

CSBA Sample Board Policy

Instruction

BP 6173.1(a)

EDUCATION FOR FOSTER YOUTH

Note: Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular activities that are available to all students. See the accompanying administrative regulation. While the requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters or when they are awaiting foster care placement (see BP/AR 6173 - Education for Homeless Children), Education Code 48850-48859 extend services to youth at any time when in foster care. The following policy may be revised to reflect district practice.

The Governing Board recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The district shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6011- Academic Standards)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6179 - Supplemental Instruction)

Note: Pursuant to Education Code 48850, placement determinations for foster youth must be made in accordance with the student's "best interest." In addition, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement and enrollment. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

EDUCATION FOR FOSTER YOUTH (continued)

Note: Pursuant to Health and Safety Code 1522.41 and 1529.2 and Welfare and Institutions Code 16003, foster family agencies, group home administrator certification programs, and community colleges must provide training to foster parents, group home administrators, and other caretakers which includes, among other things, basic instruction on the existing laws and procedures (i.e., Education Code 32228-32228.5) regarding school safety and the ensuring of a harassment- and violence-free school environment.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build students' feelings of connectedness with the school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of students' resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Note: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth. The following **optional** paragraph should be modified to reflect district practice.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies including, but not limited to, the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

(cf. 1020 - Youth Services)

The Superintendent or designee shall regularly report to the Board on the educational outcomes of foster youth enrolled in the district including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates.

(cf. 0500 - Accountability)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Legal Reference: (see next page)

EDUCATION FOR FOSTER YOUTH (continued)

Legal Reference:

EDUCATION CODE

32228-32228.5 *Student safety and violence prevention*

42920-42925 *Foster children educational services*

48645-48646 *Juvenile court schools*

48850-48859 *Educational placement of students residing in licensed children's institutions*

48918.1 *Notice of expulsion hearing for foster youth*

48915.5 *Suspension and expulsion; students with disabilities, including foster youth*

49061 *Student records*

49069.5 *Foster care students, transfer of records*

49076 *Access to student records*

51225.3 *High school graduation*

56055 *Rights of foster parents in special education*

60851 *High school exit examination*

HEALTH AND SAFETY CODE

120341 *Foster youth: school placement: immunization records*

1522.41 *Training and certification of group home administrators*

1529.2 *Training of licensed foster parents*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

309 *Investigation and release of child*

317 *Appointment of legal counsel*

361 *Limitations on parental or guardian control*

366.27 *Educational decision by relative providing living arrangements*

602 *Minors violating law; ward of court*

726 *Limitations on parental or guardian control*

727 *Order of care, ward of court*

16000-16014 *Foster care placement*

UNITED STATES CODE, TITLE 20

1415 *Procedural safeguards; placement in alternative educational setting*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

670-679b *Federal assistance for foster care programs*

11431-11435 *McKinney-Vento Homeless Assistance Act*

Management Resources: (see next page)

EDUCATION FOR FOSTER YOUTH (continued)

Management Resources:

CSBA PUBLICATIONS

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

AMERICAN BAR ASSOCIATION PUBLICATIONS

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Our Children: Emancipating Foster Youth, A Community Action Guide

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

California Youth Connection: <http://www.calyouthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

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CSBA Sample Administrative Regulation

Instruction

AR 6173.1(a)

EDUCATION FOR FOSTER YOUTH

Definitions

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602. (Education Code 48853.5)

Note: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student.

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and in the best interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

Note: Education Code 48850 expresses the legislative intent that the "best interests of the child" include educational stability as well as placement in the least restrictive educational program, as provided below.

Best interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853)

District Liaison

Note: Pursuant to Education Code 48853.5, districts are required to designate a staff person as an educational liaison for foster youth. This person may be the same individual designated as the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. In addition, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below.

EDUCATION FOR FOSTER YOUTH (continued)

The Superintendent designates the following position as the district's liaison for foster youth:
(Education Code 48853.5)

(position or title)

(address)

(phone number)

(cf. 6173 - Education for Homeless Children)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

Note: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see BP 6146.3 - Reciprocity of Academic Credit.

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records)

(cf. 6146.3 - Reciprocity of Academic Credit)

Note: Pursuant to Education Code 48853.5, 48911, and 48915.5, as amended by AB 1909 (Ch. 849, Statutes of 2012), and Education Code 48918.1, as added by AB 1909, the district liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process.

