

# COURT COMPANION

## to the Foster Youth Education Toolkit

Released  
March  
2018





For several years, school districts have utilized the **Foster Youth Education Toolkit** as a foundation for meeting the education needs of youth in foster care and/or on probation. However, in order to improve education outcomes for youth in care, education, foster care and probation systems (among others) must work together. California Continuum of Care Reform (“CCR”) and Local Control Funding Formula (“LCFF”) encourage greater communication and collaboration across systems to meet the needs of youth in care.

The **Court Companion to the Foster Youth Education Toolkit** supports such collaboration; it follows the same model as the original toolkit, offering comprehensive information on the education rights of foster/probation youth along with step-by-step procedures and easy-to-use implementation tools. However, the Court Companion speaks to the needs of the parties who work with the youth, other than school districts, including:

- **Education Rights Holder(s) (“ERH”)**: The individual(s) with the legal authority to make education decisions for a youth.<sup>1</sup>
- **County Social Worker (“CSW”)**: The child welfare worker assigned to the youth’s case.
- **Probation Officer (“PO”)**: The probation officer assigned to the youth’s case.
- **Attorney for Youth**: The attorney representing a youth in a dependency or delinquency hearing. In some counties, youth may be represented by a guardian ad litem who can also follow these best practices.
- **Attorney for Parent**: The attorney representing a parent (including adoptive parents and legal guardians) in a dependency hearing.
- **Attorney for County Placing Agency**: The attorney representing the County in a dependency or delinquency hearing.
- **Judge**: The judicial officer (i.e., judge, commissioner, referee) presiding over a dependency or delinquency hearing.

The Court Companion includes checklists for each of these parties, which gather all the best practices on each education topic into one reference tool, as well as sample minute order language for judges and sample court report language for social workers and probation officers.

In addition to the above, it is important to remember that two other parties play key roles in supporting the education-related decisions that affect a student in foster care or on probation: the youth, and the caregivers.



**Youth** play an essential role in their own learning. Throughout the toolkit we refer to youth in care by the pronoun “they/their”. We have chosen this term because it is gender-neutral and inclusive of all youth.

**Caregivers**, including Short Term Residential Therapeutic Placements (“STRTP”), are also important. While caregivers who do not hold education rights do not make education decisions for youth, they play an important role in supporting a youth’s

<sup>1</sup> The Court Companion is meant to be one tool among many for ERHs. For example, the [Alliance for Children's Rights Education Manual](#) is an ERH's advocacy guide to accessing early intervention, special education, and general education rights and services for foster and probation youth.



education. Caregivers must monitor the youth's daily school performance, communicate with the ERH about any concerns, and work collaboratively to develop solutions to support the youth. With the assistance of the CSW/PO, caregivers are responsible for keeping the youth's education records updated. They may also be needed for key jobs, such as transporting the youth to their school of origin. Child and Family Team meetings ("CFT") are great places to address education needs as a part of the team supporting a youth. Senate Bill 233 (2017, Beall), co-sponsored by the Alliance for Children's Rights, now ensures caregivers have access to a youth's current education records (e.g., report cards, attendance, discipline, Individualized Education Programs ("IEP")) to aid in the caregiver's support of the youth's education.



Why are the tools, resources, and practices described in the Court Companion so important? Currently, the education outcomes of foster/probation youth in California are heartbreakingly poor:



**High Rates of School Mobility:** Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.<sup>2</sup>



**Low Test Scores:** Just 19% of students in foster care score proficient or above in English language arts on the California Assessment of Student Performance and Progress ("CAASPP"), compared to 44% of students statewide. Similarly, 12% of foster youth score proficient or higher on the math portion of the CAASPP compared with 33% of students statewide.<sup>3</sup>



**High Dropout Rates and Low Graduation Rates:** Foster youth have the highest dropout rates and the lowest graduation rates. The dropout rate for students in foster care is 31%, compared with 10% of students statewide. Likewise, just 52% of students in foster care graduate from high school compared with 84% of students statewide.<sup>4</sup>



FORMS & SAMPLES



LETTERS

### Using The Court Companion

Users of the Court Companion to the Foster Youth Education Toolkit will find it helpful to reference the **Foster Youth Education Toolkit** to better understand the role of the school district in fulfilling the laws related to foster and probation youth education. School districts will also find it helpful to utilize the Court Companion when trying to determine how best to work with others to address a youth's needs.













The icons above indicate that a tool is also available as a Word or PDF Document and will include a "Download This Tool" link. Links to court forms are also included for ease of use and reference.

<sup>2</sup>Vanessa X. Barrat & Bethann Berliner, The Invisible Achievement Gap: Part 1: Education Outcomes of Students in Foster Care in California's Public Schools (WestEd 2013) (hereinafter The Invisible Achievement Gap, Part 1).

<sup>3</sup>Most recently released test scores are available at: <http://caaspp.cde.ca.gov/>

<sup>4</sup>These statistics are from 2016. Most recently released statistics available at: <http://data1.cde.ca.gov/dataquest>

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# Education Rights Holders

Although all caregivers and professionals working with foster/probation youth play an essential role in supporting their education, a youth's education rights holder(s) ("ERH") makes all education decisions. ERH decisions include: (1) school enrollment/placement, including school stability and transfers to alternative schools; (2) high school graduation planning, including Assembly Bill ("AB") 167/216; (3) special education, including decisions regarding assessments and consenting to an Individualized Education Program ("IEP"); and (4) school discipline. ERHs also make mental health decisions regarding school-based mental health services.<sup>5</sup> One of the most important things that those working with foster/probation youth can do to support their education is facilitate the active participation of an appropriate ERH. This starts by ensuring at every court hearing that each youth (from birth to their 18th birthday) has an appropriate ERH.<sup>6</sup>



## Overview of the Law

- A youth's education rights holder makes all decisions about their education.
- Biological parents hold education rights until a court limits or terminates those rights. Adoptive parents and legal guardians also hold education rights unless limited or terminated.
- Prior to each court hearing, the county social worker ("CSW") or probation officer ("PO") is responsible for determining whether the youth's current ERH is meeting their needs. An ERH (including the parent) can be found to not meet the youth's education needs if the ERH is unwilling or unable to participate in the youth's education and the placing agency has made "diligent efforts" to include the ERH.
- The youth's CSW/PO is responsible for ensuring the youth's ERH receives appropriate notice of all regularly scheduled court hearings that might affect the youth's education. **See JV-535 Form, Section 12.**
- The youth's CSW/PO is responsible for including information in the court report regarding the youth's education needs, the type of school the youth is attending, a copy of the youth's IEP/504 plan, and whether (and why) the youth's ERH needs to be changed, as well as the identity of the new person the court is being asked to appoint as ERH.
- The court is responsible for identifying the ERH for each youth at each dependency/delinquency court hearing.
  - » At the initial or detention hearing, or at any hearing prior to disposition (before the youth is determined to be a dependent/delinquent), or at any hearing where the petition is dismissed, the court must consider and identify who holds education rights. At the dispositional hearing and each subsequent hearing, the court must consider whether the youth's education needs are being met, address whether the youth's education needs are being met in its findings, and identify the youth's ERH on the JV-535 Form.
  - » **Limiting Education Rights:** If necessary, the court must limit the education decision-making rights of a parent, guardian, or current ERH. If circumstances change later, the court may reinstate education rights.

<sup>5</sup>For example, a youth's ERH can consent to mental health services in a youth's IEP. ERHs (except for biological parents, adoptive parents, and legal guardians) cannot consent to mental health services (or the release of information) from an outside mental health provider. The privilege for these services is held by the youth's dependency/delinquency attorney.

<sup>6</sup>It is also best practices to appoint a Developmental Services Decision-Maker whenever a new ERH is appointed.

## Education Rights Holders Continued



- » **Appointing a New ERH:** When education rights are limited or terminated, the court must appoint a new ERH on the **JV-535 Form**. When a new ERH is appointed, the new ERH receives all education decision-making rights and authority unless the court specifies otherwise in the order.

### Who Can Hold Education Rights:

- The court must identify whether a relative, nonrelative extended family member, or other adult known to the youth is willing to be their ERH before appointing someone unknown to the youth.
- A caregiver in a planned permanent living arrangement<sup>7</sup> automatically holds education rights. To ensure a school clearly understands who holds education rights, the court should also document this on the JV-535 Form.
- Similar to two biological parents who share education rights, the court can appoint co-ERHs for a youth. This is appropriate in a situation where a parent is trying to reunify with the youth (thus limiting their rights would be inappropriate), but is temporarily unavailable to participate in education decisions (e.g., parent in a 90-day drug/alcohol inpatient treatment program). When a second adult is appointed as a co-ERH, they work together to ensure the youth's education needs are always met. If there is a difference of opinion between co-ERHs that they cannot resolve, the conflict should be brought before the court for a final decision about what is in the youth's best interest.
- At age 18, a youth automatically becomes the holder of their own education rights.

### Who Cannot Hold Education Rights:

- The court cannot appoint anyone with a conflict of interest to be the ERH. This includes any person having any interests that might restrict or bias their ability to make decisions in

the best interests of the youth, including but not limited to receiving compensation or attorney's fees for the provision of services such as social workers, probation officers, STRTP staff, therapists, school employees, regional center staff, and court appointed attorneys who receive attorney's fees.<sup>8</sup> A foster parent may hold education rights, as there is an exception for the foster care maintenance payments received by a foster parent, because the funding is for the care of the youth.

### When the Court Must Make Education Decisions:

- When necessary, the court may document on the JV-535 form that the court cannot identify an adult to serve as the ERH.
  - » **For Special Education Students:** If the youth is or may be eligible for special education, see rules on the next page regarding surrogate parents.
  - » **For General Education Students:** If the appointment of a surrogate parent is not warranted, the court must make temporary education decisions on behalf of the youth, with input from any interested person, and must issue appropriate orders to ensure that every effort is made to identify an appropriate ERH to make future education decisions.

**Notice of Change in ERH:** When a JV-535 indicates a change in ERH, the court clerk must provide a copy of the JV-535 to the ERH, youth (if 10 years old or older), the Attorney for Youth, the CSW/PO, the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.

<sup>7</sup>Following changes in federal law, planned permanent living arrangements are only allowed for youth 16 and older who are living with a non-relative.

<sup>8</sup>A youth's court appointed dependency or delinquency attorney can be appointed to make education decisions when no other adult is available.

# Education Rights Holders Continued

## Rights and Duties of Court Appointed ERHs<sup>9</sup>:

- **Investigation:** The ERH is responsible for meeting with the youth, investigating the youth's needs, and determining if those needs are being met.
- **Inform the Court:** Prior to each hearing, the ERH is responsible for providing information and recommendations to the CSW/PO and the court. The ERH may complete and submit a **JV-537 Form** to explain the youth's needs to the court.
- **Statement to the Court:** At any hearing after a change in the youth's education placement, the ERH must submit a statement to the court, such as that found on the **School of Origin Best Interest Determination Procedures and Worksheet**, indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their **School of Origin**.
- **Attend Court:** ERH is required to attend and participate in any court hearings where education is being addressed.
- **Decision Making:** The ERH must act and make decisions in the youth's best interest. The ERH has all education rights of a parent including: (1) access to and disclosure of education records<sup>10</sup>; (2) notice of and the right to participate in all school discipline meetings; (3) the opportunity to advocate for the interests of the youth in matters relating to the identification and assessment of special education needs, attendance and meaningful participation in IEP development, and to sign consent to put special education services in place; and (4) general education rights including school stability and enrollment decisions and graduation planning. **School of Origin, Transferring to a New School: Enrollment, Disenrollment, and Partial Credits, and Graduation Planning.**

**NOTE:** Although the AB 490 Foster Youth Liaison from

the youth's school district may make recommendations about whether it is in the youth's best interests to remain in their school of origin, this is an advisory role and does not replace the ERH's ultimate decision-making authority about school of origin.

*Cal. Educ. Code §§ 48853.5, 56028(b)(2); Cal. Welf. and Inst. Code §§ 319(g), 361, 726; Cal. Rules Ct. 5.649, 5.650.*

**School District Appointed Surrogate Parent:** For youth who have or need an IEP, when no other ERH can be identified:

- If the court cannot identify an ERH and the youth may be or is eligible for special education services, the court must refer the youth to the school district using the **JV-535 Form**, Section 4a, for the appointment of a surrogate parent.<sup>11</sup>
- In the meantime, the court may consent to a youth's initial assessment for special education eligibility.
- Within 30 days of the request for appointment, the school district must appoint the surrogate parent and complete and return the **JV-536 Form** to the CSW/PO, attorney for the youth, and the court.
- A surrogate parent may not have a conflict of interest or be employed by the California Department of Education, the school district, or any other agency involved in the care or education of the youth.
- A surrogate parent must make education decisions for the youth until: (1) the court appoints a new ERH; (2) parental rights are reinstated; (3) the youth moves into a new school district; or (4) a new surrogate is appointed.

*34 C.F.R. § 300.519; 17 C.C.R. § 52175; Cal. Educ. Code § 56050; Cal. Gov't Code § 7579.5; Cal. Rules Ct. 5.649, 5.650.*

<sup>9</sup>It is also recommended that biological parents who retain education rights utilize these.

<sup>10</sup>Pursuant to SB 233, caregivers also now have the clear right to access current education records for a youth, and to utilize those records for the purpose of supporting the youth's education.

<sup>11</sup>Utilizing a surrogate parent is a last resort as this person will not have a personal connection to the youth and will not follow the youth when they move out of the district.





### BEST PRACTICES FOR EDUCATION RIGHTS (TO BE ADDRESSED AT EVERY COURT HEARING)

#### Before Every Court Hearing

##### STEP 1

**Parent Education Rights Holders:** Attorney for Parent meets with their client and discusses the youth's education needs, including the parent's ability to meet the youth's education needs, or any barriers to being able to exercise (or regain) education rights. **See Attorney for Parent Checklist.** Before the detention hearing, Attorney for Parent and Parent complete **JV-225 Form**, Your Child's Health and Education. Attorney for Parent can provide a copy of the **Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth**, and **Requesting a Special Education Assessment: Step-by-Step Guide** tools to assist the parent in exercising education rights. In order to make best interest education decisions, ERH attends all school-related meetings. If the youth has unmet needs for which an education attorney might be warranted to assist the parent in exercising their education rights, Attorney for Parent will discuss the option of referring the youth for appointment of a Welfare and Institutions Code Section 317(e) attorney. If appropriate, the Attorney for Parent will consult with the Attorney for Youth, and complete the **317(e) Referral Form**.

##### STEP 2

**CSW/PO Determination of Appropriateness of Current ERH:** CSW/PO communicates with youth's current ERH to determine ERH's ongoing ability and willingness to continue holding education rights. The CSW/PO should

make diligent efforts to contact the current ERH before recommending any change in ERH. Diligent efforts could include home visits to parents and/or multiple (e.g., three) documented attempts to engage the ERH over the phone. **See CSW/PO Documentation of Diligent Efforts to Include Youth's Current ERH in their Education.** After every change in home placement, CSW/PO pays particular attention to whether the ERH remains appropriate, especially when the prior caregiver is the current ERH. As a youth nears the age of 18, CSW/PO and Attorney for Youth ensure that youth is competent to hold their own education rights, is aware they will become their own ERH, and is knowledgeable about their education rights and how to seek support if needed.

If, after making diligent efforts to include the ERH in the youth's education, the CSW/PO determines that the current ERH is unable or unwilling to continue holding education rights, the CSW/PO will work with the adults involved in the youth's life to identify a new potential ERH. Prior to recommending the limitation of a parent's education rights, the CSW/PO considers whether: (1) the parent's inability to hold the youth's education rights is short term in nature; (2) the parent is attempting to reunify with the youth; and/or (3) recommending appointment of a second, co-ERH, along with the parent is feasible (e.g., parent is incarcerated for a short duration). When selecting a new potential ERH, preference must be given to relative caregivers, nonrelative extended family members, the caregiver in the youth's planned permanent living arrangement, or another adult known to, or selected by, the youth.

# Education Rights Holders Continued

## IN CASES WHERE THERE IS AN APPROPRIATE ERH:

### STEP 3

**Notice:** CSW/PO gives appropriate notice to ERH of all regularly scheduled court hearings that might affect the youth's education.

### STEP 4

**ERH Gathers Information:** ERH meets with youth, caregiver (if the caregiver is not also the ERH), school staff, and other relevant adults (e.g., tutor, school-based mental health provider) to gather relevant information about the youth's needs. ERH collects relevant education records. **See Requesting Education Records: Step-by-Step Guide Tool.** ERH attends all meetings regarding the youth's education (e.g., Child and Family Team, Multi-Disciplinary Team, IEP). **See ERH Checklist.**

### STEP 5

**CSW/PO Gathers Information:** CSW/PO discusses the youth's needs with ERH and includes information about the status of the youth's education in their court report, including but not limited to the type of school the youth is attending (e.g., school of residence, school of origin, alternative school such as continuation school or independent study program), a copy of the youth's IEP/504 plan, and any unmet education needs. **See CSW/PO Court Report Language.** CSW/PO requests any needed records directly from the school. **See Requesting Education Records: Step-by-Step Guide Tool.** CSW/PO may also access records through a county electronic data-sharing system, if available.

### STEP 6

**ERH Statement to Court:** When appropriate, ERH submits a **JV-537 Form** explaining the youth's needs to the court. Submission of the JV-537 Form or other written statement to the court (e.g., **School of Origin Best Interests Determination Procedures & Worksheet**) is required for any hearing after a change in the youth's education placement, indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in their school of origin.

## IN CASES WHERE THERE IS NOT AN APPROPRIATE ERH:

### STEP 3

**Notice:** CSW/PO provides appropriate notice to the current ERH about the upcoming hearing and their intention to request a change in ERH at the hearing. If the ERH is the parent, notice is also provided to Attorney for Parent.

### STEP 4

**CSW/PO Gathers Information:** CSW/PO discusses the youth's needs with their caregiver and education support staff (e.g., teacher, tutor), gathers relevant documents (e.g., report card, IEP), and prepares their court report including information about the status of the youth's education, the type of school the youth is attending, and recommends why the youth's ERH need to be changed (e.g., ERH unwilling to participate in the youth's education after diligent attempts are made and documented) and who is recommended to hold education rights moving forward. **See CSW/PO Court Report Language, CSW/PO Documentation of Diligent Efforts to Include Youth's Current ERH in their Education.** CSW/PO will request any needed records directly from the school. **See Requesting Education Records: Step-by-Step Guide Tool.**

### STEP 5

**CSW/PO Identifies New ERH:** CSW/PO identifies an appropriate proposed ERH, completes the **JV-535 Form**, and submits it to the court, along with their court report. If the youth has or may need an IEP and there is no potential ERH identified through CSW/PO best efforts, the CSW/PO completes the JV-535 Form, Section 4a, requesting a surrogate parent from the youth's school district.

### STEP 6

**Attorney Consults Youth:** **See Attorney for Youth Checklist.** Attorney for Youth consults with their client about the youth's education needs (including, where relevant, the youth's desire to remain in or return to their school of origin) and whether the ERH is supporting the youth. If the youth identifies that the ERH is not supporting the youth, Attorney for Youth and youth discuss potential alternative ERHs.

## At Every Court Hearing

### STEP 1

**ERH Attends Hearing:** When appropriate, ERH attends court hearing to discuss education needs of the youth.

### STEP 2

**Parties Inform Court:** ERH, Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency provide all necessary information to the court.

### STEP 3

**Court Confirms Status of ERH:** Court inquires about the status of the ERH from the CSW/PO court report and all parties and includes answers to the following questions in the minute order. **See Judge's Checklist.**

- Who is the current ERH? If the court has not specifically limited education rights, then the biological parents retain those rights.
- Is the current ERH unavailable, unable, or unwilling to exercise education rights? Factors to consider:
  - » **Biological Parent:** The court might consider limiting the education rights of a biological parent in the event that their whereabouts are unknown, or if they are unreachable (e.g., they have not provided the CSW/PO with a working phone number or valid address for the past three months), deceased, or incarcerated for an extended period. These rights can be limited temporarily and then restored if the parent is temporarily incapacitated but will be available again in the future. The court could also consider the appointment of a co-ERH in this situation.
  - » **Previous Foster Parent or Caregiver:** The court should determine whether this person no longer has the ability and/or interest to be involved in the youth's education.

### Best Practice Highlight

In Los Angeles County, where there are a large number of youth without ERHs, volunteer ERHs are recruited and trained by a collaborative group of dependency/delinquency personnel including the court, attorneys, and the child welfare/probation agencies. A list of volunteer ERHs organized by geographic proximity to youth placements is made available to Attorneys for Youth looking for an ERH.

