to all students
- educational and school placement decisions that are based on the best interests of the child
- timely transfer of students and their records when a change of school occurs
- FERPA exemptions for institutions, welfare agencies and educational agencies working to improve the educational outcomes for students in foster care
- immediate enrollment
- placement, suspension and expulsion notification
- appropriate educational representatives are appointed and meet with the student
- the establishment of non-minor dependents
- postsecondary support

The following legislation was enacted to support the academic needs of students in foster care and alumni of foster care:

- AB 490 (Chapter 862, Statutes of 2003), which ensures school stability and enhanced educational opportunities for youth in foster care.
- AB 1858 (Chapter 914, Statutes of 2004), which set standards and mandates to enhance the quality of non-public schools for students in foster care.
- SB 1639 (Chapter 668, Statutes of 2004), which supports foster youths' right to access information on higher education. SB 1639 encourages the California Community Colleges, the California State University, and the University of California to disseminate information to foster care agencies regarding admissions requirements and financial aid.
- AB 1261 (Chapter 639, Statutes of 2005), which amends an AB 490 section on school placement disputes. AB 1261 requires an organized process for school placements and requires that local educational agencies provide explanations regarding placements if they are disputed.
- In 2008, Fostering Connections to Success and Adoptions Act (Public Law 110-351) was passed which amends 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, Public Law 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.
- In January 2008, the Judicial Council of California adopted a new set of court rules that make education a priority at every juvenile court hearing.
- AB 1393 (Chapter 391, Statutes of 2009), requires California State Universities and requests Universities of California and California Community Colleges to give priority for on-campus housing to emancipated foster youth.
- AB 167/216 (Chapter 223, Statutes of 2009), exempts a youth in foster care who transfers from a new school during the eleventh or twelfth grade from completing locally-imposed course requirements that exceed minimum state standards, if those local requirements would prevent the student from graduating while he or she remains eligible for foster care.
- AB 669 (Chapter 251, Statutes of 2009), which exempts current or former foster youth age 19 years or under from California State University, University of California and California Community Colleges in-state residency requirements for tuition and fees.
- In 2010, AB 12 Fostering Connections Act passed (Chapter 559, Statutes of 2010), which conforms to federal law in order to maximize federal financial participation by opting in to kinship guardianship assistance payments provisions and extends transitional foster care services, including support of education, for eligible youth between 18 and 21 years of age pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. AB 12 also puts into federal law the requirements that the agency ensure that every school-aged child is enrolled or in the process of enrolling in a fulltime school.
- AB 1933 (Chapter 563, Statutes of 2010), which requires a local educational agency (LEA) to allow a child in foster care to remain in his or her school and district of origin for the duration of the court's jurisdiction. In the event that the court's jurisdiction over a student is

terminated prior to the end of the school year, the student will be entitled to remain in their school through the end of the school year.

- SB 1353 (Chapter 557, Statutes of 2010), which further defines "best interests of the child" for purposes of educational school placement. In addition to this, if out-of-home placement is used to attain case plan goals, SB 1353 requires the decision regarding choice of placement to be based upon a setting that is available in close proximity to the parent's home and promotes educational stability.
- SB 1573 (Chapter 93, Statutes of 2012), stipulates a student in foster care, who remains in their school of origin, has met the residency requirements for attendance within that school district.
- AB 1712 (Chapter 846, Statutes of 2012), extends specified benefits to youth up to 21 years of age, described as non-minor dependents.
- AB 1909 (Chapter 849, Statutes of 2012), notification of meetings and hearings related to the discipline of a student in foster care will be provided to the holder of educational rights, the social worker and attorney for the student.
- AB 2060 (Chapter 176, Statutes of 2012), requires the court to determine the best appropriate educational rights holder for a student when a parent's rights have been limited. Additionally requires the educational surrogate to meet with the student and investigate the educational needs of the student.
- SB 121 (Chapter 571, Statutes of 2012), authorizes an LEA to provide the holder of educational rights with specified information and prohibits a licensed children's institution from requiring that a child be identified as an individual with exceptional needs as a condition of admission or residency.
- SB 1568 (Chapter 578, Statutes of 2012), mandates students in foster care be allowed to remain in their school of origin if their placement in care is terminated while the student is in high school.
- U.S. Senate Bill 3472 (Enacted, Signed by the President January 2013), allows educational agencies to disclose pupil records, or the personally identifiable information contained in those records, to appropriate child welfare agency representatives (see 20 USD 1232g and 34 CFR 99.31) engaged in addressing the pupil's educational needs for that purpose.
- AB 1432 (Chapter 797, Statutes of 2014) requires the CDE to provide information to all schools, districts and county offices of education regarding child abuse detection and reporting responsibilities of mandated reporters.
- SB 1023 (Chapter 771, Statutes of 2014), provides funds for services in support of postsecondary education for students in foster care.
- AB 220 (Chapter 165, Statutes of 2015) provides that a student completing coursework which meets or exceeds the content standards for Algebra I shall be deemed to have satisfied the graduation requirement.
- AB 224 (Chapter 554, Statutes of 2015), requires the CDE to develop a standardized notice of the educational rights of students in foster care and make the notice available to educational liaisons for dissemination.
- AB 379 (Chapter 772, Statutes of 2015), allows a student in foster care to enforce their educational rights through the State's Uniform Complaint Procedure.
- AB 854 (Chapter 781, Statutes of 2015), changes Foster Youth Services Programs to Foster Youth Services Coordinating Programs

aligning the definition with the LCFF definition which includes all students in foster care.

- AB 1166 (Chapter 171, Statutes of 2015), stipulates that if a district fails to provide timely notice of a student's eligibility determination for AB 167/216, the student is to be declared eligible for the exemption, even if the student is no longer in care.
- SB 445 (Chapter 289, Statutes of 2015), revises the definition of a local educational agency, as it pertains to the requirement to the appointment of a foster care educational liaison to include all charter schools.
- AB 2463 (Chapter 1129, Statutes of 1996) provides outreach, access, and retention services for foster youth interested in attending a CA State University or community college.
- AB 81 (Chapter 76, Statutes of 2009) This bill requires that a foster child who changes residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.
- SB 1317 (Chapter 647, Statutes of 2010) would define a misdemeanor for parents of students in grades K-8 who are chronically truant and establish a deferred entry of judgment program for such parents and guardians. This bill defines a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuing education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, provided that the appropriate school district officer or employee has complied with specified provisions of law.
- SB 1357 (Chapter 704, Statutes of 2010) would require the department, contingent on federal funding for this purpose and in consultation with the Department of Finance and the Legislative Analyst's Office, to prepare CALPADS to include data on a quarterly rate of pupil attendance. The bill would require that CALPADS be capable of issuing to local educational agencies periodic reports on district, school, class, and individual pupil rates of absence and chronic absentees, as defined. The bill would state the intent of the Legislature to support the development of early warning systems to identify and support individual pupils who are at risk of academic failure or of dropping out of school.
- SB464 (Chapter 413, Statutes of 2003).requires a school district, special education local plan area, or county office of education to invite to the individualized education program (IEP) team meetings a representative of the group home in those cases in which a pupil with exceptional needs has been placed in a group home by a juvenile court, as specified. To the extent local educational agencies would be required to perform additional duties; this bill would impose a state-mandated local program.
- SB 597 (Chapter 339, Statutes of 2009).Added conforming language for Public Law 110-351 regarding case plan assurances Welfare and Institutions Code section 16501.1
- SB X5 4 (Chapter 3, Statutes of 2009-10 Fifth Extraordinary Session).improves student achievement and enhances parental choice in education by providing additional options to pupils to enroll in public schools throughout the state without regard to the residence of their parents. The Open Enrollment Act provides students enrolled in one of the 1,000, 000 Open Enrollment schools the option to enroll in a school within the same district or any other district provided the school to which they are applying has a higher Academic Performance Index (API) than the pupil's school of residence.

**PURPOSE OF
THE
INTERAGENCY
AGREEMENT**

The ability of the system to mitigate academic obstacles faced by children and youth in foster care is too often hampered by unclear lines of responsibility and accountability and unshared or incomplete information. For the purposes of this agreement, students in foster care are defined by: E.C. 48853.5. (a) This section applies to a foster child. "Foster child" means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

E.C. 42238.01 (b) "Foster youth" means any of the following:

(1) A child who is the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code, whether or not the child has been removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code, has been removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code, and is in foster care as defined by subdivision (d) of Section 727.4 of the Welfare and Institutions Code.

(3) A nonminor under the transition jurisdiction of the juvenile court, as described in Section 450 of the Welfare and Institutions Code, who satisfies all of the following criteria:

(A) He or she has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Section 10103.5 of the Welfare and Institutions Code.

(B) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.

(C) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and Institutions Code.

Therefore, the purpose of the Interagency Agreement is to specify the roles and responsibilities of the agreement stakeholders collectively referred to hereafter as "stakeholders" and to establish procedures for the implementation of the law at the local level.

**WEB-BASED
INFORMATION
SHARING**

The Foster Youth Services Coordinating Program of the San Diego County Office of Education (FYSCP) has partnered with other San Diego County agencies, organizations and school districts to create a web-based information sharing network for foster youth. This program is known as the Foster Youth – Student Information System (FY-SIS©). It is designed to improve the educational outcomes of foster youth by gathering and transferring placement, health, and education records. FY-SIS© receives downloads of student information directly from the school districts, Child Welfare and Probation and Juvenile Court. The ongoing operation and maintenance of FY-SIS© is governed by the FY-SIS© Memorandum of Agreement (MOA). The sharing of records and information is consistent with amendments to the Federal Education Records and Privacy Act and the Education Code which allow educational agencies to share a foster youth's education records directly with appropriate child welfare agency representatives who have legal responsibility for the care and protection of the pupil, for purposed of addressing the pupil's educational needs. (see 20 USC 1232(g) and 34 CFR 99.31; EC 49076).

**WEB-BASED
INFORMATION
AVAILABLE**

School districts benefit from FY-SIS ©, in that they have access to information that is otherwise difficult to obtain. Schools and districts are able to identify all students in their school or district who are currently supervised by Juvenile Court, whether in Dependency or Delinquency. Additional information available includes (but is not limited to): the name and contact information for the child's social worker or probation officer and person holding educational rights; health (including immunizations) and education records (prior school placements, attendance, grades, etc.). EC§ 49076 and WIC 827 (b) and WIC 827(a)(1)(G) and San Diego Local Rules 6.6.4 (A) 16.

AGREEMENTS

In keeping with previous agreements and established procedures, the following information for students under the jurisdiction of the court will be input into the FY-SIS by their district of attendance for each day school is in session: the names and addresses of education providers; the child's grade level performance (including semester letter grades and citizenship grades); start date and leave date; current class schedule; and attendance records. HHSa will input placement information, placement history, educational rights holder information and Health & Education Passport information.

SDCOE will provide support to school districts to securely transfer student information to SDCOE's secure FTP server. Each district may decide which of its servers or desktops that this SDCOE software will be placed on. The district is responsible for that server's security and maintenance.

As work on the FY-SIS system goes forward we anticipate also receiving from school districts disciplinary history (suspensions/expulsions); and expanded educational testing scores to include CA Standardized Test scores.

Only exact matches for dependents and wards of the Court will be processed and sent to FY-SIS©. Only those individuals authorized to use FY-SIS© will be given access to information in FY-SIS© via an application

signed by the agency or district representative designated as their FYSIS© administrator and access to information will be limited in accordance with need for the information. Authorized FYSIS© users access is limited based on a filter type associated with their agency or district. The filters types were developed by the FYSIS© workgroup and designed to promote objectives of use. All agencies shall comply with relevant State and Federal law and other applicable local rules which relate to records use, security, confidentiality, privacy, dissemination and retention/ destruction. This includes (but is not limited to) the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), the California Education Code, and the California Welfare and Institutions Code. A complete listing of duties and responsibilities may be found in the FY-SIS© MOA. EC§ §49076() WIC 827 (b) and WIC 827(a)(1)(G) and San Diego Local Rules 6.6.4 (A) 16.

**PRIOR
AGREEMENTS
ARE
SUPERSEDED**

This agreement supersedes all prior agreements made with respect to the FY-SIS© system, with the exception of the FY-SIS© MOA, referenced above.

C: Description of the Interagency Agreement

- FOUNDATION** This is San Diego County's fourth Interagency Agreement. It is based on:
- the first, second and third Interagency Agreement (which, as noted in Part 1(B), is superseded by this fourth Interagency Agreement).
 - the legal requirements for addressing the academic needs of foster youth.
-

CHANGES Following the adoption of the first three Interagency Agreements, the San Diego County Superintendent of Schools/San Diego County Office of Education: Foster Youth & Homeless Education Services conducted workgroups with cross system stakeholders to solicit review and feedback on how the Agreement was working. Stakeholders indicated changes to reflect a more accurate picture of how specific topics were being put into practice. In addition, the policy and procedure sections from the previous agreement were joined into one section where information is more easily found in one place.

In addition, new legislation has expanded the legal requirements for meeting the academic needs of students in foster care. These additions were incorporated into this Agreement.

The Interagency Agreement is a living document that will continue to develop as the legislature and the systems serving youth continue to evolve. These changes will be reflected by amendments with revisions sent to all.

THE BODY

The Interagency Agreement has 4 major components as well as appendices for the reader's reference.

- Part 1: Overview
 - Part 2: Description of all parties who are subject to this Agreement.
 - Part 3: Terms of the Agreement and signatures
 - Part 4: Procedures listed by topic.
-

THE APPENDIX Because the Interagency Agreement represents the intersection of Health and Human Services, Probation and education, the subcommittee took this opportunity to provide supplemental information that may help each profession gain a better understanding of the other. For example, the glossary has been substantially expanded and includes a few commonly used terms as well as those specifically included in the body. Another major component of the appendix is the inclusion of the California Foster Youth Education Task Force (CAFYETF) *California Foster Care Education Law Factsheets* that explain key education functions related to foster care.

Forms and sample letters included:

- Modification from prior agreement
- Glossary
- Sample JV-535
- Sample JV-535 a
- Sample JV-536
- Sample Badges: CWS , Probation, DLG & Voices for Children
- Sample Group Home and Foster Home Agreements
- School Emergency Card
- Judicial Checklist re: Education
- Sample Health & Education Passport
- Sample Needs & Services Plan for Foster Home
- Sample Needs & Services Plan for Group Home
- Foster Care Education Fact Sheets
- School Enrollment / Disenrollment Notice for Foster Youth
- Contact List by Agency
- Subcommittee Contact information
- AB 1909 Letter
- AB 490 Notice of Case Opening
- AB 490 Notice of Case Closing

IMPLEMENTATION Training is provided to all stakeholders, on an ongoing basis, including implementation of the procedures outlined in the Interagency Agreement. Stakeholders having difficulties with any aspect of the procedures are encouraged to contact the FYSCP office at (619) 683-9340 extension 16 They will facilitate communication so that solutions can be explored for incorporation into updates.

FORMAT The Interagency Agreement is designed to be placed in a 3-ring binder so that pages can be replaced when there are updates.

COPIES Copies can be obtained at the SDCOE: Foster Youth Services Coordinating Program web site listed on page ii of this document.

PART 2

AGREEMENT STAKEHOLDERS

This Agreement is entered into by the following stakeholders:

Education Agencies:

- SDCOE: Foster Youth Services Coordinating Program (FYSCP)
- San Diego County Local Education Agencies (LEAs)
 - SDCOE: Momentum Learning

Placing Agencies:

- County of San Diego Probation Department (Probation)
- County of San Diego Health and Human Services Agency (HHSA) - Child Welfare Services (CWS)

Superior Court of California, County of San Diego (SCCSD)

Dependency Legal Group of San Diego (DLG)

San Diego County Department of the Public Defender (SDPD)

San Diego County Department of the Alternate Public Defender (SDAPD)

Voices for Children - Court Appointed Special Advocates (CASAs)

AGREEMENT PARTICIPANT DESCRIPTIONS

EDUCATION AGENCIES

Foster Youth Services Coordinating Program (FYSCP):

As outlined in AB 854, The Foster Youth Services (FYS) program has been a successful program that supports the educational achievement of pupils in foster care. This success of the FYSCP programs (formerly the Foster Youth Services Programs) has contributed to landmark California education finance reform that prioritizes the educational needs of pupils in foster care. The county office of education is uniquely situated to support interagency collaboration and capacity building, both at the system and individual pupil level, focused on improving educational outcomes for pupils in foster care. As a key component to the successful implementation of the local control funding formula (LCFF), the FYSCP program should support and facilitate such collaboration and capacity building while preserving the ability to provide direct services when there are identified gaps in service at the local level and the local Executive Advisory Council establishes that these services are needed and aligned with local control and accountability plan priorities.

San Diego County Local Education Agencies (LEAs):

An LEA can refer to a public school district, or a body that oversees multiple schools including primary and secondary public and private schools. The responsibilities of an LEA may include operating the public school system, distributing grant money to school projects, and contracting for educational services.

PLACING AGENCIES

County of San Diego Probation Department (Juvenile Probation)

The Probation Department protects community safety, reduces crime and assists victims, through offender accountability and rehabilitation. The Department reports directly to the Superior Court on compliance with the Court's orders, provides supervision of the youth on Probation, and provides custodial programming for youth at four locations: Kearny Mesa Juvenile Detention Facility, East Mesa Juvenile Detention Facility, Girls Rehabilitation Facility and Camp Barrett. The Department also utilizes a wide variety of evidence based prevention and intervention programs as well as, case planning and case management to assist youth and their families. The Department assesses youth for trauma, mental health, medical, familial and criminogenic needs. In conjunction with effective case planning, the Department works collaboratively with local schools, community based organizations, Health and Human Services (HHSA), Child Welfare Services (CWS), and Behavioral Health Services (BHS), to provide the most appropriate and pertinent services.

County of San Diego Health and Human Services Agency (HHSA) - Child Welfare Services (CWS):

Child Welfare Services (CWS) is committed to excellence in the delivery of culturally competent, family-centered and child-focused protective services. CWS investigates reports of suspected child abuse and neglect and intervenes with families who do not meet the minimum community standards of health and safety as required by law. Investigations are conducted in a

thorough and professional manner. Family interventions are completed in the least intrusive manner necessary for the protection of the child. In addition to these services, CWS administers the following: 10 Day Assessment Center , a 24-hour facility for the temporary emergency shelter of children; San Pasqual Academy, a first-in-the-nation residential education campus for adolescent foster youth; foster care eligibility and licensing; group home placement services for foster youth with emotional and behavioral issues; services to emancipating foster youth; adoptive home assessments and placements; and critical support services to regional operations.

This Agreement is not applicable in situations where there is another placing agency besides those listed in this definition.

SUPERIOR COURT OF CALIFORNIA (SCCSD)

The San Diego Superior Court serves all people in San Diego County as one of the state's 58 trial courts. The court has jurisdiction over criminal cases including felonies, misdemeanors, and infractions; traffic and minor offense cases; civil cases including small claims; family law cases including dissolution, child custody and visitation, and child and spousal support; probate cases including trusts, wills, guardianships, and conservatorships; and juvenile cases including dependency, delinquency, and adoptions.

DEPENDENCY LEGAL GROUP OF SAN DIEGO (DLG)

Dependency Legal Group of San Diego (DLG) is a non-profit public benefit corporation representing indigent families in San Diego County's Juvenile Dependency Court. DLG is a 501(c)(3) charity. The firm consists of two transactional divisions: the Education and Policy Office (EPO) and the Writ and Research Office (WRO), and three trial divisions: the Conflict's Counsel Office (CCO), the Primary Parent Office (PPO), and the Minor's Counsel Office (MCO). All DLG dependency attorneys work collaboratively to facilitate the preservation and reunification of the families we represent.

SAN DIEGO COUNTY DEPARTMENT OF THE ALTERNATE PUBLIC DEFENDER (SDAPD)

The SDAPD is responsible for defending those cases where the Primary Public Defender has a conflict of interest or is unable to defend the individual for various reasons. On occasion more than one person is charged with the commission of the same crime. It would be a conflict of interest for the same office to represent all defendants charged in the case. As a result, the Board of Supervisors voted to create a second public defender office in 1990.

VOICES FOR CHILDREN-COURT APPOINTED SPECIAL ADVOCATES (CASAS)

Voices for Children works with key agencies, legal counsel and community resources to identify and protect the best interests of each child inside and outside of juvenile court. The CASA's court order grants access to educational records and the ability to speak with other professionals in the assigned child's life. CASAs make recommendations about the permanent placement of a child (or sibling group); follow the child's progress through various placements; facilitate communication with all parties involved with a case; and make a commitment of at least 18 months. CASAs are involved in the student's education and are privy to all educational records. They are also allowed to speak with school staff about the student's progress regardless if they are the educational surrogate.

**PRIMARY
PUBLIC
DEFENDERS
OFFICE**

Primary Public Defenders Office provides quality legal assistance to individuals charged with a crime in state court who are financially unable to retain private counsel. Juvenile court matters are handled by three special units within the office.

PART 3

TERMS OF AGREEMENT AND SIGNATORIES

Terms of Agreement

TOBACCO-FREE FACILITY	The San Diego County Office of Education (SDCOE) is a tobacco-free facility. Tobacco use (smoked or smokeless) is prohibited at all times on all areas of County Office of Education property.
PERIOD OF AGREEMENT	This agreement will be effective from August 1, 2016, to July 31, 2021. SDCOE: Foster Youth Services Coordinating Program will convene a subcommittee to review the document annually in response to (a) legislative changes and (b) input from member agencies. All of the parties may elect to extend this Agreement for any period beyond 5 years, pursuant to the amendment requirements described under the 'Amendments to this Agreement' section below.
TERMINATION	Prior to the expiration date of this Agreement, a party may terminate this Agreement for convenience at any time by providing written notice of the intent to terminate upon all parties pursuant to the 'Notice' requirement in Part 4 of this Agreement. Upon termination of this Agreement, if a party retains information received under it, any subsequent use, storage and access to such information will continue to be subject to the terms and conditions of this Agreement.
CONFIDENTIALITY AND INFORMATION SHARING	Release of information and information sharing with and to SDCOE – FYSCP and among signatories of this agreement is pursuant to EC§49076() and WIC 827(b) and WIC 827(a)(1)(G) and San Diego Local Rules 6.6.4 (A) 16. Any sharing of specific information is in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) including those provisions included in The Uninterrupted Scholars Act of 2014. The Child Abuse Prevention and Treatment Act (CAPTA), and Health Insurance Portability and Accountability Act (HIPAA). This information will be used solely for meeting the educational needs of foster youth and shall not be shared with others or used for any other purposes. All such released information is also subject to all applicable Federal, State and local laws, rules, regulations, policies and other applicable court orders regarding confidentiality and privacy.
INDEMNIFICATION	Each party agrees to defend, indemnify and hold harmless the other parties, their directors, officers, agents, volunteers, and employees, from and against any and all claims, demands, damages, loss, and other liability, including but not limited to damages or destruction of property, injuries to or death of persons, and reasonable attorney fees and costs, resulting from or arising out of its performance of its duties and responsibilities under this Agreement; performance and/or non-performance of its duties and responsibilities under this Agreement; and any other negligent act or omission of that respective party's directors, officers, agents, volunteers, or employees in connection with the terms and conditions of this Agreement. A party shall have no obligation, however, to defend, indemnify or hold harmless a second party from such a claim, demand, damage, loss, or other liability if it is determined by a court of competent jurisdiction that such was caused by the sole negligence or willful misconduct of that second party. If a claim, demand,

damage, loss or other liability arises out of the concurrent acts or omissions of more than one party, those respective parties are each completely liable to all other parties under the indemnification requirements of this paragraph. Notwithstanding the foregoing language, nothing in this Agreement shall be construed as (1) a waiver of any legal rights to judicial or quasi-judicial immunity that apply to the Court, its employees, and/or its judicial officers; or (2) a promise to indemnify any party to this Agreement with respect to any actions by the Court, its employees, and its judicial officers that are subject to judicial or quasi-judicial immunity; or (3) limitations on the judicial discretion of the Court's judicial officers.

ENTIRE AGREEMENT

This Agreement represents the entire Agreement and understandings of the parties hereto and, with the exception of the FY-SIS© MOA referenced in Part 1(B) of this Agreement, no prior writings or representations of any nature, written or oral, shall be deemed to vary the provisions hereof.

AMENDMENTS TO THIS AGREEMENT

This Agreement may be amended to reflect changes in legislation or policy. Amendments will be sent in writing to a representative of all parties to this Agreement. Parties to this Agreement are identified below in the 'Signatories to Agreement' section of Part 4.

GOVERNING LAW

This Agreement will be deemed to have been made and shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of California.

COMPLIANCE WITH APPLICABLE LAWS

All responsibilities identified in this Agreement shall be performed in accordance with applicable Federal, State and local laws, rules, regulations, and policies.

NOTICE

All notices, requests, demands and other communications made to parties under this Agreement shall be in writing and delivered personally or sent by United States first class mail, postage prepaid, to the addresses set forth in the 'Signatories to Agreement's section' below.

NON-ASSIGNMENT

This Agreement shall inure to the benefit of, and be binding upon, the parties hereto. None of the rights, privileges, interests, duties or obligations created by this Agreement are assignable by a party without the prior written consent of all the remaining parties.

Signatories to Agreement

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

**SAN DIEGO COUNTY
SUPERINTENDENT OF SCHOOLS**

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

By (Authorized Signature)

By (Authorized Signature)

Name (Type or Print)

Name (Type or Print)

Title

Title

Date

Date

**SAN DIEGO COUNTY
HEALTH & HUMAN SERVICES AGENCY**

**COUNTY OF SAN DIEGO PROBATION
DEPARTMENT**

By (Authorized Signature)

By (Authorized Signature)

Name (Type or Print)

Name (Type or Print)

Title

Title

Date

Date

DEPENDENCY LEGAL GROUP

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

**SAN DIEGO COUNTY OFFICE OF THE
PUBLIC DEFENDER**

By (Authorized Signature)

Name (Type or Print)

Title

Date

VOICES FOR CHILDREN

By (Authorized Signature)

Name (Type or Print)

Title

Date

**SAN DIEGO COUNTY OFFICE OF THE
ALTERNATE PUBLIC DEFENDER**

By (Authorized Signature)

Name (Type or Print)

Title

Date

MOMENTUM LEARNING

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

ELEMENTARY SCHOOL DISTRICTS:

ALPINE UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

CAJON VALLEY UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

CHULA VISTA

By (Authorized Signature)

Name (Type or Print)

Title

Date

BONSALL UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

CARDIFF

By (Authorized Signature)

Name (Type or Print)

Title

Date

DEHESA

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

ELEMENTARY SCHOOL DISTRICTS (continued):

DEL MAR UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

ESCONDIDO UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

JAMUL-DULZURA UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

ENCINITAS UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

FALLBROOK UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

JULIAN UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

ELEMENTARY SCHOOL DISTRICTS (continued):

LA MESA-SPRING VALLEY

By (Authorized Signature)

Name (Type or Print)

Title

Date

LEMON GROVE

By (Authorized Signature)

Name (Type or Print)

Title

Date

RANCHO SANTA FE

By (Authorized Signature)

Name (Type or Print)

Title

Date

LAKESIDE UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

NATIONAL

By (Authorized Signature)

Name (Type or Print)

Title

Date

SAN PASQUAL UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

ELEMENTARY SCHOOL DISTRICTS (continued):

SAN YSIDRO

By (Authorized Signature)

Name (Type or Print)

Title

Date

SOLANA BEACH

By (Authorized Signature)

Name (Type or Print)

Title

Date

SPENCER VALLEY

By (Authorized Signature)

Name (Type or Print)

Title

Date

SANTEE

By (Authorized Signature)

Name (Type or Print)

Title

Date

SOUTH BAY UNION

By (Authorized Signature)

Name (Type or Print)

Title

Date

VALLECITOS

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

HIGH SCHOOL DISTRICTS:

ESCONDIDO UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

GROSSMONT UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

SAN DIEGUITO UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

FALLBROOK UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

JULIAN UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

SWEETWATER UNION HIGH

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

UNIFIED SCHOOL DISTRICTS:

BORREGO SPRINGS UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

CORONADO UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

OCEANSIDE UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

CARLSBAD UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

MOUNTAIN EMPIRE UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

POWAY UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

UNIFIED SCHOOL DISTRICTS (continued):

RAMONA UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

SAN MARCOS UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

VISTA UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

SAN DIEGO UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

VALLEY CENTER-PAUMA UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

WARNER UNIFIED

By (Authorized Signature)

Name (Type or Print)

Title

Date

PART 4

PROCEDURES: LISTED BY TOPIC

OVERVIEW This section of the Interagency Agreement sets forth specific procedures and responsibilities of stakeholders in addressing the educational needs of children in foster care. This section combines two sections from the previous agreement (Policies and Procedures) and outlines the basis in law as well as local agreement.

