

CLASSIFICATION: Instruction

ADOPTED: 4/5/18

SUBJECT: Education For Foster Youth

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The County Superintendent of Schools establishes this administrative regulation pursuant to state and federal law and priority ten (10) of the San Diego County Office of Education (SDCOE) Local Control and Accountability Plan (LCAP) to facilitate the achievement of academic success for students in foster care by providing definitions, implementing strategies, and protecting the rights of foster youth.

The strategies established in this administrative regulation shall apply to students, teachers, coordinators, liaisons and other employees at any school or in any school program under the jurisdiction of the County Superintendent of Schools.

The responsibility for implementation and maintenance of this administrative regulation shall be assigned to the assistant superintendent, Student Services and Programs, or his/her designee(s).

Definitions

Foster Youth: 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 or is a non-minor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01.

Person Holding the Right to Make Educational Decisions: A responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 727.

Immediate Enrollment: If a child enrolling in school resides in a foster care home, within two business days of the foster child's request for enrollment, the educational liaison for the new school shall contact the school last attended by the foster child to obtain all academic and other records. The last school attended by the foster child shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. The educational liaison for the school last attended shall provide all records to the new school within two business days of receiving the request.

School of Origin: The school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child

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attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected and that the foster child attended within the immediately preceding 15 months, 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, shall determine, in the best interests of the foster child, the school that shall be deemed the school of origin.

Expanded School of Origin Rights:

1. 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.
2. If the jurisdiction of the court is terminated before the end of an academic year, the local educational agency shall allow a former foster child who is in kindergarten or any of grades 1 to 8, inclusive, to continue his or her education in the school of origin through the duration of the academic school year.
3. If the jurisdiction of the court is terminated while a foster child is in high school, the local educational agency shall allow the former foster child to continue his or her education in the school of origin through graduation.
4. To ensure that the foster child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, if the foster child is transitioning between school grade levels, the local educational agency shall allow the foster child to continue in the school district of origin in the same attendance area, or, if the foster child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

Best interests: In making educational and school placement decisions for a student in foster care, 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 student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students.

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San Diego Countywide Foster Youth Services Coordinating Program (FYSCP)

Pursuant to priority ten (10) of the SDCOE LCAP, the Countywide Foster Youth Services Coordinating Program facilitates the provision of educational support to any pupil in foster care residing or attending school in the County of San Diego. These activities include, but not limited to:

1. Develop and implement a foster youth services coordinating plan for the purpose of establishing guiding principles and protocols to provide supports for foster care pupil aligned with certain population priorities
2. Establish and maintain a local interagency Executive Advisory Council
3. Ensures the proper educational placement, educational support, enrollment in school, and checkout from school of foster children by managing the information between Child Welfare Agency and San Diego County School Districts
4. Intervene on behalf of foster children to ensure access and services are provided in a timely manner
5. Provide trainings to San Diego County School District staff, including liaisons, principals, school registrars, and attendance clerks to ensure awareness of foster youth laws, regulations, and school and community services
6. Provide tutoring services through coordination with universities' college students for foster youth as requested by county school districts
7. Provide expert advice on services for foster youth with special education needs
8. FYSCP may assist, based on funding, with temporary transportation needs of foster youth to their school of origin
9. Manage the SDCOE student information system for foster youth, including placement, attendance and grades

San Diego County Office of Education (SDCOE) Juvenile Court and Community Schools (JCCS)

The liaison for students in foster care at JCCS shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care

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2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another with the county operated schools or to another district
3. When a student in foster care is enrolling in a school or in a school program under the jurisdiction of the County Superintendent of Schools, the liaison shall contact the school last attended by the student to obtain all academic and other records, within two business days of receiving the request. When a student in foster care 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
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
5. As needed, ensure that students in foster care receive appropriate school-based services, such as supplemental instruction, counseling and health services, and after-school services
6. Develop protocols and procedures so that SDCOE staff, including principals, school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of students in foster care
7. Collaborate with the FYSCP, county placing agency, county child welfare, county probation department, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for students in foster care enrolled in any school or in any school program under the jurisdiction of the County Superintendent of Schools

Enrollment

The liaison may, in consultation with and with the agreement of the student in foster care and the person holding the right to make educational decisions for the student, recommend that the student'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 student in foster care resides are eligible to attend. All decisions shall be made in accordance with the student's best interests.

Prior to making any recommendation to move a student in foster care from his/her school of origin, the liaison shall provide the student and the person holding the right to

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make educational decisions for the student with a written explanation of the basis for the recommendation and how this recommendation serves the student's best interests.

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin.