If no concerns regarding current ERH, skip to Step 6.

### STEP 4

**Appointment of New ERH:** If the ERH is unavailable, unable, or unwilling to exercise education rights, the court must appoint a new ERH on the JV-535 Form.

- The court reviews JV-535 Form, including the relationship of the proposed ERH to the youth. The court must give preference to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, or another adult known to the youth, before appointing someone unknown to the youth.
- The court may not appoint anyone with a conflict of interest. This means a person having any interests that might restrict or bias his or her ability to make decisions, including, but not limited to, the receipt of compensation or attorney's fees for the provision of services.

### STEP 5

**Identification of ERH:** If there is no identified proposed ERH, the court will order the CSW/PO to make every effort to identify a potential ERH to make future education decisions for the youth. If the youth has or may need an IEP, the court will complete the **JV-535 Form** to request a surrogate parent from the youth's school district.

### STEP 6

**Court Inquires About Education Needs of Youth:** This should include ensuring: (1) the youth is enrolled in the **least restrictive education placement** appropriate for the youth; (2) that the youth and the ERH have been able to keep the youth in the youth's **school of origin**, if the ERH has determined it is in the youth's best interests, and that transportation is being provided to the school of origin; (3) that the youth is doing well in school (including both academic and social/emotional/behavioral needs); and (4) that the youth's IEP needs are being met.

### STEP 7

**Court Orders Regarding Education:** As necessary, the court makes orders about the youth's education needs, with input from any interested parties (e.g., ordering that a youth remain in their school of origin, ordering the county placing agency to reimburse the youth's caregiver for transporting them to their school of origin, granting permission for a youth to receive a special education assessment).



### After Every Court Hearing

#### STEP 1

**Court Clerk:** When a JV-535 Form indicates a change of ERH, the clerk provides a copy to the ERH, youth (if 10 or older), Attorney for Youth, CSW/PO, the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides no later than 5 court days after the order is signed. **See JV-535 Form, Section 11.** The court clerk can utilize the **JV-510 Form** to provide proof of service.

#### STEP 2

**Informing New ERH:** The Attorney for Youth and CSW/PO provides information to the new ERH on the ERH's responsibilities and the current education needs of the youth. The Attorney for Youth and CSW/PO can provide a copy of the **Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth**, and **Requesting a Special Education Assessment: Step-by-Step Guide** tools to assist the ERH in exercising education rights.

#### STEP 3

##### **New ERH Familiarizes Themselves with the Youth's Education Needs:**

New ERH meets with the youth and the adults supporting the youth (e.g., teacher, tutor) to gain an understanding of the youth's current education needs. ERH can also access education records as necessary to understand the youth's education needs (e.g., report cards, transcripts, attendance and discipline records, special education assessments and IEP documents). **See Requesting Education Records: Step-by-Step Guide**. ERH determines whether the youth: (1) is attending any of their schools of origin; (2) is attending the least restrictive education setting that meets the youth's needs; (3) has appropriate special education services, if needed; and (4) has an appropriate graduation plan, if the youth is in high school. When necessary, acting in the youth's best interest, and following any relevant court orders, the ERH makes decisions and takes actions to protect the education interests of the youth. If the ERH needs support in protecting the youth's best education interests, the ERH can consult with the Attorney for Youth and CSW/PO and/or request the appointment of an education attorney pursuant to Welfare and Institutions Code Section 317(e). See **317(e) Referral Form**.





Date: \_\_\_\_\_

Social Worker/Probation Officer Name: \_\_\_\_\_

Youth's Name: \_\_\_\_\_ Youth's Date of Birth: \_\_\_\_\_

Youth's Current Education Rights Holder ("ERH") Name: \_\_\_\_\_

It has been determined that \_\_\_\_\_'s current Education Rights Holder, \_\_\_\_\_, is:

☐ Unavailable

☐ I attempted to contact the current ERH on the following dates:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

☐ Biological parent/ERH has not provided a working phone number or current address to CSW/PO in the last 90 days.

☐ ERH is unavailable because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

☐ Unable

☐ Current ERH is incarcerated (Note: please consider whether a co-ERH would be appropriate)

☐ Current ERH is deceased

☐ Current ERH is unable to hold education rights because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

☐ Unwilling

☐ After speaking with the youth's current ERH on \_\_\_\_\_ [date], the ERH stated they were unwilling to continue to hold education rights because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[e.g., prior foster parent who no longer wishes to have contact with the youth]

The undersigned recommends that the current ERH's education rights be limited and that \_\_\_\_\_ [name of proposed ERH] be appointed to hold education rights for this youth. \_\_\_\_\_

[name of proposed ERH] is a: ☐ Relative ☐ Nonrelative extended family member ☐ Caregiver in the youth's Planned Permanent Living Arrangement ☐ Court Appointed Special Advocate ☐ Other adult known to the youth.

The youth and \_\_\_\_\_ [name of proposed ERH] have the following relationship: \_\_\_\_\_  
\_\_\_\_\_.

The attached [JV-535](#) form has been completed and is being submitted to the court to limit the education rights of the current ERH and appoint the proposed ERH.

If you have any questions, please contact me at \_\_\_\_\_. Thank you in advance for your assistance.

CSW/PO Signature: \_\_\_\_\_



# School of Origin

School stability matters. Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time. As a result of school instability, only 19% of foster youth are proficient in English by 11th grade, and 12% in math.<sup>12</sup> Only 50% of foster youth graduate from high school, compared to the state average of 84% of all other youth.<sup>13</sup> School of Origin (SOO) laws, if utilized properly by all those working with foster/probation youth, can minimize school instability and improve education outcomes for these youth.



## Overview of the Law

- **Best Interest Determination:** Foster youth have the right to remain in their school of origin if it is in their best interest, as determined by their ERH. School of origin is the default. CSW/POs, Attorneys for Youth, Attorneys for Parents, Judges, and AB 490 Foster Youth Liaisons all serve important advisory roles in this process and participate in decisions (e.g., home placement, transportation) that deeply impact school stability and the right of a youth to attend school of origin. Ultimately, ERHs make the final decision about whether a foster/probation youth remains in their school of origin.
- **Definition of School of Origin:** A youth's school(s) of origin include(s): (1) the school the youth attended at the time they entered the foster care and/or probation system(s); (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which the youth has a connection (e.g., sports team, relationships with peers or teachers). School of origin rights apply to charter and magnet schools and follow feeder pattern transitions into middle and high school.
- **Duration of School of Origin Rights:** If a youth's court case closes while the youth is in elementary or middle school, the youth has a right to remain in their school of origin until the end of the current school year. If the youth is in high school when their case closes, the youth has a right to remain in their school of origin until the youth graduates from high school.
- **Transportation:** Under the Every Student Succeeds Act, school districts and child welfare agencies must work together to ensure a youth is transported to their school of origin including collaborating to develop and implement clear written procedures for how transportation to school of origin will be provided. Federal law also provides for reimbursement of caregivers for providing transportation to school of origin. **All County Letter 11-51** details how CSWs can seek mileage reimbursement for caregivers who are willing to provide transportation.
- **Dispute Resolution:** If there is a dispute regarding a youth's right to remain in a school of origin, the youth has a right to remain in that school until the dispute is resolved. If needed, the Attorney for Youth or the ERH may request a

<sup>12</sup>Most recently released graduation statistics are available at: <https://dq.cde.ca.gov/dataquest/>.

<sup>13</sup>The Invisible Achievement Gap, Part 1.



## School of Origin Continued

hearing on the potential move by filing a **JV-539 Form**. The court, on its own motion, can set the matter for a hearing. The CSW/PO must provide a report to the court that specifies whether the youth has been allowed to remain in their school of origin pending resolution, the best interest opinions of the youth, ERH, and AB 490 Foster Youth Liaison, and whether the youth has been segregated into a separate school or program because of their foster status. At this hearing, the court must also make any findings and orders needed to enforce the education rights of the youth, which may include an order to set a hearing to join the necessary agencies regarding provision of services, including transportation services.

- **School Stability and Home Placement:** The youth's CSW/PO must consider educational stability when making a home placement decision. This includes consideration of: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the youth's school matriculation schedule; and (5) other indicators of educational stability.

- **Notice:** CSW/PO must provide notice to the court, Attorney for Youth, and the ERH, no more than one court day after making the decision to change a youth's placement. If there is an active IEP, notice must be provided at least ten days prior to the change in placement, to both the old and new school districts.
- **AB 490 Foster Youth Liaison Recommendation:** If an AB 490 Foster Youth Liaison recommends a change from the school of origin, he or she must provide a written best interest explanation to the ERH.
- **ERH Statement to Court:** If a child's home placement is changed, the ERH must submit a statement to the court indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in the school of origin.

20 U.S.C. § 1112(c)(5)(B), 34 C.F.R. § 299.13(C)(1)(ii), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859, Cal. Welf. and Inst. Code § 16501.1, Cal. Rule of Court §§ 5.650, 5.651.

## BEST PRACTICES FOR SCHOOL OF ORIGIN COURT HEARINGS (HEARINGS PRIOR TO OR FOLLOWING HOME PLACEMENT CHANGES)

### Before Every Hearing

#### STEP 1

**Locating a Placement:** Any time a home placement change is considered, and a search is being conducted for a new home placement, the CSW/PO considers educational stability, including: (1) proximity to the child's school of origin<sup>14</sup>; (2) school attendance area; (3) the number of school transfers the child has previously experienced; (4) the timing of the school year; and (5) other indicators of educational stability such as involvement in activities, significant relationships with teachers or peers, etc. **See CSW/PO Checklist.** CSW/PO coordinates with their agency's placement personnel to ensure school history and geographic information is considered when searching for possible home placements. If a computer program is utilized to assist with locating placements, this may require some modification of that system (e.g., to conduct a search within the geographic catchment area of a certain school).

#### STEP 2

##### **CSW/PO Notice of Placement Change Impacting School**

**Stability:** CSW/PO provides notice to the court, Attorney for Youth, ERH, and the youth's current and proposed school district (if known) no more than one court day after making the decision to change a youth's placement. If there is an active IEP, this notice must be provided at least ten days prior, and the special education office of the potential new district must also receive notice. Notice to the ERH and AB 490 Foster Youth Liaison will alert them to their future duty to provide statements to the court regarding the best interest determination that will occur.

#### STEP 3 (IF APPROPRIATE)

##### **Request an Immediate Hearing Based on Notice of Placement Change Impacting School Stability:**

An immediate hearing can be requested when the proposed home placement change might negatively impact

### Best Practice Highlight

Los Angeles county child welfare has begun working with school districts to recruit foster parents within their districts so home placements are available to maintain a youth in their school of origin despite a need for a home change.

<sup>14</sup>As mentioned in the Overview of the Law section, a youth may have more than one school of origin. ERHs determine which school of origin is the best option, and should thus be used for this analysis.

## School of Origin Continued

school stability: (1) the new home placement is too far from the school of origin for transportation to be feasible (this is a youth-specific question as different distances/modes of transportation may be appropriate based on the age and developmental needs of the youth); (2) the school district, CSW/PO, and caregiver cannot establish an interim transportation plan; (3) there is an alternative home placement option that is more accessible to the school of origin; (4) there is a different school of origin that should be considered that would require a different home placement; (5) the timing of the school year requires it (e.g., if there are only a few weeks left in the semester); and (6) any other reason that would impact the youth's ability to attend their school of origin. If any of the above situations arise, the Attorney for Youth or the ERH must request a hearing on the potential move by filing a **JV-539 Form**. **See Attorney for Youth Checklist, ERH Checklist**. The court, on its own motion, may set a hearing. **See Judge's Checklist**.

### STEP 4

**Develop Interim Transportation to SOO Plan:** Unless the ERH, in consultation with the CSW/PO, AB 490 Foster Youth Liaison, and the new caregiver, can immediately make an informed decision regarding whether it is in the youth's best interest to remain in their SOO, the CSW/PO and the school district must set up an interim transportation plan to get the youth to their SOO while the ultimate decision on best interest is pending. If the move is happening immediately, the CSW/PO must set up immediate transportation. Options include:

- **Caregiver:** CSW/PO explains the caregiver's right to transportation reimbursement and immediately submits a form to request transportation reimbursement for the caregiver, if the caregiver would like to utilize that option.
- **CSW/PO Coordination with School District:** If the caregiver is unable to provide transportation, the CSW/PO coordinates with both school districts (district for SOO and district where the youth now resides) and requests that they provide immediate transportation.
- **Private Transportation Options:** Child welfare/probation agencies contract with an outside transportation provider that can be utilized if immediate transportation is required and the caregiver and school district are unable to provide it. A referral for this service should be submitted as soon as a decision to move a youth is made.
- If there is enough time prior to the change of placement, the interim transportation step may be avoided and a long-term transportation plan may be developed with the plan to go into effect as soon as the move occurs (see Step 6).

### STEP 5

**Best Interest Determination Decision Made at Child and Family Team Meeting ("CFT"):** CSW/PO convenes a CFT meeting including the youth, ERH, caregiver, and AB 490 Foster Youth Liaisons from both districts (SOO and the district where the youth now resides) to discuss the potential move, school options, best interest of the youth, and transportation. **See School of Origin Best Interests Determination Procedures & Worksheet**. Before recommending removal from SOO, the district's AB 490 Foster Youth Liaison must provide the youth and ERH a written explanation of the reason(s) why they are recommending removal from SOO and how it serves the youth's best interest. If there is a dispute about whether the youth should continue to attend their SOO or about the transportation option, the youth has a right to remain in their SOO pending the resolution of the dispute. If the dispute is solely between the school district and the ERH, it may be appropriate for the ERH to file a **Uniform Complaint Procedures Act Complaint Form** with the school district. The judge may also use joinder to bring the school district into the court to resolve the issue.

### STEP 6

**Develop Long-Term Transportation Plan at CFT:** If the ERH determines that it is not in the youth's best interest to transfer out of their SOO, the CFT will develop a transportation plan that is developmentally appropriate for the youth. Options may include: caregiver travel reimbursement, school district transportation, public transportation, private car service, or some combination of transportation options. The team's transportation plan will be documented in the **School of Origin Best Interests Determination Procedures & Worksheet**. If the CFT cannot agree on a long-term transportation plan, the ERH, CSW/PO, or Attorney for Youth requests an immediate hearing so that the court can resolve the issue with input from all parties. **See Step 3**.

### STEP 7

**Immediate Enrollment:** If the ERH decides the youth should not remain in their SOO, the youth's caregiver immediately enrolls the youth in their new school of residence, unless the ERH determines another school would be in their best interests. **See Transferring to a New School: Enrollment, Disenrollment, and Partial Credits**.

## Best Practice Highlight

LA County has contracted with a private car service option (Hop, Skip, Drive) coordinated through the Los Angeles County Office of Education Foster Youth Services Coordination Program.

## School of Origin Continued

### STEP 8

**ERH Statement to Court:** Whenever a youth's home placement is changed, ERH submits a statement to the court indicating whether the proposed change of school placement is in the youth's best interest and whether any efforts have been made to keep the youth in the SOO. If the ERH is a biological parent, the Attorney for Parent will alert the parent who is the ERH to this duty and assist them in complying. **See Attorney for Parent Checklist.** If the ERH is not represented, the CSW/PO will alert them to this duty and facilitate compliance. The ERH may record their statement and submit a copy of the **School of Origin Best Interests Determination Procedures & Worksheet** if they choose, or provide a separate document. **See JV-537 Form.**

### STEP 9

**Preparing Court Report:** At any hearing following a change of placement, the CSW/PO's court report includes information about: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) the responses of the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable)-specifying whether each agrees with the school placement decision (and if they disagree, why); (5) a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of school placement. **See CSW/PO Court Report Language.**

### At Every Court Hearing

#### STEP 1

**Court Inquires:** The court inquires of all the parties: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) how the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable) each respond, specifying whether each agrees with the school placement decision (and if they disagree, why); (5) whether there exists a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of placement. **See Judge's Checklist.**

### STEP 2

**Dispute Resolution:** If there is a dispute over attendance at SOO, the court inquires of the ERH, Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency the answers to the above questions, whether each agrees or disagrees with the school placement, and how the decision was made. The court then determines the best interest of the youth and considers whether to join other agencies (**see JV-540 Form**) in the proceeding, such as the ERH or school district, to ensure provision of services such as transportation to SOO.

### STEP 3

Court makes findings on a **JV-538 Form**.

### After Every Court Hearing

The court clerk provides a copy of the JV-538 Form to the CSW/PO and ERH who may then use it to implement the order.







Date: \_\_\_\_\_

TO:

Court: \_\_\_\_\_ Attorney for Youth: \_\_\_\_\_

Education Rights Holder (ERH): \_\_\_\_\_ Attorney for Parent (if Parent is ERH): \_\_\_\_\_

Current District AB 490 Liaison: \_\_\_\_\_ Current School Principal: \_\_\_\_\_

Proposed District AB 490 Liaison: \_\_\_\_\_ Proposed District SELPA Director (if youth has IEP): \_\_\_\_\_

RE: Name of Youth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Mr./Ms. \_\_\_\_\_:

A change of home placement has been proposed for the above named youth. This youth currently attends \_\_\_\_\_ school in the \_\_\_\_\_ school district. This change of home placement would change the local school of residence for this youth to \_\_\_\_\_ school in the \_\_\_\_\_ school district. The change of home placement is likely to occur on or around \_\_\_\_\_ [date].

Please note that the youth has a right to attend their school of origin, but this may be difficult depending on the distance moved. The new home placement is \_\_\_\_\_ miles from the youth's current school.

A Child Family Team meeting is being convened to discuss this potential move, including its impact on the youth's school placement, on \_\_\_\_\_ [date/time]. We welcome input at this meeting from all who support this youth. However, it is the education rights holder who ultimately decides whether it is in the youth's best interest to transfer to the new school.

Please note that if the foster youth liaison for the current school, or education rights holder believe that it is in the youth's best interest to transfer to the new school, they will need to provide a statement to the court explaining that decision.

If the youth's education rights holder or attorney disagree with the home placement change, they have a right to request a hearing.

Please contact me with any questions or concerns at \_\_\_\_\_.

Sincerely,

CSW/PO Signature: \_\_\_\_\_

cc: County Counsel



Before recommending that a foster youth move from their school of origin, the district must provide a written explanation of why a school change is in the youth's best interests, and obtain a written waiver from the ERH. The following steps guide a determination of whether the youth should remain in the school of origin or should transfer to a new school, and what plans are needed to ensure continuous school enrollment. This form, once completed, can be submitted to the court to meet the district and ERH's obligations to provide written explanations of their recommendations/decisions on school of origin.

Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

### STEP 1: Meeting Participants

Education Rights Holder(s) ("ERH") ☐ Present? Name: \_\_\_\_\_

#### Mandatory Participant

Youth ☐ Present? Name: \_\_\_\_\_

Caregiver(s), if different than ERH ☐ Present? Name: \_\_\_\_\_

Social Worker/Probation Officer ☐ Present? Name: \_\_\_\_\_

Attorney for Youth/Public Defender ☐ Present? Name: \_\_\_\_\_

AB Foster Youth Liaison (sending school) ☐ Present? Name: \_\_\_\_\_

AB Foster Youth Liaison (receiving school) ☐ Present? Name: \_\_\_\_\_

Academic Counselor ☐ Present? Name: \_\_\_\_\_

School Administrator ☐ Present? Name: \_\_\_\_\_

Other ☐ Present? Name: \_\_\_\_\_

Other ☐ Present? Name: \_\_\_\_\_

### STEP 2: Identify School Options

**Option 1:** School youth attended before home placement change, or current school if youth has not yet moved: \_\_\_\_\_.

**Option 2:** School of residence after home placement change: \_\_\_\_\_.

**Option 3:** School attended when youth first entered foster care/probation system: \_\_\_\_\_.

**Option 4:** Any other school(s) attended within the last 15 months where the youth has a connection: \_\_\_\_\_.

**Option 5:** Any school(s) to which the youth would have matriculated (elementary to middle or middle to high school) from options 1-4 above, using district feeder patterns: \_\_\_\_\_.