TOPICS COVERED The six major components of Part 4 are:

- Educational rights and District Appointed Surrogate Parents
- School Placement Choice
- Change in Schools
- Residential Placement
- Records, Lists, Notifications and Monitoring
- Transportation

A: Educational Rights and District Appointed Surrogate Parents

DEFINITIONS California law refers to the person who has been given educational rights by the court as an “educational representative” and the person appointed by school districts as a “surrogate parent”. However, the federal government refers to the person appointed by the court as a “surrogate parent”. In this document the use of the phrase “person holding educational rights” is used when referring to the person appointed by the court and the term “district appointed surrogate parent” is used when referring to the person appointed by the school district.

ORGANIZATION OF THIS SECTION The authorities, responsibilities and procedures regarding educational rights are presented first, followed by those relating to district appointed surrogate parents.

Educational Rights

OVERVIEW Normally, biological parents have the right to make educational decisions for their children. This continues to be the case, even after children enter the foster care system, unless the court determines that it is in the best interest of the child to limit the educational rights of the parents and assign someone else as the responsible person to serve this function. Substitute care providers may or may not be the responsible person holding educational rights. The court may appoint one or more persons to jointly hold a student’s educational rights (Please refer to Procedures re: Educational Rights section).

PLACING AGENCY RESPONSIBILITIES **Placing agencies will:**

1. identify who holds educational rights at the time of out of home placement (and at all subsequent hearings) and if they are the appropriate person to retain them
2. when appropriate, recommend to the court that educational rights be limited and include a recommendation for an alternate
3. keep a record of who has educational rights of foster youth
4. inform the person holding educational rights of their role and responsibilities
5. in the event that the person holding educational rights resigns, notify the court so that an alternate can be assigned
6. notify the substitute care provider of who has educational rights and of any change in educational rights
7. inform the AB490 School District Foster Care Liaison who holds educational rights and of any changes

CRC 5.651(b)(2)
WIC 358.1; 366.1; 727.2

**EDUCATIONAL
RIGHTS HOLDER
RESPONSIBILITIES**

The **person who holds educational rights** represents the child in matters relating to regular and special education. A person holding educational rights has the same educational rights as a parent/legal guardian and should be a strong advocate for the child in all education matters. All of the decisions made must be based on the best interest of the youth. The person holding educational rights is also required to:

1. meet with the child at least once.
 2. consult with those involved in the child's education
 3. review education records
 4. request/provide written consent for all assessments and services
 5. participate in determining whether it is in the child's best interest to attend a school operated by the local school district, be placed in another educational program or continue in his/her school of origin when moved to a new placement
 6. comply with laws pertaining to confidentiality of student records
 7. notify the placing agency upon resignation from the child's case
 8. with respect to an Individualized Education Plan (IEP):
 - a. request an assessment if appropriate, and approve all IEPs
 - b. attend all meetings
 - c. meet with the child at least once in advance of a meeting
 - d. review and revise the plan
 - e. provide written consent to the IEP
- EC§48850(a); WIC 16000(c) CRC5.650(f)

Concerns regarding roles and responsibility of a student's educational rights holder should be directed to the youth's assigned case worker or counsel

**SCCSD
(JUVENILE COURT)
RESPONSIBILITIES**

The **SCCSD (Juvenile Court)** shall:

- require that court reports, case plans, assessments and permanency plans address the following:
 - (a) child's educational entitlements and how those entitlements are being satisfied;
 - (b) information to assist in deciding whether the right of the parent/guardian to make educational decisions should be limited; and
 - (c) information concerning whether the school has met its obligation to provide educational services
- where feasible, provide oversight to placing agencies to ensure the child's educational rights are investigated, reported and monitored
- ensure that each parent/guardian receives information and available assistance concerning his or her child's educational entitlements.

Standards of Judicial Administration 5.40

**SDCOE
FYSCP
RESPONSIBILITIES**

SDCOE: FYSCP will maintain a secure web-based database known as the Foster Youth-Student Information System (FY-SIS©). Utilizing data received from HHSA-CWS, San Diego Juvenile Court, San Diego Probation and all San Diego County School Districts, FY-SIS© will collect and store education and health information for foster youth in the dependency and delinquency systems. This includes information about educational representatives as entered by the Juvenile Court Clerk. Foster Youth Services Coordinating Program will maintain the strictest confidentiality of this information, and will insure that only authorized users are allowed access to FY-SIS©. Foster Youth Services Coordinating Program will insure that all schools and school districts have access to this information in order to identify the educational rights holder.

**EDUCATIONAL
RIGHT HOLDER
PROGRAM**

This program is an agreement between the Dependency Legal Group of San Diego (DLGSD), County of San Diego Health and Human Services Agency/Child Welfare Services (CWS), San Diego County Superintendent of Schools, Foster Youth Services Coordinating Program (SDCOE), San Diego Volunteer Lawyer Program, Inc. (SDVLP), University of San Diego – Education and Disability Clinic (USD-EDC), and University of San Diego -- Children’s Advocacy Institute (USD-CAI) & Advocates for Children and Education (USD-ACE). ERHP intends to eliminate delays in meeting the educational right of foster youth by providing and training student volunteers from USD to serve as Education Rights Holders (ERH) on a short-term basis until a permanent ERH can be appointed. In appropriate cases and considered on a case-by-case basis, a volunteer from ERHP can serve as a temporary ERH until educational rights are transferred to another individual who can serve as a permanent ERH or educational rights are transferred back to the parent(s) of the student in foster care.

**LOCATION OF
INFORMATION**

Sources for locating who holds educational rights are the:

- FosterYouth – Student Information System (FY-SIS©)
- *Health and Education Passport* (see Appendix E3)
- Placing agency
- Minor’s counsel

**DURATION OF
APPOINTMENT**

If a person is assigned to hold educational rights, the assignment lasts until:

- The youth reaches age 18.
- Another adult is appointed instead.
- The educational rights of the parent or guardian are restored.
- A successor guardian or conservator is appointed.
- The person resigns. WIC §361, 726; GC §7579.5; CRC5.650.

Procedures Re: Educational Rights

STEP 1: PETITION THE COURT

The following entities may petition the court to limit the educational rights of the parents. The table below sets forth the process.

Who can petition the court?	<ul style="list-style-type: none"> The placing agency The minor's attorney <p>Note: others with concerns re: the person holding educational rights should contact the placing agency</p>
How?	<ul style="list-style-type: none"> Complete the <i>Order Limiting Parent's Right to Make Educational Decisions Form JV-535</i>. See Appendix B1. Be prepared to recommend a responsible adult to serve this function.
When?	At any stage in the case or an Ex parte or Special Hearing may be requested.

STEP 2: THE COURT DECIDES

After hearing the evidence, the court may limit the educational rights of the mother, the father, the guardian, or anyone holding the educational rights.

If the court has limited the educational rights of the parents or guardian, there are four possible outcomes which are listed in the table below:

A. The court may appoint a responsible adult to make educational decisions.	
IF the . . .	THEN the court. . .
B. court cannot identify a responsible adult but no IEP is involved or potentially involved	with input from others, will make the educational decisions.
C. court cannot identify a responsible adult AND the child is potentially eligible for special education or already has an IEP. ..	will refer the child to the LEA to appoint a district surrogate parent.
D. child is in a permanent placement (what used to be called long term foster care). . .	may: <ul style="list-style-type: none"> allow the foster parents, Substitute Care Providers, or non-relative extended family members to represent the child without a court appointment. However, current local policy requires the submission of a JV-535 to the court. determine that any or all of the above may not make educational decisions for the child. CRC. 5.651 (b)(1)

**STEP 3:
CHOICE OF
APPOINTMENT**

The first choice for appointment of a person to hold educational rights is the **child's Substitute Care Provider** (includes relative Substitute Care Provider, non-related extended family member, or foster parent).

If these are not feasible, the next choices are another involved adult such as:

1. relative who is not a current Substitute Care Provider
2. non-related extended family who is not a current Substitute Care Provider
3. CASA
4. Mentor
5. Other adult known to the child

**PERSONS NOT APPROPRIATE ARE CONSIDERED TO HAVE A
CONFLICT OF INTEREST AND INCLUDE**

1. Licensed Care Institution (LCI) staff
2. placing agency staff
3. minor's attorney

**STEP 4:
TRANSFER OF
DOCUMENTS**

The following documents are transferred after a change in educational rights:

Task	Action
1	The juvenile court clerk transfers the <i>JV-535 and JV 535(A) Form</i> (Appendix B1) to: a. placing agency staff b. Voices for Children, if the child has a CASA
2	The court clerk: a. enters the information into FY-SIS© a. faxes the <i>JV-535 Form</i> to the AB490 School District Foster Care Liaison For Momentum Learning students, the court clerk will fax the <i>JV-535 and JV-535(A)</i> to the FYSCP Office. b. mails a hard copy of the <i>JV-535 Form</i> to the placing agency.
3	The AB490 School District Foster Care Liaison faxes the <i>JV-535 Form</i> to the designated school personnel
4	The placing agency provides a hard copy of the <i>JV-535 Form</i> to the person with educational rights.
Note: the minor's attorney is notified of the change in educational rights via the court minute order or at the next court hearing.	

**STEP 5:
COMMUNICATION**

The school provides the person holding educational rights with:

- copies of progress reports, report cards, transcripts and any other pertinent school records including disciplinary reports.
 - inclusion in:
 - All meetings pertaining to special education and general education programs
 - review of and consent to the recommendations of the IEP
 - The determination of whether it is in the child's best interest to attend a school operated by the local school district, be placed in another educational program or continue in his/her school of origin when moved to a new placement
 - notification of:
 - all meetings, including but not limited to parent-teacher conferences, student study team meetings, IEP and Student Attendance Review Board (SART, SARB) meetings,
 - disciplinary actions, including suspensions and expulsions
 - attendance issues.
-

District Appointed Surrogate Parents

OVERVIEW

There are times when the court limits the educational rights of the parents but:

- no substitute has been appointed as the responsible person, or
- no parent can be identified, or
- no parent can be located.

If this situation exists for a child who has an IEP or is referred for an assessment for an IEP, the court will ask the LEA to appoint a district surrogate parent.

LOCATION OF INFORMATION

Sources for locating the identity of the district appointed surrogate parent, if applicable, are the:

- *Health and Education Passport* (Appendix E3)
 - Foster Youth Student Information System ©
 - Placing agency
 - AB490 School District Foster Care Liaison – a current list of AB490 School District Foster Care Liaisons can be found on the FYSCP website at: <http://www.sdcoe.net/ssp/support/pdf/Liaison.pdf>
-

DURATION OF APPOINTMENT

The duration of appointment as a district surrogate parent is the same as for a person assigned to hold educational rights except in the case where the youth moves to a different school district. At that time a new surrogate would have to be appointed by the district servicing the student.

RESPONSIBILITIES

The district appointed surrogate parent shall:

- Represent the child in matters relating to regular and special education. A person holding educational rights has the same educational rights as a parent/legal guardian and should be a strong advocate for the child in all education matters. All of the decisions made must be based on the best interest of the youth. The district surrogate is also required to:
- meet with the child at least once.
 - consult with those involved in the child's education
 - review education records
 - request/provide written consent for all assessments and services
 - participate in determining whether it is in the child's best interest to attend a school operated by the local school district, be placed in another educational program or continue in his/her school of origin when moved to a new placement
 - comply with laws pertaining to confidentiality of student records
 - notify the placing agency upon resignation from the child's case
 - with respect to an Individualized Education Plan (IEP):
 - request an assessment if appropriate, and approve all IEPs
 - attend all meetings
 - meet with the child at least once in advance of a meeting
 - review and revise the plan
 - provide written consent to the IEP

EC§48850(a); WIC 16000(c) CRC5.650(f)

Procedures Re: District Appointed Surrogate Parents

STEP 1: COURT DETERMINES NEED FOR DISTRICT APPOINTED SURROGATE

As indicated in Step 2 under procedures re: educational rights, the court will determine the legal need for a district appointed surrogate parent under the following circumstances:

- The court has limited the educational rights of the parent(s), AND
 - The court cannot identify a responsible adult to hold educational rights, AND
 - The child is potentially eligible for special education or already has an IEP
-

STEP 2: REFERRAL TO LEA

Once the need for the district appointed surrogate parent is determined, the court will refer the matter to the LEA. The *JV-535* is the form the court uses to notify the LEA of the need to appoint a surrogate. (For *JV-535* see Appendix B1)

STEP 3: INITIAL TRANSFER OF DOCUMENTS

Once the court has limited educational rights, the same process for transferring documents is followed as described in Step 4 under procedures re: educational rights. There are two additional document transfers as well:

1. Along with the *JV-535 Form*, the court clerk faxes the *Local Education Agency Response to JV-535- Appointment of Surrogate Parent Form JV-536* to the appropriate AB490 School District Foster Care Liaison. (For *JV-536* see Attachment B2)
 2. The AB490 School District Foster Care Liaison provides both the *JV-535* and the *JV-536 Forms* to the designated school personnel at the child's current school and/or the special education director and or school site personnel.
-

STEP 4: LEA APPOINTS DISTRICT SURROGATE

Upon receipt of the referral from the court, the LEA promptly appoints a district surrogate parent for the child. Selection criteria are as follows:

- The person should NOT be an employee of any agency that is involved in the education or care of the child.
- The person has no interests that conflict with the interests of the child.
- The person has knowledge and skills that ensure adequate representation of the child.
- The person may be an employee of a nonpublic agency that only provides non-educational care for the child as long as he or she also meets the other selection criteria.

The first choices for appointment of a person to serve as district surrogate parent are the same as for appointment of a person to hold educational rights. These are:

1. Child's Substitute Care Provider (includes relative Substitute Care Provider, NREFM or foster parent)
 2. court-appointed special advocate (CASA)
-

**STEP 5:
NEXT
TRANSFER OF
DOCUMENTS**

The LEA completes the *JV-536 Form* and returns it to the court clerk within 21 calendar days of the appointment of a district surrogate parent. The court clerk enters the data into the FY-SIS © and forwards a copy of the *JV-536 Form* to the placing agency.

**STEP 6:
CHANGE IN
DISTRICT
SURROGATE**

If the appointed surrogate is terminated or replaced, the LEA notifies the court's judicial secretary via the *JV-536 Form*. Again, completion and submittal of the *JV-536 Form* to the court should occur within 7 calendar days of the termination or replacement of the district appointed surrogate parent. The court clerk enters the data into the FY-SIS © and forwards a copy of the *JV-536 Form* to the placing agency.

If the court cannot identify a responsible adult to make educational decisions for the child, the appointment of a district surrogate parent as defined in subdivision (a) of § 56050 of the Education Code is not warranted, and there is no foster parent to exercise the authority granted by § 56055 of the Education Code, the court may, with the input of the interested person, make educational decisions for the child.

B: School Placement Choice

OVERVIEW

At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court and often beyond. The first key decision is whether or not the child will remain in the same school. The federal Fostering Connections legislation states that the child's case plan must contain:

- “An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.”
- An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and 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, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school..”
WIC §16501.1(g).

A foster child who remains in his or her school of origin pursuant to subdivisions (f) and (g) of Section 48853.5 of the Education Code complies with the residency requirements for school attendance in the school district operating the school of origin.

School stability is critical for academic achievement. Studies show students who switch schools score lower on standardized tests, take four to six months to recover academically and, if moved during high school, are much less likely to graduate. Therefore, the law allows the youth to remain in the school of origin, if the youth, the person holding educational rights and the AB490 School District Foster Care Liaison all determine that remaining in the school of origin is in the best interest of the child. The factors to consider in assessing whether or not the youth should remain in the school of origin are listed in step three of this section.

Other guiding principles for decisions regarding school placement are:

- School placement must be based on the best interests of the youth.
 - Placement in a regular public school where the youth would otherwise attend must be the first option considered.
 - The youth must be in the least restrictive educational environment.
-

RESPONSIBILITIES All agencies are responsible for working together to ensure that all educational and school placements for foster youth are made so that:

- The child is in the least restrictive educational programs.
- The child has access to academic resources, services and extracurricular and enrichment activities that are available to all students.
- Preference is given to a regular public school placement unless certain conditions outlined in an IEP or expulsion order exist.
- All placement decisions are in the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

The AB490 School District Foster Care Liaison, in consultation with, and with the agreement of, the foster child and the person holding the right to make educational decisions for the foster child, may recommend, in accordance with the foster child's best interests, that the foster child's right to attend the school of origin be waived and the foster child be enrolled in a public school where the foster child resides. EC§48853.5 (f) (6)

The AB490 School District Foster Care Liaison of the school district of origin and school district of attendance, if different, are responsible for participating in the best interest decision process.

San Diego County Office of Education FYSCP will notify each LCI of whom to contact (AB490 School District Foster Care Liaison) regarding students within their placement. SDCOE will also provide information to placing agencies about education options for children residing in LCIs, along with an appropriate contact person. *EC § 48850(b).

Local Education Agencies (LEAs) will:

- consider a comprehensive public school where the pupil is residing and would otherwise attend as the first school placement option and allow the child to remain in their school of origin, if in their best interest:
 - for the duration of the court's jurisdiction,
 - Through the end of the school year if the court's jurisdiction is terminated and the student is in grades K-8,
 - through high school graduation if the court's jurisdiction is terminated and the student is in grades 9-12, EC§48853.5(f)
- place the child in the least restrictive environment, to be handled by the AB490 School District Foster Care Liaison, in conjunction with the school. EC§48853.5(h)
- ensure immediate enrollment and appropriate educational placement without delay, to be handled by the AB490 School District Foster Care Liaison, via the school registrar or designee. EC§48853.5(f)(8)(B)

Note: placement decisions for students in special education are made by the IEP and the District or SELPA in which the foster youth's home, group home or LCI is located is responsible to convene these meetings and provide FAPE, absent another placing agency as defined by 56167.

RESPONSIBILITIES **Placing agencies** will include in case plans an assurance that the child's foster care placement takes into account proximity to the school in which the child is enrolled at the time of the placement as well as a summary of health and education records. The case plan must also include specified information about the child such as names and addresses of the child's education providers, grade level performance, school record and other relevant education information. WIC§16010(a), 16501.1 ()(8)

- **Placing agencies** will notify the school personnel and AB490 School District Foster Care Liaison at the time of a placement change and work together to determine whether the child is able and should remain at his/her school of origin for purposes of educational stability and their best interest. Placing agencies must also insure that information in the student information system and Emergency Card is up to date, and inform school personnel when student has reunified or otherwise changing home placement.

Substitute care providers are responsible for complying with the provisions as designated by the placing agency

Licensed Children's Institutions (LCIs) shall not require as a condition of placement that it (the LCI itself) provide the education through a nonpublic school that is owned, operated or associated with, the LCI. EC§56366.9

Substitute care providers will support the education of the foster youth by ensuring that:

- Youth who wish to remain in their school of origin under EC§48853.5 are provided the opportunity to do so provided that it is in their best interest.
- If Youth are reluctant to attend school, the placing agency and schools will be notified immediately.
- All youth are immediately taken to school for enrollment and the student information system has all necessary contacts and phone numbers for the care provider as well as any restrictions from the placing agency or Juvenile Court.
- If youth remains in school of origin, student information will be updated in the student information system and emergency cards.
- Attendance at school-related activities is facilitated and encouraged.
- A comprehensive public school shall be considered as the first school placement option.
- All youth receive assistance in the development and achievement of academic goals, including receiving credit for full or partial coursework.
- All youth receive assistance in the preparation and completion of homework.
- Eligible youth are referred for tutoring, special education services and advanced academic placement services, as necessary/appropriate.
- A care provider attends school conferences regarding the foster child.
- All youth have a needs-and-services plan and the youth's health and education summary is maintained.
- Communicate with the educational rights holder when this person is not the care provider.

Remaining in School of Origin - Considerations

STEP 1: YOUTH WILL CHANGE RESIDENCES

When the placing agency becomes aware that a youth will change residences, the placing agency or their designee must notify school and the AB490 School District Foster Care Liaison of both the current school and the school district in which they will live. If the school of origin and the school of residency differ, the youth has the right to remain in the school of origin for as long as the court has jurisdiction over the child's placement, including matriculation between grades within established feeder patterns, provided that it is also in the youth's best interest. The youth also has the right to attend school where he/she is living and a best interest determination should be made.

If court jurisdiction ends during the course of a school year, the student retains the right to remain in the school of origin until the end of the school year. If jurisdiction ends while the student is in high school, the student retains the right to remain in the school of origin through graduation. EC§48853.5(f)

Within 24 hours of determining that a proposed placement or placement change would result in a school change, the social worker or probation officer must notify the court, the child's attorney, and the educational representative or surrogate parent. CRC 5.651(e)(1)(A).

- Children awaiting foster care placement cease to be entitled to protections under the McKinney Vento Homeless Assistance Act on December 10, 2016. However, children in emergency homeless shelters are still covered under the McKinney Vento Act.

STEP 2: CONSULT WITH PERSON HOLDING ED RIGHTS & YOUTH

The AB490 School District Foster Care Liaison contacts the person holding educational rights and the youth to see if there is agreement about school placement. The AB490 School District Foster Care Liaison will, whenever possible, comply with the wishes of the youth and the person holding educational rights in terms of which school placement is in the best interest of the youth. If there is not agreement, the AB490 School District Foster Care Liaison notifies the placing agency of the decision. Note: the role of the AB490 School District Foster Care Liaison is advisory. E.C. 48853.5(e) specifically states:

(e) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of the school of origin.

When a request is made for a student to attend a school that is neither his/her school of residency nor the school of origin, the AB490 School District Foster Care Liaison will work with the placing agency and the person holding educational rights on the procedures for intra or inter-district transfers.

**STEP 3:
EVALUATE
BEST INTEREST
OF YOUTH**

The youth, the person holding educational rights, the AB490 School District Foster Care Liaison, placing agency and Substitute Care Provider(as appropriate) should consider the following factors in evaluating what is in the best interest of the youth:

Item	Considerations
1.	Is there an outstanding court order preventing the student from remaining in school of origin?
2.	How old is the youth and how close is it to the end of the school year or semester, trimester, etc?
3.	If age appropriate, what does the youth want?
4.	Has the youth been participating in special programs in the school of origin such as gifted, bilingual, or remedial education and are these programs also available at the school of residence?
5.	Are there specific people in the school of origin who have been providing support or assistance to the youth?
6.	How long did the youth attend the school of origin? Were meaningful social and educational relationships established?
7.	Is the youth on a path to reunification and, if so, would a change of schools place the youth in the same school district within which the parent or guardian resides?
8.	What schools do the siblings attend?
9.	What is the anticipated duration of the move to the new residence?
10.	Are the school of origin and the school of residency in the same or different public school districts?
11.	Is there transportation available back to the school of origin? If not, can it be arranged by the caretaker, placing agency and school working together? Is the student in a temporary assignment bed qualifying them for transportation under the McKinney-Vento Act (prior to December 10, 2016)? Does the student qualify for transportation as agreed to following the guidelines of ESSA?
12.	What is the distance and estimated travel time from the new residence to the school of origin?
13.	What impact would a move have on education, extracurricular activities and enrichment activities?
14.	Would the personal safety of the youth (at home or school) be affected one way or the other?
15.	What is the opinion of other significant adults in the child's life. See Appendix C

**STEP 4:
DISPUTE
RESOLUTION
PROCEDURE**

If agreement among the AB490 School District Foster Care Liaison, the person holding educational rights and the youth cannot be reached, the AB490 School District Foster Care Liaison is responsible for informing the person holding educational rights and the youth of the district's enrollment dispute procedures in writing.
EC 48853.5 (f)(7).

Effective January 1, 2016, these protections are included in the Uniform Complaint Process afforded to all students.

**STEP 5:
PLACEMENT
DURING
DISPUTE**

If any dispute arises as to the placement of a pupil, the pupil has the right to remain in the school of origin pending resolution of the dispute.

**EXCEPTIONS
TO STEP 5**

Foster children living in Emergency Shelter Homes may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- for health and safety emergencies
- to provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

The educational services may be provided at the shelter pending a determination by the person holding educational rights regarding the educational placement of the child.

If the child can continue to attend his/her school of origin at the time of placement in to the shelter, the Child Welfare Services worker should notify the shelter school personnel – duty officer at the time of placement.

**STEP 6:
SPECIFIC
SCHOOL
CHOICE**

Students in foster care must attend programs operated by the school district in which the child lives unless the child remains in the school of origin, the child has an IEP requiring a different educational placement, or the educational rights holder determines it is in the child's best interest to attend a different educational program. Before placing a child in a county office of education juvenile community school, or other alternative school setting, the educational rights holder must consider placement in the regular public school. EC §48853(a)(c)

C: Change in Schools

OVERVIEW

This section covers the procedures to follow once the decision has been made to transfer a student from one school to another. Whether or not a change of schools is in the best interest of the child is covered in the Section titled *School Placement Choice* of this agreement.

Due to changes in placements, students are subject to frequent changes in schools. The goals of the Interagency Agreement with respect to a change in schools are to:

- expedite enrollment
 - transfer complete records within two days
 - ensure transfer of credits
 - ensure that the child is placed in the most appropriate setting
 - minimize absences from school
-

RESPONSIBILITIES **Shared by LEAS and Placing Agencies:**

The timely (2 day) transfer of a student and his/her records from one school to another is the responsibility of both the Local Education Agency (LEA) and the Placing Agency. This includes all appropriate enrollment and disenrollment documentation. On behalf of the LEA, this responsibility will be handled by the school registrar or designee. EC § 49069.5(b).

The LEA and Placing Agency representatives shall each monitor a placement in a nonpublic school. Placing Agency concerns about the education provided at a nonpublic school should be communicated to the LEA via the AB490 School District Foster Care Liaison. EC § 48856.

Shared by Substitute Care Providers and Placing Agencies:

Substitute Care Providers and Placing Agencies are responsible for maintaining accurate/updated records regarding the youth's health and education. WIC §16010(a).

Placing Agencies, via Substitute Care Providers, are responsible for notifying the school when a child is absent due to a placement change, attendance at a court hearing or other court-related activity so that grades are not lowered as a result. EC §§ 49069.5(c), 48852; GC §§ 7579(a)(c), 7579.1.

When the child is disabled and identified as eligible for special education under the Individuals with Disabilities Education Act the following responsibilities are specific to Special Education Local Plan Areas (SELPAs):

The SELPA that serves the geographic area where the student resides (including children placed in licensed children's institutions (LCIs) and foster family homes) is responsible for providing special education services, and it is typically provided by the district in which the foster family home, group home, or LCI is located. The County Office is responsible to ensure each SELPA has a plan in place. EC § 56156.4. This is the case even when the child exercise their right to remain in their school of origin which maybe in another SELPA. If that is the case, both SELPAs should coordinate to ensure the student is being appropriated served in the least restrictive environment by the responsible agency.

Charter schools are also responsible for compliance with IDEA, although they may have different levels of responsibility depending on whether charter school is LEA member of the SELPA or operating as a school of the district that authorized it. If a charter is a participating member of a SELPA, it must provide special education services. See *Wells v. One2One Learning Found.* 141 P.3d. 225, 249 (Cal. 2006). In addition, if a Charter school receives federal funding under IDEA, they must comply with all code sections under AB490. The CDE Charter School Locator can be found here:

<http://www.cde.ca.gov/ds/si/cs/index.asp>

Each SELPA shall describe a process for evaluating nonpublic school placements, including whether the student is making progress, and ensure that all requirements of an IEP are being met. EC § 56205(c).

