

SCHOOL ENROLLMENT PROCEDURES FOR FOSTER YOUTH

ASSEMBLY BILL 490

Effective January 1, 2004, Assembly Bill (AB) 490, Chapter 862, imposed new duties and rights related to the education of children and youth in foster care (dependents and wards of the court).

All educational and school placement decisions for foster youth shall be made to ensure that each foster pupil has the opportunity to meet the same academic achievement standards to which all pupils are held, is placed in the least restrictive educational programs, and has access to the academic resources, services, extracurricular and enrichment activities as all other pupils [Education Code (EC) § 48850(a)].



SCHOOL REGISTRARS

- **Immediately *enroll** any child living in foster care, even if fees or materials are owed to the previous school or the child is unable to produce the records or clothing normally required for enrollment such as school records, immunization records, proof of residency, or uniforms [EC § 48853.5]. Proof of residency may be provided by the substitute caregiver. [EC § 48204(a)] but schools may not refuse enrollment to a foster youth who does not present proof of foster care status or residency.

*The word "enroll" means attending classes and fully participating in all school activities.

- **Request records** from the child's previous school and/or school district immediately or within two business days of enrollment. The former school must transfer the student out of the school, and deliver the student's educational records to the next school within 2 business days [EC § 48853.5]. If records are not received within 3 business days, or appear to be incomplete, contact the former school, AB 490 foster care liaison, and/or the district office.
- Inquire about **partial credits, which must be granted** for work in progress or completed with the previous school. "Schools must accept for credit full or partial coursework completed by the pupil while attending public school, juvenile court school, or nonpublic, nonsectarian school or agency." [EC § 48645.5].
- Inquire about the following in order to determine **appropriate educational placement**:
 - a. Special education needs:

If the child was in special education and has transferred to a new school, the child must be immediately provided with services comparable to the services required by the existing IEP. If the child's new school is in a different Special Education Local Plan Area (SELPA), the local education agency must either adopt the previous IEP or hold a meeting within 30 days to develop a new IEP [EC § 56325(a)]. If the child is eligible for special education services but you do not have a copy of their IEP, you must still enroll them in school immediately while you obtain the records.
 - b. 504 accommodation plans
 - c. Current expulsion from school
 - d. Person who holds "educational rights" for the child, which could be the child's parent/guardian, someone appointed by the court, or someone appointed by the school district (keep this information on file) [WIC § 361, 726; GC § 7579.5].
- Ask the person enrolling the student to **identify** the social worker or probation officer, child's attorney, legal guardian, person who holds educational rights, and the child's pediatrician.
- **Allow a student in foster care to remain enrolled** for the rest of the school year when his/her home placement is changed. Foster youth are entitled to *remain in his or her school of origin* for the duration of the school year when doing so will be in the child's best interest [EC § 48853.5].

ADDITIONAL INFORMATION FOR SCHOOL STAFF

- Parental consent and court orders are *not* needed by case workers and probation officers in order to access a foster child's school records [EC § 49076(a)(11)].
- Foster youth must have access to the same academic resources, services, extra-curricular and enrichment activities available to all students [EC § 48850(a)]. This means that you should inform the child's caregiver (group home staff, foster parent, relative caregiver), social worker, probation officer, advocate, attorney, legal guardian, etc. of all school and after-school activities, support, and services.
- If a dispute arises as to the school placement of a foster child, the student has the right to remain in his or her school of origin pending resolution of the dispute [EC § 48853.5].
- A foster child's grade cannot be lowered due to absences caused by a change in placement, attendance at a court hearing, or a court ordered activity [EC § 49069.5(g)(h)].
- Records provided to schools in which a foster child is newly enrolled must include a determination of seat time, full or partial credits earned, classes, grades, immunizations, and, if applicable, special education or 504 plans [EC § 49069.5(e)].
- All required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or money owed to the school last attended [EC § 48853.5(b)(1)(4)(B)].

INFORMATION FOR SCHOOL ADMINISTRATORS

- For special education students, use the 30-day interim placement period to identify the parent, legal guardian, or other holder of educational rights. The child's social worker or attorney should be able to tell you who holds these rights. Only if the court limits the parent/guardian's rights and cannot find a responsible adult, the court will refer the case to you for appointment of a surrogate parent.
 1. Referral for special education assessment may be made by a foster youth's parent, guardian, teacher or other service provider, or foster parent [EC § 56029; CCR § 3021]. Assessment plans, IEPs, and 504 accommodation plans must be signed by the person who holds "educational rights" [20 USC § 614(a)(I)(D)].
 2. Parental consent for an initial assessment for special education services is not required for a child who is a ward of the court and not living with the parents **if** the LEA cannot find the parent, the parent's rights have been terminated, or a judge has removed the parent's educational decision-making rights and consent has been given by an individual appointed by the judge to represent the child [20 USC § 1414 (a)(I)(D)(iii); EC § 56321(d)].
- County-employed social workers and probation officers **cannot** hold educational rights for a foster youth. Similarly, group home or other non-public agency employees who provide educational care to the youth or have a conflict of interest **cannot** hold educational rights. [GC § 7579.5(i)-(j)]

If you have any questions regarding these procedures contact the foster youth educational liaison for your district, the foster youth educational liaison for your county office of education (available at the following Web site link: <http://www.cde.ca.gov/ls/pf/fy/ab490contacts.asp>), or the foster youth services program coordinator for your county (available at the following Web site link: <http://www.cde.ca.gov/ls/pf/fy/contacts.asp>).

Citation/Abbreviation Key:

§ = Section

CCR = California Code of Regulations

EC = California Education Code

GC = California Government Code

USC = United States Code

WIC = Welfare and Institutions Code