### STEP 3: Complete Best Interest Analysis by Considering Pros and Cons of School of Origin Options

Discuss the pros and cons of each school using the chart below. First, write in the name of each school of origin option (identified in Step 2 above) into the top row. **School Option 1, the youth's current school (or the school the youth attended before the home placement change), is shaded grey to remind meeting participants that it is strongly favored**, especially if the youth has experienced significant school instability in the past and/or has struggled to recover after past school changes. Then, discuss with the team which school or schools best answer each question and place an "X" in the appropriate box(es).

|   | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 |
|---|----------|----------|----------|----------|----------|
| <b>Name of School</b>   |          |          |          |          |          |
| <b>Youth Preference</b><br>What school(s) does the youth want to attend?  |          |          |          |          |          |
| <b>Length of Attendance</b><br>Which school(s) has the youth attended long enough to develop relationships, trust, and a feeling of belonging?  |          |          |          |          |          |
| <b>Academic Strengths</b><br>Which school(s) has the strongest academic program and/or college going culture to support the needs of the youth?   |          |          |          |          |          |
| <b>Special Education</b><br>If the youth has an IEP, which school(s) can provide the most appropriate program?  |          |          |          |          |          |
| <b>English Learner</b><br>If the youth is an English learner, which school(s) can best support the youth's language development needs?  |          |          |          |          |          |
| <b>Social/Emotional</b><br>At which school(s) has the youth developed positive relationships with peers and/or teachers?  |          |          |          |          |          |
| <b>Timing of Transfer</b><br>Which school will prevent a mid-semester school change?<br>(Check only the school where the youth is currently attending)  |          |          |          |          |          |
| <b>Anticipated Length of Placement</b><br>If the youth is in (or about to be placed in) a permanent living situation (e.g., with a relative or someone seeking legal guardianship or adoption of the student), which school(s) would also work for that home placement? |          |          |          |          |          |





|   | Option 1  | Option 2  | Option 3  | Option 4  | Option 5  |
|---|-----------|-----------|-----------|-----------|-----------|
| <b>Extracurricular Activities</b><br>Which school(s) will enable the youth to be connected to extracurricular activities?   |           |           |           |           |           |
| <b>School Discipline</b><br>At which school(s) does the youth have positive behaviors (free or minimal discipline history)? |           |           |           |           |           |
| Which school(s) are within 15 miles of the new placement? <sup>1</sup>  |           |           |           |           |           |
| What is the school schedule? (Start time / End time)  | ____/____ | ____/____ | ____/____ | ____/____ | ____/____ |

### Impact of Distance on Education

How long is the youth willing to spend in transit each day? \_\_\_\_ minutes

How early is the youth willing to leave for school/get home from school? \_\_\_\_ AM / \_\_\_\_ PM

### STEP 4: Foster Youth Liaison Recommendation

The youth's AB 490 Education Liaison: ☐ recommends or ☐ does not recommend that the youth remain in their school of origin for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### STEP 5: ERH Best Interest Determination

The ERH makes the final decision about whether remaining in the current school or any other school of origin is in the youth's best interest, based on the completion of the chart, all the information available to the team, the Foster Youth Liaison's recommendation, and what the ERH believes would best serve the youth's needs.

ERH Chooses: ☐ to have the youth remain in \_\_\_\_\_ school of origin (if checked, go to Step 6) OR  
☐ to waive the youth's right to remain in their school of origin and requests immediate enrollment at: \_\_\_\_\_ school (complete statement below, then skip to Step 7 for consent).

The youth's ERH waives the youth's right to remain in their school of origin for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

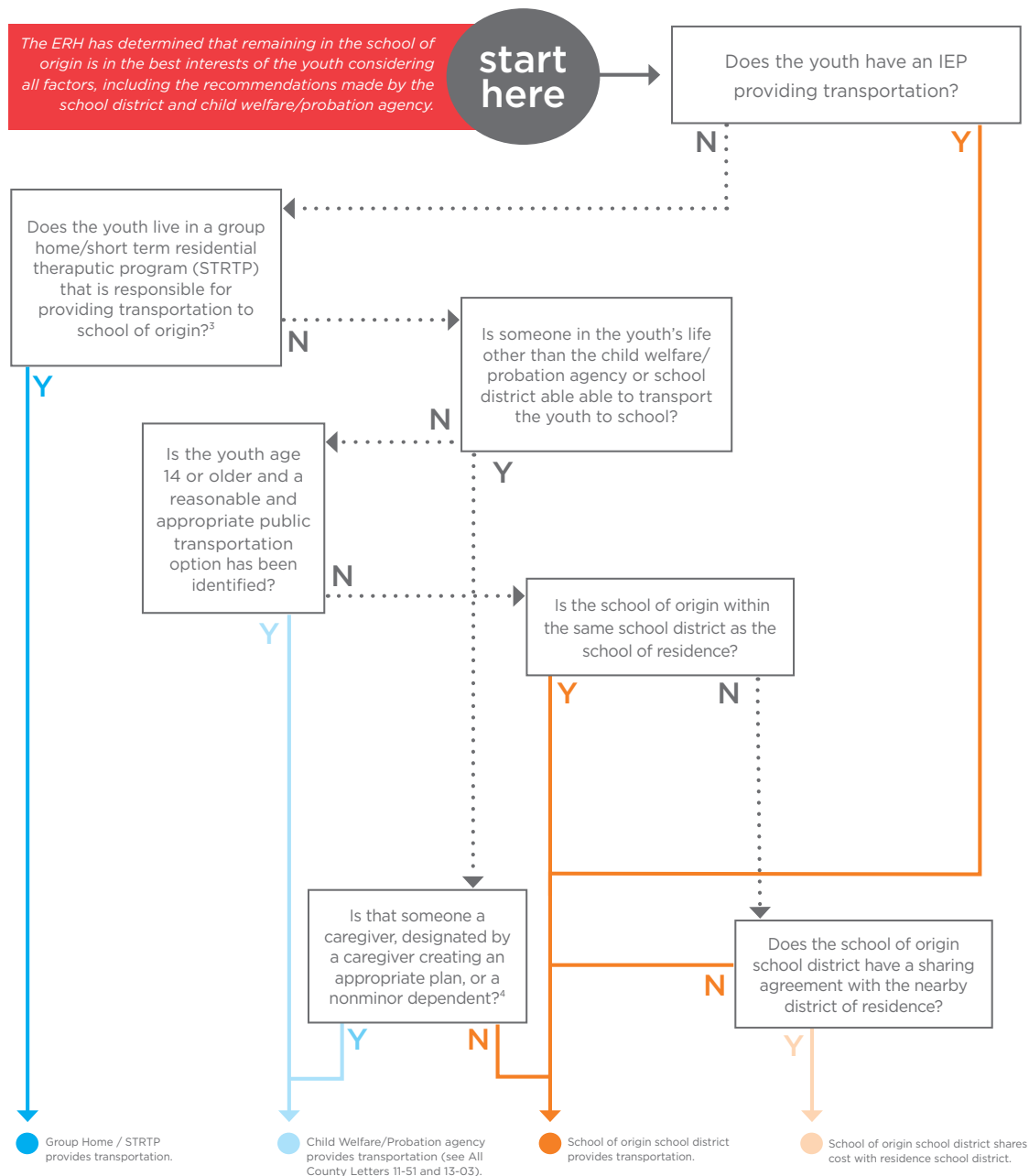
<sup>1</sup> School districts may establish a distance within which transportation to the school of origin is presumptively feasible, such as 15 miles. However, a youth who lives further away may not be denied the right to attend the school of origin or denied access to transportation.



## STEP 6: Transportation Plan

If the ERH decides that attendance at a school of origin is in the best interests of the youth, use the Transportation to School of Origin Flowchart to identify whether the school or county placing agency will be responsible for providing that transportation and in what form (e.g., reimbursement, bus service, public transit pass, etc.).<sup>2</sup> The county placing agency and school district may also agree to split certain costs for transportation at the end of each year. Note that under the Federal Every Student Succeeds Act, written procedures are required between school districts and county child welfare organizations.

Transportation to School of Origin Flowchart



<sup>2</sup>Under the Every Student Succeeds Act, the written procedures describing transportation cost splitting must also describe how disputes regarding school of origin will be addressed and who will pay while the dispute is ongoing. Best practices suggest that for ease of implementation, the school of origin district where the youth already has been attending should pay for transportation in the first instance, seeking reimbursement as appropriate after the dispute is resolved.

<sup>3</sup>As of January 1, 2017, short term residential treatment programs (STRTPs) must provide core educational services such as transportation to school of origin. WIC § 11463(b). Additionally, current group home contracts for foster and probation youth may include obligations to provide and funding for transportation, including school of origin.

<sup>4</sup>All County Letters 11-51 and 13-03 specify guidelines for reimbursement of caregivers for transportation to school of origin. Although biological parents may not be directly reimbursed, if the court allows unsupervised visits, the caregiver can make an appropriate plan to have the parent transport the youth and be reimbursed by the child welfare/probation agency. Otherwise, the school district should provide reimbursement for biological parents who transport the youth to school.



### Summary of Transportation Plan

Transportation to the school of origin will be provided by:

☐ Group Home / Short-term Therapeutic Residential Treatment Program (STRTP).

☐ Child Welfare or Probation Agency in the form of:

☐ Reimbursement to an individual: Individual's name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Agency providing reimbursement: \_\_\_\_\_

☐ Public transportation to be facilitated by the child welfare or probation agency:

The route identified is: \_\_\_\_\_

\_\_\_\_\_

☐ The School of Origin school district in the form of:

☐ Bus or other vehicle

☐ Reimbursement to an individual: Individual's name: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

☐ Public transportation to be facilitated by the school district:

The route identified is: \_\_\_\_\_

\_\_\_\_\_

☐ Other (including shared responsibility with nearby district or County Office of Education). Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### STEP 7: Consent

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

Caregiver Signature<sup>5</sup>: \_\_\_\_\_

School Administrator: \_\_\_\_\_

<sup>5</sup> Note that the ERH is the only person with the right to consent to a change from the school of origin. However, the caregiver should also be consulted regarding the mode of transportation.





Youth's Name \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Date of Alleged Violation \_\_\_\_\_ School of Alleged Violation \_\_\_\_\_

I am filing a complaint on the following issue(s): Check all that apply.

- ☐ **Enrollment in school of origin:** A foster/probation youth (hereinafter referred to using the term 'foster' only) has been denied the right to remain in their school of origin (this includes any school run by a school district and charter schools; this includes the right to matriculate with their peers in accordance with established feeder patterns within the district of origin). (*Education Code § 48853.5*)
- ☐ **Enrollment in regular public school:** A foster youth has been denied the right to attend the youth's regular public school or been forced to attend a continuation school, independent study program, or other alternative educational setting, without the education rights holder's agreement that that is in the youth's best interests. (*Education Code § 48853, 48853.5*)
- ☐ **Immediate Enrollment:** A foster youth has been denied the right to immediately enroll (including in the same/equivalent classes/grade) for any reason including but not limited to, entering the school any time after the school year has begun, being credit deficient, having behavioral issues, having outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records. (*Education Code § 48853.5*)
- ☐ **Equal Access to School Services:** A foster youth has been denied equal access to academic resources (e.g., tutoring, A-G/Honors courses), school services (e.g., school based mental health services), extracurricular activities (e.g., sports, art, drama, music), enrichment activities (e.g., field trips, college fairs), or any other support or service for any reason including missing a sign-up or try-out deadline. (*Education Code § 48853*)
- ☐ **Records:** The district failed to ensure the proper transfer of records from one school to another within 2 business days of a foster youth's transfer. (*Education Code § 48853.5; 49069.5*)
- ☐ **Partial Credits and Checkout Grades** (*Education Code § 48853.5; 49069.5; 51225.2*)
  - ☐ A foster youth has been denied the right to credits, including partial credits based on seat time, and/or check out grades upon transfer into or out of the school/district.
  - ☐ A foster youth has been denied the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities.
  - ☐ A foster youth has been denied the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school or denied the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.
- ☐ **Graduation Under AB 167/216, "Foster Youth Graduation Exemption"** (*Education Code § 51225.1, 51225.3*)
  - ☐ A foster youth has been denied the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the pupil: (1) transferred schools after the completion of their second year of high school; and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school.
  - ☐ A foster youth has been denied the right to remain in their local high school for a fifth year to complete school district graduation requirements if they are reasonably able to do so.
  - ☐ The district has failed to inform a foster youth, their education rights holders, and/or their social worker/probation officer of their eligibility or ineligibility for the graduation exemption within thirty (30) days of transferring into the school/district.
  - ☐ The district has failed to issue a 'normal high school diploma' for the foster youth upon their completion of all required state coursework.
- ☐ **Discipline:** The foster youth liaison failed to notify the foster youth's attorney and/or appropriate representative of the county placing agency of pending expulsion proceedings, proceedings to extend a suspension, or pending manifestation determination for a student with an Individualized Education Program ("IEP"). (*Education Code § 48853.5*)
- ☐ **Other:** \_\_\_\_\_



- A. Please give the facts about your complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. You may attach additional pages and include as much text as necessary to fully describe the situation. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- B. With whom have you spoken regarding this complaint? Please include that person's title and the result of the discussion. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- C. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents. Yes ☐ No ☐
- D. Is there a specific remedy you action you would like the District to take?
- ☐ No. I do not have a specific remedy in mind, but would like the district to resolve this complaint.
- ☐ Yes. I am seeking the specific remedy below:
- ☐ Immediate enrollment in school. Name of school: \_\_\_\_\_
  - ☐ Compensatory education services to make up for lost school days in the amount of: \_\_\_\_\_
  - ☐ Issuance of full or partial credits.
  - ☐ Graduation under the foster youth graduation exemption or eligibility certification for graduation under the foster youth graduation exemption.
  - ☐ Other (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Please send me a copy of the written response to my complaint within 60 calendar days.**

**Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**City & Zip Code:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Relationship to the Youth:** \_\_\_\_\_

Note: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. See 5 CCR § 4652.

# Transferring to a New School: Enrollment, Disenrollment, and Partial Credits

If the ERH determines that a school transfer is in the youth's best interest, CSWs/POs are responsible for working with school districts to ensure the youth has been properly disenrolled from the prior school, enrolled in the new school, and that records (including any partial credits for high school youth) are timely transferred between schools.

*Cal. Educ. Code §§ 48853, 48853.5, 49069.5.*



## Overview of the Law

### Enrollment Rights of Foster/Probation Youth:

- **Immediate enrollment in local comprehensive public school** if their ERH decides it is in their best interest, even if they do not have any of the required documents (e.g., transcripts, immunization records, proof of residence). Immediate enrollment rights also apply to charter schools. CSW/POs must help ERHs collect and keep copies of key documents and provide them to the new caregiver and school as part of the youth's Health and Education Summary. Even though these documents are not required for enrollment, they are needed for districts to effectively serve youth.
- **Education in the least restrictive environment** (usually their local comprehensive school) as determined by their ERH in the youth's best interest. Youth may not be forced to attend a continuation school, adult school, or independent study program, even if they are credit deficient/off track for high school graduation, have failing grades, or have behavior problems. There are limited exceptions to this rule.<sup>15</sup>
- **Enrollment in the same or equivalent classes** as those taken at the youth's prior school, even if they are transferring mid-semester. Youth cannot be enrolled in all or a majority of elective classes, or be forced to re-take a class they have already passed unless their ERH agrees, in writing, that it is in the youth's best interest.
- **Full or partial credits**, based on seat-time, for all work satisfactorily completed, if transferring schools mid-semester. Upon receiving notification that a foster youth is transferring schools, a sending school must issue check out grades and full or partial credits on an official transcript within 2 business days. The receiving school must accept all check out grades and credits, and apply them to the same or equivalent courses.
- **Equal participation in extra-curricular activities** regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).

<sup>15</sup>Limited exceptions include if the youth has: (1) an IEP requiring a different placement; (2) been expelled or transferred to an alternative school after a formal hearing and school board decision; or (3) been placed in an emergency shelter for a short period of time for either: (1) health and safety emergencies; OR (2) when awaiting an ERH decision regarding whether or not to utilize SOO if: (a) a SOO decision cannot be made quickly; AND (b) it is not practical to transport the youth to the SOO in the meantime; AND (c) the youth would otherwise not receive educational services; AND (d) temporary, special, and supplementary services are available to meet the youth's unique needs.



# Transferring to a New School Continued

## School Transfer Rights of Foster/Probation Youth:

- **Request for Transfer:** As soon as the CSW/PO or county office of education becomes aware of the need to transfer a foster/probation youth out of their current school<sup>16</sup>, the county placing agency or county office of education must contact the school district and notify them of the date the youth will be leaving the school and request that the youth be transferred out.
- **Forwarding Records:** School districts must compile a youth's complete education records as of the last day of actual attendance and forward a copy of all records to the new school within two business days of a request. This includes, but is not limited to, a transcript (including full/partial credits and check out grades), current class schedule, attendance, immunization/health records, and IEP/504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding

fines. When requested, school districts must also send a copy of a youth's education records to CSWs fulfilling case management responsibilities or assisting with enrollment and POs or district attorneys investigating: (1) a criminal allegation; (2) whether to declare the youth a ward of the court; or (3) a violation of probation.

- **Collecting and Updating Records:** On each required home visit, the CSW/PO must ask the caregiver whether there is any new information that should be added to the child's Health and Education Summary and update the Summary with the information before the next court date or within 48 hours of a change in placement. The CSW/PO must help the caregiver obtain relevant health and education information for the child's Health and Education Summary. Caregivers must be provided a copy of the Health and Education Summary within 30 days of an initial placement and within 48 hours of any subsequent placement.

*Cal. Educ. Code §§ 48432.5, 48853, 48853.5, 48859, 49069.5, 49076, 51225.2, 51228; Welf. Inst. Code §16010; 5 C.C.R. 438(c), 361.*

## Best Practice Highlight

In Los Angeles County, a **1399 Form** is sent by the CSW to the new school to inform them that the youth is enrolling, make them aware of the youth's needs, and provide key contact information, including the youth's ERH.



<sup>16</sup>This only occurs after the CFT conducted to determine whether it is in the youth's best interests to remain in their school of origin.

# Transferring to a New School Continued

## Best Practices for Disenrolling Foster/Probation Youth STEP 1<sup>17</sup>

**CSW/PO Notifies the School District of Disenrollment and Requests Transfer of Records:** As soon as the CSW/PO learns that a youth's ERH has chosen not to have them remain in their school of origin and that the youth must transfer out of their current school, the CSW/PO contacts the youth's prior school to inform them of the date of the youth's transfer, and requests that the youth's transcript (including partial credits) be completed and sent to the CSW/PO and all records be gathered and forwarded to the youth's new school. **See CSW/PO Notice of School Change and Request For Records, CSW/PO Checklist.**  
**STEP 2**

**Review of Records:** CSW/PO collects and reviews records to ensure the youth's Education Summary is complete (e.g., immunization records, IEPs). CSW/PO ensures the youth has an up-to-date transcript including a determination of seat time, check out grades, full or partial credits earned, and current class schedule.<sup>18</sup> If there is a problem with the transcripts, the CSW/PO or ERH works with the district's AB 490 Foster Youth Liaison to correct the transcript. If the district is unwilling to resolve the issue, consider filing a **Uniform Complaint Procedures Act Complaint Form.**



## Best Practices for Enrolling Foster/Probation Youth STEP 1

**Provide Caregiver with Health and Education Summary:** As soon as a new placement is determined, CSW/PO provides the new caregiver with the Health and Education Summary, including any education records and ERH contact information. The CSW/PO advises the caregiver on working with the ERH to determine the least restrictive environment in which to enroll the youth.

### STEP 2

**Immediate Registration at Local District/School:** The caregiver takes the youth to the new local school for registration on the day that they enter their placement. The caregiver initiates all paperwork required, and shares the ERH information with the school. As the school begins to explore placement options, the ERH should be contacted and the next step should occur.

### STEP 3

**Enrollment in the Least Restrictive Environment:** In most cases this will be the local, comprehensive school. The ERH has the ultimate decision-making authority over where a youth is enrolled in school. Once the ERH decides about school placement, after exploring options with the school/district, the caregiver ensures the student is immediately enrolled and is attending daily. If there is any disagreement about the appropriate least restrictive environment for a youth, a CFT meeting must be held with the caregiver, ERH, CSW/PO and school district to discuss school placement options. The ERH remains the ultimate decision maker and a youth cannot be placed in a continuation school unless the ERH determines it is in their best interest. **See ERH Checklist, Voluntary Transfer of Students Out of Comprehensive Schools, Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth.**

### STEP 4

**Monitoring Enrollment:** Two days after a youth has been placed in a new home, the CSW/PO contacts the ERH, caregiver, and school district to ensure that the youth: (1) has been enrolled and has begun attending their new school in an appropriate, least restrictive placement as determined by the ERH; (2) that records have been received from the prior school; and (3) that their IEP is being implemented, if they have one. For high school youth, the CSW/PO requests and reviews the youth's current class schedule to ensure they are enrolled in the same/equivalent classes as at their prior school. If the youth is not enrolled in school, the CSW/PO must notify the ERH, and hold a CFT meeting to attempt to resolve any issues. If the youth is not enrolled because the school is refusing immediate enrollment, consider filing a **Uniform Complaint Procedures Act Complaint Form.**

<sup>17</sup>These steps only begin after notification has been provided to the ERH about the move, and the ERH has made the decision that it is in the youth's best interest to transfer out of their school of origin.