Each SELPA will provide the placing agencies with information about the availability of appropriate public or nonpublic special education programs in the area where the youth's foster home, group home or LCI is located. On behalf of the SELPA, this responsibility will be handled by the San Diego County Office of Education, Foster Youth Services Coordinating Program

(a) Prior to placing a disabled child or a child suspected of being disabled in a residential facility, outside the child's home, a court, regional center for the developmentally disabled, or public agency other than an educational agency, shall notify the administrator of the special education local plan area in which the residential facility is located. The administrator of the special education local plan area shall provide the court or other placing agency with information about the availability of an appropriate public or nonpublic, nonsectarian special education program in the special education local plan area where the residential facility is located.

GC § 7579(a).

The SELPA must first consider services in public education agencies for children with disabilities who reside in LCIs and foster homes. Only if these programs are not appropriate can nonpublic services be utilized. EC § 56157(a). Generally the agency making the nonpublic school placement remains responsible to determine the NPS's ongoing appropriateness and the student's need for such a restrictive environment.

Specific to LEAs:

Students shall attend programs operated by the LEA where the LCI or Foster Home is located unless the child remains in the school of origin, the child has an IEP requiring a different educational placement, or the educational rights holder determines it is in the child's best interest to attend a different educational program. Before placing a child in a juvenile court school, community school, or other alternative school setting, the educational rights holder must consider placement in the regular public school. EC § 48853(a)-(c).

**Please note that placement decisions for students in special education are made by the IEP team, which requires consent by the educational rights holder*

If a child changes schools, s/he has a right to be enrolled in the new school immediately, even if there are outstanding fees, fines, textbooks, or other items due to a school or if s/he does not have the clothing or records normally required for enrollment. EC § 48853.5(f)(8).(B)

LEAs must award all students credit for full or partial coursework satisfactorily completed at a public school, juvenile court school, or non-public, non-sectarian school or agency. EC § 48645.5.

A child's grades may not be lowered due to absences caused by a change in placement, a court appearance, or a court-ordered activity. EC § 49069.5(g)-(h).

For students identified as eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), LEA shall appoint district surrogate parents for foster youth if requested by juvenile court. If the court is unable to locate a responsible adult for the child, including via the Education Representative Program referenced on page (XX) of this agreement, and the child has either 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), 726cb); GC §§ 7579.5-.6; CRC5.650(d). A surrogate parent makes decisions related to special education evaluation, eligibility, planning, and services. GC § 7579.5(c). The LEA must make reasonable efforts to appoint a surrogate parent within 30 days. GC § 7579.5(a). The LEA must select a relative caretaker, foster parent, or CASA if one is willing and able to serve. GC § 7579.5(b). The LEA must use court form JV-536 to tell the court about appointments and changes. CRC5.650(d).

When a child who has an IEP is transferred from district to district within the state, the new school district shall provide a free appropriate public education (FAPE) without delay, including services comparable to the existing IEP, for the initial 30 days of enrollment. After 30 days, the district should convene an IEP meeting to adopt the previous IEP or present a new offer of FAPE for the parent/educational rights holder's consent. EC §56325; 5 CCR §3024.

FAPE refers to the provision of individualized special education and related services provided at public expense. 20 USC §1401(9); 34 CFR §300.17; EC §56000; 5 CCR §3001(p).

There are four factors to determine whether placement represents the LRE:

- Academic benefits of placement in regular education;
- Non-academic benefits of placement in regular education;
- Negative effects that the student's presence may have on the regular education environment and other pupils in it; and
- Cost of educating the student in a main-stream environment.

Sacramento City Unified Sch. Dist. v. Rachel Holland, 14 F.3d 1398 (9th Cir. 1994).

School Districts/SELPA/County Offices of Education shall first consider placement and services available in public schools – regardless of whether the child is placed with a relative, foster parent, or group home/licensed children’s institution (LCI). Foster youth with special needs may only be placed in an NPS if the district/SELPA does not have a public program that can meet the child’s needs. EC § 56157(a).

When a child is placed in an LCI with an on-grounds NPS, the child may attend the on-grounds school only if the IEP team has determined that there is no appropriate public program in the community (i.e. resource specialist program, special day class, etc.) and the on-grounds program is appropriate and can implement the child’s IEP. 2 CCR § 60510(b)(2). The placing agency typically retains responsibility to monitor the student’s progress and ensure placement in the NPS continues to meet LRE requirements.

LEAs will provide access to school records to both placing agencies and dependency attorneys. CASAs will have a court order authorizing access to educational records. The County placing agency (social workers and probation officers) is authorized to access the child’s school records—without parental consent or a court order—to help with school transfer and enrollment, compile the child’s education summary, and conduct case management. EC § 49076(a)(11). The child’s dependency attorney shall have access to all records regarding the child which are maintained by the LEA. WIC § 317(f).

Specific to LEAs/AB490 School District Foster Care Liaison:

Each school district and county office of education must designate an AB490 School District Foster Care Liaison, whose duties are and may be fulfilled by a designee:

- To ensure proper educational placement, school enrollment and checkout from school.
- To assist with the transfer of grades, credits, and records when there is a school change.

EC § 48853.5 (c)(1),(2)

Students in foster care must attend programs operated by the LEA unless the child remains in the school of origin, the child has an IEP requiring a different educational placement, or the educational rights-holder determines it is in the child's best interest to attend a different educational program. Before placing a child in a juvenile court school, community school, or other alternative school setting, the educational rights-holder must consider placement in the regular public school. EC § 48853(a)-(c).

If a child changes schools, s/he has a right to be enrolled in the new school immediately, even if there are outstanding fees, fines, textbooks, or other items due to a school or if s/he does not have the clothing or records normally required for enrollment. EC § 48853.5(f)(8)(B).

Within two business days of receiving a request for enrollment, the new school's AB490 School District Foster Care Liaison (or designee) must contact the last school to obtain all of the child's records. EC § 48853.5(f)(8)(C).

Within two business days of receiving a transfer request, the current school district must transfer the child out and deliver her/his records to the new school. The records must include a determination of seat time, full or partial credits earned, classes and grades, immunization records, and, if applicable, special education or Section 504 records. EC § 49069.5(d)-(e). All records must be provided regardless of any fees, fines, textbooks, or other items or money owed to the last school. EC § 48853.5(f)(8)(C).

Specific to Placing Agencies:

As soon as the social worker or probation officer becomes aware of the need to transfer a child to a new school, s/he must notify the AB490 School District Foster Care Liaison and the school site of the child's last expected day of attendance and request that the child be transferred out. EC § 49069.5(c); see WIC § 16501.1(f)(8)(B). Social workers and probation officers may access the child's school records—without parental consent or a court order—to help with school transfer and enrollment, compile the child's education summary, and conduct case management. EC § 49076(a)

The placing agency will assist the substitute care provider in compiling the information needed for enrollment.

The placing agency must make certain that arrangements for, and monitoring of the child's educational progress while in placement are undertaken. Policies and Procedures (hereinafter MPP) 31-405.1(o).

Specific to Substitute Care Providers:

Substitute care providers will interact with other agencies to communicate with educational representatives, including, but not limited to, placing agency, the LEA, teachers and teaching assistants, AB490 School District Foster Care Liaison.

Substitute care provider will notify the school when a youth must miss school due to court appearance, placement changes or court-ordered activities.

The LCI will notify the school district and SELPA about children who may qualify for special education. EC § 56156(c)

Substitute care providers will maintain health and education records while a child is in their care, keep the placing agency informed as to updates and changes, and provide all updated health and education records to the placing agency upon change of placement. WIC § 16010(e)

Substitute care providers shall enroll the student in school and sign forms where the signature of the parent/guardian is requested. The substitute care provider is responsible for compiling the information needed for enrollment, with assistance from the placing agency. The LCI must ensure that each child has a needs and services plan that identifies the child's educational needs and information about services to meet those needs. 22 CCR 84068.2(b)(2). The LCI must ensure each child's attendance at an educational program in accordance with state law. 22 CCR 84079(a)(4).

Specific to Superior Court of California, County of San Diego (Juvenile Court), Attorneys and Court Appointed Special Advocates (CASAs):

With respect to special education, the court shall:

- See that children who come before the court and are suspected of having exceptional needs or other educational disabilities are referred for assessment. Standards of Judicial Administration 5.40(h).
- Make efforts to ensure that special education services and accommodations are provided when there are placement changes.. Standards of Judicial Administration 5.40(h).The child's attorney must discuss any proposed school change with the child and the child's educational rights holder, as appropriate, and may request a hearing on the proposed change. The educational rights holder also may request a hearing. CRC5.651(e)(2). If there is a hearing request, the social worker or probation officer must provide a report on the proposed change within two court days, and the hearing must be held within seven calendar days. Pending the hearing, the child has a right to remain in her/his current school. CRC5.651(e)(2)-(4).
- Facilitate coordination of services by joining the LEA when it appears that an educational agency has failed to fulfill its legal obligations to provide special education to a child who has been identified as having exceptional needs or educational disabilities. Standards of Judicial Administration 5.40(h)

Procedures for Checking Youth Out of School

**STEP 1:
RETURN
PROPERTY**

As soon as the student's checkout date is known, the placing agency via the Substitute Care Provider makes arrangements for the return of all school property and payment of any debts.

**STEP 2:
PLACING AGENCY
NOTIFIES THE
SCHOOL AND
SDFCL OF
TRANSFER
REQUEST**

As soon as the student's checkout date is known (within a two-day range) the placing agency notifies the current school registrar/attendance personnel or designee and the AB490 School District Foster Care Liaison to transfer the child out of school via the placing agency.

**STEP 3:
SCHOOL
COMPLETES THE
TRANSFER
REQUEST**

Within two business days of receiving a transfer request, the current school must transfer the child out and deliver her/his records to the new school. The records must include a determination of seat time, full or partial credits earned, classes and grades, immunization records, and, if applicable, special education or Section 504 records. *EC § 49069.5(d)-(e)*. All records must be provided regardless of any fees, fines, textbooks, or other items or money owed to the last school. *EC § 48853.5(f)(8)(C)*.

**STEP 4:
MONITOR
GRADES**

A child's grades may not be lowered due to absences caused by a change in placement, a court appearance, or a court-ordered activity. *EC § 49069.5(g)-(h)*. In addition, LEAs must award all students credit for full or partial coursework satisfactorily completed at a public school, juvenile court school, or non-public, non-sectarian school or agency. *EC § 48645.5*.

**STEP 5:
OLD SCHOOL
SENDS OFFICIAL
RECORDS TO
NEW SCHOOL
UPON RECORDS
REQUEST**

Within two business days of receiving a request for enrollment, the new AB490 School District Foster Care Liaison or their designee must contact the last school to obtain all of the child's records. *EC § 48853.5(f)(8)(C)*.

Criteria for Enrolling Youth in New School

**CRITERIA FOR
YOUTH
SAFETY**

Barring current expulsion status,, the school must immediately enroll the youth without the normal enrollment records. For safety reasons, the following health information is critical, but should not delay immediate enrollment:

- immunization records
- health alerts
- current medications

Information above should be acquired as soon as possible.

EC 48853.5 (f) (8) (B)

Please note that all students in foster care are active to the San Diego County Immunization Registry.

Enrollment Procedures

ENROLLMENT STEPS

The remainder of this section sets forth the steps according to the responsible agency or people, listed in the following order:

- placing agency
- substitute care provider, as designated by the placing agency
- school
- SDCOE: Foster Youth Services Coordinating Program

STEP 1: PLACING AGENCY TASKS

The following table sets forth the tasks for the placing agency or designee:

Task	Action
1.	As soon as it is decided that a student will be enrolling in a new school,
2.	Ensure that the Substitute Care Provider (SCP) has all the information needed for enrollment and emergency contact information at the school. SCPs should be aware of any contact or court ordered restrictions that the school will need to have including if placement is confidential, if there are any restraining orders or any Probation conditions.
3.	Ensure SCP has placing agency information to complete enrollment and is aware of what can and cannot be shared.
4.	Arrange for the youth's enrollment in school the next school day after disenrollment from the last school.
5.	Ensure the student information system is up-to-date.
6.	If the student does not have an IEP but is suspected of having a disability, request an assessment in writing.
7.	Ensure that the SCP knows to contact SW if there is an enrollment issue. SW contact the SDCOE School Success Liaison in their region office regarding any enrollment issues.
8.	Although not required for enrollment – provide any IEP or transcripts at enrollment to ensure appropriate services are provided.
9.	Ensure SCP can provide appropriate school supplies including any uniforms, etc.

**STEP 2:
SCHOOL
TASKS**

The following table sets forth the tasks for the school:

Task	Action
1.	Review enrollment documents and request material if any information is missing or outdated.
2.	Accept for credit full or partial coursework the student earned while attending a public school, juvenile court school or nonpublic school.
3.	Request official records from the prior school within two business days of the student's arrival for enrollment.

**STEP 3:
SDCOE: FYSCP
TASKS**

Provide training to AB490 School District Foster Care Liaison on an ongoing basis and assist with troubleshooting if problems in enrollment arise.

**STEP 5:
ALL PARTIES**

Be aware of and share guidelines for the sharing of confidential information with the student's school:

Documents to share:

- All Special Education Documents including IEP's and 504 plans. This includes any notices received from the prior school.
- All school records, including those contained in the Health and Education Passport
- The names and locations of all prior schools attended
- Any Behavior Support Plans, Student Study Team documents
- JV-535 with current Educational Rights Holder appointment
- Placement Agreement
- Current Social Worker, Attorney and Ed Rights Holder contact information
- Any Temporary Restraining orders

Documents to NOT Share:

- Statement of Dangerous Propensities
- Confidential Case information

D. Residential Placement: Notification of Change of Residence

The school needs to be notified when a student changes residences. The table below sets forth the procedure according to the status of the student.

IF THE STUDENT CHANGES RESIDENCE AND . . .	THEN . . .
DOES NOT CHANGE SUBSTITUTE CARE PROVIDER OR SCHOOL	The Substitute Care Provider shall notify the school of the new address.
DOES NOT CHANGE SCHOOLS	The placing agency shall notify the school and AB 490 SDFCL that the youth changed residences, but will remain at their school of origin AND If the youth is taken to the 10 Day Assessment Center the placing agency shall notify the identified 10 Day Assessment Center staff member that the youth will remain in their school of origin to arrange for transportation.
DOES CHANGE SCHOOLS	The placing agency shall notify the OLD school and SDFCL that the child will not remain at their school of origin AND The placing agency shall notify the NEW school and SDFCL that the child will be enrolled AND If the youth is taken to 10 Day Assessment Center (, the placing agency shall notify the identified 10 Day Assessment Center staff member if the youth will not remain in their school of origin and will temporarily attend the school at 10 Day Assessment Center or a neighborhood school .
DOES NOT CHANGE SCHOOLS BUT HAS A CHANGE IN SUBSTITUTE CARE PROVIDER	The placing agency or designee shall notify the school of the new Substitute Care Provider information and update the Student Information System and/or Emergency Card
IS BEING RELEASED FROM CUSTODY	The placing agency or designee shall notify the school of the new Substitute Care Provider information and update the Student Information System and/or Emergency Card. The Probation Department may use Form JV-1050 or other means.
IS NEW TO FOSTER CARE	DLG will provide the AB 490 Notification to FYSCP and that form will be sent to the AB 490 School District Foster Care Liaison.

Information Needed by School that is Specific to Foster Care

ADDITIONAL INFORMATION

The school enrollment forms are designed for students living with their parents or guardian. However, there is additional information that the school needs that is specific to the student's status as a foster child, which is listed in the table. Some information will be provided by the substitute care provider. Other information must be provided by the attorney or Education Rights Holder. Missing information shall not lead to a delay in enrollment.

ITEM	LEGAL/CONTACT INFORMATION	SOURCE OF INFORMATION OR STANDARD ANSWER
1.	Placing agency's name and phone number	flysch/FY-SIS ©, placing agency or Substitute Care Provider
2.	Who has educational rights? Name, relationship and phone	JV- 535 or Supplemental Information Form, FYSCP/FY-SIS ©
3.	Parents' names, address and phone numbers ONLY if they have ed rights	Placing Agency
4.	Does parent have full access, or is access limited or prohibited? (If limited or prohibited, a copy of the court order is needed.)	
5.	Who has authority to see the child on school premises? Name, relationship and phone.	
6.	Date of placement with substitute care provider and expected duration of stay.	
7.	Who has authority to sign permission slips for field trips or participation in extra-curricular activities?	Answer: Substitute care provider
8.	Who should be notified re: behavior or attendance problems?	Answer: Substitute care provider and person holding educational rights, and Placing Agency
9.	Who should be invited to parent-teacher conferences?	
10.	Who should be sent report card?	

RESTRICTED INFORMATION

Some information relating to students in foster care can be shared but not photocopied or retained in the student's CUM file. The following chart outlines these restrictions:

Document	Information contained	Viewed	Photo copied	In CUM	In Confidential Folder
Placement Agreement	Placing agency and substitute care provider information. Foster care status.	Yes	Yes	Yes	Yes
Health and Education Passport	Prior health and education history	Yes	No	No	No
Statement of Dangerous Propensities	All prior behavioral concerns	No	No	No	No
Current or former IEPs	Special Education Plan	Yes	Yes	SpEd	Yes
Needs and Services Plan	All services and supports needed and provided to the student	Only to look for SpEd info	No	No	No
JV 220	Psychotropic medication court order	Yes	Yes	No	Yes
JV 535	Appointment of an Educational Rights holder/Court order	Yes	Yes	Yes	N/A

E: Records, Lists, Notifications and Monitoring

OVERVIEW

This section covers the procedures for meeting legal requirements pertaining to recordkeeping, notifications and the rights to access records. References are sometimes made to the phrase “health and education summary”. This is a legal term defined by W & I Code § 16010. The law states that the summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency.

The Health and Education Passport (HEP) is a comprehensive document of all **obtainable** health and education information for children in out-of-home care from birth to present. Health information includes the child’s immunizations, alerts, hospitalizations, and routine health visits. Education information includes parental educational rights, school, grade, grade level performance, special needs, attendance, IEPs and report cards.

RESPONSIBILITIES

Dependency Legal Group will complete the AB 490 Case open and Case Closure form for each student entering or exiting foster care. The form is then sent to FYSC P and distributed to the AB 490 School District Liaison.

RESPONSIBILITIES

Placing Agencies will present their HHSA, CWS official badge at all school sites and allow the badge to be photocopied. They will sign in on a confidential log, not the standard/public visitor log. Placing agency staff are not required to have their driver’s license scanned.

RESPONSIBILITIES

SDCOE – FYSCP will distribute forms to LEA’s will maintain a secure web-based database known as the Foster Youth Student Information System (FY-SIS©). This system will house education and health information on foster youth in the dependency and delinquency systems. After receiving authorization, school personnel, district personnel, placing workers, and certain substitute care providers will be able to utilize this system to compile health and education records for the youth they serve. SDCOE is responsible for insuring the confidentiality, privacy, security and secure accessibility of this data. SDCOE is responsible for authorizing access and opening accounts.

Procedures: Maintenance of Records

PLACING AGENCY

The child's case plan must include the following items.

1. Assurances that the child's foster care placement takes into account proximity to the school in which the child is enrolled at the time of placement. Assessment and documentation is done at the initial placement and again at any subsequent change of placement and is recorded in the child's file. The placing agency must document in the court report whether or not the child is remaining in the school of origin, and, if not, include the reasoning.
2. A summary of the health and education information or records. The summary is maintained in the *Health and Education Passport (HEP)*. Name and address of all educational providers, grade level performance, school records and other relevant information must be recorded and updated by the placing agency.

WIC 16010 requires that the HEP be provided to the Substitute Care Provider (SCP) **as soon as possible**, but no later than 30 days after initial placement and 48 hours after a change of placement.

Social Workers and probation officers must include additional education and health information as well as a statement as to whether or not the parent's right to make educational decisions for the child should or should not be limited in Detention, Jurisdictional/Dispositional, and Status Review court reports. CRC 5.651(c)

The placing agency notifies both the substitute care provider and the school in the event that there is a change in the person holding educational rights.

The placing agency or designee is responsible for notifying the school when a child is absent due to a placement change, attendance at a court hearing or other court-related activity so that grades are not lowered as a result.

SUBSTITUTE CARE PROVIDERS

(SCP) must ensure that each child has an *Appraisal/Needs and Services Plan*, either a Lic 625 (Needs and Services Plan) for group homes and Foster Family Agency foster homes or the 04-258 "Placement Needs & Services Plan" for foster homes. SCPs are required to have a Plan completed within 30 days of placement unless the youth is placed on an emergency basis (adjunct) and remains less than 7 days.

Substitute care providers receive a copy of the Health and Education Passport within 30 days when a child is initially placed or 48 hours following a change of placement. Substitute care providers are responsible for maintaining health and education records for children in their care and forwarding all medical and educational records to the placing agency staff when the child transfers to another Substitute Care Provider. Information maintained by substitute care providers shall include:

- health and dental records including immunizations and allergies
- records of past health problems and current known problems
- school records
- current medications

Information maintained by substitute care providers may include:

- developmental history – especially for very young children, i.e. when the child crawled, walked, first word, etc.
- awards, certificates and school pictures
- IEP records, if applicable

**THE SCCSD
(JUVENILE
COURT)**

The SCCSD (Juvenile Court) shall:

- require that court reports, case plans, assessments and permanency plans address the following:
 - (a) child's educational entitlements and how those entitlements are being satisfied;
 - (b) information to assist in deciding whether the right of the parent/guardian to make educational decisions should be limited; and
 - (c) information concerning whether the school has met its obligation to provide educational services.
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Procedures: Lists and Notifications

Foster Youth Services Coordinating Program will:

- maintain the list of LCIs and notify each AB490 School District Foster Care Liaison and SELPA of LCIs in their region on an annual basis.
- make available to each placing agency, information on education options for children residing in LCIs annually.
- maintain a current list of AB490 School District Foster Care Liaison available on the website at:

http://www.sdcoe.net/student-services/student-support/fyhes/Documents/District_AB490_McKinneyVento_Liaison_List.pdf

- maintain the current version of this Interagency Agreement on its website at:
-

Access to Records

PLACING AGENCY RIGHTS

Placing agencies may access education records to manage the case or to assist with transfer and enrollment. This right is codified in The Uninterrupted Scholars Act:

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the Family Educational Rights and Privacy Act of 1974)

(B) (L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

; and

(2)(B), except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required after educational institution or agency.

In addition, this right is set forth in Education Code § § 49076(a)(1)(K) as follows:

(K) A county placing agency when acting as an authorized representative of a state or local educational agency pursuant to subparagraph (C). School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by email, facsimile, electronic format, or other secure means, if the agreement complies with the requirements set forth in Section 99.35 of Title 34 of the Code of Federal Regulations.

**RIGHTS OF
DEPENDENCY
ATTORNEYS**

Dependency attorneys shall have access to all records regarding the child that are maintained by the LEA. This right is set forth in the Welfare and Institutions Code §317(f) as follows:

(f) Either the child or counsel for the child, with the informed consent of the child if the child is found by the court to be of sufficient age and maturity to consent, which shall be presumed, subject to rebuttal by clear and convincing evidence, if the child is over 12 years of age, may invoke the psychotherapist-client privilege, physician-patient privilege, and clergyman-penitent privilege. If the child invokes the privilege, counsel may not waive it, but if counsel invokes the privilege, the child may waive it. Counsel shall be the holder of these privileges if the child is found by the court not to be of sufficient age and maturity to consent. For the sole purpose of fulfilling his or her obligation to provide legal representation of the child, counsel shall have access to all records with regard to the child maintained by a health care facility, as defined in Section 1545 of the Penal Code, health care providers, as defined in Section 6146 of the Business and Professions Code, a physician and surgeon or other health practitioner, as defined in former Section 11165.8 of the Penal Code, as that section read on January 1, 2000, or a child care custodian, as defined in former Section 11165.7 of the Penal Code, as that section read on January 1, 2000. Notwithstanding any other law, counsel shall be given access to all records relevant to the case that are maintained by state or local public agencies. All information requested from a child protective agency regarding a child who is in protective custody, or from a child's guardian ad litem, shall be provided to the child's counsel within 30 days of the request.

CASAs

CASAs have a right to access educational records for specific youth per court order. (For *Order of Appointment of CASA/Educational Surrogate* see Attachment B3) W&I 100-110, 103 (A), 107

**SDCOE,
FY&HES**

The FY&HES Court Order allows for the release of information to SDCOE – FYSCP, pursuant to EC§, 42921, 49076(c) and WIC 827(b). Any sharing of specific information is in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), The Child Abuse Prevention and Treatment Act (CAPTA), and Health Insurance Portability and Accountability Act (HIPAA). This information will be used solely for meeting the educational needs of foster youth and shall not be shared with others or used for any other purposes.

Monitoring

OVERVIEW	<p>This section covers the procedures to follow for monitoring the provision of educational services to foster youth.</p> <p>The goal of the Interagency Agreement with respect to monitoring is to put mechanisms in place to ensure accountability among agencies.</p>
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Educational Progress of Each Child

PLACING AGENCIES	<p>Placing agencies monitor the educational progress of students by:</p> <ul style="list-style-type: none">• obtaining information from schools and the substitute care provider• documenting educational changes or updates in the <i>HEP</i>• consulting with the person holding educational rights• attending IEP meetings or reviewing IEP reports
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THE SUPERIOR COURT	<p>The superior court provides oversight of the placing agencies to ensure that the child's educational rights are investigated, reported and monitored.</p> <p>The courts ensures that special education, related services and accommodations are provided whenever a child's school placement changes by inquiring about this issue at the next court hearing following the change.</p>
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DEPENDENCY ATTORNEYS	<p>Dependency attorneys monitor the educational rights of foster youth by communicating with the child/substitute care provider regarding the child's educational needs during the investigation and bringing any concerns to the attention of the court.</p>
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LEAS	<p>The LEAs are responsible for creating and implementing a Local Control Accountability Plan that has specialized supports and services for students in foster care. They are required to garner stakeholder input on the needs of students in foster care. There is additional accountability for achievement based on the Local Control Funding Formula.</p>
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CASA	<p>Court Appointed Special Advocates are responsible for monitoring academic achievement and progress and reporting directly to the Superior Court.</p>
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ERH	<p>Educational rights holders have all duties and responsibilities as parents to monitor and support the education of students in foster care.</p>
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GLOSSARY OF TERMS

TERM	ACRONYM	DEFINITION
504 PLAN		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.
AB 490- EDUCATION RIGHTS AND STABILITY FOR FOSTER YOUTH ACT	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.
AB 490 SCHOOL DISTRICT FOSTER CARE LIAISON	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"> • Ensuring proper educational placement, school enrollment, and checkout from school. • Assisting with the transfer of grades, credits, and records when there is a school change.
ACADEMIC PERFORMANCE INDEX	API	Under <i>No Child Left Behind</i> , the API measures the academic performance and growth of schools on a variety of academic measures.
ADJUDICATION HEARING (ALSO KNOWN AS A TRIAL OR JURISDICTIONAL HEARING)		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.
ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT	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.
ANNUAL YEARLY PROGRESS REPORT	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.
ARRAIGNMENT/ DETENTION HEARING		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.

TERM	ACRONYM	DEFINITION
BEHAVIORAL INTERVENTION PLAN	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).
COLLEGE ENTRANCE COURSEWORK FOR A UC OR CSU SCHOOL		Coursework required in high school in order to be eligible to attend a University of California or California State University school. These are: 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. b. English – Four years of college preparatory English that include frequent and regular writing, and reading of classic and modern literature. c. Mathematics – Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two and three dimensional geometry. d. Laboratory Science – Two years of laboratory science providing fundamental knowledge in at least two of these three disciplines: biology, chemistry and physics. e. Language Other Than English – Two years of the same language other than English. f. Visual and Performing Arts – One year, including dance, drama/theater, music or visual arts. 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.
CONFIRMED PLACEMENT		A residential placement that has been confirmed by residence staff that the youth will be residing at their home or facility.
COURT APPOINTED SPECIAL ADVOCATE	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. There are about 1200 volunteers. See also Voices for Children, the non-profit corporation that administers the program.
DEPENDENT		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. Please note that Assembly Bill 12 will alter the definition of dependent for youth who remain in foster care.
DETAINED		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).
DETAINED PETITION		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.