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including, for a student with a disability, a

EDUCATION FOR FOSTER YOUTH (continued)

manifestation determination prior to a change in the student's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Note: Items #4-8 below are optional and should be modified to reflect district practice.

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services

(cf. 5141.6 - School Health Services)

(cf. 5148.2 - Before/After School Programs)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for the district's foster youth

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5113.1 - Chronic Absence and Truancy)

EDUCATION FOR FOSTER YOUTH (continued)

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in Board policy

Note: The following paragraph is **optional**. Because the district's liaison for foster youth often has additional duties pertaining to other programs, CSBA's policy brief [Educating Foster Youth: Best Practices and Board Considerations](#) recommends periodic evaluation of the liaison's caseload to determine whether he/she is able to adequately fulfill his/her duties with respect to foster youth.

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

(cf. 4115 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

Enrollment

A foster youth placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(cf. 6159 - Individualized Education Program)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

Note: Education Code 48853 requires districts to educate foster youth in the least restrictive environment necessary for their educational achievement. However, pursuant to Education Code 48853, as amended by SB 121 (Ch. 571, Statutes of 2012), a district may be discharged from this obligation when the parent/guardian or other person with the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below.

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program and submits a written statement to the district indicating that determination and that:
 - a. He/she is aware that the student has a right to attend a regular public school in the least restrictive environment.
 - b. The alternate educational program is a special education program, if applicable.

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- c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.
- d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

<p>Note: Pursuant to Education Code 48853.5, a foster youth may continue his/her education in the school of origin under the circumstances stated below. SB 1568 (Ch. 578, Statutes of 2012) amended Education Code 48853.5 to authorize a former foster youth to continue in the school of origin until high school graduation after the court's jurisdiction is terminated (item c below). Elementary and high school districts should delete any item (b or c) that is not applicable to the grade levels served by the district.</p>
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- 3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
 - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
 - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.
 - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
 - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

EDUCATION FOR FOSTER YOUTH (continued)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

Note: Pursuant to Education Code 48853.5 and Health and Safety Code 120341, a district is required to immediately enroll any foster youth transferring into the district even when it has not received the foster youth's medical records, including his/her immunization records. However, pursuant to Health and Safety Code 120341, the district must, subsequent to the enrollment, take steps to obtain the foster youth's immunization records or ensure that he/she is properly immunized. See BP/AR 5141.31 - Immunizations.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Note: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, the district shall use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice.

If the foster youth or a person with the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of

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receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

(cf. 9320 - Meetings and Notices)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

Transportation

Note: Pursuant to Education Code 48853.5, districts may, but are not required to, provide transportation to allow a foster youth to attend a school or school district of origin, unless otherwise required by federal law or pursuant to the individualized education program of a student with a disability. An example of when transportation might be required under federal law is when a foster youth is homeless, pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435).

Option 1 is for use by districts that do not provide transportation. Option 2 is for use by districts that choose to provide transportation to foster youth to their school of origin and may be revised to reflect district practice.

OPTION 1: The district shall not be responsible for providing transportation to and from the school of origin.

OPTION 2: Upon request, the district may provide transportation for a foster youth to and from his/her school of origin when the student is residing within the district and the school of origin is within district boundaries.

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

Transfer of Coursework and Applicability of Graduation Requirements

Note: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework completed by foster youth, as provided below. See BP 6146.1 - High School Graduation Requirements.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

EDUCATION FOR FOSTER YOUTH (continued)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Note: Pursuant to Education Code 51225.3, any foster youth who transfers into the district or between district schools in grades 11-12 is exempted from locally established high school graduation requirements, as provided below. This exemption does not apply to state graduation requirements for course completion or the high school exit examination.

When a foster youth in grade 11 or 12 transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all coursework and other graduation requirements adopted by the Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3 and the high school exit examination, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school while he/she remains in foster care. (Education Code 51225.3, 60851)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student, if any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.3)

Grades/Credits

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

EDUCATION FOR FOSTER YOUTH (continued)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity

(cf. 5121 - Grades/Evaluation of Student Achievement)

Eligibility for Extracurricular Activities

Note: Education Code 48850 provides that, when the residence of a student in foster care changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities.

A foster youth who changes residences pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

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