<sup>18</sup>For high school youth, check their transcripts carefully. If the youth was absent from school due to a change of placement or attendance at court dates, the grades and credits of the youth should be calculated as of the last date of actual attendance, and no lowering of grades should have occurred as a result of the absence of the youth under these circumstances.



# Transferring to a New School Continued

## BEST PRACTICES FOR ENROLLMENT/DISENROLLMENT COURT HEARINGS (HEARINGS IMMEDIATELY BEFORE OR AFTER A SCHOOL TRANSFER)

### Before Every Court Hearing

#### STEP 1

**Ensure Appropriate ERH Appointed:** After every change in home placement, the CSW/PO reviews whether the ERH remains appropriate.

#### STEP 2

**Preparing Court Report:** The CSW/PO compiles records and information collected from the ERH, youth, caregiver, and prior and new school during disenrollment/enrollment process. The court report includes assurances that the youth: (1) was appropriately disenrolled from their previous school; (2) was awarded partial credits on an official transcript (for high school age youth); (3) had their complete education records transferred to the new school; (4) was immediately enrolled in their new school after ERH determined it was not in their best interest to remain in their school of origin; and (5) is enrolled in the least restrictive environment, as determined by the ERH. **See CSW/PO Court Report Language.**

#### STEP 3

**Attorney Consultation with Client About School Transfer:** The Attorney for Youth and Attorney for Parent (if parent holds education rights) each consult with their respective client about the school transfer, including confirmation that the student is enrolled in the least restrictive environment, and that records were transferred. **See Attorney for Youth Checklist, Attorney for Parent Checklist.**

#### STEP 4

**ERH Statement to Court:** ERH submits a **JV-537 Form** explaining the youth's needs to the court, indicating whether the proposed change of placement is in the youth's best interest and whether any efforts have been made to keep the youth in their school of origin.

### At Every Court Hearing

#### STEP 1

**Court Inquires:** (1) If the prior caregiver is the youth's ERH, the court asks all parties whether that person is able and willing to remain in that role, or if a new ERH is needed; (2) ensures school of origin was properly considered prior to the school transfer, and (3) ensures that the youth was immediately enrolled in the same or equivalent courses, in the least restrictive education setting according to the ERH (with any special education supports or services required by their IEP/504 plan), and all relevant education records were transferred to the new school (including partial credits for high school aged youth). **See Judge's Checklist.**

#### STEP 2

**Court Orders Regarding School Transfer:** Court makes any orders necessary to ensure any needs identified in Step 1 are met.

### After Every Court Hearing

The ERH/CSW/PO follows up on any court orders. This can include enrolling a youth in their least restrictive environment, holding a CFT meeting to address school of origin concerns, or gathering partial credits.







Date: \_\_\_\_\_

TO: School/District: \_\_\_\_\_

Address: \_\_\_\_\_

RE: Name of Youth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Foster Youth Liaison and Records Clerk,

The above-named foster/probation youth will be transferring to \_\_\_\_\_ school (the “receiving school”) in the \_\_\_\_\_ school district on \_\_\_\_\_ [date]. As of \_\_\_\_\_ [date], please disenroll this youth from your school, and send copies of their records to myself and the receiving school as detailed below within two (2) business days. Cal. Educ. Code §§ 48853.5 and 49069.5.

We are requesting a copy of any and all general and special education records for the above-mentioned foster/probation youth including, but not limited to the following:

- All Health Records
- All Cumulative Records (including attendance, progress reports, report cards and transcripts--including partial credits and check out grades)
- All Discipline Records
- All State and Districtwide Testing, including STAR and SBAC testing, Stanford 9 Scores and CAT – 6 Scores
- All Correspondence (e.g., inter-office notes, memos, letters, etc.)
- All Special Education Assessments (e.g. psychological, educational, speech, OT, PT, etc.)
- All Individualized Education Programs

Please provide a physical copy of all records to the addresses below within two business days of this request. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

CSW/PO Signature: \_\_\_\_\_

Child Welfare/ Probation Worker

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number/Email: \_\_\_\_\_

New School Contact Information:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

# Graduation Planning

It is essential that all parties involved in the education-related decisions affecting a foster/probation youth work collaboratively to support the youth in reaching high school graduation. Foster/probation youth have the lowest graduation rates of any student population in the state.<sup>19</sup> Foster/probation youth have some special options regarding graduation planning. All those involved in the education of a youth in foster care/probation are encouraged to familiarize themselves with the options described below.



## Overview of the Law

### Monitoring Graduation Status:

- ERH/CSW/PO must keep the youth's Health and Education Summary up to date, and provide a copy to the caregiver within 30 days of placement (and within 48 hours of any subsequent placements) and include a copy in the court report prior to each hearing.
- The Summary must include information about a youth's course enrollment and graduation status. This can be accomplished by including a current transcript and a graduation check with the court report. ERH/CSW/POs are responsible for ensuring that the youth has had a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held and has had equal access to educational resources such as tutoring, Advanced Placement/International Baccalaureate courses, and vocational/technical education courses.

*Welf. Inst. Code § 16010; Cal. Educ. Code § 48850.*

### AB 167/216 Graduation:

- Foster/probation youth who transfer high schools after completing their second year of high school may graduate by completing minimum state graduation requirements<sup>20</sup> if, at the time of transfer, they cannot reasonably complete

additional local school district requirements within four years of high school.

- This law applies to any school run by a school district. Charter schools are not required to follow this, although they may choose to.
- Youth, ERH, and CSW/PO must be notified of youth's eligibility in writing by the school within 30 days of enrolling. If this deadline is missed, the youth or any adult working with them may file a **Uniform Complaint Procedures Act Complaint Form** to request that their eligibility be determined. Once a student is found eligible, they remain eligible, even if they transfer schools again, returns to their biological parents' care, or their court case closes.
- A youth's ERH determines if it is in the youth's best interests to use the graduation exemption, reject the exemption and graduate using district requirements (e.g., for 4 year college bound students taking A-G requirements), stay in high school for a 5th year (even if they turn 19 during that year), or defer the decision to a later date. **See Enrollment and High School Education Rights.** Regardless of the graduation option chosen, youth must receive a normal high school diploma.

*AB 1166 (effective 1/1/16); Cal. Educ. Code § 51225.1.*

<sup>19</sup>Most recently released statistics available at: <http://data1.cde.ca.gov/dataquest>

<sup>20</sup>State graduation requirements only include 130 of the following credits, instead of the 220-240 credits required by a typical high school: 30 credits of English, 30 credits of Social Studies (10 US History, 10 World History, 5 Government, 5 Economics), 20 Science (10 Life Science, 10 Physical Science), 20 Math (10 Algebra, 10 any other Math), 20 PE and 10 Art/Foreign Language/CTE.

## BEST PRACTICES FOR COURT HEARINGS REGARDING GRADUATION (HEARINGS HELD FOR HIGH SCHOOL AGED YOUTH)

### Before Every Court Hearing

#### STEP 1

**Transcript Request:** ERH/CSW/PO send a Requesting Education Records: Step-by-Step Guide to the youth's school for an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements. [See Requesting Education Records: Step-by-Step Guide, ERH Checklist, CSW/PO Checklist.](#)

#### STEP 2

**Determine Graduation Status:** ERH/CSW/PO determine whether the youth is on track for high school graduation by identifying whether they have earned the number of credits typically required at that school.<sup>21</sup> If the youth has failed more than one class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation. [See High School Graduation Check.](#) Other college preparatory suggestions can be found in [California College Pathway's College Guide.](#)

#### STEP 3

**Off Track Youth:** If the youth is off track for high school graduation, the ERH meets with the youth to identify their barriers to success and creates a plan for accessing necessary services to help the youth be successful in school. The ERH reports this plan to the CSW/PO.

#### STEP 4

**AB 167/216 Graduation:** ERH/CSW/PO identify whether the youth has transferred schools after completing their second year of high school. A youth has completed their second year of high school if two school years have passed since they first enrolled in the 9th grade. If the youth has transferred schools after completing their second year of high school, determine whether the youth, ERH, and CSW/PO have received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment. If not, send [Uniform Complaint Procedures Act Complaint Form.](#)

#### STEP 5

**Best Interest Determination:** If the youth is eligible, the ERH and the youth should discuss whether it is in the youth's best interests to accept or decline AB 167/216 graduation.

#### STEP 6

**College Preparation:** If the youth is on track for high school graduation and a senior, ERH/CSW/PO assist youth in: (1) completing the FAFSA; (2) touring colleges; (3) completing college applications and/or entrance examination requirements (e.g., community college placement test; SAT/ACT); and (4) exploring additional scholarship options. See [Financial Aid Guide for California Foster Youth.](#)

#### STEP 7

**Preparing Court Report:** ERH and CSW/PO confer about youth's education needs as it relates to their graduation status. The CSW/PO includes information regarding graduation in the court report and makes any necessary recommendations (e.g., if the youth should have but has not yet received their AB 167/216 graduation notification letter, the CSW/PO could recommend that the court order the youth's school district to provide the letter). [See CSW/PO Court Report Language.](#)



<sup>21</sup>Most schools in California expect students to earn 30 credits during each semester (60 credits per year) although some schools have different credit accumulation schemes. Completing this step may require consultation with the youth's guidance counselor.





### At Every Court Hearing

#### STEP 1

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**ERH Attends Hearing:** When appropriate, ERH attends court hearing to discuss graduation needs of the youth.

#### STEP 2

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**Parties Inform Court:** Attorney for Parent, Attorney for Youth, and Attorney for County Placing Agency provide all necessary information to the court about the youth's graduation status and any barriers to success. **See Attorney for Parent Checklist, Attorney for Youth Checklist.**

#### STEP 3

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**Court Inquires About Graduation Status of Youth:** Court inquires about the youth's graduation status including whether or not the youth: (1) is on track for high school graduation; (2) if necessary, is receiving any academic support services; (3) has access to A-G, Honors/Advanced Placement/International Baccalaureate, or CTE courses; (4) has transferred schools after completing their second year of high school; (5) has received their AB 167/216 eligibility notification within 30 days of enrollment; (6) has an ERH who has made a best interest decision about utilizing the AB 167/216 graduation option; (7) has completed the FAFSA, toured colleges, submitted college applications (for high school seniors only); (8) has explored vocational/employment options; and/or (9) has any need for additional funds for graduation-related activities. **See Judge's Checklist.**

#### STEP 4

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**Court Orders Regarding Graduation:** Court makes any orders necessary to ensure the youth has the services necessary to get back on track for high school graduation or stays on track for high school graduation, including having meaningful access to college and work preparatory courses.

### After Every Court Hearing

ERH/CSW/PO follows up on any court orders. This can include requesting AB 167/216 Certification using the **Uniform Complaint Procedures Act Complaint Form.**

| CREDIT CHECK  |                     |  |  |   |  |
|---|---------------------|--|--|---|--|
| School District Credit Checklist  |                     |  |  |   |  |
| <b>School District Requirements</b><br><i>Course Name: Credits Required</i>   |                     | <b>Courses Completed</b><br><i>Course Name: Credits Earned (School, Semester School Yr.)</i> |  | <b>Courses Remaining</b><br><i>Course Name: Credits Remaining</i> |  |
| Social Studies:   |                     |  |  |   |  |
| English:  |                     |  |  |   |  |
| Math:   |                     |  |  |   |  |
| Science:  |                     |  |  |   |  |
| Foreign Language:   |                     |  |  |   |  |
| Visual/Performing Arts:   |                     |  |  |   |  |
| PE:   |                     |  |  |   |  |
| Health:   |                     |  |  |   |  |
| Other Electives:  |                     |  |  |   |  |
| Required:   |                     | Completed:   |  | Remaining:  |  |
| AB 167/216 Analysis & Credit Checklist  |                     |  |  |   |  |
| 1. Does the student have an open foster care or probation court case? <input type="checkbox"/> Yes <input type="checkbox"/> No  |                     |  |  |   |  |
| 2. Has the student transferred schools after the second year of high school? <input type="checkbox"/> Yes <input type="checkbox"/> No   |                     |  |  |   |  |
| Total # of required school district credits remaining:  | ÷                   |  | Maximum # of credits earned each semester: | =   | # of semesters student must complete to satisfy local school district graduation requirements: |
|   |                     |  |  |   |  |
|   |                     |  |  | IF >  | # of semesters left before the student completes 4 years of high school                        |
| 3. Is the student reasonably <i>unable</i> to complete all district graduation requirements (calculate below)? <input type="checkbox"/> Yes <input type="checkbox"/> No   |                     |  |  |   |  |
| <b>Eligibility:</b> If all three questions above are “yes”, the student is eligible for AB 167/216 graduation. Is the student eligible?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |                     |  |  |   |  |
| <b>Certification:</b> Was certification of eligibility determination provided to student, ERH, and social worker within 30 days of enrollment including instructions to ERH on how to accept eligibility?: <input type="checkbox"/> Yes <input type="checkbox"/> No |                     |  |  |   |  |
| <b>ERH decision:</b> <input checked="" type="checkbox"/> Accept eligibility <input type="checkbox"/> Remain in high school for a 5 <sup>th</sup> year <input type="checkbox"/> Reject eligibility <input type="checkbox"/> Decision not yet made                    |                     |  |  |   |  |
| AB 167/216 Requirements   |                     | Courses Completed  |  | Courses Remaining   |  |
| <i>Course Name(s): (Courses Required)</i>   |                     | <i>Course Name: Credits Earned (School, Semester, School Yr.)</i>                            |  | <i>Course Name: Credits Remaining</i>                             |  |
| Social Studies  |                     |  |  |   |  |
| • World History (1 year)  |                     |  |  |   |  |
| • US History (1 year)   |                     |  |  |   |  |
| • Government (.5 years)   |                     |  |  |   |  |
| • Economics (.5 years)  |                     |  |  |   |  |
| English (3 years)   |                     |  |  |   |  |
| Math (2 years)  |                     |  |  |   |  |
| • Algebra 1 (1 year)  |                     |  |  |   |  |
| Science (2 years)   |                     |  |  |   |  |
| • Biology (1 year)  |                     |  |  |   |  |
| • Physical Science (1 year)   |                     |  |  |   |  |
| Foreign Language/Visual and Performing Arts (1 year)  |                     |  |  |   |  |
| PE (2 years)  |                     |  |  |   |  |
| Required: 130 credits   |                     | Completed:   |  | Remaining:  |  |
| Course Scheduling   |                     |  |  |   |  |
| Create a tentative course schedule for each remaining school term, ensuring that required courses for identified graduation option are completed first. Include the number of credits remaining for each course   |                     |  |  |   |  |
| Fall School Year:   | Spring School Year: | Summer School Year:  | Fall School Year:                          | Spring School Year:   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |
|   |                     |  |  |   |  |



## Court Tools

This section includes role-specific tools for each court companion audience member.





**How to Use This Tool:** This tool provides sample court report language for CSW/POs regarding a youth's education, with blank areas to fill in the details specific to each youth. If desired, the sample language can be copied into existing county placing agency report forms. The sections on Education Rights, Current School Information, and Academic/Attendance/Behavioral/Social/Emotional Needs must be included in every court report. The School Stability and Transferring to a New School: Enrollment, Disenrollment, and Partial Credits sections must be addressed in every court report immediately before or after a home placement change. The Graduation Planning section must be addressed for every high school aged youth.

## Education Rights

\_\_\_\_\_ currently holds education rights. ERH's address and phone number are \_\_\_\_\_. ERH's relationship to the youth is \_\_\_\_\_. They were appointed education rights holder ("ERH") on \_\_\_\_\_ [date]. Youth's ERH [did/did not] received appropriate notice of the upcoming hearing as it may impact the youth's education. [If there are co-ERHs, repeat this section for each.]

### ***[If a new ERH since last court report]***

CSW/PO met with ERH on \_\_\_\_\_ [date] and explained their responsibilities as an ERH and discussed the youth's current needs with them. ERH was given a copy of [Making Education Decisions for Children Involved with the Dependency Court](#), [Enrollment and High School Rights of Foster and Probation Youth](#), and [Requesting a Special Education Assessment: Step-by-Step Guide](#) and tools. ERH was given an up-to-date copy of the youth's Health and Education Summary on \_\_\_\_\_ [date].

Youth's ERH is currently meeting the youth's education needs because \_\_\_\_\_.  
\_\_\_\_\_. [For example, the ERH attends parent/teacher conferences, back to school night, and IEP meetings; the ERH regularly checks the youth's grades, attendance and discipline records and immediately addresses any needs; the youth's ERH helps them access necessary education services such as tutoring and special education services; the youth's ERH helps them complete their homework nightly.]

### ***[If the ERH is not meeting the youth's needs]***

CSW/PO has determined that the youth's current ERH is not meeting the youth's education needs because \_\_\_\_\_  
\_\_\_\_\_.  
\_\_\_\_\_.

[For example, the ERH has failed to attend parent/teacher conferences, back to school night, and IEP meetings; the youth is receiving low academics grades, poor attendance, and/or discipline issues and the ERH is not supporting and/or seeking services for the youth to address these concerns.]

CSW/PO has made diligent efforts to engage the youth's ERH in the youth's education and has determined that the ERH is [unavailable, unable and/or unwilling] to meet the youth's education needs. See [CSW/PO Documentation of Diligent Efforts to Includes Youth's ERH in their Education](#).





***[If recommending limitation of current ERH and appointment of an alternate ERH]***

CSW/PO recommends that \_\_\_\_\_'s education rights be limited.

CSW/PO has investigated and recommends that \_\_\_\_\_ be appointed to hold youth's education rights. \_\_\_\_\_ has \_\_\_\_\_ relationship to the youth. When recommending an ERH, priority was given to youth's [relative, nonrelative extended family member, caregiver in their planned permanent living arrangement, another adult know to the youth]. The proposed ERH does not have a conflict of interest and can act in youth's best education interests. A JV-535 has been completed and attached to this court report.

***[If recommending retaining current ERH and appointment of co-ERH]***

CSW/PO recommends that \_\_\_\_\_'s [current ERH's name] education rights NOT be limited but that \_\_\_\_\_ [proposed ERH name] be appointed as a co-ERH.

***[If recommending limitation of current ERH and no alternate ERH available]***

CSW/PO has been unable to locate an appropriate proposed ERH for the youth. CSW/PO requests that the court make the following court orders for the youth's education: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[For youth with special education needs] CSW/PO recommends that the court request a surrogate parent from the youth's school district because youth [has/needs] an IEP. A JV-535 has been completed and attached to this court report.

### **Current School Information**

CSW/PO has worked with youth's ERH to identify the following information. Youth's Health and Education Summary [is/is not] current and up-to-date. See attached Health and Education Summary. Youth currently attends \_\_\_\_\_ school, in the \_\_\_\_\_ grade. This is a [comprehensive, continuation, special education school or independent study program]. Youth has attended \_\_\_\_\_ schools since the youth was first detained by any county placing agency.

[For youth not enrolled in the local comprehensive public school] The youth's ERH has determined that the youth's current school best meet their needs because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The youth [has/has not] been segregated into a separate school or program due to their foster youth status. [For example, youth attending on grounds school at their group home or Short Term Residential Therapeutic Program; youth required to attend a continuation or community day school due to credit deficiency, behavioral problems or return from probation placement.]

The youth's home placement [has/has not] changed during the review period. [If the youth's home placement has changed during the review period, CSW/PO must complete the School Stability and Transferring to a New School: Enrollment, Disenrollment and Partial Credits sections.]

**Academic/Attendance/Behavior/Social/Emotional Needs**

Youth currently [is/is not] passing all classes. Youth has [good/poor] school attendance. Youth [does/does not] have disciplinary issues. CSW/PO has the following concerns about youth's education \_\_\_\_\_

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Youth is currently receiving the following education support services \_\_\_\_\_

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Youth is being referred for \_\_\_\_\_. [For example, tutoring services through their school districts, tutoring services through their county office of education, tutoring services funded by the county placing agency, school based mental health services, school based behavioral support services, etc.]

The youth [does/does not] have an IEP.

***[If the youth has an IEP]***

The youth's IEP provides for the following educational placement and services \_\_\_\_\_

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\_\_\_\_\_. Youth's last IEP was on \_\_\_\_\_ [date] and [is/is not] up-to-date (i.e., is less than 1 year old).

Youth recently changed schools and their 30 day IEP is scheduled for \_\_\_\_\_ [date].