If the liaison, in consultation with the student in foster care and the person holding the right to make educational decisions for the student, agrees that the best interests of the student 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:

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
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

If a person with the right to make educational decisions for a student in foster care or the student disagrees with the liaison's enrollment recommendation, he/she may appeal to the FYSCP. The County Superintendent or his/her designee shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the County Superintendent or his/her designee's decision, the parent/guardian or student in foster care may appeal that decision to the County Board. The County Board shall consider the issue at its next regularly scheduled meeting. The County Board's decision shall be final.

If any dispute arises regarding the request of a student in foster care to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute.

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Transportation

The FYSCP coordinator in collaboration with the county child welfare agency, shall facilitate the development of a plan for providing cost-effective transportation when needed to allow students to remain in the same school.

Transfer of Coursework and Credits

When a student in foster care transfers into a school or in a school program under the jurisdiction of the County Superintendent of Schools, that school or school program shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the student to retake the course.

If the student in foster care 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 school or school program under the jurisdiction of the County Superintendent of Schools may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, and the FYSCP coordinator finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student in foster care 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.

In no event shall any school or any school program under the jurisdiction of the County Superintendent of Schools prevent a student in foster care from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California.

Partial credits shall be awarded on the basis of one (1) credit for every sixteen (16) class periods attended per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district or County Office of Education's notification of the student's transfer, as required under Education Code 49069.5.

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Effect of Absence on Grades

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:

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

Applicability of Graduation Requirements

When a student in foster care, after completion of their second year of high school, transfers into a school or school program under the jurisdiction of the County Superintendent of Schools from another school district, he/she shall be exempted from all coursework and other graduation requirements adopted by the County Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3, unless the FYSCP coordinator makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of his/her fourth year of high school.

To determine whether a pupil is in the third or fourth year of high school, either the number of credits the pupil has earned to the date of transfer or the length of the pupil's school enrollment may be used, whichever will qualify the pupil for the exemption.

Any school or school program under the jurisdiction of the County Superintendent of Schools shall notify any student who is granted an exemption and 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.

Any school or school program under the jurisdiction of the County Superintendent of Schools shall not require or request a student in foster care to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a student in foster care or any person acting on behalf of a student in foster care.

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If a student in foster care is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while he/she is still enrolled in school or if he/she transfers to another school or school district.

Upon making a finding that a student in foster care is reasonably able to complete the SDCOE graduation requirements within his/her fifth year of high school, the County Superintendent or designee shall:

1. Inform the student in foster care and the person holding the right to make educational decisions for him/her of the student's option to remain in school for a fifth year to complete the SDCOE graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the student in foster care about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student in foster care or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the student to stay in school for a fifth year to complete the SDCOE's graduation requirements

Notification and Complaints

Information regarding the educational rights of student in foster care shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622.

Any complaint that any school or school program under the jurisdiction of the County Superintendent of Schools has not complied with requirements regarding the education of a student in foster care may be filed in accordance with the SDCOE procedures found in Administrative Regulation 1312.3 - Uniform Complaint Procedures. If SDCOE finds merit in a complaint, then SDCOE shall provide a remedy to the affected student. A complainant not satisfied with SDCOE's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If the CDE finds merit in an appeal, SDCOE shall provide a remedy to the affected student.

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Board Policy: 6173

Legal Reference: Education Code

42238.01-42238.07, 42920-42925, 48645-48646, 48850-48859, 48911, 48915.5, 48918.1, 49061, 49069.5, 49076, 51225.1-51225.3, 52060-52077, 56055

Health and Safety Code

1522.41, 1529.2, 120341

Welfare and Institutions Code

300, 309, 317, 361, 366.27, 602, 726-727, 16000-16014

California Code of Regulations, Title 5

4600-4687

United States Code, Title 20

1415, 6311-6312

United States Code, Title 42

11431-11435

Assembly Bill 490, Ch. 862, 2003Every Student Succeeds Act, Title 9

Management Resources:

CSBA Publications: Foster Youth: *Supports for Success, Governance Brief, May 2016*; *Our Foster Youth: What School Boards Can Do, May 2016*Alliance for Children's Rights Publication: *Foster Youth Education Toolkit, December 2016*California Child Welfare Council: *Partial Credit Model Policy and Practice Recommendations*Cities, Counties, and School Partnership Publications: *Our Children: Emancipating Foster Youth, A Community Action Guide*U.S. Department of Education Publications: *Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016*

Web Sites:

Alliance for Children's Rights: <http://www.kids-alliance.org>

California Child Welfare Council:

<http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

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 Foster Youth Education Task Force: <http://www.cfyetf.org>California Youth Connection: <http://www.cal-youthconn.org/site/cyc>Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>Foster Ed: <http://foster-ed.org>