TERM	ACRONYM	DEFINITION
DISPOSITION HEARING		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.
DISTRICT APPOINTED SURROGATE PARENT		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.
DUAL STATUS OR DUAL JURISDICTION		A child who is simultaneously designated a dependent and ward of the court pursuant to a local written protocol.
EDUCATION COMMITTEE		The Education Committee is co-chaired by the Presiding Judge of the San Diego Juvenile Court and the President of the San Diego County School Board Association and is staffed by the Commission on Children, Youth and Families. The membership is comprised of representatives of agencies that have a role in educating foster youth. The committee meets monthly to provide oversight to the coordination and educational development of all children within the delinquency/dependency system.
EDUCATIONAL DISABILITY		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.
EDUCATIONAL LIAISON		San Diego 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.
EDUCATIONAL PLACEMENT		The school and program of instruction in which a youth is placed. This may be regular education or special education.
EDUCATIONAL REPRESENTATION		The person who retains educational rights for the child.
EDUCATIONAL RIGHTS		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) from Voices for Children.

TERM	ACRONYM	DEFINITION
EVERY STUDENT SUCCEEDS ACT	ESSA	ESSA reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.
EXCUSED ABSENCES		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.
FREE APPROPRIATE PUBLIC EDUCATION	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.
FOSTER CARE		Twenty-four 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.
FOSTER CARE PLACEMENT		Social workers are required to place children in the least restrictive, <i>most home-like environment</i> that meets the children's needs although this cannot always be done due to limited resources. Options for placement include: <ul style="list-style-type: none"> • kinship care (home of a relative) • licensed foster family homes • family homes certified by a Foster Family Agency (FFA), which provide treatment in a family setting • group homes, ranging in size from 6 children to those with a large number of children • residential treatment centers are a type of group home that provide intensive therapeutic services
FOSTER FAMILY AGENCY	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. There are approximately 20 FFAs in San Diego County.
FOSTERING CONNECTIONS TO SUCCESS AND ADOPTIONS ACT		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.
FOSTER PARENT		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.
FOSTER YOUTH-STUDENT INFORMATION SYSTEM	FY-SIS©	A database system designed to contain, and expedite the transfer of, health, education and placement information of San Diego County wards and dependents who are in the foster care system.

TERM	ACRONYM	DEFINITION
FOSTER YOUTH SERVICES COORDINATING PROGRAM	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.
FUNCTIONAL BEHAVIORAL ASSESSMENT OR FUNCTIONAL ANALYSIS ASSESSMENT	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
GROUP HOME		See number 4 under licensed children's institutions.
HEALTH AND EDUCATION PASSPORT	HEP	A document that provides a history of health and education information, which is generated by the Health and Human Services Agency's Child Welfare Services/Case Management System (CWS/CMS) in a format called a <i>Health and Education Passport</i> .
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996	HIPAA	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 insure 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.
HOMELESS		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.
INDIVIDUALIZED EDUCATION PLAN	IEP	A written statement for each child with a disability that include statements of: <ul style="list-style-type: none"> • the child's present level of educational performance • measurable annual goals, including short-term objectives • special education and related services to be provided.
INDIVIDUALS WITH DISABILITIES EDUCATION ACT	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.
INTENSIVE TREATMENT FOSTER CARE	(ITFC)	Intensive Treatment Foster Care (ITFC) - ITFC is 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.

TERM	ACRONYM	DEFINITION
JURISDICTIONAL HEARING (ALSO KNOWN AS ADJUDICATION HEARING)		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.
JV-220		<i>Application Regarding Psychotropic Medication (form JV-220), Prescribing Physician's Statement-Attachment (form JV-220(A))</i> , 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).
JV-535		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.)
JV-536		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.)
LOCAL CONTROL ACCOUNTABILITY PLAN	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.
LOCAL CONTROL FUNDING FORMULA	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)
LIAISON		A designee of any agency participating in this Interagency Agreement who serves as the communication link with the other agencies.

TERM	ACRONYM	DEFINITION
LICENSED CHILDREN'S INSTITUTIONS	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"> 1. Transitional Housing Placement Programs for youth who are at least 17 and living in an independent living arrangement. (not applicable to Agreement) 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. 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. 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. There are about 40 group homes in the county.
LOCAL EDUCATION AGENCY	LEA	<p>A school district or County Office of Education. A school district is a geographic grouping of schools under one administration. There are 42 districts in San Diego County.</p>
LONG-TERM FOSTER CARE	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>
MANIFESTATION DETERMINATION		<p>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.</p>
MCKINNEY-VENTO HOMELESS ASSISTANCE ACT		<p>Ensures educational rights and protections for homeless children. The definition of homeless includes many youth in foster care because it includes children living in emergency or transitional Emergency Shelter Homes and awaiting long-term placement. Key rights include:</p> <ul style="list-style-type: none"> • school placement decisions that are in the best interest of the child • immediate enrollment in the new school even absent proof of residency, immunizations, school records or other documents (expanded by AB490 to include all foster youth) • prompt transfer of school records.

TERM	ACRONYM	DEFINITION
MULTIDIMENSIONAL TREATMENT FOSTER CARE	(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.
NON-RELATIVE EXTENDED FAMILY MEMBER	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).]
NO CHILD LEFT BEHIND (2001)	NCLB	The main federal law affecting education from kindergarten through high school. NCLB is built on four principles: <ul style="list-style-type: none"> • accountability for results • more choices for parents • greater local control and flexibility • an emphasis on doing what works based on scientific research
PERMANENT PLACEMENT		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.
PERMANENT PLANNING HEARING (ALSO KNOWN AS STATUS REVIEW HEARING)		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.
PERSON-CENTERED PLANNING		The Individuals with Disabilities Education Act (IDEA '97) 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.
PLACING AGENCY		The Health and Human Services Agency and the Probation Department are the two agencies in the county that place foster youth in out-of-home care.
PROTECTIVE CUSTODY OR WARRANT OF ARREST FOR CHILD		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"> 1. The conduct and behavior of the child may endanger the health, person, welfare, or property of the child or others; or 2. The home environment of the child may endanger the health, person, welfare, or property of the child. <p style="text-align: right;">CRC5.526(c)(1)-(2)</p>
RESIDENTIAL SERVICES		Divisions within the two placing agencies (HHSA and Probation) that work exclusively with youth who are in group homes or in homes under the authority of a Foster Family Agency.
REMOVAL		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).]

TERM	ACRONYM	DEFINITION
SCHOOL ATTENDANCE REVIEW BOARD	SARB	The administrative body which holds students and parents responsible for truancy.
AB490 SCHOOL DISTRICT FOSTER CARE LIAISON		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"> • ensure proper school placement, enrollment, and checkout from school; • assist with the transfer of grades, credits and records when youth transfer schools; • complete school record transfers within 2 business days, per EC 48853.5(c)
SCHOOL OF ORIGIN		This is the school that the child last attended before experiencing homelessness or removal from the home or the school where the child was last enrolled.
SPECIAL EDUCATION LOCAL PLAN AREA	SELPA	SELPA's develop a local plan describing how it will provide special education services. They are made up of school districts and county offices of education within particular geographic areas. Small districts join together so they can provide a full range of services to students with special needs, while others, such as San Diego Unified Schools, are so large that they do not join with other districts but act as their own SELPA.
STUDENT STUDY TEAM	SST	Sometimes called a Student Support Team. Myth: the gateway to special education. Fact: 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.
SUBSTITUTE CARE PROVIDER	SCP	A person who provides out-of-home care for children. It includes foster parents and residential facility staff.
SURROGATE PARENT		See District Appointed Surrogate Parent
TEAM DECISION MAKING	TDM	A TDM meeting, including birth parents and youth, is held for <u>ALL</u> 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. Information about each meeting, including stakeholders, location, and recommendations, is collected and ultimately linked to data on child & family outcomes, in order to ensure continuing self evaluation of the TDM process and its effectiveness. 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.

TERM	ACRONYM	DEFINITION
TEMPORARY PLACEMENT		Any placement that is <u>not</u> considered to be either a long-term or a permanent placement. Examples are 10 Day Assessment Center , Way Station or ESCU foster homes, or certain group homes or FFAs that are designated as adjuncts to 10 Day Assessment Center .
TRANSITIONAL HOUSING PROGRAM FOR EMANCIPATED FOSTER/PROBATION YOUTH	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 provided by THP-Plus agency staff, county social workers and ILP coordinators. 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. Several counties have approved plans and are implementing the THP-Plus.
TRANSITIONAL INDEPENDENT LIVING PLAN	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.
VOICES FOR CHILDREN		Voices for Children is a non-profit corporation and member of the National Court Appointed Special Advocate Association. It was founded in 1980 and is San Diego County's only Court Appointed Special Advocate Program. The cost to provide each child with an advocate is about \$2,000 per year. (See also CASA)
WARD OF THE STATE OR WARD OF THE COURT		Usually referring to a foster child in the custody of a public child welfare agency.
WELFARE & INSTITUTIONS CODE		Welfare and Institutions Code, the portion of state law dealing with juvenile law.
WELFARE & INSTITUTIONS CODE 300	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.
WELFARE & INSTITUTIONS CODE 602	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.
WRAPAROUND SERVICES		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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER	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.

NOTICE

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 **will** create a safety risk (for example, because of the placement's confidentiality). The information **may not** be disclosed to the parent or guardian.

JV-535

CHILD'S NAME:	CASE NUMBER:
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6. The rights of (name): mother father guardian
- (name): mother father 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:



JUDICIAL OFFICER

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>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
LOCAL EDUCATIONAL AGENCY RESPONSE TO JV-535—APPOINTMENT OF SURROGATE PARENT	CASE NUMBER: _____

This form must be completed and returned to the court at the address listed above within five business days of the date of the appointment, termination, or replacement of a surrogate parent, or within 30 days of receipt if no surrogate is appointed.

1.
 - a. Child's or youth's school:
 - b. Address of school:
 - c. School personnel contact (*name, title, and telephone*):

2.
 - a. Name of surrogate parent:
 - b. Address:
 - c. Telephone:
 - d. Relationship to child or youth:

3. The appointed surrogate parent does not have a conflict of interest with the child or youth. (Welf. & Inst. Code, §§ 361, 726; 34 C.F.R. §§ 300.519, 303.422; Gov. Code, § 7579.5(i), (j).)

4. The appointed surrogate parent will represent the child or youth on educational issues as required by state and federal law.

5. The appointed surrogate parent agrees that this representation is continuous. If the surrogate parent is not able to represent the child's or youth's educational needs, the surrogate parent will inform the local educational agency.

6. The previous surrogate parent resigned or was terminated under section 7579.5(g) or (h) of the Government Code.
 - a. Name of previous surrogate parent:
 - b. Address:
 - c. Telephone:
 - d. Relationship to child or youth:

7. The local educational agency has not been able to appoint a surrogate parent within 30 days of receiving form JV-535 and is continuing to make reasonable efforts to identify and appoint a surrogate parent.

Date:

(TYPE OR PRINT NAME)

(LOCAL EDUCATIONAL AGENCY REPRESENTATIVE'S SIGNATURE)

(TITLE)

Order of Appointment of CASA/Educational Surrogate

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO JUVENILE DIVISION		COURT USE ONLY
<input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 1701 MISSION AVE., OCEANSIDE, CA 92054		
IN THE MATTER OF <p style="text-align: center;">Johnny Doe</p> <p style="text-align: right;">A MINOR</p>		CASE NUMBER <p style="text-align: center;">012345</p>

ORDER OF APPOINTMENT OF CASA (COURT APPOINTED SPECIAL ADVOCATE)
/EDUCATIONAL SURROGATE

THE COURT HAVING CONSIDERED the facts presented and good cause appearing, the Court orders that said minor be referred to Voices for Children for appointment of a CASA (Court Appointed Special Advocate)/Educational Surrogate.

IT IS FURTHER ORDERED THAT: **Jane Doe**

1. is appointed as a CASA (Court Appointed Special Advocate) for named child;
2. said CASA (Court Appointed Special Advocate) will have access to the child and to the records and files of the Court, of the Health and Human Services Agency, of the Department of Probation, and of any school, hospital, doctor, therapist or other individual or agency regarding the above named child, and a copy of this order will be the only authorization necessary for such purpose;
3. said CASA (Court Appointed Special Advocate) will not disclose the information received to anyone other than the assigned probation officer, social worker, attorneys, or the Court unless specifically authorized by the Court;
4. said CASA (Court Appointed Special Advocate) will be given notice of, and be authorized to attend all conferences and/or Court hearings regarding this child;
5. said CASA (Court Appointed Special Advocate) will receive all reports from the Health and Human Services Agency and/or the Department of Probation at least 48 hours prior to court hearings
6. said CASA (Court Appointed Special Advocate) will, in coordination with the other parties, investigate and report to the Court such information as will assist this child in obtaining a permanent home;
7. said CASA (Court Appointed Special Advocate) may, upon suspension of parents educational rights, if CASA is willing and able, serve as parent surrogate for educational purposes pursuant to California Educational Code 7579.5 c.
8. all of the above work will be under the general supervision of Voices for Children, Inc.;
9. this appointment will be in full force and effect until further order of the Court.

March 18, 2011

Date

Judge/Referee of the Superior Court
Cynthia Bashant

Best Interest In School of Origin Decisions: A Checklist for Decision Making

(Adapted from the San Diego County Interagency Agreement for Providing Educational Support to Students in Foster Care And the Texas Homeless Education Office)

Decisions regarding school selection should be made on a case by case basis, giving attention to the circumstances of each student. The following information and checklist may help Child Welfare Services staff and the Educational Rights Holder in discussing the advantages and disadvantages of each option.

Background and Law:

Studies consistently show that school stability is critical for academic achievement. Therefore, the law allows a youth to remain in their school of origin, if the youth, the person holding educational rights and the school district foster care liaison determine that remaining in the school of origin is in the best interest of the child.

When a child is going to change residences, whether this is due to initial entry into the foster care system or a placement change afterwards, the first key decision is whether or not the child will remain in the same school. The Federal Fostering Connections legislation states that the child's case plan must contain the following assurances:

- The placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
- The placement agency has coordinated with the person holding the right to make educational decisions for the child and 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, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school. WIC §16501.1(f).

48853.5 (e)(6) The educational liaison, in consultation with, and with the agreement of, the foster child and the person holding the right to make educational decisions for the foster child, may recommend, in accordance with the foster child's best interests, that the foster child's right to attend the school of origin be waived and the foster child be enrolled in a public school that pupils living in the attendance area in which the foster child resides are eligible to attend.

Key Considerations:

- How long is the placement expected to last and what is the permanent plan?
- How many schools has the child attended this year? The past few years?
- How strong is the child academically?
- Which school does the child prefer? Why?
- Would the timing of a transfer coincide with a logical juncture such as after testing, end of semester, or end of the school year?
- How would the length of commute impact the child?
- Does the youth have any anxieties about the upcoming move or changes in his/her life?
- Are there any safety issues to consider?
- Is the current school in Program Improvement (PI)?
- If so, how are students that are demographically similar to the student performing academically?

Best Interest In School of Origin Decisions: A Checklist for Decision Making

(Adapted from the San Diego County Interagency Agreement for Providing Educational Support to Students in Foster Care And the Texas Homeless Education Office)

Student Name: _____

Date: _____

Remaining in the Same School (School of Origin) Considerations		Transferring to a New School Considerations	
<input type="checkbox"/>	Continuity of Instruction <i>Student is best served at the same school due to prior history.</i>	<input type="checkbox"/>	Continuity of Instruction <i>Student is best served at a different school due to his or her history/future.</i>
<input type="checkbox"/>	Age and grade placement of the student <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.</i>	<input type="checkbox"/>	Age and grade placement of the student <i>Maintaining friends and contacts with peers is <u>not</u> critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time. The student has destructive or dangerous relationships at their school of origin.</i>
<input type="checkbox"/>	Academic Strength <i>The child's academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i>	<input type="checkbox"/>	Academic Strength <i>The child's academic performance is strong and at grade level and the child would likely recover academically from a school transfer.</i>
<input type="checkbox"/>	Social and emotional state <i>The child is suffering from the effects of mobility, has developed strong ties to the current school, does not want to leave, or involved in school related or extra-curricular activities.</i>	<input type="checkbox"/>	Social and emotional state <i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, does not mind transferring to another school, or is not involved in school related or extra-curricular activities.</i>
<input type="checkbox"/>	Distance of the commute and its impact on the student's education and/or special needs <i>The advantage of remaining in the school of origin outweighs any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/>	Distance of the commute and its impact on the student's education and/or special needs <i>Shorter commute may help the student's concentration, attitude, or readiness for school. The new school can meet all of the necessary educational and special needs of the student.</i>
<input type="checkbox"/>	Personal safety of the student <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/>	Personal safety of the student <i>The new school has advantages for the safety of the student.</i>
<input type="checkbox"/>	Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/>	Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the new school.</i>
<input type="checkbox"/>	Length of anticipated stay in a temporary or permanent location <i>The student's current living situation is outside the school of origin attendance area, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/>	Length of anticipated stay in a temporary or permanent location <i>The student's current living situation appears to be stable and unlikely to change suddenly. The student will benefit from developing relationships with school peers who live in his or her community.</i>
<input type="checkbox"/>	Academic Performance Ranking <i>The school is in program improvement, but the student is connected (academically or socially) to the school which outweighs transferring to a new school or higher performing school.</i>	<input type="checkbox"/>	Academic Performance Ranking <i>The school of origin is in Program Improvement and the new potential school will meet the educational needs of the student. The new school can provide more academic support services and greater opportunities than the school of origin.</i>



California Foster Youth Education Task Force

California Foster Care Education Law Fact Sheets



Fact Sheet Number One – AB 490

Fact Sheet Number Two – Educational Decision-Making Rights

Fact Sheet Number Three – AB 167/216

Fact Sheet Number Four – Early Care and Education

Fact Sheet Number Five – Education Services for Transition Age Youth

Fact Sheet Number Six – Special Education

Fact Sheet Number Seven – Nonpublic Schools

Fact Sheet Number Eight – Functional Behavioral Assessments

Fact Sheet Number Nine – School Discipline

Fact Sheet Number Ten – Special Education Discipline

Fact Sheet Number Eleven - Educationally Related Mental Health Services (Ermhs)

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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Fifth edition (February 2014):

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CFYETF Member Organizations List

- Advancement Project
- Alameda County Office of Education, Foster Youth Services
- Alliance for Children’s Rights
- The Brightest Star, Inc.
- California Alliance of Child and Family Services
- California Community Colleges Chancellor’s Office
- California Department of Education, Foster Youth Services
- California Foster Care Ombudsman
- California School Boards Association
- California State University, Monterey Bay Guardian Scholars Program
- California State University, Sacramento, Center for College & Career Readiness
- California Youth Connection
- California Association of Supervisors of Child Welfare and Attendance (CASCWA)
- The Career Ladders Project
- Casey Family Programs
- Child and Family Policy Institute of California
- Child Care Law Center
- Children Now
- Children’s Law Center of California
- Contra Costa County Office of Education
- County Welfare Directors Association (CWDA) Children’s Committee
- Court Appointed Special Advocater (CASA) of Tulare County
- Crittenton Services for Children and Families
- East Bay Children’s Law Offices
- Elk Grove Unified School District, Foster Youth Services
- Foundation for California Community Colleges
- Fresno County Department of Social Services
- Glenn County Health and Human Services Agency
- Healing Pathways Clinic
- i.e. communications
- Institute for Evidence-Based Change
- John Burton Foundation
- Kings County Office of Education
- Legal Advocates for Children & Youth, a program of the Law Foundation of Silicon Valley
- Los Angeles County Department of Children and Family Services
- Los Angeles Unified School District Pupil Services
- M & I Educational Consulting Network
- Madera County Department of Social Services
- Mental Health Advocacy Services, Inc.
- Modoc County Office of Education
- National Center for Youth Law
- Orange County Department of Education, Foster Youth Services
- Promesa Behavioral Health
- Public Counsel
- Resource Center for Family Focused Practice, University of California, Davis
- Riverside County Office of Education, Foster Youth Services
- Roseville Joint Union High School District, Homeless and Foster Youth Services
- Sacramento County Office of Education, Foster Youth Services
- Sacramento State Guardian Scholars Program
- San Diego County Office of Education, Foster Youth and Homeless Education Services
- San Luis Coastal Unified School District
- San Luis Obispo County Office of Education, Foster Youth Services
- Santa Clara County Office of Education, Foster Youth Services
- SELPA Administrators of California
- Shasta County Office of Education, Foster Youth Services
- Solano County Office of Education, Foster and Homeless Youth Services
- Southwestern Law School
- Tracy L. Fried & Assoc., Inc.
- Walter S. Johnson Foundation
- WestEd
- ZERO TO THREE Western Office

Citations and Abbreviation Key

Abbreviations included in citations and referenced throughout the fact sheets:

AB	Assembly Bill (California)	IEP	Individualized education program
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		
GC	California Government 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://www.oal.ca.gov/ccr.htm>

California Department of Social Services All County Letters:

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>

CDSS: <http://www.dss.cahwnet.gov/lettersnotices/>



INTRODUCTION

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). Many of the obligations placed on local educational agencies by these laws also apply to charter schools participating in a special education local plan area. See *EC § 48859(c)*.

GUIDING PRINCIPLES

Educators, social workers, probation officers, caretakers, advocates, and juvenile courts must work together to serve the educational needs of students in foster care. See *EC § 48850(a)(1)*.

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 must be based on the child's best interests and 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)(5), 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(c) for a list of requirements*. 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—without parental consent or a court order—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. *20 USC § 1232g(b)(1)(L); EC § 49076(a)(1)(N)*.

SCHOOL STABILITY

• 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(c)(4)*. The child's case plan must include specific information about his/her educational stability and assurances that the placing agency has taken steps to ensure such stability. See *WIC §§ 16010(a), 16501.1(f)(8)*.

A foster child's **school of origin** is (1) the school in which s/he was last enrolled, (2) the school s/he attended when permanently housed, or (3) any other school s/he attended within the immediately preceding 15 months to which s/he feels connected. *EC § 48853.5(f)*.

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 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"). *CRC 5.651(e)(1)(A)*. If a child who is changing schools has an Individualized Education Program (IEP), the social worker or probation officer must give written

notice of the impending change to the current local educational agency (LEA) and the receiving Special Education Local Plan Area (SELPA) at least 10 days in advance. *CRC 5.651(e)(1)(B)*. ("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 participating as a member of a SELPA, or a SELPA. See *EC §§ 48859(c), 56026.3*. SELPAs are consortia of educational agencies formed to serve the special education needs of children residing within their boundaries. See <http://www.cde.ca.gov/sp/se/as/caselpas.asp> for a list of SELPAs.)

If the child remains in his/her school of origin and transportation between his/her foster care placement and the school is not otherwise available, the placing agency must provide the child's caregiver with reimbursement for the reasonable costs of transporting the child to and from school. *42 USC § 675(4)(A)*. The California Department of Social Services' All County Letter No. 11-51 explains how to calculate the reimbursement. In general, LEAs and county placing agencies are "encouraged to collaborate to ensure maximum use of available federal funds, explore public-private partnerships, and access any other funding sources to promote the well-being of foster children through educational stability." *EC § 48853.5(e)(10)*.

• Roles of the Court and Child's Attorney

The child's attorney must discuss any proposed placement change that could result in a school change with the child and the child's educational rights holder, as appropriate, and may request a hearing on the proposed change. The educational rights holder also may request a hearing. Any such hearing request must be made no later than two court days after the attorney or educational rights holder received notice of the proposed change. *CRC 5.651(e)(2)*.



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AB 490 (continued)

If there is a hearing request, the social worker or probation officer must provide a report on the proposed change no later than 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 his/her current school. *CRC 5.651(e)(2)-(4)*. The court must consider whether it is in the child's best interest to change schools and may make orders related to this issue. See *CRC 5.651(f)*.

• **Role of the LEA**

If a foster child's residence changes, the LEA must let the child remain in his/her school of origin for as long as the court has jurisdiction over the child's placement. Moreover, when transitioning between grade levels, the child has the right to continue in his/her school district of origin or, if applicable, to enroll in the same middle or high school district as his/her classmates, following established school district feeder patterns. 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(e)(1)-(4)*. A foster child who remains in his/her school of origin satisfies the residency requirements for attendance in that school district. *EC § 48204(a)(2)*.

After consulting with a child and his/her educational rights holder and providing a written explanation, a LEA's foster youth educational liaison may *recommend* that the school-of-origin right be waived, but the educational liaison does not have the authority to waive the right on behalf of the child. If a dispute arises, the child has the right to remain in the school of origin until it is resolved. *EC § 48853.5(e)(6)-(9)*.



LEA Liaison

Each LEA must designate an educational liaison for foster children, whose duties include the following:

- Ensuring proper educational placement, school enrollment, and checkout from school.
- Assisting with the transfer of grades, credits, and records when there is a school change.

See *EC § 48853.5(b)-(d), (e)(8)(C)*.

Local Public School Preferred

Students in foster care must attend programs operated by the LEA unless the child remains in the school of origin, the child has an IEP requiring a different educational placement, or the educational rights holder determines it is in the child's best interest to attend a different educational program. Before placing a child in a juvenile court school, community school, or other alternative school setting, the educational rights holder must consider placement in the regular public school. *EC § 48853(a)-(c)*. If the educational rights holder places the child in an educational program that is not operated by the LEA, s/he must provide a written statement about his/her determination to the LEA. See *EC § 48853(a)(3)* for the required contents of that statement.

Immediate Enrollment

If a foster child changes schools, s/he has a right to be enrolled in the new school immediately, even if there are outstanding fees, fines, textbooks, or other items or money due to a school or if s/he does not have the clothing or records normally required for enrollment, including but not limited to academic records, medical records, proof of immunization history, proof of residency, or school uniforms. *EC § 48853.5(e)(8)(B)*.

A student shall not be denied enrollment or readmission to a public school solely on the basis that s/he 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)*.

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AB 490 (continued)

TIMELY TRANSFER OF RECORDS

- **Placing Agency's Duties**
As soon as the social worker or probation officer becomes aware of the need to transfer a child to a new school, s/he must notify the LEA of the child's last expected day of attendance and request that the child be transferred out. *EC § 49069.5(c)*; see also *WIC § 16501.1(f)(8)(B)*.
- **Old LEA's Duties**
Within two business days of receiving a school transfer request, the current LEA must transfer the child out and deliver his/her records to the new school. The LEA must compile the child's complete educational record, including a determination of seat time, full or partial credits earned, classes and grades, immunization records, and, if applicable, special education or Section 504 records. *EC § 49069.5(d)-(e)*. All records must be provided regardless of any fees, fines, textbooks, or other items or money owed to the last school. *EC § 48853.5(e)(8)(C)*.
- **New LEA's Duty**
Within two business days of receiving a request for enrollment, the new school's foster youth educational liaison must contact the last school to obtain all of the child's records. *EC § 48853.5(e)(8)(C)*.

GRADE AND CREDIT PROTECTIONS

LEAs 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 applicable. If partial credit has been awarded in a particular course, the child must be enrolled in the same or equivalent course, if applicable, so that s/he 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 educational rights holder, finds that the child is reasonably able to complete that portion without causing a delay in meeting the other requirements for his/her graduation from high school. Notwithstanding the above, a foster child may not be prevented from retaking a course s/he needs to meet the admission requirements for California State University or the University of California. *EC §§ 51225.2, 48645.5(a)*.

A child's grades may not be lowered due to absences caused by a change in placement, a court appearance, or a court-ordered activity. *EC § 49069.5(g)-(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, s/he immediately is deemed to meet all residency requirements for participation in interscholastic sports and other extracurricular activities. *EC § 48850(a)*.



The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, visit the website at www.cfyetf.org.