Youth has the following unmet education needs \_\_\_\_\_

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CSW/PO requests that the court make the following orders about the youth's education needs \_\_\_\_\_

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A copy of the youth's [transcript/report card, attendance record, discipline log, IEP, 504 plan, graduation check, AB 167/216 certification letter] is attached to this report.



### School Stability

When locating a new home placement, school stability was considered in all of the following ways: (1) proximity to the youth's school of origin: the youth's new placement is \_\_\_\_\_ miles from their previous school; (2) school attendance area: the youth's new placement [is/is not] within the attendance area of their school of origin; (3) the number of school transfers the youth has previously experienced: this youth has experienced \_\_\_\_ school transfers since being detained; (4) the timing of the school year: it [is/is not] close to the end of a grading period (e.g., trimester, semester, school year); and (5) other indicators of educational stability\_\_\_\_\_.

*[For example, involvement in school related activities, significant relationships with teachers or peers, etc.]*

The current school of attendance [is/is not] the youth's school of origin.

The youth's ERH, Attorney for Youth, and current and proposed school districts [were/were not] notified within [1 day of the placement change (for general education student) or 10 days prior to the placement change (for special education student)].

A CFT meeting was held on \_\_\_\_\_ [date] where school stability was discussed. The youth, their ERH \_\_\_\_\_ [ERH name], the youth's new caregiver, the AB 490 Foster Youth Liaisons from the prior and new school district were present.

The youth's ERH decided the youth [should/should not] remain in their school of origin, as it [is/is not] in the youth's best interest according to the ERH because \_\_\_\_\_.

#### ***[For Youth Remaining in School of Origin]***

The youth is being transported to their school of origin via \_\_\_\_\_. [For example, school bus, caregiver transportation with reimbursement from the county placing agency, public transportation, other means of transportation.]

[If caregiver transporting] The caregiver reimbursement from the county placing agency for transportation to school of origin was requested on \_\_\_\_\_ [date]. Reimbursement began on \_\_\_\_\_ [date].

[If transportation has not yet been determined or initiated] Transportation has not been [determined/initiated] because \_\_\_\_\_. The following steps are being taken to resolve this \_\_\_\_\_. [This should include requests for any necessary court orders.]

#### ***[For Youth Not Remaining in School of Origin]***

The youth is not remaining in their school of origin. There [is/is not] a dispute regarding the youth's right to remain in their school of origin. The youth [agrees/disagrees] with the school of origin decision because \_\_\_\_\_. The youth's AB 490 Foster Youth Liaison [agrees/disagrees] with the school of origin decision because \_\_\_\_\_. The AB 490 Foster Youth Liaison [did/did not] provide a written recommendation regarding school of origin. A copy of the recommendation [is/is not] attached.



### **Transferring to a New School: Enrollment, Disenrollment, and Partial Credits**

The CSW/PO [notified/did not notify] the youth's prior school of the transfer prior to the move. The CSW/PO [did/did not] request that all records be prepared for transfer to the new school, including an up-to-date transcript including check out grades and partial credits. The CSW/PO [did/did not] review the youth's education records to ensure they were complete. See attached documentation.

The CSW/PO [did/did not] provide the new caregiver with an up-to-date Health and Education Summary including all education records and ERH contact information within [30 days of the first placement/48 hours of any subsequent placement].

The youth [was/was not] immediately enrolled in school on the same day the home placement occurred, [for high school students, that the youth was enrolled in the same/equivalent classes], that records were received from the prior school, and [for students with an IEP, that their IEP is being implemented].

### **Graduation Planning**

Youth [is/is not] on track to graduate from high school within 4 years. See attached current transcript and graduation check. Youth [is/is not] enrolled in A-G, AP, and/or CTE courses.

[If youth transferred schools after completing the 10<sup>th</sup> grade] Youth [is/is not] AB 167/216 eligible. Youth [did/did not] receive their AB 167/216 certification letter within 30 days of enrolling in a new school (after completing the 10<sup>th</sup> grade).

[If youth is in their final year of high school] Youth [has/has not] completed the FAFSA. Youth [has/has not] toured colleges [please list those toured]. Youth [has/has not] completed college applications (please list those completed).



# Education Rights Holder Checklist



Download



These steps are designed to guide ERHs, including those with and without their own attorneys. If you are represented by an attorney, please consult with that attorney prior to speaking with other parties, attorneys, or the court.

| ISSUE   | DESCRIPTION OF WORK   |
|---|---|
| <b>Before Every Court Hearing</b>   |   |
| Investigate Education Needs   | Meet with the youth, investigate the youth's education needs, and determine if they are being met. Investigation includes requesting and reviewing education records (use the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> ), speaking with the youth's caregiver (if the caregiver is not also the ERH), school staff, and other relevant adults (e.g., tutor), and attend education meetings at school and with the county placing agency to gather information about the youth's education needs. Determine whether the youth: (1) is in their school of origin; (2) is attending the least restrictive education setting that can meet their needs; (3) has appropriate special education services, if needed; and (4) has an appropriate graduation plan, if the youth is in high school. <b><u>See Making Education Decisions for Children Involved with the Dependency Court.</u></b>   |
| Make Best Interests Decisions   | On an ongoing basis, act in the youth's best interests, make decisions and take actions to protect the education interests of the youth.  |
| Appointment of Education Attorney   | If you need support in protecting the youth's best education interests, consult with the Attorney for Youth and CSW/PO and/or request the appointment of an education attorney using the <b><u>317(e) Referral Form</u></b> .   |
| <b><u>School of Origin:</u></b><br>Request a Hearing Following a Placement Change                                     | Request a hearing by filling a <b><u>JV-539 form</u></b> if: (1) the new home placement is too far from the School of Origin ("SOO") for transportation to be feasible (this is a youth-specific question as different distances/modes of transportation may be appropriate based on the age and developmental needs of the youth); (2) the school district, CSW/PO, and caregiver cannot establish a transportation plan; (3) there is an alternative home placement option that is more accessible to the school of origin; (4) there is a different school of origin that should be considered that would require a different home placement; (5) the timing of the school year requires it (e.g., if there are only a few weeks left in the semester); and (6) any other reason that there may be a question about the move, or its impact on the youth's ability to attend the school of origin.   |
| <b><u>School of Origin:</u></b><br>Make Best Interest Determination Decision at Child and Family Team ("CFT") Meeting | Attend and participate in the CFT held right before or after a home change. Discuss school stability needs with the youth, new caregiver, CSW/PO, and AB 490 Foster Youth Liaisons from the prior and new school districts. Identify all potential schools of origin, gather input from CFT members, and then make the final decision whether remaining in any potential schools of origin is in the youth's best interests utilizing the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> . Work with the CFT to develop an appropriate transportation plan. If there is a dispute about whether the youth should continue to attend their SOO or about the transportation options, the youth has a right to remain in their SOO pending the results of the dispute. If the dispute is solely between the school district and the ERH, it may be appropriate for the ERH to file a <b><u>Uniform Complaint Procedures Act Complaint Form</u></b> with the school district. |
| <b><u>School of Origin:</u></b><br>Prepare Statement to Court   | After any home placement change, prepare a statement to the court, utilizing the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> , indicating whether the proposed change of school placement is in the youth's best interest and whether any efforts have been made to keep the youth in the SOO.   |

# Education Rights Holder Checklist Continued



| ISSUE   | DESCRIPTION OF WORK  |
|---|--|
| <b><u>Transferring to a New School</u></b>  | If you determine the youth should not remain in their SOO, work with the youth's caregiver to ensure they are immediately enrolled in their new school of residence. If the youth is not enrolled because the school is refusing immediate enrollment, consider filing a <b><u>Uniform Complaint Procedures "UCP" Act Complaint</u></b> . <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b>   |
| <b><u>Transferring to a New School:</u></b><br>High School Aged Youth   | Ensure high school youth are enrolled in the same/equivalent classes as those they were enrolled in at their prior school and that they received their partial credits from their prior school. If the new school refuses to enroll them in the same/equivalent classes, or the prior school refuses to issued partial credits, consider filing a <b><u>UCP Act Complaint</u></b> . <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b>   |
| <b><u>Graduation Planning:</u></b><br>Determine if the Youth is On Track                                      | Request an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements using the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> . Use the <b><u>High School Graduation Check</u></b> to determine whether the youth is on track for high school graduation by identifying whether they have earned the number of credits typically required at that school. <sup>1</sup> If the youth has failed more than 1 class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation. |
| <b><u>Graduation Planning:</u></b><br>For Off Track Youth   | If the youth is off track for high school graduation, meet with the youth and the school to identify the barriers to their success and create a plan for accessing necessary services to help the youth be successful in school.   |
| <b><u>Graduation Planning:</u></b><br>For Off Track Youth Who Transferred Schools After Completing 10th Grade | If the youth transferred schools after completing their second year of high school, and you have not received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment, consider filing a <b><u>UCP Act Complaint</u></b> . If the youth is eligible, make a best interest decision with the youth about their graduation options. <b><u>See Enrollment and High School Rights of Foster and Probation Youth.</u></b>   |
| <b><u>Graduation Planning:</u></b><br>For On Track Youth  | If the youth is on track for high school graduation and a senior, work with the youth's school counselor to assist the youth in: (1) completing the FAFSA and researching/applying for additional scholarships; (2) touring colleges; and (3) completing college applications. (See <b><u>California College Pathway's College Guide.</u></b> )  |
| <b>At Every Court Hearing</b>   |  |
| Attend Court and Inform Judge about Youth's Education Needs   | Attend and participate in all court hearings that relate to the youth's education, including informing the Court about whether the youth is enrolled in school (i.e., school of origin, least restrictive environment) and the youth's graduation status and graduation plan.  |
| <b><u>School of Origin</u></b>  | At any hearing after a change in the youth's education placement, the ERH must submit a statement to the court indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their school of origin. The <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> can be used for this purpose. If necessary, attend court to ensure stability issues are addressed and resolved by the judge.  |
| <b>After Every Court Hearing</b>  |  |
| For Newly Appointed ERHs, Investigate Education Needs of Youth  | <b><u>See Rights and Duties of Court Appointed ERHs.</u></b>   |
| Implement Court Orders  | Work with the youth and any other necessary adult to implement all court orders.   |

<sup>1</sup> Most schools in California expect students to earn 30 credits during each semester (60 credits a year) although some schools have different credit accumulation schemes.



| TYPE OF ISSUE   | DESCRIPTION OF WORK   |
|---|---|
| <b>Before Every Court Hearing</b>   |   |
| <b>Education Rights Holder:</b><br>Appropriateness of Current Education Rights Holder ("ERH")       | <p>Communicate with youth's current ERH to determine ERH's ongoing ability and willingness to continue holding education rights. Make diligent efforts to contact the current ERH before recommending any change in ERH using the <b><u>County Social Worker/Probation Officer Documentation of Diligent Efforts to Include Youth's Current Education Rights Holder in their Education.</u></b></p> <p>Parent ERHs: Prior to recommending the limitation of a parent's education rights, consider whether the parent's inability to hold the youth's education rights is short term in nature and/or whether the parent is attempting to reunify with the youth and consider whether appointing a second, co-ERH along with the parent is feasible.</p> <p>ERHs After a Home Change: Pay particular attention to who holds education rights after a change in home placement, especially if the youth's prior caregiver holds education rights.</p>   |
| <b>Education Rights Holder:</b><br>Identify New ERH   | <p>If, after making diligent efforts to include the ERH in the youth's education, you determine that the current ERH is unable or unwilling to continue holding education rights, work with the adults involved in the youth's life to identify a new potential ERH. When selecting a new potential ERH, preference must be given to relative caregivers, nonrelative extended family members, the caregiver in the youth's planned permanent living arrangement, or another adult known to or selected by the youth.</p>   |
| <b>School of Origin:</b><br>Locate a Placement Geographically Close to the Youth's School of Origin | <p>Any time a home placement change is considered, and a search is being conducted for a new home placement, consider educational stability, including: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the timing of the school year; and (5) other indicators of educational stability such as involvement in activities, significant relationships with teachers or peers, etc.</p>  |
| <b>School of Origin:</b><br>Notice Requirements When a Home Placement Changes                       | <p>Provide notice to the court, the Attorney for Youth, the ERH, and the youth's current and proposed school district (if known) no more than one court day after making the decision to change a youth's placement using the CSW/PO Notice of Placement Change Impacting School Stability.</p> <p>For Special Education Youth: If there is an active IEP, this notice must be provided at least ten days prior, and the special education office of the potential new district must also receive notice.</p>   |
| <b>School of Origin:</b><br>Determine Interim Transportation Plan                                   | <p>Unless the ERH, with the consultation of the CSW/PO, AB 490 Foster Youth Liaison and the new caregiver, can immediately make an informed decision regarding whether it is in the youth's best interest to remain in their SOO, work with the school district to set up an interim transportation plan to get the youth to their SOO while the ultimate decision on best interest is pending. If the move is happening immediately, the CSW/PO must set up immediate transportation.</p>  |
| <b>School of Origin:</b><br>Convene a CFT to Discuss Best Interest Determination                    | <p>Convene a CFT including the youth, ERH, caregiver, and AB 490 Foster Youth Liaisons from both districts (SOO and where the youth now resides) to discuss the potential move, the school options, best interest of the youth, and transportation using the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet.</u></b> If there is a dispute about whether the youth should continue to attend their SOO or about the transportation option, the youth has a right to remain in their SOO pending the results of the dispute.</p>   |
| <b>School of Origin:</b><br>Develop Permanent Transportation Plan                                   | <p>If the ERH determines that it is not in the youth's best interest to transfer out of their SOO, assist the CFT in developing a transportation plan that is developmentally appropriate for the youth. The team's transportation plan will be documented in the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet.</u></b></p>   |
| <b>School of Origin:</b><br>Court Report  | <p>For either a specific hearing on SOO or the next regularly scheduled hearing after a home change, use the <b><u>CSW/PO Court Report Language</u></b> to prepare a court report addressing: (1) whether the youth was allowed to remain in their SOO pending a best interest decision by the ERH; (2) whether a dispute exists; (3) how the proposed school placement serves the best interest of the youth; (4) the responses of the youth, Attorney for Youth, ERH, AB 490 Foster Youth liaison, and CASA (if applicable), specifying whether each agrees with the school placement decision (and if they disagree, why); (5) a statement confirming that the youth has not been segregated in a separate school or program because of their foster status; and (6) where the youth is currently attending school, and the type of school placement.</p> <p>Ensure the youth's ERH knows that they have a duty to provide a statement to the court regarding the best interest determination.</p> |





| ISSUE   | DESCRIPTION OF WORK   |
|---|---|
| <b><u>Transferring to a New School:</u></b><br>Disenrolling   | As soon as you know that the youth's ERH has chosen not to have the youth remain in their SOO and that the youth will be transferring out of their current school, contact the youth's prior school to inform them of the date of the youth's transfer and request that the youth's transcript (including partial credits) be completed and sent to you and that all records be gathered and forwarded to the youth's new school using the <b><u>CSW/PO Notice of School Change and Request for Records</u></b> .   |
| <b><u>Transferring to a New School:</u></b><br>Ensure Partial Credits Were Issued and that Health and Education Summary is Up-To-Date | Collect and review records to ensure the youth's Education Summary is complete (e.g., immunization records, IEPs). Ensure the youth has an up-to-date transcript including a determination of seat time, check out grades, full or partial credits earned, and current class schedule. If there is a problem with the transcripts, work with the youth's ERH and the district's AB 490 Foster Youth Liaison to correct the transcript. <b><u>See Enrollment and High School Rights of Foster and Probation Youth</u></b> .  |
| <b><u>Transferring to a New School:</u></b><br>Ensure New Caregiver has Health and Education Summary                                  | As soon as a new placement is determined, provide the new caregiver with the Health and Education Summary, including all education records and ERH contact information.   |
| <b><u>Transferring to a New School:</u></b><br>Immediate Enrollment   | Ensure the caregiver takes the youth to their local school/district for enrollment on the day they enter the placement. Advise the caregiver on working with the ERH to determine the least restrictive environment in which to enroll the youth. <b><u>See Enrollment and High School Rights of Foster and Probation Youth</u></b> .   |
| <b><u>Transferring to a New School:</u></b><br>Confirm Appropriate Enrollment   | <p>Two days after a youth has been placed in a new home, contact the ERH, caregiver and school district to ensure that the youth: (1) has been enrolled and has begun attending their new school in an appropriate, least restrictive placement as determined by the ERH; (2) that records have been received from the prior school; (3) that their IEP is being implemented, if they have one; and (4) that they are enrolled in the same/equivalent classes/grade as at their prior school.</p> <p>If the student is not enrolled in school, notify the ERH and hold a CFT meeting to attempt to resolve any issues.</p>  |
| <b><u>Graduation Planning:</u></b><br>Determine if the Youth is On Track  | Use the <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> to request an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements. Determine whether the youth is on track for high school graduation by using the <b><u>High School Graduation Check</u></b> to verify whether they have earned the number of credits typically required at that school. <sup>1</sup> If the youth has failed more than one class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation. If the youth is off track for high school graduation, meet with the youth, ERH, caregiver, and school to identify the barriers to their success and create a plan for accessing necessary services to help the youth be successful in school. <b><u>See Enrollment and High School Rights</u></b> . |
| <b><u>Graduation Planning:</u></b><br>On Track  | If the youth is a senior and on track for high school graduation, work with the youth's ERH and school counselor to assist the youth in: (1) completing the FAFSA and researching/applying for additional scholarships; (2) touring colleges; and (3) completing college applications. Ensure the youth has necessary funds to participate in all graduation activities. <b><u>See California College Pathways Guide</u></b> .  |
| <b><u>Graduation Planning:</u></b><br>For Off Track Youth Who Transferred Schools After Completing 10th Grade                         | If the youth transferred schools after completing their second year of high school, and you have not received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment, work with the youth's ERH to send a <b><u>Uniform Complaint Procedures Act Complaint</u></b> . If the youth is eligible, support the ERH in making a best interest decision about the youth's graduation options.  |

<sup>1</sup> Most schools in California expect students to earn 30 credits during each semester (60 credits per year) although some schools have different credit accumulation schemes.



