

INSTRUCTION

AR 6173.1 Education for Foster Youth

Definitions

Foster Youth means a child who has been subject to one of the following: (*Education Code 48853.5*)

1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (temporary custody)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 or 602 (jurisdiction of juvenile court)
3. Has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602.

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 727.

School of origin means the school that the foster youth attended when permanently housed or the school in which the student 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 El Dorado County Office of Education (EDCOE) liaison shall, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, determine, in the best interest of the foster youth, the school of origin. (*Education Code 48853.5*)

Best interest 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 EDCOE students. (*Education Code 48850, 48853*)

DISTRICT LIAISON

The Superintendent or designee designates the following position as EDCOE liaison for foster youth: (*Education Code 48853.5*)

Foster Youth Liaison
El Dorado County Office of Education
6767 Green Valley Road, Placerville, CA 95667

EDCOE's 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*)
2. Ensure proper transfer of credits, records, and grades when student in foster care transfer from one school to another or from one district to another. (*Education Code 48645.5, 48853.5*)
3. As necessary, 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.
4. Ensure that students in foster care receive appropriate school-based services that are available to other students, such as supplemental instruction, counseling, or after-school services.
5. Develop protocols and procedures so that district staff, including site administrators, school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of foster youth.
6. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for EDCOE's foster youth.

ENROLLMENT

A foster youth placed in a licensed children's institution or foster family home within the EDCOE attendance area shall attend any school that students living in the attendance area in which the foster youth resides are eligible to attend, including programs operated by the EDCOE, unless one of the following circumstances applies: (*Education Code 48853*)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.
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.
3. At the initial detention or placement or any subsequent change in placement, the student is entitled to, and exercises his/her right to, remain in his/her school of origin, as defined above for the remainder of the academic school year pursuant to Education Code 48853.5.
 - a. The student may continue in the school of origin for the duration of the court's jurisdiction or, if the court's jurisdiction is terminated prior to the end of a school year, then for remainder of the school year.
 - b. To provide the student the benefit of matriculating with his/her peers in

accordance with the established feeder patterns of school districts, a student who is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area. 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 EDCOE 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 interest. (*Education Code 48853.5*)

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*)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agree 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 youth shall be immediately enrolled even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic, medical or proof of residency, or clothing normally required for enrollment. (*Education Code 48853.5*)

The liaison shall within two business days of enrollment contact the school last attended by the student to obtain all academic and other records. Upon receiving a request from a new school, the liaison for the school last attended shall provide all records within two business days of receiving the request. (*Education Code 48853.5*)

If a person with the right to make educational decisions for a foster youth or the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal the decision to the program's Executive Director or designee. The Executive Director shall make a determination within 30 days of receipt of the appeal. Within 30 days of receipt of the Executive Director's decision, the parent/guardian or foster youth may appeal that decision to the Superintendent. The Superintendent shall make a determination within 30 days of receipt of the appeal. The Superintendent's decision shall be final.

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

The EDCOE shall not be responsible for providing transportation to and from the school of origin.

APPLICABILITY OF GRADUATION REQUIREMENTS

Note: The following section is for use by districts maintaining high schools which have established graduation requirements that exceed the state's minimum requirements; see BP 6146 - High School Graduation Requirements. Education Code 51225.3, as amended by AB 167 (Ch. 224, Statutes of 2009), provides that foster youth who transfer into a district or between district schools in grades 11-12 shall be 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. California requires pupils to complete all 13 of the following one-year courses, unless otherwise specified, while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school (E.C. 51225.3(a)):

- A. Three courses in English.*
- B. Two courses in mathematics. (Including one year of Algebra I unless previously completed, E.C. 51224.5)*
- C. Two courses in science, including biological and physical sciences.*
- D. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.*
- E. One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.*
- F. Two courses in physical education, unless the pupil has been exempted (E.C. 51241(b) (1, (c)(1)(2)(3)).*

In addition to completing the coursework above, a pupil must receive passing scores on both California High School Exit Exams – English and Math. (E.C. 60851)

Foster youth exempted from local graduation requirements by AB 167 must satisfy the above to receive a diploma of graduation. (E.C. 51225.3(c)).

When a foster youth in grade 11 or 12 transfers into an EDCOE program from another school district or transfers between EDCOE high school programs, 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 EDCOE 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*)

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*)

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 the student left school
2. A verified court appearance or related court-ordered activity

ELIGIBILITY FOR EXTRACURRICULAR 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*)