This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

Educational Decision-Making Rights



California Foster Youth Education Task Force

INTRODUCTION

Parents generally have the right to make educational decisions for their children unless their child is 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. See *WIC §§ 319(g), 361, 726(a)-(c), 358.1(e); GC § 7579.5; EC § 56055; 34 CFR § 300.30; CRC 5.649.*

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 her/him eligible for special education until the adult who holds educational rights signs a proposed assessment plan.
- **Individualized Education Program (IEP)**
A student's IEP cannot be implemented without the approval and signature of the adult who holds educational rights.
- **School Placement**
A child's educational rights holder may determine it is in the child's best interests to attend an educational program other than one operated by the local educational agency. *EC § 48853(a)(3)*. The educational rights holder also has a role in deciding whether the child will remain in his/her "school of origin" after a residential placement change. See *EC § 48853.5(e)*.



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. *CRC 5.649, 5.651(b)*. 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(g), 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(g), 361(a), 366(a)(1)(C), 726(b)-(c); see also CRC 5.650, 5.534(j)*. The California Rules of Court refer to this person as an "educational rights holder." *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 educational rights holder. *WIC §§ 319(g)(2), 361(a)(3), 726(c)(1); CRC 5.650(c)(1)*.



The educational rights holder has all of the educational decision-making rights normally held by parents or guardian. See *CRC 5.650(e)-(f)* for a list of rights and responsibilities. S/he 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(g); 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*. 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 court 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*.

(Continued on next page)

Educational Decision-Making Rights (continued)

- **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)(3), 726(c)(1); GC §§ 7579.5-7579.6; CRC 5.650(a)(2)(A)(i), (d); see also WIC § 319(g)(3), (5).* A surrogate parent makes decisions related to special education evaluation, eligibility, planning, and services. *GC § 7579.5(c).*

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).* 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).*

- **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(g)(3), 361(a)(3); CRC 5.650(a)(2).*

LIMITATIONS ON APPOINTMENTS

- **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 his or her 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 s/he receives 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).*

- **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)(5), 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, at which time s/he holds his/her own educational rights, *see, e.g., EC §§ 49061(a), 56041.5*, unless the youth chooses not to make his/her 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 child 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(j)(2), 5.650(a)(1), (b), (e)(1).

If an appointed educational rights holder resigns from the appointment, s/he must tell the court and the child’s attorney and may use 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 nonminor dependents with developmental disabilities, as established by SB 368 (2011). *See WIC §§ 319(g), 361(a), 726(b)-(c); CRC 5.502(13), 5.534(j), 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 <www.dds.ca.gov/RC/Home.cfm>* for more information.

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This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

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AB 167/216



California Foster Youth Education Task Force

INTRODUCTION

Assembly Bills 167 (2009) and 216 (2013) exempt pupils in foster care from local graduation requirements under certain conditions. *EC § 51225.1.*

GUIDING PRINCIPLES

The key to improving outcomes for youth in foster care 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 pupils to complete additional coursework to graduate from high school. Foster youth who are forced to 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.

Pupils in foster care forced to transfer after their second year of high school should be able to graduate with their class if they have completed the state graduation requirements, if they would not reasonably be able to complete additional local graduation requirements within four years of high school.



FIVE ELIGIBILITY CRITERIA

A student must satisfy each of the following five eligibility requirements to graduate pursuant to AB 167/216:

- 1) The youth must be a pupil in foster care.

To be eligible for graduation under AB 167/216, the youth must be removed from his or her 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 completed their second year of high school, the school district may use either the number of credits earned or the total length of enrollment in high school, whichever will make the youth eligible for AB 167/216 graduation.

Note: Schools, youth, education rights holders, 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 graduation.



- 3) The youth must complete all California graduation requirements.

California requires pupils to complete all of the following one-year courses, unless otherwise specified, in order to receive a diploma of graduation from high school, *EC § 51225.3(a):*

- Three courses in English.
- Two courses in Mathematics, including one year of Algebra I unless previously completed.
- 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 or Foreign Language. American Sign Language qualifies as a foreign language.
- Two courses in Physical Education, unless exempted.

In addition to completing the coursework above, youth must pass both portions of the California High School Exit Exam (CAHSEE)—English and Math. Students with individualized education plans or 504 plans may be exempt from this requirement.

- 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 pupil is reasonably able to complete

(Continued on next page)

AB 167/216 (continued)



the additional requirements in time to graduate from high school, then the youth must complete these additional requirements in order to graduate. *EC § 51225.3(c)*.

- 5) The youth's education rights holder must determine that it is in the youth's best interest to graduate under AB 167/216.

Only the youth's education rights holder, or the youth, if they are over 18 years old, may make the decision of whether graduating under AB 167/216 is in the youth's best interest.

Youth have a right to remain in high school for a fifth year if they can reasonably complete all local graduation requirements by the end of the additional year.



REASONABLENESS

Determinations as to whether a pupil is reasonably able to complete a district's additional requirements should be made on an individual basis. The following are key factors to consider: (1) the youth's academic abilities (e.g., STAR testing results, grades); (2) courses completed and credits earned; (3) nature and extent of additional district requirements; and (4) number of semesters remaining before the youth completes four years of high school.

In making this determination, the district and the district's foster youth liaison should consult with the youth caregiver, the youth's educational rights holder, the youth's child welfare worker or probation officer, and anyone else familiar with the youth and his or her educational history.

Note: If a youth is not initially eligible for AB 167/216 graduation when they first transfer, they have a right to ask for re-consideration of their eligibility at any later time. If the youth satisfies the eligibility criteria, the school district must find her/him eligible.

NOTICE REQUIREMENTS

When must notice be provided?

Within 30 days of the youth's transfer, a school district must determine whether a youth is reasonably able to complete the additional local graduation requirements within four years of high school or is eligible for graduation under AB 167/216.

To whom must notice be provided?

School districts must provide written notification of the youth's eligibility for AB 167/216 graduation to the youth, education rights holder, and social worker.

What content must be provided?

The notification must include the school district's decision regarding eligibility, outline the impact of AB 167/216 on admissions to four year universities, and inform the youth and the education rights holder of the youth's right to remain in high school for a fifth year.

DURATION OF ELIGIBILITY

Once a youth is found eligible for AB 167/216 graduation, their right to graduate by completing minimum state course requirements may not be revoked, regardless of whether the youth's foster case closes or they later change schools again.



The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for children and youth in foster care. For more information, please visit the website at www.cfyetf.org.

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Printed by the Riverside County Office of Education.

Early Care and Education



California Foster Youth Education Task Force

INTRODUCTION

Early education is recognized as a key to children’s later education success and a stabilizing force for families. Early Care and Education (ECE) is not provided in a systematic manner, however, but rather by a patchwork of public, private non-profit, and private for-profit ECE service providers.

ECE PROGRAMS AND SERVICES -- CEL

Until 2011, each county was required to maintain a Centralized Eligibility List (CEL), which all state-funded programs—including full-day and part-day infant and preschool programs—were required to use to enroll families. State funding for CELs ended in 2011, but some counties still maintain a CEL voluntarily. Children at-risk of abuse (which may include foster youth, although the law is not clear) are given priority on the CEL, but that does not guarantee immediate services. Service providers not electing to participate in the CEL must maintain their own eligibility list giving priority to the same groups as the CEL. *EC §§ 8227, 8263; 5 CCR 18106.*



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 three. It also serves pregnant women with low incomes. Head Start provides part-day preschool programs for children ages three to four, 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. *45 CFR 1304.20-1304.24, 1304.3, 1305.2, 1305.4.*

To receive funding, all new Head Start programs must have a plan to meet the needs of children in foster care, including transportation. In addition, programs must allow for the application and enrollment of a child “awaiting foster care placement.” *42 USC 11431, 11432, 11433, 11434a.*

Child Care Resource and Referral Agency (CCR&R)

The Child Care Resource and Referral Agency (CCR&R) is a list of child care resource and referral agencies by county that is available online at: <http://www.rnetwork.org>.

EARLY INTERVENTION SERVICES ACT – PART C OF IDEA

To be eligible for federal funding for early intervention programs under the Individuals with Disabilities Act (IDEA), states must ensure that appropriate early intervention services are available to all infants and toddlers with disabilities who are in foster care or in the custody of a child welfare agency. *34 CFR 300.45, 300.101.*

In addition, states receiving funding under the Child Abuse and Prevention Act must establish procedures to refer every child under the age of three who has been involved in a substantiated case of abuse or neglect to early intervention services funded under Part C of the IDEA. *42 U.S.C. 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 disabilities and their families are provided with early intervention services in a coordinated, family-centered system that is available statewide. *GC 95000 et seq.*

Early Start Eligibility

The Early Start program serves children under the age of three years old. To be eligible for services, the regional center must conduct an evaluation and assessment of the child, including a family interview, to determine and document his/her strengths and needs, and what services will meet those needs. The results of this assessment should be shared with the local education agency or school district. Children must also fall into one of two categories to receive Early Start services. *GC §§ 95014, 95016.*

(Continued on next page)

Early Care and Education (continued)



Category 1: Developmental Delay

Children qualify for Early Start if they have a developmental delay in any of 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% or more before the age of 24 months. After a child turns 24 months old, a difference is significant if the child is delayed by 50% or more in one area, or by 33% or more in two areas. *GC §§ 95014(a)(1).*

Category 2: Established Risk

Children are also eligible for Early Start services if they have a condition diagnosed by a qualified individual that has a high probability of resulting in delayed development, such as Down’s Syndrome. *GC §§ 9501(a)(2).*

Responsibility for Services

For infants and toddlers who have only hearing, vision, or severe orthopedic impairments, the local school district is responsible for providing services. All other children qualifying for Early Start will receive services through one of California’s regional centers. The regional centers are non-profit organizations that contract with the Department of Developmental Services to provide services under Part C of the IDEA. All children and families receiving Early Start services will be assigned a service coordinator who is approved by the Department of Developmental Services to coordinate the services provided. *GC § 95014(b).*

Early Start Referrals

After receiving a referral to Early Start, the regional center has 45 days to complete an evaluation and assessment, hold a meeting to determine eligibility, and develop an Individualized Family Service Plan (IFSP). *GC § 95020; 17 CCR 52060.*



The Individualized Family Service Plan

The family and service providers must meet at least once each year, 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 child;
3. A statement of the major outcomes expected to be achieved for the infant or toddler and family;
4. The criteria, procedures, and timelines used to determine if progress is being made, and whether any changes are necessary;
5. The details of the services to be provided—who will provide them, where, how often, etc;
6. The agency responsible for providing the identified services;
7. The name of the child and family’s service coordinator;
8. The steps that will be taken to ensure the child and family receive appropriate services once the child reaches the age of three; and
9. The projected dates for the initiation of services provided and the anticipated duration of those services. *GC § 95020(d)-(e).*

Transition Requirements

A plan for a smooth and effective transition between early education services and the services the child will receive after his or her 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 C.F.R. § 303.209.*

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Early Care and Education (continued)

Due Process Procedures

If anyone believes that the agency responsible for providing services written in the child's IFSP is not meeting its obligations, he or she can file a complaint with the Department of Developmental Services. 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

Complaints should include:

1. The name, address, and phone number of the person filing the complaint;
1. A statement that 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;
2. A statement of facts upon which the violation is based;
3. The party responsible; and
4. 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.*

If a child's education rights holder disagrees with the services offered by the IFSP, or if the local education agency or regional center refuses to evaluate or offer services to a child, then he or she can file for a due process hearing. An administrative law judge will hear both sides and make a decision within 30 days of the complaint being filed. *17 CCR § 52172.*



Prevention Resource & Referral Services

A child who is not eligible for Early Start services may still qualify for Prevention Resource and Referral Services (PRRS). Children qualify if their genetic, medical, developmental, or environmental history predicts a substantially elevated risk for developmental delays. Risk factors could include low birth weight, prematurity, or prenatal exposure to drugs or alcohol. The Regional Centers administer the PRRS through Family Resource Centers and provide information, referrals, intake, assessments, case management, and developmental monitoring services. *WIC § 4435.1.*

PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES

All school districts are required to provide special education services for children with disabilities between the ages of three and five years old. *EC §§ 56001(b), 56440(c).*

Eligibility

To be eligible for preschool special education services, a child must have one of the 13 special education eligibility criteria or an established medical disability. 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 does not need to be intellectually disabled to qualify, as the education includes age appropriate developmental milestones. *EC § 56441.11(b).*

Transition Services

Prior to transitioning a child receiving preschool special education services to kindergarten or first grade, an appropriate reassessment of the child must be conducted by the school district to determine if the child is still in need of special education services. Children who meet Regional Center eligibility will continue to receive case management services and home support. *EC § 56445.*

For more information on referrals, see the Special Education Fact Sheet.

For more information on Due Process/Fair Hearings, see the Special Education Fact Sheet.

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, please visit the website at www.cfyetf.org.

This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

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Education Services for Transition Age Youth



California Foster Youth Education Task Force

INTRODUCTION

Many youth in foster care turn 18 years of age before graduating from high school. Several safeguards exist to help them complete their education and transition successfully into adulthood.

Under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, implemented in California by AB12 and other legislation, foster youth can remain eligible for AFDC-FC payments and other benefits until age 21, if they meet one of five eligibility criteria. These criteria include school attendance. *WIC §11403.*

Youth who do not qualify for extended foster care benefits under AB 12 but are attending high school, 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 Cal-WORKS payments until they graduate or reach their 19th birthday. *WIC §11253,11403.01,11405.*

See <http://www.cafosteringconnections.org> for more information.

EDUCATION

Enrollment in High School

(Until age 18)

Youth are entitled to compulsory full time education until age eighteen unless they are exempt. *EC § 48200.* There is no obligation for local education agencies (LEAs) to serve youth over age 18 unless they are receiving special education services or if they qualify to finish their graduation under AB 167/SB 216. See the *AB 167/216 fact sheet.* Youth over age 18 may enroll for additional years in alternative education programs until a diploma is awarded. See CDE website at <http://www.cde.ca.gov/ta/tg/hs/studentoptions.asp>.

Enrollment in Adult Education Programs

A student may be able to enroll in an adult education program, subject to the district's availability. *EC § 52501.*

Students with Special Needs

Youth are entitled to special education services under California law until age 22. *EC § 56041.* See *Special Education Fact sheet.*

Students must be allowed to take the California High School Exit Examination (CAHSEE) with any accommodations and modifications that are specified in their Individualized Education Program (IEP) or Section 504 plan. In addition all college campuses have disabled student support programs that can offer a range of accommodations. The approved testing variations, accommodations, and modifications are found on the CDE website at <http://www.cde.ca.gov/ta/tg/hs/accmod.asp>.

Foster Youth Services (FYS)

FYS is a program of the California Department of Education administered by some county offices of education. The program helps to improve children's educational performance

and personal achievement. FYS programs have the flexibility to design services to meet a wide range of needs of foster youth. Transitional services provided include: referrals for counseling, tutoring, mentoring, emancipation services, vocational training, and independent living services. See <http://www.cde.ca.gov/ls/pf/fy/> for a list of counties with FYS programs.

Under the 2013 Local Control Funding Formula legislation, all school districts and LEAs are required to develop Local Control and Accountability Plans that specify what services and supports they will provide for foster youth.

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, 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, academic and personal advisement, and employment services. All community colleges have a designated Foster Youth Success Initiative Liason. The best way to find out about a specific campus support program is to contact the program coordinator. See: <http://www.cacollegepathways.org/campus-supports-foster-youth>

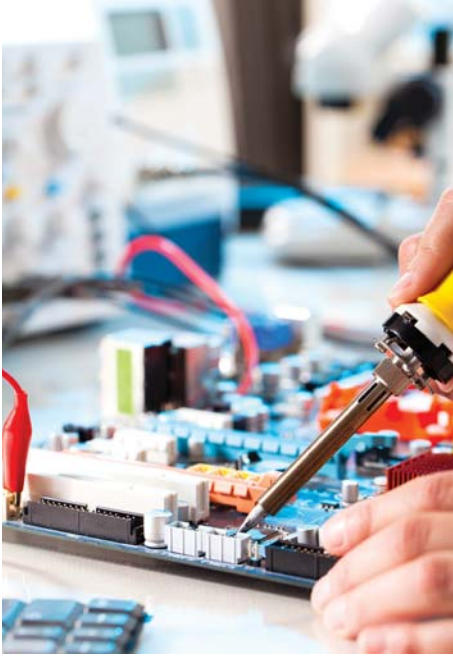
Board of Governors Fee Waiver

The Board of Governors Fee Waiver (BOG) is funded by the State of California for California residents to waive in full the amount of enrollment fees to eligible students at community colleges, including foster youth. In order to qualify, students must complete an orientation, assessment, and educational plan for the waiver to determine their eligibility.

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Education Services for Transition Age Youth (continued)



Chafee Grant *(Education and Training Voucher-ETV)*

Current or former foster youth who have not reached their 22nd 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 for childcare, transportation, and housing while in school. The court must have established dependency between ages 16 and 19, and the California Department of Social Services will verify eligibility status. Information is available at www.chafee.csac.ca.gov.

Financial Aid

When filling out the Free Application for Federal Student Aid (FAFSA), students currently or formerly in foster care should indicate they are/were a dependent/ward of the court, were in foster care, or were in a legal guardianship after age 13 in order to qualify for the maximum amount of aid. In order to qualify for maximum financial aid, students must submit the FAFSA by March 1. Those who miss this deadline should submit the FAFSA as soon as possible. <http://www.cacollegepathways.org/financial-aid-options-foster-youth>

Priority Registration

Foster youth attending a public college or university 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*

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.*



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.

If the youth qualifies for special education services, they should have an Individualized Transition Plan starting at age 16. 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, ABC's of Transition and the Independent Living Program, available at <http://www.publiccounsel.org/publications?id=0042>.

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, please visit the website at www.cfyetf.org.

This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

Printed by the Riverside County Office of Education.

Special Education



California Foster Youth Education Task Force

INTRODUCTION

A child in foster care who has a disability or is suspected of having a disability may be eligible for special education services from birth to age 22. Generally a student must be found eligible for special education prior to his/her 19th birthday. *EC § 56026.*

Children under age five may qualify for early intervention services. For children under age three, assessment and services are provided through the Regional Centers located throughout California. Between ages three and five years, early intervention services are provided by the school district where the child resides. *EC § 56001. See Early Care and Education Fact Sheet for more information.*

WHAT IS SPECIAL EDUCATION?

Special education is a system of services and supports designed to meet the specific learning needs of a child with a disability. *EC § 56031*

The Local Educational Agency (LEA) is usually responsible for special education. The school district in which a student resides is usually that student's LEA. *EC §§ 48200; 56026.3.*

The Special Education Local Plan (SELPA) that serves the geographic area where the foster youth has been placed in a licensed children's institution or foster family home is responsible for providing special education. If the area is not served by a SELPA, the county office of education is responsible. *EC §§ 48204; 56156.4.*

Students attending charter schools have the same rights as all other students. *EC §§ 56145 & 56146.* Responsibility for special education will fall on the charter school, the LEA with which the school is chartered, or the SELPA in which the school is located, depending on the terms of the charter.

FEDERAL AND CALIFORNIA LAW

IDEA: The Individuals with Disabilities Education Act, found at *20 USC §§ 1400* and the following sections, 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.*

FAPE: Free, Appropriate, Public, Education. Refers to individualized special education and related services provided at public expense. *20 USC § 1401(9); 34 CFR § 300.17; EC § 56000; 5 CCR § 3001(o).*



IDENTIFICATION AND ASSESSMENT

CHILD FIND: School districts/SELPA's have a duty to actively and systematically identify, locate and assess individuals with exceptional needs who may be entitled to special education services. *§ 1412(a)(3); EC § 56301(a)(b)(1)-(3), 34 CFR § 300.111.*

Assessment

Referral for an assessment for special education starts the process. A referral may be made by a parent/educational rights holder, teacher, or other provider. Referrals made by school staff must be in writing; parents/education rights holders may make oral referrals but the best practice is to make a written referral to ensure that assessment and meeting timelines begin. *EC § 56029; 5 CCR § 3021. See also Educational Rights Fact Sheet.*

A proposed assessment plan must be submitted to the parent/educational rights holder within 15 calendar days of receipt of the referral. *EC § 56321(a).* This plan explains the types of assessments that will be conducted. Generally, a child cannot be assessed without written consent of his/her educational rights holder. Exceptions may apply if:

- A child is a ward of the court (in limited circumstances); or
- The district prevails at a due process hearing. *EC §§ 56321, 56381(f)*

The parent/educational rights holder has 15 calendar days to provide written consent to the proposed assessment. *EC §§ 56321(c), 56043(b)*

The initial Individualized Education Plan (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 five days or more. *EC §§ 56344(a), 56043(c).*

(Continued on next page)

Special Education (continued)

When a child with a disability transfers from one district to another in the same academic year, each school district shall ensure the assessments are completed as expeditiously as possible. *20 USC § 1414(b)(3)(D); EC § 56320(i).*

A parent/educational rights holder has the right to obtain, at public expense, an independent educational assessment of the child from qualified specialists if the parent/educational rights holder disagrees with the assessment obtained by the school district. *EC § 56329(b).*

Eligibility for Special Education Services

Two triggering conditions must be met:

- 1) The child has an impairment adversely affecting his/her educational performance that requires special education.
- 2) The impairment fits into one of the following qualifying categories of disabilities:
 - mental retardation;
 - hearing impairment;
 - speech or language impairment;
 - visual impairment;
 - emotional disturbance;
 - hearing and visual impairment;
 - severe orthopedic impairment;
 - autism;
 - traumatic brain injury;
 - other health impairment (this generally includes ADHD); or
 - specific learning disability.

20 USC § 1401(3); EC § 56026.

A complete reevaluation, followed by a triennial IEP meeting, must be concluded every three years, or more frequently upon request. *20 USC § 1414(a)(2)(B); 34 CFR § 300.536, EC §§ 56381, 56043(k).*

Age: Students may be eligible for special education from birth to age 22. School districts are required to provide special education services for eligible students age three-22.

PLACEMENT AND SERVICES

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 § 56031.*

In California, there are four factors to determine whether a placement represents the LRE for a particular student:

- Academic benefits of placement in the mainstream setting;
 - Non-academic benefits of placement in the mainstream setting;
 - Negative effects that the student's presence may have; and
 - Cost of educating the student in a mainstream environment.
- Sacramento City Unified Sch. Dist. v. Rachel Holland, 14 F.3d 1398 (9th Cir. 1994).*

The spectrum of placement options moves from least restrictive to most restrictive:

- Least restrictive placements include full inclusion and mainstreaming with Resource Specialist Program (RSP) support.
- More restrictive placements include a special day class (SDC) or a non-public school (NPS).
- Most restrictive placements include residential placement or a home hospital program.

Non-Public Schools

A student in foster care must be placed in a mainstream public school unless the child has an IEP requiring placement outside the public school or the parent/educational rights holder determines it is in the student's best interest to be placed in another educational program. *EC § 48853.*

A student shall not be placed in a special class or 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 or must be assessed for special education services prior to placement in an NPS. *EC §§ 56342.1, 56320.*

See Nonpublic Schools Fact Sheet for more information.

Related Services

Related services means any services necessary to help a student benefit from a special education program. These services might include transportation from home or a drop-off point to school, psychological services, adapted physical education, occupational therapy, physical therapy, speech and language supports, assistive technology, and attendance at extended school year sessions. *20 USC § 1401(26); 34 CFR § 300.34; EC § 56363. See fact sheet on Educationally Related Mental Health Services (ERMHS) for more information.*

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Special Education (continued)

THE IEP MEETING

Individualized Education Program (IEP):

An IEP is both the meeting and document that sets forth what special education services a child will receive. *EC §§ 56032, 56341.*

The IEP team meeting shall be scheduled at a mutually agreed-upon time and place for district participants and the parent/educational rights holder. *EC § 56341.5(c).* If the parent/educational rights holder cannot attend the IEP meeting, with his/her consent the school district shall accommodate his/her participation with other methods, such as individual or conference telephone calls. *EC § 56341.5(g).*

A parent/educational rights holder has the right to audio or electronically record an IEP meeting with 24-hour notice to the district. *EC §§ 56321.5, 56341.1(g).* A deaf or non-English speaking parent/educational rights holder has a right to request an interpreter to ensure that he/she understands the IEP team discussion. *EC § 56341.5(i).*

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 range of related services, and behavioral plans, where necessary. (See *FBA/FAA Fact Sheet*). *20 USC § 1414(d); EC §§ 56341.5 and 56043(g)(1); 5 CCR § 3042(b).*

When the student reaches age 16, the IEP shall address postsecondary goals and transition services. *EC §§ 56341.5(e), 56345.1.*

As appropriate and necessary, the school district must provide opportunities to involve students with disabilities in nonacademic and extracurricular activities, including athletics, recreational, special interest groups/clubs, employment, etc. *EC § 56345.2.*

Who Attends? The IEP Team consists of a parent/educational rights holder or surrogate parent, one regular education teacher, one special education teacher, an educational agency representative other than the teacher, and an individual who can



interpret the assessment. Other individuals with expertise or knowledge about the student's needs may be invited at the discretion of the LEA or parents/educational rights holder. The student should be included, when appropriate. *20 USC § 1414(d)(1)(b); 34 CFR § 300.344; EC § 56341.*

To Agree or Disagree? If the parent/educational rights holder needs time to think over or disagree with part of an IEP plan, he/she does not have to sign the document at the IEP meeting. It is his/her right to withhold consent to the IEP document in part or in its entirety. Any part of the IEP document to which the parent/educational rights holder does not consent, cannot be implemented, and may become the basis for a due process fair hearing. *20 USC § 1415; EC § 56346.*

Timelines

A student's IEP must be reviewed at least once annually, or more frequently upon request. *20 USC § 1414(d)(4); EC §§ 56343, 56043.*

If a parent/educational rights holder requests an IEP meeting outside of the annual review, the school district has 30 days to hold the IEP meeting.

When a student who has an IEP is transferred from district to district within the state, the new school district shall provide FAPE without delay, including services comparable to the existing IEP, for the initial 30 days of enrollment. At that time, the district shall adopt the previous IEP or must present a new offer of FAPE for the parent/educational rights holder's consent. *EC § 56325.*

PROCEDURAL RIGHTS / DISAGREEMENTS WITH SCHOOLS

Compliance Complaint

A parent/educational rights holder may file a compliance complaint with the State Department of Education when he/she feels that the school district has violated its duty under a student's IEP or special education laws. Anyone may file a compliance complaint (i.e. the individual does not have to hold educational rights for the child). *20 USC § 1415(b)(6); 34 CFR § 300.660-662; 5 CCR § 4650; 5 CCR § 4600; EC § 56500.2.*

Due Process

A parent/educational rights holder may file for a due process hearing if he/she is in disagreement with the school district 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/educational rights holder's approval.

The parent/educational rights holder may file a written complaint with the Office of Administrative Hearings (OAH), Special Education Unit. *EC § 56502.*

After a complaint is filed, the school district has 10 days to provide a written response. *EC § 56502.*

Stay Put Provision

If the parent/educational rights holder files for a due process hearing, the student must generally stay put (i.e. remain) in his/her current placement with services listed in the last agreed upon IEP until the disagreement is resolved. *20 USC § 1415 (j); 34 CFR § 300.518; EC § 56505(d).*

Resolution Session

Within 15 days of the request for due process, the school district must hold a resolution session between the parent/educational rights holder and a district representative who has authority to bind the school district to a resolution unless both parties agree to waive

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Special Education (continued)

the resolution session. The school district cannot bring an attorney to the resolution session unless the parent/educational rights holder 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.

Mediation

After filing for due process, the parent/educational rights holder has the option to mediate the dispute with the school district. During the time of this mediation process, the student is generally entitled to remain in his/her current school placement. An attorney may represent any of the parties at the mediation. Mediation is voluntary. If the parent/educational rights holder proceeds to a mediation with the district, 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, 507(a)(2); EC § 56501(b)(1)(2); EC § 56503.*

Due Process Hearing

At least five days prior to the hearing, the parent/educational rights holder and the school district 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.