| ISSUE   | DESCRIPTION OF WORK   |
|---|---|
| Notice to ERH of Court Hearings   | Provide appropriate notice to ERH of all regularly scheduled court hearings that might affect the youth's education. Prior to any hearing where limitation or termination of education rights is being recommended, notice to ERH is required.  |
| Court Report  | <p>Confer with ERH about youth's needs including but not limited to: (1) the type of school the youth is attending (e.g., school of residence, school of origin, alternative school such as continuation school); (2) what the youth's academic and social, emotional, and behavioral needs are at school; (3) a copy of the youth's IEP/IFSP/504 plan; (4) whether the youth is on-track for high school graduation; and (5) any unmet education needs. Use the <b><u>CSW/PO Court Report Language</u></b> to draft a court report including all this information.</p> <p>Additionally, if the youth experienced a change in home placement, and remained in their school of origin, the court report must include all information required in the School Stability Court Report (see above).</p> <p>If the youth experienced a change in home placement and is transferring to a new school, the court report must include all information required in the School Stability Court Report (see above) and whether the youth was: (1) appropriate disenrolled from their prior school and received their partial credits on an official transcript; (2) was immediately enrolled, in the same/equivalent classes, in their new school, in the least restrictive environment; and (3) education records have been transferred to their new school.</p> |
| Court Report:<br>Necessary Court Orders   | Make any necessary recommendations to court regarding youth's education needs using the <b><u>CSW/PO Court Report Language</u></b> (e.g., ordering that the school district provide transportation to school of origin, granting permission for a youth to receive a special education assessment).   |
| Court Report:<br>Changing Education Rights  | If the youth's ERH needs to be changed, include the recommendation and the reason (e.g., ERH unwilling to participate in the youth's education after diligent attempts are made and documented using the <b><u>County Social Worker/Probation Officer Diligent Efforts to Include Youth's Current Education Rights Holder in Their Education Tool</u></b> ) and who is recommended to hold education rights moving forward. Complete and attach the <b><u>JV-535 Form</u></b> and submit it to the court, along with the court report. If the youth has or may need an IEP and there is no potential ERH identified through your best efforts, complete the JV-535 Form requesting a surrogate parent from the youth's school district. Use the <b><u>CSW/PO Court Report Language</u></b> to prepare report.   |
| <b>After Every Court Hearing</b>  |   |
| Notification to new ERH<br>about Duties   | Provide the new ERH with information on ERH responsibilities and the youth's current education needs. Provide a copy of the Informational Guides to assist the ERH in exercising education rights (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).  |
| <b><u>School of Origin:</u></b><br>Implementing Court Order   | The court clerk provides a copy of the <b><u>JV-538 Form</u></b> to the CSW/PO and ERH who may then use it to implement any court orders related to school stability.   |
| Convene CFT Meeting   | Convene a CFT to address school stability, enrollment in the least restrictive environment, or for any other reason ordered by the court.   |
| <b><u>Transferring to a New School</u></b>  | Follow up on any court orders regarding enrollment in the least restrictive environment or records transfer/awarding of partial credits.  |
| <b><u>Graduation Planning:</u></b><br>For Off Track Youth Who<br>Transferred Schools After<br>Completing 10th Grade | Follow up on any court orders regarding graduation. This can include working with the ERH to request AB 167/216 Certification using the <b><u>Uniform Complaint Procedures Act Complaint Form</u></b> .   |



| ISSUE   | DESCRIPTION OF WORK   |
|---|---|
| <b>Before Every Court Hearing</b>   |   |
| Investigate Education Needs   | Consult client about their education needs, including but not limited to how they are doing in school, whether they are on track for high school graduation, participation in extra-curricular activities, their desire to remain in or return to their school of origin, need for additional academic/behavioral support at school, any safety concerns.   |
| <b>Education Rights Holder:</b><br>Appropriateness of ERH                       | Consult client about whether their ERH is supporting them. If the youth identifies that their ERH is not supporting them, discuss potential alternative ERHs. Pay particular attention to who holds education rights after a change in home placement, especially if the youth's prior caregiver holds education rights.  |
| <b>Education Rights Holder:</b><br>Appointment of<br>Education Attorney         | If client has unmet needs for which an education attorney might be warranted, refer client for appointment of a Welfare and Institutions Code Section 317(e) attorney using the <b><u>317(e) Referral Form</u></b> .  |
| <b>School of Origin:</b><br>Request a Hearing Following a<br>Placement Change   | Ensure client participated in the CFT held to discuss school stability. Confirm that client's ERH took client's desires into account when making the best interest determination. If no CFT was held, client's ERH ignored their desire to remain in school of origin, and/or client's proposed placement change will negatively impact their ability to stay in their school of origin, request a hearing using the <b><u>JV-539 Form</u></b> . Some examples of when this would be appropriate would include clients with special needs or strong connections to their SOO, client suggests/requests alternate home placement closer to SOO, nearing the end of a school grading period, or client needs transportation to SOO. |
| <b>Transferring to a New School:</b><br>Hearing Following a<br>Placement Change | If client's ERH determined that staying in client's school of origin is not in the child's best interests, confirm client was immediately enrolled in their new school (in the least restrictive environment) in the same/equivalent classes and that they received partial credits.  |
| <b>At Every Court Hearing</b>   |   |
| <b>Education Rights Holder</b>  | Provide an update to the court regarding client's education including whether the client's ERH is appropriate, that school of origin was considered prior to a school change, that client was immediately enrolled in their new school, that client's special needs are being addressed, and client's progress towards high school graduation. Request relevant orders regarding the youth's education needs including but not limited to appointment of a new ERH using the <b><u>JV-535 Form</u></b> .  |
| <b>After Every Court Hearing</b>  |   |
| <b>Education Rights Holder</b>  | Provide information to any newly appointed ERH on their responsibilities and the current education needs of client. Share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).<br><br>Ensure all court orders are complied with.  |





## When Parent Holds Educational Rights

| ISSUE  | DESCRIPTION OF WORK  |
|--|--|
| <b>Before Every Court Hearing</b>  |  |
| <b><u>Education Rights Holder</u></b>  | Meet with client and discuss the youth's education needs, including the parent's ability to meet the youth's education needs, or any barriers to being able to exercise (or regain) education rights. Share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ).   |
| <b><u>Education Rights Holder:</u></b><br>Appointment<br>of Education Attorney   | If the youth has unmet needs for which an education attorney might be warranted to assist the parent in exercising their education rights, discuss the option of referring the youth for appointment of a Welfare and Institutions Code Section 317(e) attorney. If appropriate, consult with the Attorney for Youth, to complete the <b><u>317(e) Referral Form</u></b> .   |
| <b>After Every Court Hearing</b>   |  |
| <b><u>School of Origin:</u></b><br>Hearing Following a<br>Placement Change   | Meet with client and discuss whether school stability was addressed at a CFT. If so, review a copy of the <b><u>School of Origin Best Interests Determination Procedures &amp; Worksheet</u></b> , including the ERH statement.<br><br>If a CFT was not held, request that court order a CFT to discuss school stability. If client decided that the youth should remain in their school of origin, and this decision is not being implemented, request a hearing to resolve the dispute using a <b><u>JV-539 Form</u></b> .   |
| <b><u>Transferring to a New School:</u></b><br>Hearing Following a<br>Placement Change                                     | If the client determined that transferring schools was in the youth's best interests, confirm with client that the youth was immediately enrolled in the same/equivalent classes in their new school, in the least restrictive environment, and that all records were transferred, including partial credits. Share <b><u>Requesting Education Records: Step-by-Step Guide Tool</u></b> with client if needed to collect records.  |
| <b><u>Education Rights Holder:</u></b><br>Update Court on Client's<br>Education Needs and Request<br>Relevant Court Orders | Provide all necessary information to the court about client's ability to hold education rights. If the youth was recently removed from client, discuss the client's ability to remain actively involved in the youth's education and desire to continue holding education rights. If client is maintain education rights, and you have not already done so, share informational guides as appropriate (e.g., <b><u>Making Education Decisions for Children Involved with the Dependency Court, Enrollment and High School Rights of Foster and Probation Youth, Requesting a Special Education Assessment: Step-by-Step Guide</u></b> ). |
| <b>After Every Court Hearing</b>   |  |
| Informing New<br><b><u>Education Rights Holder</u></b>   | Support client ERH in implementing any court orders regarding the youth's education.   |



## How to Use This Tool

This tool provides sample questions and minute order language to support judges as they address the education needs of youth in their courtrooms, and is specifically tailored to the needs of foster and probation youth. In the first section, there are questions that should be addressed at every hearing; later sections address questions that only need to be addressed at hearings on a particular topic, such as hearings following a change in home placement. Based on the answers to the questions, sample language is provided that can be read in to the record and/or input on the minute order.

A judge may join a school district in a proceeding by using the [JV-540 Joinder form](#) if the school district has failed to meet their legal obligations to a youth. Alternatively, the judge may order the CSW/PO to ensure that the school district complies with the district's obligations.

## At Every Court Hearing

**Education Rights: Inquire about the status of the education rights holder from the [social worker/probation officer] court report and all parties. Pay particular attention to appropriateness of education rights holder following a home placement change where prior caregiver holds education rights.**

### QUESTION FROM THE BENCH

***Who is the current education rights holder?  
Is the current education rights holder meeting the youth's education needs?***

### ANSWER

If parents hold education rights and **are** meeting the youth's education needs:

If someone else holds education rights and **is** meeting the youth's education needs:

If current education rights holder is **not** meeting the youth's education needs:

### JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

The court determines that parental education rights will not be limited and biological mother and father continue to hold education rights.

The court determines that parental education rights were limited on [date] and [name of education rights holder] was appointed to hold education rights on [date]. The court finds that the youth's current education rights holder, [name of education rights holder], is meeting their education needs and will remain appointed as education rights holder.

The court finds that the youth's current education rights holder, [name of education rights holder], is not meeting their education needs because the education rights holder is [unwilling, unable, or unavailable] to hold them because ...

OR

The court finds that the youth's current education rights holder, [name of education rights holder], is not acting in the youth's best interests because ...



## At Every Court Hearing

| Education Rights: Appointment of a new education rights holder   |   |  |   |   |       |
|--|---|--|---|---|-------|
| <b>Has the current education rights holder received timely notice of this hearing?</b>   |   |  |   |   |       |
| <b>ANSWER</b>  |   |  |   |   |       |
| If no:   | If yes, <b>has a new proposed education rights holder been identified?</b>  |  |   |   |       |
| <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b><br><br>The court hereby orders [social worker/probation officer] to provide appropriate notice to the current education rights holder [education rights holder name]. A new hearing to address education rights will be held on [date].  | If no:  | If no, and the youth has an IEP:   | If yes, <b>was priority in selecting a proposed education rights holder given to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, or another adult known to the youth before proposing an adult unknown to the youth?</b> |   |       |
|  |   |  | If no,  | If yes, <b>does the new proposed education rights holder have any conflict of interest which might restrict or bias his or her ability to make decisions, including but not limited to, the receipt of compensation or attorney's fees for the provision of services?</b>   |       |
|  |   |  |   | If yes,   | If no |
| <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |   |  |   |   |       |
| As the parties have been unable to identify a proposed education rights holder, I am ordering the county placing agency to make every effort to identify a potential education rights holder to make future education decisions for the youth, including but not limited to identifying potential relatives, nonrelative extended family members, foster parents, adults supporting the youth (e.g., mentor, tutor), Court Appointed Special Advocate, or other adults known to the youth. A new hearing to address education rights will be held on [date]. | The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and requesting that the youth's current school district appoint a surrogate parent within 30 days. A new hearing to address education rights will be held on [date, 30 days from current date]. The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides. | The court hereby orders [social worker/probation officer] to identify a new proposed education rights holder, giving priority to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, and/or or another adult known to the youth before proposing an adult unknown to the youth. A new hearing to address education rights will be held on [date]. | The court hereby orders the [social worker/probation officer] to identify a new proposed education rights holder who does not have a conflict of interest. A new hearing to address education rights will be held on [date].  | The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and appointing [proposed education rights holder name] as education rights holder. <sup>1</sup> The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides. |       |

<sup>1</sup>It is also a best practice to appoint a Developmental Services Decision-Maker whenever a new education rights holder is appointed.



## At Every Court Hearing

| Education Rights: Appointment of a co-education rights holder   |  |
|---|--|
| JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |  |
| <p>The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] and does not limit the education rights of [current education rights holder name]. The court hereby appoints a co-education rights holder, [co-education rights holder name], to work with [current education rights holder name]. The court clerk will provide a copy of the new JV-535 to the education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.</p> |  |
| Education Needs: Inquire about the education needs of the youth.  |  |
| <b>Is the youth enrolled in school?</b>   |  |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |
| If no,  | The court hereby orders that a Child Family Team ("CFT") meeting be held within 3 business days, including the youth, the youth's education rights holder, current caregiver, and AB 490 Foster Youth Liaisons from the youth's prior and new school to discuss: (1) school stability; (2) the implementation of youth's education rights holder's decision regarding best interests; and (3) the immediate enrollment of the youth in school. A new hearing will be held on school stability on [date].   |
| <b>Can the county placing agency confirm that the youth has not been segregated in a separate school or program because of their foster status?</b>   |  |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |
| If no,  | The court hereby orders that a CFT meeting be convened within 3 business days including the youth's education rights holder to determine the youth's least restrictive educational setting. A new hearing will be held on school enrollment in the least restrictive environment on [date].  |
| <b>How is the youth doing in school academically? What are their current grades? Does the youth have basic literacy and math skills?</b>  |  |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |
| If there are any education concerns:  | <p>The court hereby orders that the youth be referred for [tutoring services through their school district, tutoring services through their county office of education, tutoring services funded by the county placing agency, other academic support service, etc.].</p> <p>AND/OR</p> <p>The court hereby orders that the county placing agency refer the youth to the school district for a special education assessment. [If the youth does not have a current education rights holder] Consent for that assessment is hereby granted with this order.</p> |
| <b>How is the youth doing behaviorally and socially in school? Is the youth attending school regularly? Does the youth have or need school based mental health services?</b>  |  |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |
| If there are any education concerns:  | The court hereby orders that the youth be referred for [school based mental health services, school based behavioral support services, weekly attendance checks, etc.].  |
| <b>Does the youth have an IEP? Is the youth's IEP meeting their needs? Is the youth's IEP being implemented? Is it up-to-date (i.e., has the school held a meeting and made changes at least once per year)? What services are being provided?</b>  |  |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |
| If there any concerns with the IEP:   | The court hereby orders that the youth's IEP team convene within 30 days to address _____ unmet education need.  |





## At Every Court Hearing

| <b>Is the youth participating in any extracurricular activities? Does the youth need any supplies/uniforms or transportation in order to participate in extracurricular activities?</b> |   |
|---|---|
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |
| If there are any concerns:  | <p>The court hereby orders that the county placing agency purchase [_____] for the youth in order for them to participate in [_____] extracurricular activity.</p> <p>AND/OR</p> <p>The court hereby orders that [_____] provide transportation so the youth can participate in [_____] extracurricular activity.</p> |
| <b>Do any interested persons have information to add about the youth's education needs?</b>   |   |

## At Every Hearing Following a Change in Home Placement

| School Stability   |   |
|--|---|
| <b>Was school of origin considered by the county placing agency when placing the youth in a new home, including but not limited to: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the youth's school matriculation schedule; and (5) other indicators of educational stability?</b>  |   |
| ANSWER   | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |
| If no,   | The court hereby orders that the county placing agency conduct a new home placement search that takes into account school stability. A new hearing will be held on school stability on [date].  |
| <b>Did the county placing agency provide notice to the court, the Attorney for Youth, the education rights holder, and the youth's current and proposed school district (if known)...</b><br><b>[for a general education youth] no more than one court day after making the decision to change a youth's placement?</b><br><b>[for a special education youth] at least ten days prior to changing the placement, including notice to the special education office of the potential new district?</b> |   |
| ANSWER   |   |
| If no:   | <p>If yes, <b>Was a CFT held (including the [social worker/probation officer], youth, education rights holder, new caregiver, and AB 490 Foster Youth Liaisons from the prior and new school districts) to discuss whether or not it is in the youth's best interests to remain in their school of origin?</b></p>  |
|  | <p>If no:</p>   |
| JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER   |   |
| <p>The court hereby orders the county placing agency to provide appropriate notice prior to moving the child's home placement.</p>   | <p>The court hereby orders that the county placing agency convene a CFT to discuss whether it is in the youth's best interests to remain in their school of origin. The youth's prior and new school district AB 490 Foster Youth Liaisons must be invited to attend the CFT. The youth's education rights holder must attend and make the final best interest determination. A new hearing will be held on school stability on [date].</p> |
| <b>Has the youth been allowed to remain in their school of origin pending the best interest determination?</b>   |   |
| ANSWER   | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |
| If no,   | The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].   |



## At Every Court Hearing Following a Change in Home Placement

|  |  |
|--|--|
| <b>Did the youth's education rights holder decide that it is in the youth's best interest to remain in their school of origin?</b>   |  |
| <b>ANSWER</b>  |  |
| If no:   | If yes, <b>is the youth currently attending their school of origin?</b>  |
| If not in the youth's best interests, see <i>Transferring Schools</i> .  | If no:   |
| <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |  |
| The court hereby orders that the youth is immediately re-enrolled in their school of origin [SOO name].  |  |
| <b>If the youth's education rights holder decided it was in the youth's best interest to remain/return to their school of origin, is there a dispute with any other party about this decision?</b>   |  |
| <b>ANSWER</b>  |  |
| If yes, <b>do the following people agree or disagree with the school placement decision and if they disagree, why do they disagree: youth, education rights holder, Attorney for Youth, AB 490 Foster Youth Liaison from prior and new school districts, and CASA (if applicable)?</b> |  |
| If the court believes remaining in the school of origin is in the youth's best interests:  | If the court believes transferring to the new school is in the youth's best interests:   |
| <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |  |
| Court makes findings on a <b>JV-538</b> . The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].  | Court makes findings on a <b>JV-538</b> . The court hereby orders that the youth be immediately enrolled in their new local comprehensive school of residence [school name].   |
| <b>If the youth is (or should be) attending their school of origin, does the youth need transportation to their school of origin?</b>  |  |
| <b>ANSWER</b>  | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |
| If yes,  | <p>The court hereby orders that the County Placing Agency provide reimbursement to [caregiver name] for transporting the youth to their school of origin pursuant to All County Letters <b>11-51</b> and <b>13-03</b>. A new hearing will be held to confirm that transportation reimbursement has begun on [date].</p> <p>OR</p> <p>The court hereby orders that the County Placing Agency and School District of Origin (via a joinder on <b>JV-540 Form</b>) identify and fund a transportation plan for youth by [date]. A new hearing will be held to confirm a transportation plan has been implemented on [date].</p> |

|  |   |
|--|---|
| <b>Transferring Schools</b>  |   |
| <b>If the youth's education rights holder determines that they will not remain in their school of origin, how will the proposed school placement serve the best interest of the youth? [Review JV-537 Form or other education rights holder statement explaining the youth's needs to the court, indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their school of origin.]</b> |   |
| <b>ANSWER</b>  | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>   |
| If the court believes attending the school of origin is in the youth's best interests:   | The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name]. |



## At Every Court Hearing Following a Change in Home Placement

|  |   |
|--|---|
| <p><b>What type of school is being proposed? Is the youth enrolled in the least restrictive education placement available that meets the youth's needs (e.g., local comprehensive school vs. continuation school)? If no, Did the youth's education rights holder determine that attending an alternative school site was in the youth's best interests?</b></p>   |   |
| <p style="text-align: center;"><b>ANSWER</b></p>   |   |
| <p>If no,</p>  | <p>If yes, <b>what is the timeline for returning the youth from the alternative school site back to the local comprehensive school?</b></p>   |
|  | <p>If there is no timeline or the timeline seems unreasonable (e.g., 1 year),</p>   |
| <p style="text-align: center;"><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>   |   |
| <p>The court hereby orders that, with the consent of the youth's education rights holder, the youth be immediately [or at the end of the current semester] enrolled at their local comprehensive school, as this is the youth's least restrictive educational placement.</p> <p>AND/OR</p> <p>The court hereby orders that the county placing agency convene a CFT meeting with the youth, their education rights holder and caregiver, and the youth's school district to reach agreement about a placement. If agreement is not reached within 3 business days, the court will set a new hearing date to decide the youth's education placement.</p> | <p>The court hereby orders that the youth's education rights holder and [social worker/probation officer] convene a meeting with the school to discuss the plan and timeline to return the youth to their local comprehensive school.</p> |
| <p><b>Has the county placing agency notified the new school of the placement change, including the name and contact information for the youth's education rights holder?</b></p>   |   |
| <p><b>ANSWER</b></p>   | <p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>  |
| <p>If no:</p>  | <p>The court hereby orders that the county placing agency provide notice to the new school, including the name and contact information for the youth's education rights holder.</p>   |
| <p><b>Was the youth immediately enrolled in the new school?</b></p>  |   |
| <p><b>ANSWER</b></p>   | <p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>  |
| <p>If no and the delay was caused by the school:</p>   | <p>The court hereby orders the youth's education rights holder to file a <b>Uniform Complaint Procedures Act Complaint</b> against the school for compensatory education services.</p>  |
| <p><b>Was the youth enrolled in the same/equivalent classes/grade as at their old school? If not, did the youth's education rights holder determine that enrollment in different classes/grade was in the youth's best interests?</b></p>  |   |
| <p><b>ANSWER</b></p>   | <p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>  |
| <p>If no,</p>  | <p>The court hereby orders that the youth be immediately enrolled in the same/equivalent classes/grade as they were enrolled in at their old school.</p>  |
| <p><b>If the youth has an IEP or 504 plan, are the supports and services in the plan being implemented in the new district? Was an IEP held within 30 days of enrolling in the new school?</b></p>   |   |
| <p><b>ANSWER</b></p>   | <p><b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b></p>  |
| <p>If no,</p>  | <p>The court hereby orders that the youth's school district immediately implement the youth's [IEP/504 supports] and services and convene an [IEP/504] meeting to address the youth's ongoing needs.</p>                                  |



## At Every Court Hearing Following a Change in Home Placement

|   |   |
|---|---|
| <b><i>Has the county placing agency provided the youth's Health and Education Summary to the caregiver?</i></b>   |   |
| <b>ANSWER</b>   | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>   |
| If no,  | The court hereby orders that the county placing agency provide the youth's Health and Education Summary to the youth's caregiver within 2 business days.  |
| <b>[For high school aged youth that transferred schools in the middle of a school grading period]</b><br><b><i>Did the youth receive their partial credits?</i></b> |   |
| <b>ANSWER</b>   | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>   |
| If no,  | The court hereby orders that the youth's education rights holder and [social worker/probation officer] work with the youth's school to ensure partial credits are issued on an official transcript and forwarded to their new school. |