The due process hearing should be conducted at a time and place reasonably convenient to the parent/educational rights holder and the student. *34 CFR § 300.511(d); EC § 56505 (b).*

An impartial hearing officer from OAH should conduct the hearing. *20 USC § 1415(f)(3); 34 CFR § 300.508; EC § 56505(c).*

At the hearing, both parties have the right to make opening and closing statements; 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.

Examples of Due Process Remedies

- *Compensatory education:* an equitable remedy to make up for education lost due to the school district's violation of FAPE.
- *Tuition reimbursement:* parents/educational rights holders 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/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 regular education, not special education, and is governed by school district 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.

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. Examples of qualifying disabilities are asthma, allergies, diabetes, ADD or ADHD. If the student qualifies, the school district must prepare a plan that outlines special services, accommodations, and modifications that will be implemented to assist the student. *34 CFR § 104.3(j).* Students that 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 school districts 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 school district will have its own Section 504 policy. State law parallels IDEA, and can be found at *EC §§ 56000 et seq* and *5 CCR §§3000 et seq*.

Although a district is required to secure the consent of the parent/educational rights holder to assess and provide services under IDEA, under Section 504, a district may develop and implement a 504 plan with or without a parent's/educational rights holder consent.

CALIFORNIA HIGH SCHOOL EXIT EXAM (CAHSEE)

Any student with a disability (any type of disability, for any duration) who has an IEP or 504 plan is exempt from passing the California High School Exit Exam (CAHSEE) as long as the student has satisfied or will satisfy all state and local requirements for receipt of a high school diploma. This exemption will last until the State Board of Education decides whether to require an alternative to the CAHSEE for students with disabilities. As of this writing, the State Board of Education has not identified any alternatives. *EC §§ 60852.3(b), 60852.1.*

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Nonpublic Schools



California Foster Youth Education Task Force

INTRODUCTION

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 <http://www.cde.ca.gov/sp/se/dsf/>.

PLACEMENT IN AN NPS

Students may not be placed in an NPS unless they have a valid IEP requiring placement at the NPS, or the person holding educational rights determines it is in the best interest of the student. *EC§ 48853. See Educational Decision-Making fact sheet.*

To be placed in a nonpublic school by the local education agency (LEA), a student must have an IEP and be assessed for special education services prior to placement in the school. *EC §§ 56342.1, 56320.*

- The assessments conducted must conform with state and federal laws.
- The student may not be assessed for special education services unless the person who holds educational rights has provided consent, *with certain exceptions.* *EC § 56321. See Special Education fact sheet.*
- Consent for an initial assessment is not consent for placement in an NPS or provision of any other special education services. *EC § 56321(d).*

An individual with exceptional needs shall not be referred to, or placed in, a nonpublic school unless his/her IEP specifies that the placement is appropriate. *EC § 56342.1*

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Students *must* be placed in the LRE to meet their needs. A child shall not be placed in a NPS unless the severity of the disability is such that education in a regular class with the use of supplementary aids and services cannot be achieved satisfactorily. *EC § 56040.1.*

When a student is placed in a licensed children's institution (LCI) or group home 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 (i.e. resource specialist program, special day class, etc.), and the on-grounds program is appropriate and can implement the student's IEP. *2 CCR § 60510(b)(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, including whether the student may be transitioned to a public school setting. *EC § 56366(a)(2)(B)(ii).*



CHILDREN IN FOSTER CARE:

A child who is placed in an LCI, group home or foster family home must attend programs operated by the LEA, unless one of the following applies:

- (1) The student remains in his/her school of origin;
- (2) The student has an IEP requiring placement in a nonpublic school or agency, or in another LEA; or
- (3) The person holding the right to make educational decisions for the student determines that it is in the best interests of the child to be placed in another educational program, in which case the person shall provide a written statement that he/she has made that determination to the LEA. This statement shall include a declaration that the person holding the right to make educational decisions for the student is aware of all of the following:
 - (A) The student has a right to attend a regular public school in the least restrictive environment;
 - (B) The alternate education program is a special education program, if applicable;
 - (C) The decision to unilaterally remove the child from the regular public school and to place the child in an alternate education program may not be financed by the local educational agency; and
 - (D) Any attempt to seek reimbursement for the alternate program may be at the expense of the person holding the right to make educational decisions for the child. *EC§ 48853*

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Nonpublic Schools (continued)



A licensed children’s institution (LCI) or group home 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 special education local plan area determines that appropriate public alternative educational programs are not available. A LCI or group home cannot refer a student to, or place a student in a NPS. *EC § 56366.9*

A licensed children’s institution, or nonpublic school or agency, 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. *EC § 48854.*

ASSEMBLY BILL 1858

Assembly Bill 1858 was passed in 2004 to address the quality of education provided by nonpublic schools. It raised educational standards and improved the Department of Education’s oversight of the schools.

AB 1858 holds non-public schools to the same standards as public schools by requiring that an NPS provide:

- Staff with teaching credentials equivalent to that of public schools in the district. *EC § 56366.1(n)(1).*
- For kindergarten and grades 1 to 8: state-adopted, standards-based, core curriculum and instructional materials, including technology-based materials. *EC § 56366.10(b)(1)(A).*
- For grades 9 to 12: standards-based, core curriculum and instructional materials, including technology-based materials, used by any local educational agency that contracts with the nonpublic school. *EC § 56366.10(b)(1)(B)*
- College preparation courses. *EC § 56366.10(b)(2).*
- Extracurricular activities such as art, sports, music, and academic clubs. *EC § 56366.10(b)(3).*
- Career preparation and vocational training. *EC § 56366.10(b)(4).*
- Supplemental assistance, including academic tutoring, psychological counseling, and career and college counseling. *EC § 56366.10(b)(5).*

Additionally, nonpublic schools must have:

- Teachers and staff who provide academic instruction and support services with the goal of integrating the students into the least restrictive environment. *EC § 56366.10(c)*
- A written policy for student discipline which is consistent with state and federal law and regulations. *EC § 56366.10(d).*



AB 1858 also implements increased oversight and accountability of non-public schools by requiring:

- A non-public school to report the child’s progress on meeting IEP goals and objectives to the LEA on a quarterly or trimester basis. *EC § 56157(d).*
- A local educational agency to address at the annual IEP whether the NPS is the least restrictive environment for the student. *EC § 56157(c).*
- A non-public school to meet certification standards each year rather than the previous requirement of every four years. *EC § 56366.1(h).*
- A non-public school to prepare a school accountability report card and report Standardized Testing and Reporting Program (STAR) results to the State Department of Education. *EC § 56366 (a) (8-9).*
- An expansion of unannounced visits to non-public schools by the Superintendent of Public Instruction. *EC § 56366.1(i)(1-2).*

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Functional Behavioral Assessments



California Foster Youth Education Task Force

INTRODUCTION

A functional behavioral assessment (FBA)/ functional analysis assessment (FAA) 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 (*See Educational Rights fact sheet*).

BASIC CONCEPTS

Who Conducts the Functional Analysis Assessment?

State law requires that a functional analysis assessment be conducted by or under the supervision of a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions. *5 CCR § 3052(b); 5 CCR § 3001(f)*.

What Is a Behavioral Intervention Plan (BIP)?

A behavioral intervention plan (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 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)*.

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 assure the individual’s physical freedom, social interaction, and individual choice. *5 CCR § 3001(e); 5 CCR § 3052 (d)*

FBA AND BIP PROCEDURES

When Must the School District Conduct an FBA and Develop a Behavioral Intervention Plan?

The school district must conduct an FBA and develop a BIP when one of the following occurs:

- When the IEP team finds that instructional/behavioral approaches specified in the student’s IEP have been ineffective. *5 CCR § 3052(b)*.
- When the student exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the student’s IEP. *5 CCR § 3001(g)*.
- 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 his/her 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, as appropriate, so that the behavior does not recur. *20 USC § 1415(k)(1)(G)*.
- When the student is removed from his/her placement for more than 10 school days (i.e. suspension or expulsion) and the behavior is determined *not* to be related to his/her disability. *20 USC § 1415(k)(1)(D)(ii)*.

If the IEP team determines that 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)*.



Functional Behavior Assessment (FBA):

State law requires that those conducting an FBA must gather information from three sources:

- Direct observation;
- Interviews with significant others; and
- Review all available data such as other assessments and individual records. *5 CCR § 3052 (b)*.

These sources/observations *must* include:

- Systematic observation of the targeted behavior in order to determine frequency, duration, and intensity;
- Observation of events that trigger the behavior and analysis of the consequences of the behavior;
- Ecological analysis of the settings in which the behavior occurs;
- Review of records for medical and health factors which may influence behavior; and
- Review of the history of the behavior, including the effectiveness of previously used behavioral interventions. *5 CCR §3052(b)(1)*.

(Continued on next page)

Functional Behavior Assessments (continued)

What Happens If There Is a Behavioral Emergency?

A behavioral emergency is “the demonstration of a serious behavior problem (1) which has not previously been observed and for which a behavioral plan has not been developed; or (2) for which a previously designed behavior intervention is not effective.” 5 CCR § 3001(d).

Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious harm to others that cannot be prevented by a less restrictive response.
5 CCR § 3052(h)(i).

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); and (3) force that exceeds that which is necessary under the circumstances. 5 CCR § 3052(h)(i)(4).

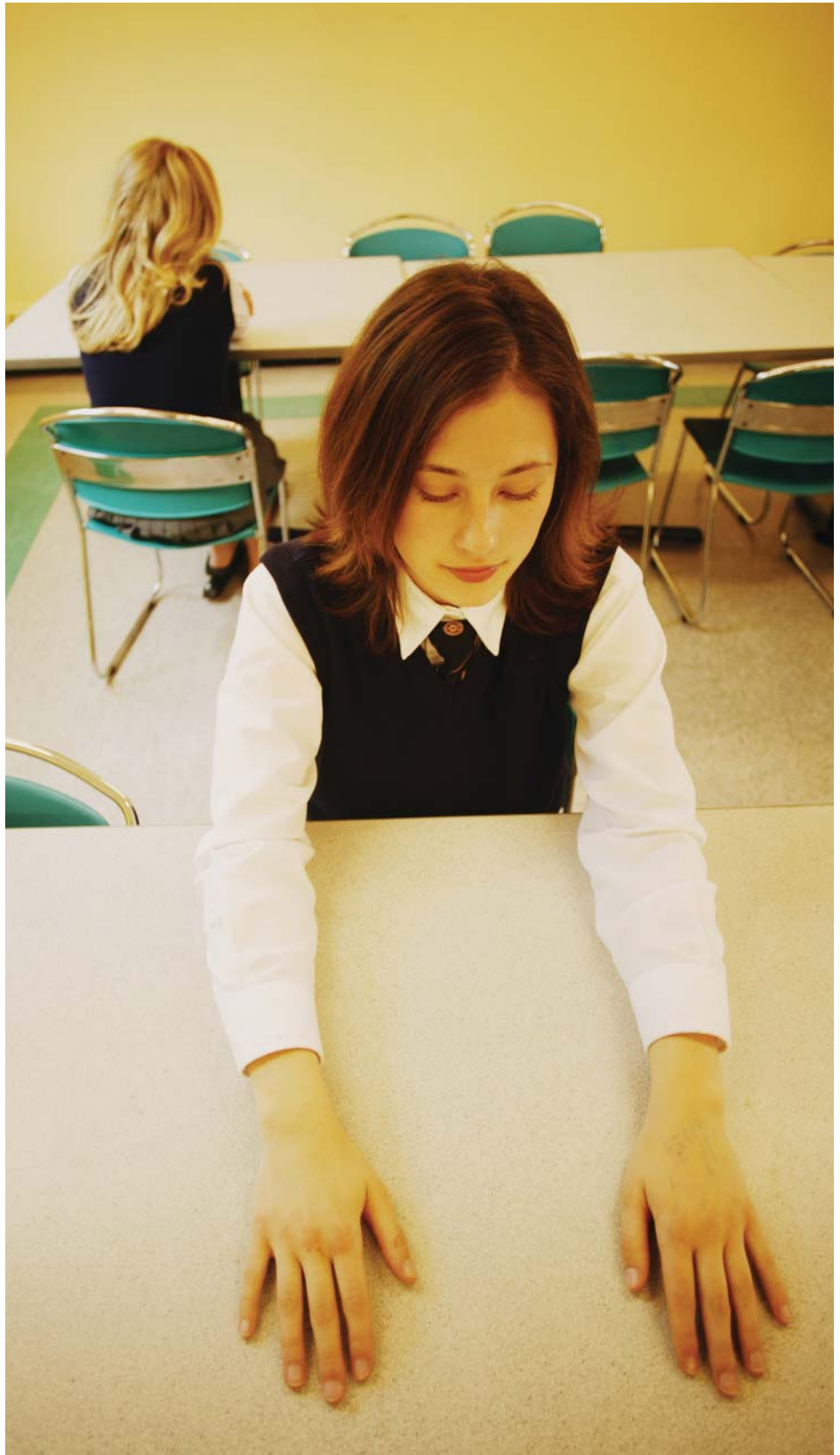
Whenever an emergency intervention is used, the school district *must* (1) notify the parent (and residential care provider, if appropriate) within one day; (2) immediately forward a Behavioral Emergency Report to the student’s file and designated administrator; and (3) schedule an IEP meeting within two days for any student without a current behavioral intervention plan to determine the necessity for a functional analysis assessment and to determine the necessity for an interim behavioral intervention plan. 5 CCR § 3052 (h) (i).

**Federal law refers to “Functional Behavioral Assessment;” State law refers to “Functional Analysis Assessment.” See also EC § 48915.5.*

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School Discipline



California Foster Youth Education Task Force

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)*.

Prohibited Acts

The descriptions of prohibited acts appear in *EC § 48900, 48900.2-48900.4, and 48900.7*. 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)*.

Students with Disabilities

Students with disabilities have additional rights regarding school discipline. If a student is or might be eligible for special education, please see the Special Education Discipline fact sheet, as additional protections may apply.

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 pupil'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. *EC § 48900.5(b)* for a fuller 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 her/him, and be given a chance to present his/her version and evidence in his/her 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 pupils 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 (see the Educational Decision-Making Rights fact sheet) by phone or in person. *EC § 48911(d)*. In addition, the educational rights holder 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 educational rights holder 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 rights holder's failure to attend. *EC § 48911(f)*.

(Continued on next page)

School Discipline (continued)

Limits on Suspensions

Schools generally are required to try other means of correcting a student's behavior before imposing a suspension. However, a student can be suspended for a first offense for certain prohibited acts or if a school administrator determines that the student's presence at school "causes a danger to persons." *EC § 48900.5(a)*. Since January 2013, it no longer has been 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." *AB 1729 (2012)*.

If a suspension is imposed, it should not, with few exceptions, exceed five consecutive school days or 20 days per school year. Exceptions:

- A student may be suspended up to 30 total days in a school year if he/she is enrolled in or transfers 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 his/her educational rights holder 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 student is a foster child, the school district also must invite the child's attorney and an appropriate representative of the county child welfare agency to this meeting. Any decision to extend a suspension in this way must be in writing. *EC § 48911(a), (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.

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 educational rights holder 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

School and district officials can *recommend* a student for expulsion, but only the governing board of a school district can *actually expel* a student. *EC § 48918(a)*.

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 Expulsions

The law requires expulsion for a small category of acts (often called zero-tolerance offenses). 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 educational rights holder's rights. *EC § 48918(b)*. If the student is a foster student and the decision to recommend expulsion is a *discretionary* act, the school district also must provide the hearing notice to the student's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. *EC § 48918.1(a)*. For *mandatory* expulsion recommendations involving foster students, the school district may—but is not required to—provide this notice to the student's attorney and county child welfare agency representative at least 10 calendar days before the date of the hearing. *EC § 48918.1(b)*.
- 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 his/her 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, the right to receive **notice** of (1) the right to appeal, and (2) the right to be educated while expelled. *EC § 48918(j)*.

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School Discipline (continued)



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 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(b)-(e).

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 parental 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 be 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. S/he 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 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*.

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 her/him to enroll in an educational program deemed appropriate by the school board to rehabilitate her/him. *EC § 48917(a), (c)*. If the student violates any behavioral rules during the probationary period, the school board can revoke the suspension and expel her/him under the terms of the original expulsion order. *EC § 48917(d)*.

If the student satisfactorily completes the rehabilitation program, s/he 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, s/he must do so within 30 days of the expulsion decision regardless of whether the expulsion order is suspended; otherwise, s/he loses the right to appeal. *EC § 48917(f)*.

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School Discipline (continued)

INVOLUNTARY TRANSFERS

In some situations, a student may be transferred against his/her wishes 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.

Transfer to Continuation Schools

A school district may transfer a student to its continuation school for certain prohibited acts or for habitual truancy or attendance problems. Prior to the transfer, the student and his/her educational rights holder are entitled to written notice and a meeting to discuss the reason(s) for the proposed transfer and to present and question relevant evidence and witnesses. 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 his/her "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.*

(Different laws, policies, and procedures apply to voluntary, as opposed to involuntary, transfers to continuation schools, including the requirement that voluntary transfers not be used as an alternative to expulsion unless alternative means of correction have been attempted pursuant to *EC § 48900.5*. *EC § 48432.3.*)

Transfer to Community Day Schools

A school district may transfer a student to its community day school if s/he 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 child's attorney and an appropriate representative of the county child welfare agency (see the Special Education Discipline 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(c).*

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 educational rights holder may provide the attorney's contact information to the LEA. *WIC § 317(e)(4).*

DISCIPLINE RECORDS

A student's educational rights holder 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.*

RESTITUTION

In addition to the school discipline procedures described above, a school may hold a student and his/her parent or guardian liable for property that the student willfully damaged or refused to return. After following certain procedures, a school may withhold the student's grades, transcripts, or diploma until it receives payment. If the student and his/her parent or guardian are unable to pay for the damage or return the property, the school must provide a voluntary work program for the student in lieu of requiring the payment of money. *EC § 48904.*



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Special Education Discipline



California Foster Youth Education Task Force

INTRODUCTION

The law governing school discipline of students with disabilities in California appears primarily in federal statute, *20 USC § 1415(k)*, and regulations, *34 CFR §§ 300.530-300.536*. *EC § 48915.5*.

For general school discipline law, including some discipline terms used in this fact sheet, see the School Discipline fact sheet. For other special education laws, see the Special Education fact sheet.

Students with Disabilities

For purposes of this fact sheet, the protections for “students with disabilities” apply to the following two groups:

- Students who have Individualized Education Programs (IEPs) under special education law.
- Students with disabilities, as defined by special education law, who do not yet have IEPs but whose local educational agency (LEA) “had knowledge” of their disabilities before the conduct that led to the disciplinary action. Some ways an LEA can be found to “have knowledge” are if the student’s educational rights holder has expressed **written** concern about the need for special education to appropriate school or LEA staff or has requested a special education evaluation. However, if the educational rights holder later refused the evaluation or services or the student was evaluated and determined to be ineligible for special education, then s/he usually would not be entitled to these protections. *20 USC § 1415(k)(5)*; *34 CFR § 300.534*.

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)*.

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)*.

NOTICE OF DISCIPLINARY ACTION

A student’s educational rights holder is entitled to be notified of an LEA’s decision to take disciplinary action and of his/her 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 his/her current educational placement to an appropriate “interim alternative educational setting,” other setting, or must 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 student is a **foster child** (as defined at *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 child welfare agency to participate in the meeting. *EC § 48915.5(d)*.

After a student with a disability has been removed from his/her placement for more than 10 school days in the same school year, he/she is entitled to a free appropriate public education (FAPE) during *any* subsequent days of removal. *34 CFR § 300.530(b)(2)*.

(Continued on next page)

Special Education Discipline (continued)



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 his/her disability:

- A functional behavioral assessment (FBA) must be conducted, if one has not already been done. (See the Functional Behavioral Assessments 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 s/he was removed, unless the IEP team agrees to a change of placement as part of the BIP or s/he 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 his/her 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 FAPE, enabling him/her to participate in the general education curriculum and progress toward his/her IEP goals.
- The student must receive, as appropriate, an FBA and 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 hearing, which must be held within 20 school days of a request. The hearing officer can return the student to the placement from which s/he was 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.*

INTERIM ALTERNATIVE EDUCATIONAL SETTING

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 his/her 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. *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) (same).*

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).*

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, visit the website at www.cfyetf.org.

This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

Printed by the Riverside County Office of Education.

Educationally Related Mental Health Services (ERMHS)



California Foster Youth Education Task Force

MENTAL HEALTH SERVICES:

For 25 years, California provided mental health services that students with disabilities required in order to access their education through AB 3632 (also referred to as 26.5 or AB 2726), a joint program between schools and county offices of education.

In 2011, the California Legislature placed responsibility for educationally related mental health services (“ERMHS”) with the school districts, thereby ending the AB 3632 model of service provision. The Legislature used the term “ERMHS” when it ended AB 3632, and the California Department of Education used “ERMHS” in ongoing discussions and in policy guidance memoranda about the transition from AB 3632 to purely school-based ERMHS.

Because eligibility for services is based upon educational need (not court involvement), ERMHS can continue to support a foster youth after he/she successfully leaves court supervision.

What are Educationally Related Mental Health Services (ERMHS)?

ERMHS describes the wide range of services that were previously provided under AB 3632.

IDEA requires that schools provide the services necessary for a child to access his/her education, for example:

- Assessment of mental health needs, including interpretation of such assessments and integration of information in service planning;
- Consultation with the student, family, and staff to develop an appropriate program to serve the youth;
- Individual, group, family, and parent counseling;
- Teaching education rights holders the skills to enable them to support implementation of their youth’s IEP;
- Day treatment;
- Positive behavior intervention, including 1:1 behavioral aides;
- Assessment for, and administration and management of medications; and
- Residential placement.

34 C.F.R. §§ 300.34(a), .34(c)(2), .34(c)(8), .34(c)(10), .34(c)(14), .104; Cal. Educ. §§ 56363(a), (b)(9), (b)(10), (b)(11), (b)(13); 2 C.C.R. §60020(i). Of course, this list is illustrative, not exhaustive. EC § 56363(b); See also 34 C.F.R. § 300.34.

Counseling means services are provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel, and should include therapeutic counseling when a student requires it. 34 C.F.R. § 300.34(c)(2).

Some schools call these services other names like “educationally required mental health services” or “educationally related behavioral services.” Regardless of what your district calls ERMHS, they should understand what is being asked for if requesting ERMHS for youth.

Are ERMHS Like Other Related Services Under IDEA?

Yes. With the repeal of AB 3632, ERMHS are just like other related services under IDEA. For more information on the rules governing special education, see Fact sheet three.

What Is Different Now That AB 3632 has Ended?

County departments of mental health are no longer required to participate in providing ERMHS through special education. Schools are responsible.

Schools can still contract with county departments of mental health. If a county department of mental health is volunteering ERMHS, the recommendation of the county assessor may not be binding on the IEP team.

Medication monitoring will be reviewed carefully on a case-by-case basis and funding for medication through the IEP may be limited to children for whom medication is an integrated part of their educational program, such as a residential placement.

Who Assesses for and Provides ERMHS?

Local educational agencies have three basic options for how to provide ERMHS: (1) they can use their own school-based staff; (2) they can contract with their local department of mental health; or (3) they can contract with nonpublic agencies.

Regardless of which option is used, assessors must be “trained and knowledgeable personnel,” 34 C.F.R. § 300.304(c)(iv), and must be capable of “obtaining, integrating, and interpreting information about student behavior and conditions relating to learning.” 34 C.F.R. § 300.34(c)(10).

Assessments must identify all needs “whether or not commonly linked to the disability category in which the child has been classified.” 34 C.F.R. § 300.304(c)(6).

Where Can I Find More Information?

The California Department of Education’s website has several guidance memoranda on ERMHS:

<http://www.cde.ca.gov/sp/se/ac/ab114twg.asp>

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, please visit the website at www.cfyetf.org.

Fact Sheets have incorporated the Individuals with Disabilities Education Improvement Act of 2004 (effective July 1, 2005) and the California Budget Act of 2011 (effective July 1, 2011).

This fact sheet is current as of February 2014. To report any errors, please e-mail us at cfyetf@gmail.com.

Printed by the Riverside County Office of Education.

Sample Badges: Child Welfare Services

Eye Color	Hair Color
Blue	Brown
Height	Date of Birth
5'8	01/02/3456

55787 11215995-1


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SAN DIEGO COUNTY DEPT.
DEPT. GENERAL SERVICES
5555 OVERLAND AVE.
SAN DIEGO, CA 92123

S.D. COUNTY, U.S.A.

County of San Diego
Health & Human Services Agency
Protective Services Worker

J		1
A		2
N		3
E		4
E		5
		6
	SMITH	7
		8
		9
		0

Date Issued:
05/08/2007



Sample Badges: Probation Department

County of San Diego
PROBATION
SUPV PROBATION OFFICER

Eye Color

BRN

Hair Color

BLK

Height

5'6"

Date of Birth

01/02/11

01234 56789101-1

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SAN DIEGO COUNTY DEPT.
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SAN DIEGO, CA 92123

Notice Law Enforcement Officers

Government Code Sections 3100 and 3101 and County
Ordinance 31.105.1/31 106 declare that all public
employees are "Disaster Service Workers subject to
such activities as may be assigned to them by their
supervisors or by law". The County of San Diego
employee identified by this card has an emergency
response assignment. Please allow passage through
road blocks and into affected areas.

DOE

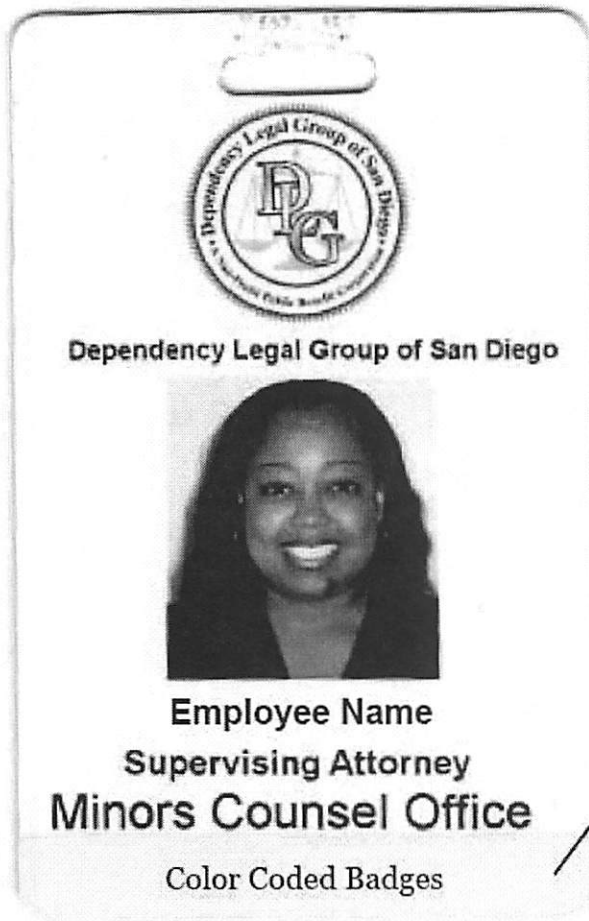
Date Issued:

01/02/2011



S.D. COUNTY, U.S.A.

Sample Badges: Dependency Legal Group



Yellow = Minors Counsel Office
Purple = Conflicts Counsel Office
Green = Conflict Parent Office
Blue = Primary Parent Office

Sample Badges: Voices for Children

A CHILD HEARD.