## At Every Court Hearing for High School Aged Youth

|   |  |
|---|--|
| <b>Graduation Planning</b>  |  |
| <b><i>Is the youth enrolled in the correct classes for their graduation plan?</i></b>   |  |
| <b>ANSWER</b>   | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |
| If no,  | The court hereby orders the education rights holder and [social worker/probation officer] to work with the youth's school counselor to place the youth in the proper classes for their graduation plan.  |
| <b><i>Is the youth on-track for high school graduation within 4 years?</i></b>  |  |
| <b>ANSWER</b>   | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |
| If no,  | The court hereby orders that a CFT meeting be convened including the youth, their education rights holder, and their current caregiver to identify the barriers to the youth's success and develop a plan to access necessary services to help the youth succeed in school.  |
| <b><i>If off-track, did the youth transfer schools after completing 2 years of high school?</i></b>   |  |
| <b>ANSWER</b>   |  |
| <b>If yes, has the youth been certified as eligible or ineligible for AB 167/216 graduation?</b>  |  |
| If no,  |  |
| <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>   |  |
| The court hereby orders the youth's education rights holder and [social worker/probation officer] to work with the school to seek the certification. If the certification is not received within 10 school days, the education rights holder and [social worker/probation officer] are ordered to file a <b>Uniform Complaint Procedures Act Complaint</b> against the school to ensure the youth is certified. |  |
| <b><i>If the youth is AB 167/216 graduation eligible, has the youth's education rights holder made a best interest decision about which graduation path is best for the youth?</i></b>  |  |
| <b>ANSWER</b>   | <b>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</b>  |
| If no,  | The court hereby orders the [social worker/probation officer] to convene a CFT Meeting including the youth, their education rights holder, and their caregiver to discuss the youth's post high school needs, including college and vocational interests, and to decide, based on the education rights holder's evaluation of what is in the youth's best interests, what the youth's graduation plan will be. |














## At Every Court Hearing for High School Aged Youth

| <i>If on-track for high school graduation, is the youth enrolled in A-G, Advanced Placement, or Career Technical Education courses?</i>   |   |
|---|---|
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |
| If no,  | The court hereby orders the youth's education rights holder and [social worker/probation officer] to consider whether enrolling in A-G, Advanced Placement or Career Technical Education courses could benefit the youth. |
| <i>[For youth who are in their last year of high school] Have the youth's education rights holder and [social worker/probation officer] assisted them in completing the FAFSA, touring colleges, and submitting college applications?</i> |   |
| ANSWER  | JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |
| If no,  | The court hereby orders the [social worker/probation officer] assist the youth in completing their FAFSA, touring colleges, and completing/submitted college applications.  |

| Concluding Education Issues   |  |
|---|--|
| JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER  |  |
| The court finds that the youth's education need [are/are not] being met.  |  |
| [If there are any outstanding issues, or any orders have been made by the court, the judge must direct the clerk to set a new hearing date within a reasonable period of time, including an updated report from the [social worker/probation officer] on the relevant education issue.] |  |

# Appendix

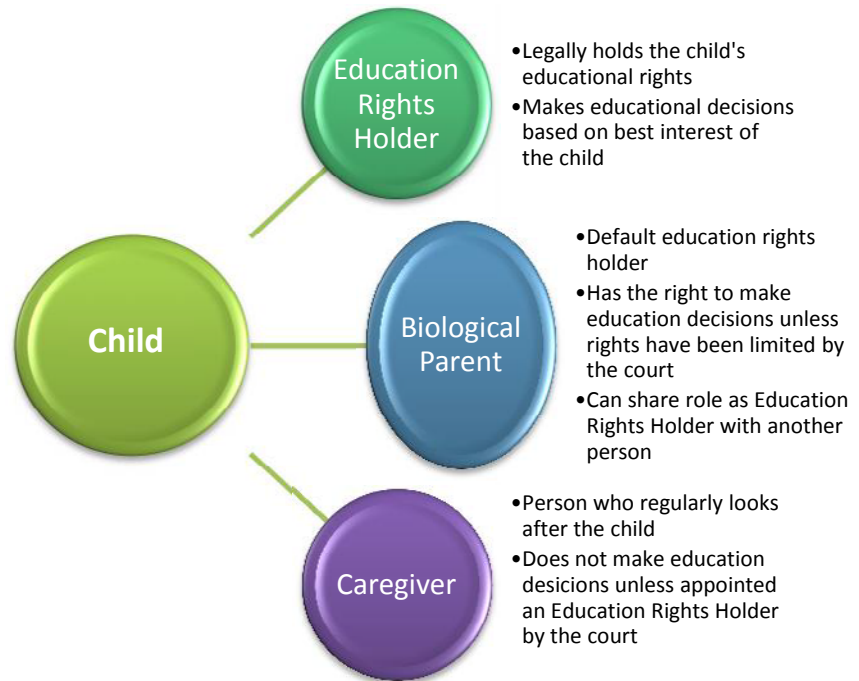
|   |     |
|---|-----|
|  Making Education Decisions for Children Involved with the Dependency Court | A1  |
|  Enrollment and High School Education Rights for Foster and Probation Youth | A5  |
|  Requesting a Special Education Assessment: Step-by-Step Guide              | A7  |
|  Requesting a Special Education Assessment: Step-by-Step Guide: Letter      | A8  |
|  Requesting Education Records: Step-by-Step Guide                           | A9  |
|  Requesting Education Records: ERH Letter                                   | A10 |
|  Requesting Education Records: CSW/PO Letter                                | A11 |
|  ACL No. 11-51  | A12 |
|  ACL No. 13-03  | A20 |



**As a PARENT you have the RIGHT to make decisions about your children's education. This applies even if your family has an open case, and even if your children have been removed from your home.**

Being an active participant and advocate in your children's education can help show the court you are following your case plan and being a positive force in your child's life. If you are not able or willing to make these decisions, the court can limit your education rights and appoint another person to be the child's Education Rights Holder (ERH).

If you do not want this to happen, it is important to stay involved in your child's education.



## WHAT KIND OF EDUCATION DECISIONS NEED TO BE MADE?

- Every child needs a parent or other adult to keep track of the child's progress in school and make decisions about what school the child should attend, whether the child needs special education services, what to do about attendance and behavior problems, etc. This includes young children before they are school-age, because children need parent consent for preschool and developmental services.
- **Biological parents who need support can ask the court to appoint another person to co-hold education rights with the parent. It may not be necessary to limit parent's education rights if there is a co-holder.**

This flyer gives you some tips and suggestions for how to stay involved and help your child succeed in school

## THE BASICS:

- Talk to the child about education; help the child set goals
- Keep a folder with the child's education records, contact persons, etc.
- Talk to the child's caregiver about how the child is doing in school
- Review all report cards, progress reports, grades, attendance records, so you can see the child's strengths and areas where the child may need help. Many school districts have online systems where parents can log in and see grades, attendance, and other information; contact your child's school to ask about getting access to their system.
- Track attendance – make sure the child is getting to school every day, on time, and if there are problems with attendance, find out why – this is important even for young children.
- Attend all school meetings concerning the child – back to school night, parent-teacher conferences, IEP meetings, etc.
- Ask about tutoring, afterschool programs, and summer programs if the child needs to catch up in school or needs help with schoolwork.
- Encourage the child to participate in school activities (sports, music, clubs, etc.)





## If the child is moved to a new placement ...

- Children in foster care are allowed to stay in their “school of origin” even if they move outside the area for that school. Talk to your social worker and attorney to make sure every effort is made to keep the child in their school of origin, if that is best for the child (by finding a placement close to that school or arranging for transportation) or at least delaying a move until the end of the semester or school year.
- If the child does move to a new school, talk to your social worker and attorney to make sure the child is promptly enrolled in the new school, all their records and credits are transferred to the new school, and the new school placement meets the child’s needs. If the child is in high school, talk to the child to make sure they are enrolled in the right classes in the new school.

## If the child has behavior problems at school ...

- Address problems early on – meet with teachers and principals and ask about ways to help the child with behavior problems,
- Keep notes about all contacts with the school about behavior issues.
- Talk to the child about any behavior problems; ask the child what would help.
- School suspensions and expulsions are very serious -- if the child is suspended, make sure the school gives you and the child’s attorney written notice, and informs you what the suspension is for and when the child can return to school. Contact the child’s attorney for help if the child has long or repeat suspensions, or is referred for expulsion.

## If the child has, or may have, special needs ...

- If the child is struggling in school, consider asking for an assessment to find out if the child needs special education services. If the child does need special education, ensure that the child has an up-to-date and adequate IEP (Individualized Education Plan) and the plan is being carried out.
- If the child is under 5 years old and you have concerns about their development (for example, if they are not able to do things other children their age can do), talk to your social worker or attorney about asking for developmental assessments and services.

## If the child is in high school ...

- Make sure the student's transcript includes all his/her credits, and the child is taking the classes needed for graduation.
- Talk to the student about college and career goals, and help the student get information about college applications, financial aid, job training programs, etc.



## If the child is under 5 years old

- Preschool and Headstart programs can help young children develop, learn, and be ready for school. Talk to your social worker about enrolling your child in these programs.
- Four-year olds may be eligible for Transitional Kindergarten in their local elementary school.







## Need Assistance?

If you are struggling to help your child access appropriate early intervention, special education, general education, or regional center services, the following people may be able to help you:

- 1. Your child's social worker**
- 2. Parent's Attorney:** Parents can contact their court appointed attorney from the Los Angeles Dependency Lawyers Inc:
  - a. Law Offices of Katherine Anderson - (323) 262-2950
  - b. Law Office of Marlene Furth - (323) 262-3071
  - c. Law Offices of Jolene Metzger - (323) 262-2353
  - d. Law Offices of Rachel Ewing - (323) 262-3028
  - e. Law Offices of Danielle Butler Vappie - (323) 859-3730
- 3. Minor's Attorney:** if you are a caregiver without an attorney and need additional assistance with seeking early intervention, general education, and/or special education services for your child please discuss your concerns with the child's attorney in court. If appropriate, they can complete a WIC 317e referral to have your child appointed a free education attorney.
- 4. Your service coordinator at the regional center or the DCFS Regional Center** Support email: [RegionalCenterSupport@dcfs.lacounty.gov](mailto:RegionalCenterSupport@dcfs.lacounty.gov)
- 5. At your child's school:**
  - a. Pupil Services & Attendance Counselor
    - i. LAUSD: <http://achieve.lausd.net/site/Default.aspx?PageID=7366> (tab 2 under Pupil Services Staff Directory)
  - b. Special Education Office
  - c. AB 490 Foster Youth Education Liaison
    - i. LAUSD: Silvia Navarro, 5th Floor, Edelman Courthouse (213) 408-5303 or by school: <http://achieve.lausd.net/Page/7339> (under 2015-2016 FYAP Directory)
    - ii. All other district liaisons can be found at: <http://www.lacoe.edu/StudentServices/HomelessFosterYouth/FosterYouth.aspx>
- 6. Community Advocacy Agencies** include:
  - a. Grandparents as Parents: Laura Carson, 626-277-2602
  - b. Project Fatherhood: 213-260-7604
  - c. CADRE: 323-752-9997
  - d. Shields for Families: 323-526-6359 or 323-242-5000
- 7. Other Legal Agencies:** you can also contact the legal agencies found on the reverse side who may provide additional assistance for children in the child welfare system



| Legal Agency Name  | Legal Agency Provides Help With:       |                            |                   |                   |
|--|--|----------------------------|-------------------|-------------------|
|  | Early Intervention/<br>Regional Center | Regional Center<br>Ages 3+ | Special Education | General Education |
| Alliance for Children's Rights<br>(213) 368-6010<br>3333 Wilshire Blvd. Ste 550<br>Los Angeles, CA 90010<br><a href="http://www.kids-alliance.org">www.kids-alliance.org</a>   | X                                      |                            | X                 | X                 |
| Disability Rights California, Los Angeles<br>Regional Office<br>(213) 213-8000<br>350 South Bixel Street, Suite 290<br>Los Angeles, CA 90017<br><a href="http://www.disabilityrightscalifornia.org">www.disabilityrightscalifornia.org</a> | X                                      | X                          | X                 |                   |
| Disability Rights Legal Center<br>(213) 736-1334<br>800 S Figueroa St.<br>Los Angeles, CA 90017<br><a href="http://www.disabilityrightslegalcenter.org">www.disabilityrightslegalcenter.org</a>  |  | X                          | X                 |                   |
| Learning Rights Law Center<br>(213) 489-4030<br>205 S. Broadway, Suite 1008<br>Los Angeles, CA 90012<br><a href="http://www.learningrights.org">www.learningrights.org</a>   | X                                      | X                          | X                 |                   |
| Mental Health Advocacy Services<br>(213) 389-2077<br>3255 Wilshire Blvd., Ste 902<br>Los Angeles, CA 90010<br><a href="http://www.mhas-la.org">www.mhas-la.org</a>   | X                                      |                            | X                 |                   |
| Public Counsel<br>Children's Law Project<br>(213) 385-2977 x. 500<br>601 S. Ardmore Ave.<br>Los Angeles, CA 90005<br><a href="http://www.publiccounsel.org">www.publiccounsel.org</a>  | X                                      | X                          | X                 |                   |



## SCHOOL ENROLLMENT FOR FOSTER AND PROBATION YOUTH

### Have you heard this before?

If you are missing credits, have bad grades, or are pregnant or parenting, you must go to an independent study program or continuation school, not your local school.

You can't enroll in school without providing all of your records to your new school.

You can't take the same classes you were in at your last school because those classes are too full at our school.

### What are my rights as a foster or probation youth?

- ✓ You have a right to attend your local school, unless you (1) have an IEP that requires you to attend a different type of school; (2) have been expelled after a formal hearing; or (3) are currently in juvenile hall or camp (youth returning from hall/camp have a right to attend their local school).
- ✓ You cannot be forced to attend a continuation school, adult school, independent study program, or school for pregnant/parenting teens, even if you are not on track for high school graduation, have failing grades, or have behavior problems at school.
- ✓ You have a right to attend your 'school of origin': (1) the school you attended when you were first removed from your parents; (2) the last school you attended; or (3) any school you attended in the last 15 months where you felt a connection.
- ✓ You have a right to be *immediately* enrolled in and attend school, even if you do not have any of the required documents (transcripts, immunization records, proof of residence).
- ✓ You have a right to be enrolled in the same classes you were taking at your old school if you transfer mid-semester.

Education Code §§ 48853, 48853.5

### What can you do to protect your rights?

- ✓ Ask your caregiver, education rights holder (if you are under 18), social worker or probation officer for help.
- ✓ Work with your education rights holder to figure out what school would be best for you. Go and enroll.
  - Bring a copy of your transcript; a document, such as a gas bill, that shows your current address; and any other school records you have. Remember, you have a right to immediate enrollment even if you do not have any of these documents.
- ✓ If any school refuses to enroll you, contact the Alliance for Children's Rights for help: 213.368.6010.
- ✓ Meet with a school counselor to set up your class schedule. You must be enrolled in the same classes you were taking at your last school. They cannot make you take all elective classes.
- ✓ Ask your school counselor to request your records from your old school, including an official transcript with all partial credits and check out grades.

*If you believe that you are not enrolled in the correct school or that you were not given partial credits, speak with your education rights holder and social worker. You can also contact the Alliance for Children's Rights for assistance.*



Family



Education



Stability



Justice



## STAYING ON TRACK FOR HIGH SCHOOL GRADUATION: FOSTER/PROBATION YOUTH

### Right to Partial Credits

#### Did you ever:

- ✓ Transfer schools mid-semester and not get credits for the classes you took at your old school?
- ✓ Take the same class more than once, even though you already passed the class?
- ✓ Transfer schools mid-semester and get put in different classes than those you were taking at your old school?

#### As a foster or probation youth, you:

- ✓ Have a right to receive partial credits when you transfer schools mid-semester for all work you completed before moving.
  - ✓ Cannot be forced to retake parts of a class you already passed if it would throw you off track for graduation.
  - ✓ Must be enrolled in the same or similar courses as those you were in at your last school.
- Education Code §§ 49069.6, 51225.2

### Should I Graduate Under AB 167/216

#### What is AB 167/216 Graduation?

You can receive a high school diploma if you:

- ✓ Transfer after your second year of high school;
- ✓ Are behind in credits and off track for high school graduation;
- ✓ Complete state graduation requirements (130 credits); and
- ✓ Remain in high school for four years.

#### What are the state graduation requirements?

You must complete the following 130 credits:

- ✓ English: 30 credits
- ✓ Math: 20 credits (including Algebra 1/Mathematics 1)
- ✓ Social Sciences: 30 credits (World History, US History, Government, Economics)
- ✓ Science: 20 credits (Physical Science, Biological Science)
- ✓ Visual/Performing Arts or Foreign Language: 10 credits
- ✓ Physical Education: 20 credits

### Partial Credit Checklist

#### Before you leave your old school:

1. Make sure you are 'disenrolled'
2. Get a grade for each class (even if you were only there for a short amount of time)
3. Ask your counselor to give you a final transcript including partial credits

**If you believe that your enrollment, partial credit or AB 167/216 graduation rights have been violated, speak with your education rights holder, social worker or probation officer. You can also contact the Alliance for Children's Rights at 213.368.6010 for assistance.**

### Can you Graduate Under AB 167/216?

- ✓ Within 30 days of transferring to a new school, the school must provide you, your education rights holder, and social worker or probation officer with a letter telling you whether you are eligible or not. Keep this letter in case you transfer to another school.
  - ✓ If you are eligible, only your education rights holder can decide whether you should graduate under AB 167/216. **If you are 18 or older, you are your own education rights holder.**
- Education Code § 51225.1



Family



Education



Stability



Justice





## Why might your child need a special education assessment?

Special education assessments can help determine whether a child has an education disability and whether they are in need of special education services. Through special education your child may be eligible to receive an Individualized Education Program (“IEP”) that is specifically designed to meet their unique needs based on their disability.

## What does a child with an educational disability look like?

- Poor grades
- Poor attendance
- Low test scores
- Problems with memory, concentration or attention
- Behavior problems
- Social or emotional problems
- Speech and language problems

## What is an Individualized Education Program (“IEP”)?

An IEP is a written education program developed by the school district, teachers, and the education rights holder (“ERH”). IEPs include how the child is currently doing in school, and what everyone involved will do for the next school year to improve the child’s education outcomes.

## Procedures for Requesting a Special Education Assessment:

- Step 1. Complete the form:** Fill out the form ([download Word Doc](#)). Include what your concerns are in the areas of academics and/or behavior. Also include why you suspect your child has a disability and/or any diagnosed disabilities they already have (e.g. ADHD or depression). Make sure to sign and date the form.
- Step 2. Submit the form:** Turn in the attached form to the principal or special education coordinator at your child’s school.
- Step 3. Get proof:** You should get proof that the school received your request, in case you later have any difficulties getting a response from the school. There are 3 possible ways to get proof that you submitted the special education assessment request.
  - a) If submitting the form in person, get a date stamp on the form and keep a copy as proof.
  - b) If submitting via fax, keep a copy of the fax transmittal report confirming that the fax was received.
  - c) If sending via mail, send it via certified mail. Make sure to keep the certified mail receipt as proof.
- Step 4. Get the School’s Response:** Your child’s school is legally required to send you a written response within 15 calendar days of receiving the request for an assessment. Your child’s school only has two options to respond to your request. They can send you an assessment plan granting the assessment **OR** a written refusal to complete the assessment. **DO NOT** accept other options. Do not agree to a parent-teacher conference or a Student Study Team (SST) meeting instead of the assessment you requested.
- Step 5. Review and Sign the Assessment Plan:** After you receive the assessment plan from the school, you have 15 calendar days to sign it and return it. Before returning it to the school, review the assessment plan to make sure they are doing all necessary assessments (i.e. cognition, academics, motor/processing, social/emotional/behavioral/attention). Request in writing, on the assessment plan, to receive a copy of the assessment report(s) 5 business days before the IEP meeting.
- Step 6. Holding the IEP Meeting:** After you return the signed assessment plan to your child’s school, the school legally has only 60 calendar days to hold an Individualized Education Program (“IEP”) meeting to discuss the results of the assessments and whether your child is eligible for special education. Make sure to read your child’s assessment report prior to the meeting and prepare any questions you may want to ask at the meeting. If you don’t agree with the school’s determination of IEP eligibility or the services/supports they offer, don’t sign the IEP document. Ask your school for a list of attorneys/advocates who can help you appeal their decision.

[Download instructions in Spanish \(PDF\)](#) | [Download sample letter in Spanish \(Word Doc\)](#)



Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Principal/Special Education Coordinator:

I am currently requesting a comprehensive psycho-educational assessment for \_\_\_\_\_  
Child's Name

who is in the \_\_\_\_\_ at \_\_\_\_\_. My child lives within the boundaries of the  
Grade Name of School

\_\_\_\_\_ School District. This assessment is needed at this time because my  
Name of the School District

child has the following needs:

Academic Needs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Behavior Needs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Accordingly, please forward a proposed assessment plan to me within fifteen (15) calendar days. Educ. Code §§ 56043(a) and 56321(a). If you have any further questions regarding this correspondence, do not hesitate to contact me.