Jane Doe

CASA



2851 Meadow Lark Drive San Diego, CA 92123 (858) 569-2019

**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"> 1. 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. 2. Develop a plan for the child and share pertinent aspects with the foster parents. 3. 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. 4. 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. 5. Involve foster parents in future planning for the child. The placement shall be reviewed within 6 months. 6. Assist the child in his use of foster care. 7. 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. 8. Provide procedure for grievances of foster parents. 9. 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. 10. Inform foster parents if child has any tendencies toward dangerous behavior. 11. 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. 12. Provide a clothing allowance as permitted to meet initial clothing needs. 13. In cooperation with foster parents arrange for visiting by parents or relatives on: _____. 14. Provide arrangements for school of origin travel as appropriate. 15. Provide assistance with emergencies. Telephone number for after-hours or weekends is: _____. 	<ol style="list-style-type: none"> 1. Provide this child the nurture, care, clothing and training suited to his needs. 2. Develop an understanding of the responsibilities, objectives, and requirements of the Agency in regard to the care of this child. 3. Recognize the Agency's responsibility for planning for this child, as given by the court or the parent(s). 4. Recognize any limitations of consent imposed by the court or the parent. 5. Increase their knowledge and ability to care for this child. 6. Encourage the child's relationships with his parents and relatives. 7. Cooperate in visiting arrangements between child and parents. 8. 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. 9. Respect and keep confidential information given about the child and his family. 10. Immediately notify agency of significant changes in this child's health, behavior, or location. 11. Accept the child's special problems as given above in my provision of care. 12. Help with termination of placement including return to his own parents, relatives home, or adoptive placement. 13. 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. 14. Conform to the licensing/certification requirements. 15. Provide state and federal agencies access to documentation when documentation is maintained on children in their care. 16. 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.) 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). 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. 19. Foster parent agrees to immediately notify the placing agency of any changes to the child's educational travel, withdrawal from school or graduation.

***See Next Page 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		SIGNATURE OF FOSTER FATHER	
NAME OF AGENCY		ADDRESS	
ADDRESS		PHONE NUMBER ()	
PHONE NUMBER ()	DATE	SIGNATURE OF FOSTER CARE CHILD	

Sample Placement Agreement – Form 04-275

AGENCY/CAREGIVER PLACEMENT AGREEMENT

⇒ PLEASE PRINT ⇒

The Childrens Services Social Worker shall complete an individual agreement for each child placed with a caregiver.

Child's Name:	Parent's Name:
---------------	----------------

Child's Birth Date:	Date Placed:	Case Number:
---------------------	--------------	--------------

Caregiver's Name:	Address:
-------------------	----------

- A. Anticipated duration of placement is ____ months. *NOTE: An emergency placement shall not exceed 30 days.
- B. The Agency will pay \$____ per month 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 the provision of care.
- C. HHSa agrees to provide the following assistance including any additional amounts that are to be paid, the reason, amount and conditions shall be set forth here: ____
- D. Child has special problems/needs: N/A Yes
If Yes, Explain: ____
- E. Caregiver is referred to the following Kinship Support Services program and/or Family Resource Center Services ____

Special Permissions: (Special permission for substitute supervision in a licensed home is subject to Community Care Licensing granting an exception to the licensing regulation, which requires that substitute supervision in a licensed foster home be limited to an adult.)

Child 15 years or older has permission to remain without adult supervision during temporary absences of 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 (6) consecutive hours in any one 72-hour period.

Other (Explain) ____

No special permission granted.

HEALTH AND HUMAN SERVICES AGENCY (HHSa) CHILDRENS SERVICES AGREES TO:

1. Provide the caregiver with information on the background of the child necessary for effective care. This may include a social work assessment, medical reports, educational assessment, and identification of special needs.
2. Inform the caregiver of HHSa responsibilities, objectives, and requirements regarding the care of this child.
3. Identify, based on the assessment, what the caregiver(s) needs to be able to provide a safe, adequate home for the child(ren), and what services/support they will be able to provide or arrange.
4. Inform the caregiver they may give the same consents on behalf of the child as the parent(s), except any prohibitions explained by the Social Worker.
5. Develop, with the caregiver, a plan of care for the child and share pertinent aspects with the family.
6. Not remove the child with less than 7 calendar days written notice unless the child is physically or psychologically endangered; court ordered removal; parent(s) or guardian(s) order removal (voluntary placement); signed waiver obtained from the caregiver; removal is from an interim placement directly into an adoptive home.
7. Assist in the maintenance of the child's constructive relationships with parent(s) and other family members and to involve parents in the future planning for this child.

Sample Placement Agreement – Form 04-275

AGENCY/CAREGIVER PLACEMENT AGREEMENT (cont.)

8. Provide procedure for grievances.
9. Contact the child and caregiver at least once every month. If the case plan indicates less frequent contacts, the caregiver will be informed.
10. Inform the caregiver if the child has tendencies toward dangerous behavior as documented in #C above.
11. When possible, provide a Medi-Cal card or other medical coverage at the time of placement. Arrange for a medical examination within 30 days unless the child has had such in the past 6 months and information is available.
12. Provide a clothing allowance as permitted to meet initial clothing needs.
13. In cooperation with caregiver, arrange for visiting by parent(s), siblings or other relatives.
14. Provide assistance with emergencies.
15. Assess the continuing needs of the family and provide services and support to meet the identified needs.

CAREGIVER AGREES TO:

1. Provide this child with nurturing care, clothing and training suited to their needs.
2. Provide or arrange for transportation for the child(ren) in my care. I will provide child(ren) with a car seat unless the child is 6 years or older or weigh 60 lbs. or more. If the child(ren) has out-grown a car seat, I agree to have each child riding in the vehicle use a seat belt.
3. Any person(s) transporting the child(ren) in my care will have a valid California Drivers License and automobile insurance.
4. Develop an understanding of the responsibilities, objectives and requirements of the Health and Human Services Agency (HHS) Childrens Services in regard to the care of this child and the HHS placement resources available to me and the child(ren).
5. Recognize HHS's responsibility for planning for this child, as given by the court or the parent(s).
6. Recognize any limitations of consent imposed by the court or the parent(s) (voluntary placement).
7. Increase my knowledge and ability to care for the child(ren).
8. Encourage the child's relationships with their parent(s) and other relatives, as indicated in the child's case plan when appropriate.
9. Cooperate in visiting arrangements between the child(ren), parent(s) and siblings as indicated in the child's case plan when appropriate.
10. Use constructive alternative methods of discipline. Do not use corporal punishment, or any type of degrading or humiliating punishment. Do not use the threat of removal or deprivation of meals, monetary allowances, visits for parent(s), or home visits as punishment.
11. Respect and keep confidential information given about the child(ren) and their family.
12. Notify the Social Worker immediately of significant changes in this child's health, behavior, location, or changes in the household.
13. Accept the child's special problems as given above in my provision of care.
14. Give the Social Worker prior notice of at least 7 days if removal of the child(ren) is requested unless it is agreed upon with Social Worker that less time is necessary.
15. Help with termination of this placement when necessary, including return to the child's parent(s), placement in another relative's or foster parent home, or other guardian or adoptive placement.
16. Give at least 24-hour telephone advance notice to HHS Childrens Services if I plan to be away from the home for 48 hours or longer.
17. Notify the Social Worker immediately if application is made on behalf of the 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).
18. Remit to HHS 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 HHS the payee for any funds received on behalf of this child.

Sample Placement Agreement – Form 04-275

AGENCY/CAREGIVER PLACEMENT AGREEMENT (cont.)

- 19. Notify Social Worker of any needs, support and/or resources required to continue to care for the child in a safe healthy way.
- 20. Provide state and federal agencies access to documentation when documentation is maintained on children in their care.

I have read, or someone has read to me, this document and I agree to meet these requirements. HHSa Childrens Services has offered supports I will use for the good of the child(ren) and myself. The terms of this agreement shall remain in force until changed by mutual agreement of all parties or when this child is removed from my home.

Signature of Primary Caregiver	Date
Address	
Phone Number	

Signature of Primary Caregiver	Date
Address	
Phone Number	

Signature of Social Worker	Date
Name of Agency	
Address	
Office Phone Number	After Hours Phone Number

PERMANENT PLACEMENT INTENT

In signing this section, the relative caregiver and child notify HHSa of their desire that this child remain in this home as a permanent member of this family and the caregiver.

Signature of Child Placement Worker		Signature of Caregiver	
Title	Name of Agency	Signature of 2 nd Caregiver	
Address		Address	
Phone Number	Date	Phone Number	
		Signature of Foster Child	

AGENCY --- GROUP HOME AGREEMENT Child Placed by Agency in Group Home

Name of Child	Parent's Name
Birthdate of Child	Date Placed
Case Number	

Anticipated duration of placement is _____ months.

The agency will pay \$ _____ per _____ for room and board, clothing, personal needs, recreation, transportation, education, incidentals, supervision and social services. First payment to be made within 45 days after placement with subsequent payments to be made monthly.

If additional amounts are to be paid, the reason, amount and conditions shall be set forth here: _____

Special problems: Yes No If yes, explain. _____

Agency Agrees To	Group Home Agrees To
<ol style="list-style-type: none"> 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, medical reports, educational assessments, 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. 2. Work with the group home toward development of a treatment plan. 3. Work toward termination of child's placement with group home staff. 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. 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. 6. Contact this child in the group home at least once a month. If case plan would indicate less frequent contact, the group home will be informed. 7. Inform group home if child has any tendencies toward dangerous behavior. 8. Provide a Medi-Cal card or other medical coverage at the time of placement. 9. Provide authorization for medical treatment, signed by this child's parent or legal guardian. 10. Provide a clothing allowance as permitted to meet initial clothing needs. 11. Provide assistance with emergencies. Telephone number for after-hours or weekends is: _____ 	<ol style="list-style-type: none"> 1. Provide this child with the nurture, care treatment and training suited to his needs. 2. Follow admission requirements related to medical screening, physical examination, medical testing and immunization. 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. 4. Encourage the maintenance of the natural parent-child relationship and include the child's parents in the treatment plan when possible. 5. Not use corporal punishment, punishment before the group, deprivation of meals, monetary allowances, visits from parents, home visits, threat of removal or any type of degrading or humiliating punishment and to use constructive alternative methods of discipline. 6. Respect and keep confidential information given about the child and his family. 7. Work toward termination of placement on a planned basis with maximum involvement of the child, parents and the agency. 8. Conduct a staffing or review on this child at least quarterly. 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 reverse side of this agreement form. 10. Submit ongoing written evaluations to the agency quarterly. These evaluations shall include information listed on the reverse side of this agreement form. 11. Immediately notify agency of significant changes in this child's health, behavior or location. 12. Submit copies of any pertinent information such as school reports, medical reports and psychological/psychiatric reports as completed. 13. Give 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. 14. Conform to the licensing requirements. 15. Provide state and federal agencies access to documentation when documentation is maintained on children in their care. 16. 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). 17. 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.

I have read the foregoing and agree to conform to these requirements. The terms of this agreement shall remain in force until changed by mutual agreement of both parties or this child is removed from the group home.

Signature of Children Placement Worker		Signature of Authorized Group Home Representative	
Title	Name of Agency	Title	Name of Group Home
Address		Address	
Phone Number	Date	Phone Number	Date

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

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 subsequent payments to be made monthly.

PLACEMENT AGENCY AGREES TO	FOSTER FAMILY AGENCY AGREES TO
<ol style="list-style-type: none"> 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 and identification of special needs. This shall be made available to the FFA within 14 days from date of placement. 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. 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 child and family team meetings to discuss the child's needs and services plan. 4. 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, and subsequent renewals. 5. 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 medical and transportation needs. 6. Maintain contact with the child monthly or as specified in the child's approved case plan. 7. 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. 8. Provide a MediCal 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. 9. Inform the FFA of its clothing allowance policy and provide the funding consistent with those policies or any revised policies. 10. Pay for medical costs incurred prior to the establishment of Medi-Cal eligibility. 11. Verify and remit/reconcile any underpayments within 45 days of FFA notification of such underpayments. 12. Notify the FFA within 12 months of suspected overpayments, in accordance with applicable laws and regulations. 13. Provide for arrangements for school of origin travel as appropriate. 14. Provide a contact telephone number for emergencies and after business hours: Emergency # _____ 	<ol style="list-style-type: none"> 1. Provide this child with foster parent(s) who have been certified to care for the child's needs in accordance with applicable laws and regulations and educational stability requirement. 2. Conform to applicable Title 22, Division 6 regulations and all laws governing foster care. 3. Notify the placing 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. 4. 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 child and family teams whenever possible and cooperate with the reunification process. 5. 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. 6. Respect and keep confidential information given about this child and his/her family. 7. 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 the reverse side of this form, within 30 days of placement of the child. The needs and services plan shall be updated at least every six months. 8. Written progress reports shall be provided at least every six months or more frequently by mutual agreement. 9. Give placing agency 7 day notice of intent to discharge or move this child. Notify the placing agency of any intended move of this child between certified homes prior to the move. The FFA has the authority to move a child in the case of imminent risk to the child or family. The FFA shall notify the placing agency within 24 hours of such move. 10. 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 placing agency caseworker/probation officer on a flow basis every month as visits are completed. 11. Provide state and federal agencies access to records as provided by state and federal law. 12. 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.) 13. Follow any requirements associated with the county's clothing allowance policy and procedures. 14. Remit any overpayment in full to the county welfare department upon receipt of a notice of action or following the completion of due process. 15. Inform county upon discovery of any apparent overpayment. 16. Immediately notify the placing agency of any changes to the child's educational travel arrangements (if applicable) including a change in certified homes.

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 his 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 his 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 ()	
PRINT:	SIGNATURE:		
COUNTY AND NAME OF AGENCY	TITLE		DATE
FOSTER FAMILY AGENCY REPRESENTATIVE'S NAME		PHONE ()	
PRINT:	SIGNATURE:		
NAME OF AGENCY	TITLE		DATE
FFA ADDRESS			

Sample Health and Education Passport**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.

Sample Health and Education Passport

NAME OF AGENCY: Health & Human Services Agency Child Welfare Services			
STREET ADDRESS: 4990 Viewridge Avenue, 1st Floor			
CITY AND ZIP CODE: San Diego, California 92123-1661		COUNTY: San Diego	
NAME OF SOCIAL WORKER: Michael Weinrick	CASELOAD ID: CMS/Michael	TELEPHONE: (858) 514-6714	

CHILD INFORMATION				
CHILD'S NAME: Excel One Test		BIRTH DATE: 09/15/1998	AGE: 11	GENDER: M
NAME ALSO KNOWN BY: Poweruser Test		CHILD ID NUMBER: 0425-7868-0022-6008959		COURT NUMBER: 000000000
CASE NUMBER: 0908-1812-3940-5008860	MEDICAL RECORD NUMBER:	MEDICAL INSURANCE COMPANY NAME / HMO: Phil Faker Insurance Co.	POLICY NUMBER: 111-11111	
ADDRESS: Confidential Address			SOCIAL SECURITY NUMBER:	
			PHONE:	
ETHNICITY: White, Chinese		RELIGION: No Preference	ICWA ELIGIBILITY: N	
PRIMARY LANGUAGE: English		SECONDARY LANGUAGE:		
NAME OF SUBSTITUTE CARE PROVIDER: Confidential Name		RELATIONSHIP TO CHILD OR TYPE OF FACILITY:		
SCHOOL NAME: Carver Elementary		SCHOOL ADDRESS: 3251 Juanita St. San Diego, California 92105-3807		GRADE: 7
PHONE: (619) 583-7021				

Sample Health and Education Passport

CHILD'S NAME
Excel One TestDATE OF BIRTH
09/15/1998CASE ID.#
0908-1812-3940-5008860**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

..... - hgghg

ALLERGIES

DESCRIPTION

None Known

ONSET DATE/FIRST VISIT

DIAGNOSED BY

SUMMARY OF CHILD'S CURRENT HEALTH CONDITION**DEVELOPMENTAL / FUNCTIONAL LIMITATIONS**

- | | | |
|---|--|--|
| <input 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, CURRNT REV |
| <input type="checkbox"/> OTHER DESCRIPTION | | |

CURRENT HEALTH ISSUES

HEALTH PROBLEM Delinquent Behavior	ONSET DATE/FIRST VISIT 07/30/2001	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME Dr.	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
vvnv	07/30/2001		
MEDICATION COMMENTS / INSTRUCTIONS: vvb			

HEALTH PROBLEM	ONSET DATE/FIRST VISIT 09/30/1999	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME brown, david	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
HEALTH PROBLEM DESCRIPTION hgghg		
TREATMENT PLAN / INSTRUCTIONS		

PRESCRIBED MEDICATIONS	START DATE	PROJECTED END DATE	END DATE
test	09/30/1999		

State of California Health and Welfare Agency
Department of Social Services
CWS Case Management System
CP-GHCEP REV (11/2008)**HEALTH AND EDUCATION PASSPORT**

April 21, 2011

Confidential in accordance with
Penal Code Section 11167.5 and/or
WIC Sections 827 and 10850
Page 3 of 7

Sample Health and Education Passport

CHILD'S NAME
Excel One TestDATE OF BIRTH
09/15/1998CASE ID.#
0908-1812-3940-5008860

MEDICATION COMMENTS / INSTRUCTIONS:

aaa

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
Hep B	09/13/1999	No		09/28/1999

CURRENT HEALTH SERVICE PROVIDERS

CURRENTLY RECEIVES SERVICES FROM: CA CHILDREN'S SERV REGIONAL CENTER OTHER

SERVICE PROVIDER NAME	SERVICE PROVIDER TYPE	DATE LAST SEEN
John H:	Counselor	06/15/2009
CLINIC/AGENCY NAME, IF ANY	ADDRESS	

PHONE

PAST HEALTH INFORMATION

BIRTH HISTORY

BIRTH PLACE / HOSPITAL NAME		BIRTH LOCATION (CITY COUNTY STATE AND COUNTRY)			
El Cajon		El Cajon California United States			
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? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

HEALTH PROBLEM DESCRIPTION

TREATMENT

PAST HEALTH SERVICE PROVIDERS

PREV. RECEIVED SERVICES FROM: CA CHILDREN'S SERV REGIONAL CENTER OTHER

SERVICE PROVIDER NAME	SERVICE PROVIDER TYPE	DATE LAST SEEN
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State of California Health and Welfare Agency
Department of Social Services
CWS Case Management System
CP-OHCHEP REV (11/2008)

HEALTH AND EDUCATION PASSPORT

April 21, 2011

Confidential in accordance with
Penal Code Section 11187.5 and/or
WIC Sections 827 and 10850
Page 4 of 7

Sample Health and Education Passport

CHILD'S NAME
Excel One Test

DATE OF BIRTH
09/15/1998

CASE ID. #
0908-1812-3940-5008860

CLINIC/AGENCY NAME, IF ANY

ADDRESS

PHONE

State of California Health and Welfare Agency
Department of Social Services
CWS Case Management System
CP-OHCHEP REV (11/2008)

HEALTH AND EDUCATION PASSPORT

April 21, 2011

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Penal Code Section 11167.5 and/or
WIC Sections 627 and 10850
Page 5 of 7

Sample Health and Education Passport

CHILD'S NAME
Excel One Test

DATE OF BIRTH
09/15/1998

CASE I.D.#
0908-1812-3940-5008860

FAMILY MEDICAL HISTORY

MATERNAL - SIGNIFICANT HEALTH PROBLEMS

PATERNAL - SIGNIFICANT HEALTH PROBLEMS

State of California Health and Welfare Agency
Department of Social Services
CWS Case Management System
CP-OHCHEP REV (11/2006)

HEALTH AND EDUCATION PASSPORT

April 21, 2011

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WIC Sections 827 and 10850
Page 6 of 7

Sample Health and Education Passport

CHILD'S NAME
Excel One TestDATE OF BIRTH
09/15/1998CASE ID.#
0908-1812-3940-5008860

EDUCATION INFORMATION

PARENT(S) / GUARDIANS EDUCATIONAL RIGHTS LIMITED? YES NO
COURT APPOINTED EDUCATION REPRESENTATIVE _____ PHONE NUMBER _____DOES THE CHILD HAVE AN INDIVIDUALIZED EDUCATION PROGRAM (IEP/IFSP)? YES NO MOST RECENT IEP DATE: _____
LOCATION OF EDUCATIONAL RECORDS / ATTEMPTS TO ACQUIRE _____ARE TRANSITIONAL INDEPENDENT LIVING SERVICES BEING PROVIDED? YES NO

CURRENT

SCHOOL NAME Carver Elementary PHONE (619) 583-7021

SCHOOL ADDRESS:
3251 Juanita St.
San Diego, California 92105-3807

CONTACT NAME Stephanie Mahan START DATE 09/03/2007

EXPLANATION IF CHILD WAS NOT PLACED IN PROXIMITY OF PREVIOUS SCHOOL ENROLLMENT _____

SPECIAL EDUCATION NEEDS OF THIS CHILD _____

GRADE	GRADE LEVEL PERFORMANCE	TEACHER / COUNSELOR NAME	START DATE
7			09/01/2009

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS _____

PREVIOUS

SCHOOL NAME Carver Elementary PHONE (619) 583-7021

SCHOOL ADDRESS:
3251 Juanita St.
San Diego, California 92105-3807

CONTACT NAME Stephanie Mahan START DATE 09/03/2007 END DATE _____

REASON CHILD LEFT SCHOOL _____

SPECIAL EDUCATION NEEDS OF THIS CHILD _____

GRADE	GRADE LEVEL PERFORMANCE	TEACHER / COUNSELOR NAME	START DATE	END DATE
6			09/03/2008	06/30/2009

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS _____

EDUCATION RECORD IEP START DATE 04/21/2009 END DATE _____

EDUCATION RECORD COMMENTS _____

State of California Health and Welfare Agency
Department of Social Services
CWS Case Management System
CP-OHCHEP REV (11/2008)

HEALTH AND EDUCATION PASSPORT

April 21, 2011

Confidential in accordance with
Penal Code Section 11167.5 and/or
WIC Sections 827 and 10850
Page 7 of 7

PLACEMENT NEEDS AND SERVICES PLAN

Please check one: Licensed Foster Care Approved Relative/Non-Relative Extended Family Member

Name of Child:

DOB:

DSS #:

Assigned SW:

Address:

Fax #:

Phone #:

Supervisor:

Address:

Child's Atty:

Address:

Child's CASA (if applicable):

Address:

Phone #:

ext:

Fax #:

Court/Petition #:

Court Address:

Department:

The following forms are attached (check all that apply):

Mandatory Forms

- Dangerous Propensities (04-75)
 Medi-Cal or Insurance Card attached. Type: _____
 Medi-Cal or Insurance # (if card not attached): _____
 Agency/Caregiver Placement Agreement(04-275)
 04-24 or 04-24C and 04-24A-P or 04-24A-C

Other (if applicable/ available)

- Birth Certificate or Passport
 CWS Placement History Report
 PCC Discharge Summary
 PCC Face Sheet

- PCC School Discharge
 Pictures
 Report Cards
 IEP
 Psychotropic Med Authorization (JV 220)
 Child Transition Information (04-325) or All About Me

Family has a history of (check all that apply):

- Child(ren) previously in custody
 Domestic Violence
 Health Problems
 Mental Health Problems
 Neglect
 Physical Abuse
 Substance Abuse (drugs/alcohol)
 Sexual Abuse
 Other Concerns:

Child's Case Plan Goal:

Child's Permanency Alternative/Concurrent Plan Goal:

Child's Court Ordered Visitation Plan:

Level of supervision by caretaker (Can the child go to the movies, walk to school by him/herself, play in front yard, etc?):

Who may visit (siblings, parents, grandparents, etc.):

Frequency:

Dates and Times, if applicable:

Who will transport:

Child's service needs (required): Case Plan Individual Client Responsibilities Report for this child is attached.

Does the child need a medical examination and/or dental examination within 30 days of placement date? (REQUIRED for all initial placements if child has not had exam at PCC or North County Assessment Center.)

Medical YES NO Date of last exam:

Dental YES NO Date of last exam:

Health and Education Summary Note: Division 31 regulations require a H&E summary be provided to caregiver as soon as possible, but no later than 30 days of initial placement or 48 hours for change of placement. The Health and Education Passport (HEP) is the preferred method. In the absence of an existing HEP, the H&E information must be documented below.

- Health and Education Passport is attached, OR (if there is no information in the HEP, do not attach, complete below)
 A summary of all known health and education information is outlined below:

Health:

- Known medical problems / allergies/ special diet instructions:
 Health issues requiring caregiver to give injections, i.e.; severe diabetic hypoglycemia, anaphylactic shock, insulin, etc.: YES NO
 If yes, view written verification from the licensed health care professional that caregiver has been trained on giving injections and document this on the [FC-16 Medically Fragile Special Training Log](#), then file in case file.

- Medications (all medication in possession of Agency must be provided to SCP):
 Health and Education Questionnaire completed by parent(s) (Court form JV-225) is attached
 Immunization Record is attached (SW can contact HEP clerk to print immunization record)
 PCC Medical Discharge is attached

Name & address of Doctor:

Telephone Number:

Name & address of Dentist:

Telephone Number:

PLACEMENT NEEDS AND SERVICES PLAN**Education:**

School Name and address:

Grade: Is child at grade level? YES NO Grade level performance: Report Card attached Does the child have an IEP? YES NO Is the child in Special Education? YES NO

Educational or Developmental Rights are held by (insert name, address & telephone, and date ordered OR attach copy of JV 535 and JV 535A):

 Efforts to keep child in the school of origin were made (see items to consider on optional form 04-95). All COP Education Forms were completed (04-91, 04-92 and 04-93).**Quality Parenting Initiative (QPI) Partnership Agreement (04-296):** Reviewed with Caregiver**Therapist:** YES NO

Name of Therapist: Address & Telephone Number:

Frequency: Plan (include transportation plan):

Psychiatrist: YES NO

Name: Address & Telephone Number:

Frequency: Plan (include transportation plan):

Payment Rates: AFDC-FC Basic CalWORKs KinGAP (for relatives who choose Guardianship) Referred for Special Care Rate**Can child manage his/her own cash resources?** YES NO What form of allowance?**Clothing:** Initial Clothing allowance is available? Change of Placement Clothing allowance is available? 04-61 clothing & personal belongings inventory attached? YES NO YES NO YES NO**Recreation and other interests:****Religion and Religious Activities:****Independent Living Skills:** YES NO Where: ILS Plan attached**Other needs:****Caregiver has been reminded of the following:**

- CHILD ABUSE HOTLINE ☎ 858-560-2191, North County toll free 800-344-6000
- Normalcy/Prudent Parent
- Public Assistance Information Unit/Public Inquiry (HHS) 858-514-6885 or 866-262-9881
- Areas in which caregiver can or cannot give consent.
- Confidentiality regulations.
- Conflict resolution procedure.
- Out-of-County Travel Guidelines
- HEP PHN: _____ Phone #: _____ Fax #: _____

Social Worker Signature: _____**Caregiver Signature:** _____**Date:** _____ Foster Parent Relative
 Non-Relative Extended Family Member**Date:** _____

APPRAISAL/NEEDS AND SERVICES PLAN

CLIENT'S/RESIDENT'S NAME	DATE OF BIRTH	AGE	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE
FACILITY NAME	ADDRESS			CHECK TYPE OF NEEDS AND SERVICES PLAN: <input type="checkbox"/> ADMISSION <input type="checkbox"/> UPDATE
PERSON(S) OR AGENCY(IES) REFERRING CLIENT/RESIDENT FOR PLACEMENT			FACILITY LICENSE NUMBER	TELEPHONE NUMBER ()

Licensing regulations require that an appraisal of needs be completed for specific clients/residents to identify individual needs and develop a service plan for meeting those needs. If the client/resident is accepted for placement the staff person responsible for admission shall jointly develop a needs and services plan with the client/resident and/or client's/resident's authorized representative referral agency/person, physician, social worker or other appropriate consultant. Additionally, the law requires that the referral agency/person inform the licensee of any dangerous tendencies of the client/resident.

NOTE: For Residential Care Facilities for the Elderly, this form is not required at the time of admission but must be completed if it is determined that an elderly resident's needs have not been met.

BACKGROUND INFORMATION: *Brief description of client's/resident's medical history/ emotional, behavioral, and physical problems; functional limitations; physical and mental; functional capabilities; ability to handle personal cash resources and perform simple homemaking tasks; client's/resident's likes and dislikes.*

NEEDS	OBJECTIVE/PLAN	TIME FRAME	PERSON(S) RESPONSIBLE FOR IMPLEMENTATION	METHOD OF EVALUATING PROGRESS
SOCIALIZATION — Difficulty in adjusting socially and unable to maintain reasonable personal relationships				
EMOTIONAL — Difficulty in adjusting emotionally				

NEEDS	OBJECTIVE/PLAN	TIME FRAME	PERSON(S) RESPONSIBLE FOR IMPLEMENTATION	METHOD OF EVALUATING PROGRESS
MENTAL — Difficulty with intellectual functioning including inability to make decisions regarding daily living.				
PHYSICAL/HEALTH — Difficulties with physical development and poor health habits regarding body functions.				

NEEDS	OBJECTIVE/PLAN	TIME FRAME	PERSON(S) RESPONSIBLE FOR IMPLEMENTATION	METHOD OF EVALUATING PROGRESS
FUNCTIONING SKILLS — Difficulty in developing and/or using independent functioning skills.				

We believe this person is compatible with the facility program and with other clients/residents in the facility, and that I/we can provide the care as specified in the above objective(s) and plan(s).

TO THE BEST OF MY KNOWLEDGE THIS CLIENT/RESIDENT DOES NOT NEED SKILLED NURSING CARE.

LICENSEE(S) SIGNATURE

DATE

▶

I 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/resident

CLIENT'S/RESIDENT'S AUTHORIZED REPRESENTATIVE(S)/FACILITY SOCIAL WORKER/PHYSICIAN/OTHER APPROPRIATE CONSULTANT SIGNATURE

DATE

▶

I/We have participated in and agree to release this assessment to the licensee(s) with the condition that it will be held confidential.

CLIENT'S/RESIDENT'S OR CLIENT'S/RESIDENT'S AUTHORIZED REPRESENTATIVE(S) SIGNATURE

DATE

▶

Sample School Emergency Card: Grossmont Union High School District

HEALTH HISTORY

Please check and briefly explain any of the health problems that apply to your student:

Allergies _____

Asthma _____

Is inhaler used at school? Yes No

Brand Name _____

Diabetes _____

Heart Problems _____

Seizures/Convulsions _____

Serious Injuries _____

Vision Problems _____

No known Medical or Health Problems Date Last Physical Exam _____ Date Last Dental Exam _____

California State Law requires that the parent inform the school if their children take medication on a continuous basis for a non-episodic condition.

Take Medication At Home At School

Medication _____ Diagnosis _____ Dosage _____ Time _____

Medication _____ Diagnosis _____ Dosage _____ Time _____

Physical Education Restrictions (Physician's note required) _____

Bee/Wasp(stings) When Stung _____

Extensive swelling Yes No

Breathing difficulty Yes No

Medication required Yes No

Epi-Pen Yes No

Seen by physician Yes No

Dr. Name & Number _____

Hearing Problems _____

Operations _____

Serious Illness _____

Speech Problems _____

Other Medical or Health Problems _____

GROSSMONT UNION HIGH SCHOOL DISTRICT – EMERGENCY INFORMATION

Student# _____ M _____ F _____

<small>First Letter of Last Name</small>	NAME _____			GRADE _____	DATE OF BIRTH _____
	<small>Last</small>	<small>First</small>	<small>Middle</small>		
	ADDRESS _____			CITY _____	PHONE _____
	<small>Street</small>	<small>City</small>	<small>Zip</small>		

EMERGENCY INFORMATION

It is vitally important for the safety and well being of your student that we have the information requested on this card in case of EMERGENCY. Please fill out card COMPLETELY. A card is needed for EACH STUDENT. Notify the Nurses Office immediately about any change to this information. ✓ Check which parent should be called first.

FATHER OR GUARDIAN: _____ CELL _____

EMPLOYER _____ PHONE _____ EXT _____

MOTHER OR GUARDIAN: _____ CELL _____

EMPLOYER _____ PHONE _____ EXT _____

IF PARENTS CANNOT BE REACHED PLEASE NOTIFY (someone with car):

1. Name _____ Address _____ Phone _____

2. Name _____ Address _____ Phone _____

DOCTOR AND DENTIST TO CALL IN EMERGENCY

1. _____ M.D. Address _____ Phone _____

2. _____ D.D.S. Address _____ Phone _____

NAME OF HEALTH INSURANCE _____ Medi-Cal Yes No

If none of the above is available, your child will be transported by ambulance to the nearest hospital, only in a life threatening emergency.

Which Hospital _____ Address _____ Phone _____

Date _____ Signature of Parent or Guardian _____

Sample School Emergency Card: South Bay Union School District

For Information **ONLY** – You will be required to fill this form out at the school site when registering

Student's Last Name	First Name	Middle	School Use Only
Date of Birth	Grade	Teacher	

**SOUTH BAY UNION SCHOOL DISTRICT STUDENT EMERGENCY INFORMATION
VERIFICATION OF RECEIPT OF PARENTS AND STUDENTS RIGHTS AND RESPONSIBILITIES REQUIRING ANNUAL NOTIFICATION**

Student's Home Address	Apt. #	City	Zip Code	Home Phone #		
Student lives with: (circle one)	Parents	Father	Mother	Guardian	Foster Parents	Other (relationship to student)
Mother/Guardian's Name	Place of Employment	Address	Work Phone # (Area Code) & Extension	Cell Phone #	e-mail address	
Father/Guardian's Name	Place of Employment	Address	Work Phone # (Area Code) & Extension	Cell Phone #	e-mail address	
Childcare Provider (if any)	Address	Childcare Provider Phone #				
Sister/brother attends school	Name	School	Grade	Name	School	Grade

In case of an emergency, illness or accident, indicate a relative or friend who will pick up and care for your child, your child can only be released to persons listed below:

NAME	ADDRESS	PHONE#
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Remarks: (Physical Health conditions which may need special care) _____

Does your child take medication prescribed by a doctor? _____

Health Insurance Company Name _____

IF, in the option of school officials, your child requires medical immediate attention and we are unable to reach you, an ambulance will be called at your expense to transport him/her at your expense to transport him/her to the nearest emergency hospital.

I certify under penalty of perjury that the home address listed above is true and correct. I have received a copy of the Parents and Students Rights and Responsibilities Requiring Annual Notification.

Signature of Parent or Guardian _____ Date _____

IN ORDER FOR YOUR CHILD TO REMAIN IN SCHOOL, THIS CARD MUST BE COMPLETED AND RETURNED.

ZA040(Rev.3/09) Parents and Students Rights and Responsibilities

Para información **SOLAMENTE** – La escuela le pedirá que llene esta forma cuando registre a su hijo

Apellido del Estudiante	Primer Nombre	Segundo Nombre	Uso Escolar Únicamente
Fecha de Nacimiento	Grado	Maestro	

**DISTRITO ESCOLAR DE SOUTH BAY UNION - INFORMACION DE EMERGENCIA
VERIFICACION DE RECIBO DE LOS DERECHOS Y RESPONSABILIDAD DE PADRES Y ESTUDIANTES QUE REQUIEREN NOTIFICACION ANUAL**

Lugar de Residencia	# de Apto.	Ciudad	Código Postal	# de Teléfono		
Vive el Estudiante con: (circule uno)	Padres	Padre	Madre	Tutor	Padres Adoptivos	Otro (relacion al alumno)
Nombre de la Madre/Tutor	Lugar de Empleo	Domicilio	# Teléfono de Empleo	# de Teléfono Celular	correo electrónico	
Nombre de Padre/Tutor	Lugar de Empleo	Domicilio	Teléfono de Empleo	# de Teléfono Celular	correo electrónico	
Persona Encargada del Cuidado del Niño (si existe)	Nombre	Domicilio	# Teléfono de Persona Encargada del Cuidado del Niño			
Hermano/Hermana que asiste(n) a la escuela	Nombre	Escuela	Grado	Nombre	Escuela	Grado

En caso de emergencia, enfermedad o accidente, indique el nombre de su pariente o amigo que recogerá y cuidará a su hijo(s). En caso de personas llamadas abajo podrán recoger a su hijo(s):

NOMBRE	DOMICILIO	# TELEFONO
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Comentarios: (Condiciones de salud física en las cuales necesite cuidado especial) _____

¿Su hijo(s) toma medicamento recetado por un doctor? _____

Nombre de la Compañía de Aseguración Médica _____

Si en la opinión de la administración escolar, se decide que su hijo/s requiere atención médica inmediata y nos fue imposible comunicarnos con usted, se llamará a una ambulancia a costo suyo para transportarlo/a al hospital de emergencia más cercano.

Yo certifico bajo pena de juramento que el lugar de residencia indicado arriba es correcto y verdadero. Yo he recibido una copia de los Derechos y Responsabilidades de Padres y Estudiantes que Requieren Notificación Anual.

Firma del Padre o Tutor _____ Fecha _____

PARA QUE SU HIJO PUEDA PERMANECER EN LA ESCUELA, ES NECESARIO LLENAR Y DEVOLVER ESTA TARJETA.

ZA040(Rev.3/09)

Judicial Checklist Regarding: Education

ADDITIONAL CALIFORNIA-LAW BASED QUESTIONS TO ENSURE THAT THE EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN FOSTER CARE ARE BEING ADDRESSED

This supplement to *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care Are Being Addressed*, published by the National Council of Juvenile and Family Court Judges, Reno, Nevada, 2005, provides additional citations and details specific to California law. **It is not a stand-alone document.**

Additional California Foster Care Education-Law Fact Sheets are also available at:
http://clcla.org/train_educat.htm

EDUCATIONAL RIGHTS

Who holds the rights to make educational decisions for the child? WIC § 361; GC § 7579.5

- Has the court limited the parents/guardian's right to make these decisions? *WIC § 361*
 - If so, did the court appoint a "responsible adult" to make these decisions? *WIC § 361*
 - If the court appointed a responsible adult, did the youth's attorney, child welfare worker, caregiver, or other appropriate adult forward a copy of the JV-535 Form that identifies who now holds educational rights for the child to the school district?
 - If 1) the parent/guardian's rights were limited, 2) the court could not identify a responsible adult, and 3) the child is eligible or suspected of being eligible for special education, has the school district been notified that it needs to appoint a surrogate (*GC § 7579.5*) and given a JV-536 form?
 - If so, did the district appoint a surrogate within 30 days of the request? *20 USC § 1415(b)(2)(B); GC § 7579.5(a).*

Note: County social workers can NEVER be appointed to make educational decisions. If a group home or other non-public agency provides the child with educational care or has another conflict of interest, an employee of that agency may NOT be appointed to make educational decisions for a child or sign special education documents. See *GC § 7579.5(i)-(j)*

TRANSFER & ENROLLMENT ISSUES (AB 490 / MCKINNEY-VENTO)

Did the child move to a new school district?

- If so, did the child remain in his/her school of origin? *EC § 48853.5(d)*

Note: If yes and the child is "awaiting foster care placement," the federal McKinney-Vento Act entitles the child to transportation to the school of origin. *42 U.S.C. § 11434a(2)(B)(i)*

- If the child did NOT remain in the school of origin, why not?
 - Did the social worker/probation officer who chose the placement consider *proximity to the child's school* and the impact the placement would have on the *child's educational stability*? *WIC § 16501.1(c)(1)*

Note: Social workers and probation officers may access education records to perform educational case-management responsibilities. *EC § 49076(a)(11)*

- Was a regular public school considered as the first school placement option? *EC § 48853*

Judicial Checklist Regarding: Education

- As soon as the placing agency knew the child would need to transfer schools, did the agency: 1. Notify the school of the student's last expected day of attendance; 2. Request calculation of the student's seat time, credits, and grades; and 3. Request that the student be transferred out? *EC § 49069.5(c)*
- Did the former school check the child out and forward school records (including, current classes and grades, immunization records, special education records like 504 plans or IEP documents, and partial credits if mid-year) to the new school within 2 days? *EC §§ 49069.5(c-e); 48645.5*
- Was the child immediately enrolled in the new school regardless of whether the new district had transcripts, immunization records, etc? *EC § 48853.5(d)(4)(B)*
- If the child was in special education and transferred to a new school, were services comparable to the services required by the existing IEP immediately provided following transfer? *EC § 56325(a)*.
 - If the child's new school is in a different special education local plan area (SELPA) and the local education agency did not adopt the previous IEP, did the SELPA/district hold a meeting within 30 days of transfer to develop a new IEP? *EC § 56325(a)*.

Note: When a child receiving special education services moves, it is especially important to transfer records as soon as possible to ensure appropriate placement.

GROUP HOMES / FOSTER FAMILY AGENCIES AND NON-PUBLIC SCHOOLS

Does the child attend a non-public school?

- If so, does the child have a valid IEP requiring attendance at that non-public school or has the person who holds education rights provided consent? *EC § 48853(a)*

Note:

- A group home, nonpublic school, and/or foster family agency may NOT require that educational authority be designated to them as a condition of placement. *EC § 48854*.
- A group home may NOT condition residential placement on attendance at a nonpublic school or agency owned, operated by, or associated with the home. *EC § 56366.9; HSC 1501.1(b)*.

SPECIAL EDUCATION

Does the child have special needs?

If so, please be sure to reference pages 4-5 of the national Checklist for important questions. Additional California-based special education information is also in fact sheets available at: http://doe.ca.gov/alt_education.htm.

- If the child is eligible for special education services *and* requires mental health services to benefit from that educational program, has the school district referred the child to the County Department of Mental Health for an AB 3632 / AB 2726 assessment? *GC §§ 7576; 7572*
 - If the school district refused to make this referral, did the educational rights holder immediately request an IEP meeting, as s/he is authorized to do? *EC § 56043(l)*

Note: A child does not have to be eligible for special education services as "emotionally disturbed" to qualify for AB 3632 mental health services.

Judicial Checklist Regarding: Education

- If the child is 16 years of age or older, does the IEP contain a Transition Plan? *20 USC § 1414(d)(A)(i)(VIII); EC § 56345(a)(8).*

Also note: Student Study/Success Team (SST) meetings can be useful, but are not legally mandated and should not be held instead of an IEP Meeting when a parent, teacher, or other service provider has specifically requested an assessment to determine whether the child is eligible for special education services. Once an assessment is requested in writing by any of the above individuals, the school district is subject to mandatory timelines by which it must conduct the assessment. *EC §§ 56029; 56043*

SCHOOL DISCIPLINE ISSUES

Has the child been suspended or expelled?

- If a child was suspended, did the district comply with the legal requirements prior to and following the suspension? *EC § 48900 et seq.*
- If a child was expelled, did the school district hold a formal expulsion hearing and comply with the due process provisions of the law? *EC § 48900 et seq.*
 - If the child was in special education, did the school hold a *Manifestation Determination* IEP Meeting prior to recommending the child for expulsion? *20 USC § 1415(k)(1)(E); EC § 48915.5.*

OTHER EDUCATIONAL RIGHTS UNDER CALIFORNIA LAW

Are these rights under California law being respected?

- If the child's home language is not English, has the school district assessed whether the child is an English Learner or a student of limited English proficiency (LEP)? *EC § 52164; 5 CCR § 11307*
 - If the child is identified as LEP, is the district providing services to ensure s/he is acquiring English language proficiency and has meaningful access to the core curriculum? *EC §§ 305, 310; 5 CCR § 11302; 20 USC § 1703(f)*

Rights Specific to Foster Youth:

- Is an eligible child being allowed to participate in extra-curricular activities and go to Independent Living Skills Program classes? *WIC §§ 362.05; 16001.9; 22 CCR §§ 83072; 84072; 89372*
- Is the child's placement giving him/her assistance with schoolwork? *22 CCR §§ 83079 (a)(4); 84068.2 (b)(2); 84079 (a)(4)*
- Have the child's grades been unlawfully lowered due to absences caused by a change in placement, attendance at a court hearing or other court-related activity? *EC § 49069.5(h)*
- Is the child receiving information about higher education if s/he is over 16 years old? *WIC § 16001.9*
- For every child over 16 (regardless of whether the child has special needs) – Is the placing agency offering services necessary to help make him/her make the transition from foster care to independent living? *WIC § 366.3(e)(10)*

Note: IEPs for children with special needs must also address transition plans.

Judicial Checklist Regarding: Education

Key to Citations:

CCR – California Code of Regulations
 EC – California Education Code
 GC – California Government Code
 HSC – California Health & Safety Code
 USC – United States Code
 WIC – California Welfare & Institutions Code
 JV Forms – Judicial Council forms used in juvenile court matters

For more information about the national Checklist, its accompanying *Technical Assistance Brief*, the evaluation project, or to obtain additional copies of that document, please contact:

Permanency Planning for Children Department
 National Council of Juvenile and Family Court Judges
 P.O. Box 8970
 Reno, NV 89507
 (775) 327-5300
ppcd@ncjfcj.org
www.ncjfcj.org

Additional copies of the national Checklist and its accompanying *Technical Assistance Brief* are also available for download at <http://www.ncjfcj.org>.

For additional copies of the California supplement or more information about the California Foster Youth Education Task Force, please contact:

Erin Saberi,	or	Sarah Vesecky
Casey Family Programs		Children's Law Center of Los Angeles
(916) 952-5080		(323) 980-1700
esaberi@casey.org		VeseckyS@clcla.org



Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed. National Council of Juvenile and Family Court Judges, Reno, Nevada and made possible with a grant from Casey Family Programs. Adapted by Amy Levine, Jennifer Troia, Sarah Vesecky and Christopher Wu with Permission from NCJFCJ. © 2005

Committee Contact Information

To facilitate communication among the agencies in the implementation of the interagency agreement, the following list of contacts has been provided:

Agency	Position/Region	Name	Phone	E-Mail
Casa De Amparo:	Assistant Director of Programs	Tamara Fleck-Myers	760-453-2300	tfleck-myers@casadeamparo.org
Commission on Children Youth and Families	Executive Director	Tonya Torosian	(619) 338-2055	tonya.torosian@sdcounty.ca.gov
County Counsel	Senior Deputy County Counsel	Dana Shoffner		
County Office of Education: Foster Youth Services	Coordinator, Foster Youth Services	Michelle Lustig	(858) 503-2628	mlustig@sdcoe.net
	Project Supervisor	Susanne Terry	(858) 503-2638	susanne.terry@sdcoe.net
Dependency Legal Group	Executive Director	Candi M. Mayes	(619) 865-8964	DLGSD.Pres@gmail.com
	Supervising Attorney	Tilisha Martin	(619) 795-1542	tmartin@dlgsd.com
Grossmont Union High School District	Coordinator of Child Welfare & Attendance	Jennifer Mendel	(619) 644-8014	jmendel@guhsd.net
Health and Human Services Agency, Child Welfare Services	Policy Analyst	Leah van Lingen	(858) 514-6655	Leah.Vanlingen@sdcounty.ca.gov
	Policy Analyst	Nilanie Ramos	(619) 767-5457	Nilanie.Ramos@sdcounty.ca.gov
	CWS Manager	Leesa Rosenberg	(858) 514-6639	Leesa.rosenberg@sdcounty.c a.gov
Lakeside Union School District	Director of Student Support Services	Nancy Fink	(619) 820-7653	nfink@sdcoe.net
Juvenile Court	Special Projects Manager			
Poway Unified School District	Alternative Programs Director	Martha Parham	(858) 679-2531	mparham@powayusd.com
Probation Department	Supervising Probation Officer Placement Division	Frank Andrade	(858) 694-4247	frank.andrade@sdcounty.ca.gov
Public Defender	Supervising Dependency Attorney	Ana Espana	(858) 974-5703	Ana.espana@sdcounty.ca.gov
Alternate Public Defender	Supervising Attorney	Robert Gulemi	(858) 974-5912	Robert.Gulemi@sdcounty.ca.gov
San Diego Unified School District	Program Manager, Student Services	Pamela Hosmer	(619) 725-7652	phosmer@sandi.net
South Bay Union School District	Director of Student Services	Russell Coronado	(619) 628-1660	rcoronado@sbusd.k12.ca.us
Superior Court of California	Special Projects Manager	Marilou Alcantar		Marilou.Alcantar@SDCourt.CA.gov
Vista Unified School District	Student Services	Rebecca Benner	(760) 726-2170 x2377	rebeccabenner@vusd.k12.ca. us
Voices for Children	Senior Advocacy Supervisor	Jane Wehrmeister	(858) 598-2208	JaneW@speakupnow.org

Click on the following link to identify the AB490 Foster Care Liaison for each San Diego County School District:
<http://www.sdcoe.net/ssp/support/pdf/Liaison.pdf>

Subcommittee Contact Information Appendix H

Agency	Position/Region	Name	Phone	E-Mail
Child Welfare Services	CWS Policy Analyst /CWS Civil Rights Liaison	Melinda Verbon	858-616-5880	Melinda.verbon@sdcounty.gov
Chula Vista Elementary School District	District Social Worker	Lea Bernstein	619-213-4062	Lea.bernstein@cvesd.org
Dependency Legal Group		Carolyn Levenberg		
Grossmont Union High School District	Coordinator Child Welfare and Attendance	Jenifer Mendel	619-644-8014	jmendel@guhsd.net
Office of County Counsel	Chief Deputy	John Philips	858-492-2530	John.philips@sdcounty.ca.gov
Probation Department	Supervising Deputy Probation Officer	Frank Andrade	858-694-4247	Frank.andrade@sdcounty.ca.gov
Probation Department	Probation Operations Support Manager	Nikki Horton		Nikki.Horton@sdcounty.ca.gov
Probation Department	Division Chief	Lisa Sawin		Lisa.sawin@sdcounty.ca.gov
Probation Department	Supervising Probation Officer	Leticia Bombardier		Leticia.bombardier@sdcounty.ca.gov
Probation Department	Contracts and Procurement Manager	Sean Behan		Sean.behan@sdcounty.ca.gov
San Diego County Office of Education/FYSCP	Program Manager	Michelle Lustig	619-683-9340 x 31	mlustig@sdcoe.net
San Diego County Office of Education/FYSCP	Project Specialist I	Mindy Kukich	619-683-9340 x. 33	mkukich@sdcoe.net
San Diego County Office of Education/FYSCP Homeless Education Services	Project Specialist I	Susie Terry	619-683-9340 x. 30	Susanne.terry@sdcoe.net
San Diego County Office of Education	Student Support Supervisor	Stephanie Johnston Austin	619-990-4853	stephj@sdcoe.net

Subcommittee Contact Information Appendix H

San Diego Unified School District	Assistant General Counsel II	Patrick D. Frost	619-725-5630	pfrost@sandi.net
San Diego Volunteer Lawyer Program		Linda Johnson	619-235-5668	ljohnson@sdvlp.org
Sweetwater Union High School District	Family Community Services Program Coordinator	Molly Ravenscroft	619-934-8666	Molly.ravenscroft@sweetwaterschools.org
Voices for Children	Senior Advocacy Supervisor	Jane Wehrmeister	858-598-2208	jane@speakupnow.org



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 Linda Vista Road, San Diego, CA 92111 • 858-292-3500 • www.sdcoe.net
 Randolph E. Ward, Ed.D., Superintendent of Schools

February 23, 2016

Dear San Diego County School District Foster Care Liaisons,
 Pupil Services Administrators and Directors of Special Education:

The San Diego Office of Education, Student Support Services Division, and Foster Youth Services Coordinating Program (FYSCP) has worked through our FYSCP Executive Advisory to assist all San Diego County school districts in responding to the Education Code changes in AB 1909 which went into effect January 1, 2013. These changes require notification to the students' attorney and the local child welfare authority when a student in foster care is going to a manifestation or expulsion hearing. The exact code section with amendments is below for your reference.

The two contacts for all San Diego County School Districts **have been updated** and are as follows:

Child Welfare Authority:

San Diego County Health and Human Services Agency,
 Child Welfare Services
 Melinda Verbon, Program Specialist
 (619) 767-5289
melinda.verbon@sdcounty.ca.gov

Minors Attorney:

Dependency Legal Group
 Carolyn Levenberg, Supervising
 Attorney (619) 795-1548
clevenberg@dlgsd.com

Ms. Verbon and Ms. Levenberg will ensure notices are distributed to the appropriate social worker and attorney. Attached for your reference are the amended education codes. Please contact our office at (619) 683-9340 x16 if you should have any questions regarding this matter.

Best regards,

Michelle Lustig, Ed.D, MSW, PPS
 Manager, Foster Youth and Homeless Education Services Program
 Student Support Services
 San Diego County Office of Education
 ML:vm

Service and leadership that maximizes the success of all students

Board of Education

Mark C. Anderson Guadalupe González Alicia Muñoz Gregg Robinson Rick Shea

Education Code Affected by AB1909

(Effective January 1, 2013)

SEC. 2. Section 48853.5 (c) of the Education Code is amended to read:

If so designated by the superintendent of the local educational agency, the educational liaison shall notify a foster child's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations pursuant to Section 1415(k) of Title 20 of the United States Code if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.

SEC. 3. Section 48911 of the Education Code is amended to read:

(c) **If so designated by the superintendent of the local educational agency, the educational liaison shall notify a foster child's attorney and the appropriate representative of the county child welfare agency** of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations pursuant to Section 1415(k) of Title 20 of the United States Code if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.

(g) In a case where expulsion from a school or suspension for the balance of the semester from continuation school is being processed by the governing board of the school district, the district superintendent of schools, or other person designated by the district superintendent of schools in writing, may extend the suspension until the governing board of the school district has rendered a decision in the action. However, an extension may be granted only if the district superintendent of schools or the district superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the 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 pupil is a foster child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent's designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting.** If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

SEC. 4. Section 48915.5 of the Education Code is amended to read:

(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

SEC. 5. Section 48918.1 is added to the Education Code, to read:

48918.1. (a) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(b) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

CONFIDENTIAL ** DO NOT RELEASE ** CONFIDENTIAL



Initial Student Intake Information
for AB490 School District Liaisons

Date of Juvenile Court Detention Hearing: _____

Department: _____ Judge: _____

Next Court Date: _____

Division (circle one): MCO: 619-795-1540 CCO: 619-795-1440
Supervising Attorney: Tilisha Martin Cristina Sanchez

Minor's Information:

Name: Jane Doe

Date of Birth: 1-1-06 Grade: 1 Unknown

School of Origin: _____ Unknown

Currently Detained with/in (circle one): Parent Relative NREFM Foster-home
Polinsky Children's Center Group-home: _____
Other: _____

TRO Copy Attached: Person Restrained: Mo Fa Other
Person Restrained Name: _____

Education Right's Holder: Unknown
Name: _____
Relationship to Minor: _____
Contact Information: _____

Social Worker:
Name: _____
Phone Number/Email Address: _____

Emailed to: (Circle One) Violeta Mora or Mindy Dittman

Faxed to: 858-503-2636 or _____

Date sent: _____ Sent By: _____

DLG Ed Liaison Intake Info CONFIDENTIAL ** DO NOT RELEASE ** CONFIDENTIAL Sept 2012
**** TO BE STORED SEPARATELY FROM ALL OTHER STUDENT RECORDS IN A CONFIDENTIAL LOCATION ****



CONFIDENTIAL ** DO NOT RELEASE ** CONFIDENTIAL

JUVENILE CASE CLOSURE INFORMATION

for AB490 School District Liaisons

Date of Final Juvenile Court Hearing: _____

Department: _____ Judge: _____

Petition #: _____

Division (circle one): MCO: 619-795-1540 CCO: 619-795-1440

Supervising Attorney: Tilisha Martin Cristina Sanchez

The Dependency Case for the Following Youth is Closed:

Name: John Doe

Date of Birth: 1-1-07 Grade: 2

Current School: _____ Unknown

Final Placement (circle one): Self Parent Relative NREFM Foster-home

Other: _____

TRO/RO Copy Attached: Person Restrained: Mo Fa Other

Person Restrained Name: _____

Final Adult Contact (if any):

Name: _____

Relationship to Youth: _____

Contact Information: _____

Social Worker on Closure Date:

Name: _____

Phone Number/Email Address: _____

Emailed to: (Circle One) Violeta Mora or Mindy Kukich

Faxed to: 858-503-2636 or _____

Date sent: _____ Sent By: _____

DLG Ed Liaison Closure Info **CONFIDENTIAL ** DO NOT RELEASE ** CONFIDENTIAL** August 2013
**** TO BE STORED SEPARATELY FROM ALL OTHER STUDENT RECORDS IN A CONFIDENTIAL LOCATION ****