Sincerely,



## Who has a right to education records?

- Biological parents- Unless their rights have been limited or terminated by a court
- Adoptive Parents with adoption order
- Legal Guardians with letters of guardianship from a court
- Responsible adults appointed by the court to hold education rights via JV-535 (ex. Foster parents, Relative caregivers, Court Appointed Special Advocates)
- Social workers or probation officers (Educ. Code § 49076(i),(n))
- Caregivers (SB 233, effective January 1, 2018, grants access to current school records to caregivers)

## The Purpose of Requesting Records

- Track education performance over time
- To help better understand the child's needs
- To determine interventions that have or have not worked in the past
- They allow comparison between old testing and new testing to monitor academic progress

## Examples of Records You May Receive

- Report cards: They will show academic progress throughout the child's education history
- Transcripts: These show how close to graduation a child may be based on their accumulated class credits
- Attendance records: They show whether the child is going to all of their class periods daily
- Special Education Assessments: These show a child's current functioning both academically and behaviorally
- Individualized Education Programs ("IEPs"): These show whether services/goals are meeting the child's needs

## Procedures for ERHs or CSW/POs to Request Education Records

- Step 1.** Complete the form: Sign and date the form (Download [Word Doc for ERHs](#) or [Word Doc for CSW/POs](#)).
- Step 2.** Submit the form: In person, via fax, or via email. Ensure to put the form on county letter head and include a photo copy of your county badge.
- Step 3.** Get proof: You should get proof that the school received your records request, in case you later have any difficulties getting the school to send records. There are 3 possible ways to get proof that you submitted the records request form.
- a) If submitting the form in person, get a date stamp on the form and keep a copy as proof.
  - b) If submitting via fax, keep a copy of the fax transmittal report confirming that the fax was received.
  - c) If sending via mail, send it via certified mail. Make sure to keep the certified mail receipt as proof.
- Step 4.** Get records: Schools, by law, have only 5 business days to send you the records you requested. You should call the school 2 days after submitting the records request form, to confirm that it was received and that they will be sending you records within 5 business days. If the school informs you that they do not have records for your child, ask that they put this in writing.
- Step 5.** If by the 5<sup>th</sup> day you have not received any records, contact the school and request that they send them to you immediately.
- Step 6.** Organize and Review Records: Once you receive the records, organize them chronologically, by school year, and read through them to make sure you received everything you requested. You should make sure that you received all of the child's report cards, attendance records, transcripts, behavior notes/suspension notices. If your child is in special education, pay close attention to the IEP dates and make sure that you have an IEP for each year they were eligible and an assessment every three years. If you notice that anything is missing, you should go back to the school and request that they give you the missing documents.

[Download instructions in Spanish \(PDF\)](#) | [Download sample letter in Spanish \(Word Doc\)](#)



Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

RE: Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Records Clerk,

I am hereby requesting a copy of any and all general and special education records for the above mentioned child. I am requesting all records, including, but not limited to the following:

1. All Health Records
2. All Cumulative Records (including attendance, progress reports, report cards and transcripts)
3. All Disciplinary Records
4. All Star testing, Stanford 9 Scores and CAT – 6 Scores
5. All Correspondence (e.g., inter-office notes, memos, letters, etc.)

*And if applicable:*

6. All Special Education (e.g. psychological, educational, speech, OT, PT, etc.)
7. All Testing Protocols
8. All Individualized Education Programs

Please note that I am the education rights holder (“ERH”) for this child. Please waive all fees associated with the duplication of these records, as such fees would effectively deny me access to these records. Please provide a physical copy of all records to the address below. I understand that by law, these records should be provided to me in 5 working days. 17 CCR § 52164(b); Educ. Code §§ 49069, 56504. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

ERH Signature: \_\_\_\_\_

ERH Name: \_\_\_\_\_

ERH Address: \_\_\_\_\_

ERH Phone Number: \_\_\_\_\_





Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

RE: Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

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4. All Star testing, Stanford 9 Scores and CAT – 6 Scores
5. All Correspondence (e.g., inter-office notes, memos, letters, etc.)

*And if applicable:*

6. All Special Education (e.g. psychological, educational, speech, OT, PT, etc.)
7. All Testing Protocols
8. All Individualized Education Programs

Please note that I am the social worker/probation officer for this child. I have included a copy of my badge with this records request. Please waive all fees associated with the duplication of these records. Please provide a copy of all the requested records to the address, fax, or email provided below within 5 working days. Please note that school districts must share education records with child welfare agencies without parental or guardian consent pursuant to Educ. Code § 49076(i), (n). Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

CSW/PO Signature: \_\_\_\_\_

CSW/PO Name: \_\_\_\_\_

CSW/PO Address: \_\_\_\_\_

\_\_\_\_\_

CSW/PO Phone Number: \_\_\_\_\_

CSW/PO Fax: \_\_\_\_\_

CSW/PO Email: \_\_\_\_\_



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
 744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)

EDMUND G. BROWN JR.  
GOVERNOR

September 23, 2011

ALL COUNTY LETTER NO. 11-51

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL CHIEF PROBATION OFFICERS  
 ALL LOCAL MENTAL HEALTH DIRECTORS  
 ALL COUNTY ADOPTION AGENCIES  
 ALL ADOPTION DISTRICT OFFICES  
 ALL GROUP HOME PROVIDERS  
 ALL FOSTER FAMILY AGENCIES  
 KARUK TRIBE

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change  
☐ Federal Law or Regulation Change  
☐ Court Order  
☐ Clarification Requested by One or More Counties  
☐ Initiated by CDSS

SUBJECT: THE FOSTERING CONNECTIONS TO SUCCESS AND  
 INCREASING ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351)  
 EDUCATION TRAVEL REIMBURSEMENT

REFERENCE: ASSEMBLY BILL (AB) 1612, CHAPTER 725, STATUTES OF 2010  
 AB 1933, CHAPTER 563, STATUTES OF 2010  
 SENATE BILL (SB) 1353, CHAPTER 557, STATUTES OF 2010  
 ALL COUNTY LETTER (ACL) NO.10-12, DATED MARCH 15, 2010

Public Law (PL) 110-351 amended Title IV-E of the Social Security Act to require that a case plan includes a plan for ensuring the educational stability of the child while in foster care, hereinafter referred to as “educational stability plan,” including:

- Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity of the foster home placement to the school in which the child is enrolled at the time of placement.
- An assurance that the state agency has coordinated with 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

All County Letter No. 11-51  
Page Two

- If remaining in such school is not in the best interests of the child, assurances by the state agency and the local education agencies to provide immediate and appropriate enrollment in a new school, which includes submission of all educational records of the child to the new school.

The PL 110-351 also 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. Accordingly, eligibility for reimbursement for the cost of educational travel as described in this ACL, assuming that all other eligibility conditions are met, commences simultaneously with the commencement of the child's eligibility for a foster care maintenance payment.

Federal policy recognizes that the Title IV-E agency has the discretion to determine what is considered reasonable travel in examining factors such as distance and the time to travel. Additionally, AB 1933 and SB 1353 allow the child to remain in the school of origin for the duration of the foster care placement, if it is in the best interest of the child; and allow the child to remain in the school of origin throughout multiple placement changes, if it is in the best interest of the child. The AB 1933 also allows foster children to matriculate with their peers in accordance with the feeder patterns of school districts.

The purpose of this ACL is to provide instruction and guidance to county child welfare and probation departments regarding the applicable rates to be paid for reimbursement of costs related to transporting a child in grades Kindergarten through 12<sup>th</sup> to his/her school of origin based on the educational stability plan.

The California Department of Social Services (CDSS) convened a workgroup that included staff from the State Department of Education, child welfare advocacy groups, counties and the County Welfare Directors Association (CWDA) for the purpose of developing a uniform statewide rate and methodology for the cost of travel to a child's school of origin. The educational travel reimbursement rate for licensed foster family homes, approved relatives, small family homes, non-related extended family members (NREFM) and certified foster homes, and the key considerations to be made when determining the rate for each child is outlined below. The educational travel rate and methodology for children placed in congregate care settings such as group homes or community treatment facilities will be addressed separately.

**Travel Distance:** Determine the number of miles between the child's current foster care placement and the school of origin.

**Travel Arrangement:** Determine the appropriate travel plan for each child by considering the child's capacity to travel safely using public or school transportation, the provider's ability to provide the transportation or other reasonable alternatives, etc.

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Page Three

Travel arrangements should assure all children arrive and depart safely from their schools in a timely manner. For example, a foster parent who has children attending schools located some distance from each other or in opposite directions where the possibility of transporting both children at the same time would cause one child to be late for school, requires planning for alternative transportation to ensure each child arrives and departs from school on time.

**Reasonable Travel and Exceptions:** In accordance with the Administration for Children, Youth and Families, Children's Bureau Program Instruction 10-11, the county has the discretion in determining what is considered reasonable travel by examining factors such as distance and length of time the child will be traveling as part of the child's educational stability plan. The PL 110-351 and AB 1933 require that educational planning for a child be coordinated between the responsible placement and educational agencies and the person holding the right to make educational decisions for the child.

Nothing in statute prohibits the responsible agencies from sharing the cost of transportation. The responsible educational agency must provide or arrange for transportation when that need is documented in the student's Individual Education Plan. Please refer to Education Code Section 56040, Chapter 34 Code of Federal Regulations (CFR) 300.24 and 34 CFR 300.

The rates to be paid to foster family home providers including licensed foster parents, approved relatives, certified foster parents, small family licensees and NREFMs, for each foster child, whose educational stability plan indicates that the child will remain in the school of origin are as follows:

| Distance from Foster Care Placement to School of Origin (in miles) One Way | Educational Travel Rate per Month per Child |
|--|---|
| Up to 3 miles  | \$0   |
| 4 to 8 miles   | \$58  |
| 9 to 13 miles  | \$154                                       |
| 14 to 18 miles   | \$250                                       |
| 19 to 23 miles   | \$347                                       |
| 24 or more miles   | \$443                                       |

### **Administration of Rate Methodology**

The workgroup developed a methodology for a rate to be paid for children who remain in their schools of origin in accordance with their educational stability plan. The rate methodology is based on the foster parent or other designee's driving four (4) one-way trips per day (one round trip from home to the school in the morning and one round trip from home to the school in the afternoon), fifteen school days per month, 180 school days per year divided by twelve months. Counties are not required to prorate payments for days children do not attend their school of origin.



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Page Four

Partial miles are rounded up if it is 0.5 and above or rounded down if less than 0.5. The rates reflected in the chart above are for a twelve month period and are intended to be used for the cost of daily transportation to and from the school, as well as for other educational-related transportation such as, extra-curricular activities, sports related activities, school dances, after-school activities, as well as parent-teacher conferences and those instances when the caregiver needs to travel to the school to pick-up the child for appointments or illnesses. The educational travel reimbursement is only for the child whose educational stability plan indicates that the child will remain in the school of origin. Educational travel is part of the foster care maintenance payment and temporary absence regulations apply.

Educational travel rates may be paid for children taking public transportation to their school of origin. The counties may purchase transportation passes or reimburse the foster parents for purchasing passes. The rates reflect the low, medium and high costs of monthly public transportation passes in the state. If the cost of the monthly public transportation pass falls between two levels, reimbursement to the provider will always be at the higher of the two levels. For example, if in County Z, public transportation passes cost \$45.00 per month, County Z will pay for or reimburse a foster parent purchasing a bus pass for their foster child to attend their school of origin at the \$50.00 rate. The rates to be paid for public transportation are specified below.

Public transportation passes are reimbursed at the flat rates of \$25, \$50, or \$75 dollars per month per child, as determined by the placement agency.

Fifteen minutes of administrative time has been allotted to county placing agencies to determine the educational travel plan and monthly reimbursement and to arrange payment. This activity is performed for each child for whom an initial educational travel monthly payment must be calculated and whenever circumstances have changed (the child has moved to a new foster home, etc.) and a new payment must be calculated.

Foster Family Agencies (FFAs) will receive payment for educational travel costs from the responsible placing agencies as part of the maintenance payment for each child whose educational stability plan indicates that the child will remain in the school of origin. Certified foster parents will not be reimbursed separately for the costs of providing transportation. The FFAs are required to pay the entire amount of the educational travel reimbursement to the certified foster parents responsible for providing the travel. In those instances when the FFA is providing the transportation rather than the certified foster parent, the travel reimbursement may be retained by the FFA. Foster parents and FFAs must immediately report to the responsible placement agencies any changes that would affect the educational travel reimbursements for children in their care.

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Page Five

Additionally, an overpayment may be assessed for a provider who is no longer transporting a child to their school of origin, but continues to receive an education travel rate as part of the maintenance payment.

### **Cost Sharing Ratios**

The educational travel rate is part of the maintenance payment; therefore, the cost sharing ratios are the same as for Aid to Families with Dependent Children-Foster Care payments as follows:

|                  | Federal | County 2011<br>Realignment | County |
|------------------|---------|----------------------------|--------|
| Federal Case:    | 50%     | 20%*                       | 30%    |
| Nonfederal Case: |         | 40% *                      | 60%    |

\*Effective July 1, 2011, the state share has been realigned to the county share per AB 118

### **Overpayments**

Educational travel reimbursements are subject to overpayment determinations as described in CDSS Regulations Division 45-303 through 45-306.

### **Special Project Codes**

Counties will be required to use one statewide special project code to identify each child who is receiving a transportation reimbursement. The statewide special project code is identified below.

***S-1 Educational Travel Reimbursement- A child who is receiving educational travel reimbursement as a result of remaining in their school of origin.***

The CWDA and CDSS will collaboratively develop a survey tool to capture relevant data on the number of children receiving an educational travel reimbursement, the amount of the reimbursement, the duration of the payment, and any other pertinent data that will inform the use and payment of the educational travel reimbursement.

### **Claiming/Retroactive Payments**

A future CFL for current month claims and instructions will be provided with the monthly updated CA 800 FC FED and the CA 800 Non FED assistance claims to include the educational travel reimbursement to the counties. Counties must maintain the appropriate documentation to support the expenditures for purposes of a federal or state audit.

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### **Inquiries**

Any questions regarding educational travel rates can be directed to the Foster Care Rates Bureau consultant at (916) 651-9152. Any questions regarding the assistance claim can be emailed to [assistance.claims@dss.ca.gov](mailto:assistance.claims@dss.ca.gov). Questions concerning educational planning and case plan assurances related to educational stability can be directed to the Child and Youth Permanency Branch at (916) 651-7464.

Sincerely,

### ***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Director

Attachments

Attachment

### Education Travel Reimbursement Rate Methodology

The basis for this methodology is the 2010 American Automobile Association (AAA) average driving costs based on 15,000 miles per year. Additionally, this methodology used the five 2009 medium sedan car models selected by AAA, to determine the average miles per gallon (mpg) of these vehicles through the [www.fueleconomy.gov](http://www.fueleconomy.gov) website, which was determined to be 19.6 mpg. This methodology also used the [www.fuelgaugereport.com](http://www.fuelgaugereport.com) website to provide the current California average fuel cost of \$3.15 per gallon. The CDSS utilized the [www.milesgallon.com](http://www.milesgallon.com) website to calculate the cost of fuel per mile using an average distance of 15,000 miles per year, an average of 19.6 mpg, along with the maintenance and tire costs provided for by AAA allowed for determining the operating costs. The AAA costs associated with depreciation and vehicle financial charges were excluded.

#### The following assumptions apply:

- A school-age foster child will be transported to their school of origin and back to their foster care placement by the foster parent, or designee equating to 4 one-way trips, 15 school days per month (based on 180 school days per year divided by 12 months).
- 17% of the total school age foster care population will use public transportation, (according to San Diego Unified School District Transportation Department.)
- **Some** foster children with Individual Educational Plans will not receive a travel reimbursement because the Department of Education is responsible for their transportation and its costs.
- Using data from the Child Welfare Services/Case Management System identifying the number of children placed outside the zip code of their home of removal:
  - 36.6% of children may be driven between 1-5 miles per day, one way to school
  - 16.8% of children may be driven 6 to 10 miles per day, one way to school
  - 46.6% of children may be driven 11 miles or more per day, one way to school

#### Average 2010 AAA Driving Cost Estimates 15,000 total miles per year

Annual Operating Costs: \$3,205 (gas + maintenance +tires)  
Annual Ownership Costs: \$1,616 (insurance +license +registration +taxes)  
 Total cost per year                \$4,821

\*Gas costs were based on the 2010 AAA Fuel Gauge Report price per gallon of \$3.15.

The AAA costs above were used to calculate the I cost per mile as described below

| Annual Operating Costs | per Mile     | Annual Ownership Costs       | per Mile     |
|------------------------|--------------|------------------------------|--------------|
| Gas:*                  | 0.1600 cents | Full-coverage insurance      | 0.0687 cents |
| Maintenance:           | 0.0454 cents | License, Registration, Taxes | 0.039 cents  |
| Tires:                 | 0.0083 cents |                              |              |

**Cost per mile:**                      **0.2137cents per mile**                **Cost per mile:**                      **0.1077cents per mile**

DSS will evaluate the educational travel reimbursement rate periodically and consider adjustments based upon the above methodology

**Total cost per mile                      \*32.14 cents**



## Attachment

**2009 Five Top-Selling Medium Sedan Car Models Selected by AAA**

| <b>Make</b>   | <b>Model</b>  | <b>MPG</b> |
|---------------|---------------|------------|
| <i>Chevy</i>  | <i>Impala</i> | <i>18</i>  |
| <i>Ford</i>   | <i>Fusion</i> | <i>17</i>  |
| <i>Honda</i>  | <i>Accord</i> | <i>21</i>  |
| <i>Nissan</i> | <i>Altima</i> | <i>23</i>  |
| <i>Toyota</i> | <i>Camry</i>  | <i>19</i>  |

|   |                 |
|---|-----------------|
| <b>Average MPG for the Five Top Selling Medium Sedans</b> | <b>19.6 MPG</b> |
|---|-----------------|

**Schedule of Flat Rates for Educational Travel Standard Local Mileage Disallowance of 3 Miles**

|   | <b>A</b>  | <b>B</b>  | <b>C</b>   | <b>D</b>   | <b>E</b>  | <b>Rate</b> |
|---|---|---|--|--|---|-------------|
| Distance from the foster care placement to the school of origin | Average distance from the foster care placement to the school of origin | Standard local school mileage disallowance of 3 miles | Additional miles for each one-way trip to the school of origin | Additional miles for two round trips to the school of origin each school day | Additional miles for an average of 15 school days per month |             |
| (in miles)  | (in miles)  | 3   | (A minus B)  | (C x 4)  | (D x 15)  |             |
| Up to 3   | 3   | 3   | 0  | 0  | 0   | \$0         |
| 4 to 8  | 6   | 3   | 3  | 12   | 180   | \$58        |
| 9 to 13   | 11  | 3   | 8  | 32   | 480   | \$154       |
| 14 to 18  | 16  | 3   | 13   | 52   | 780   | \$250       |
| 19 to 23  | 21  | 3   | 18   | 72   | 1080  | \$347       |
| 24 and up   | 26  | 3   | 23   | 92   | 1380  | \$443       |



CDSS

WILL LIGHTBOURNE  
DIRECTORSTATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)EDMUND G. BROWN  
GOVERNOR

March 28, 2013

ALL COUNTY LETTER NO. 13-03

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
TITLE IV-E AGREEMENT TRIBES

SUBJECT: THE FOSTERING CONNECTIONS TO SUCCESS AND  
INCREASING ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351)  
EDUCATION TRAVEL REIMBURSEMENT

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010);  
AB 212 (CHAPTER 459, STATUTES OF 2011);  
PUBLIC LAW 110-351, DATED OCTOBER 7, 2008;  
WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 11400(W);  
ACL NO. 11-51, DATED SEPTEMBER 23, 2011  
ACL NO. 12-44, DATED SEPTEMBER 11, 2012;

This letter is to clarify education travel reimbursements for placements not addressed in All County Letter (ACL) No. 11-51, dated September 21, 2011. This letter establishes that those Non-Minor Dependents (NMDs) placed in a Supervised Independent Living Placement (SILP) as described in ACL No. 12-44 and attending high school at their school of origin and meeting all other requirements (as described in ACL No. 11-77, Page 6, Section 4) are entitled to receive the education travel reimbursement. This reimbursement is to be paid directly to the NMD.

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

## All County Letter No.13-03 Page Two

The AB 12 (California's Fostering Connections to Success Act) and AB 212 provided statutory authority for California's implementation of extended foster care, as authorized by federal Public Law 110-351. Additionally, AB 12 and AB 212 provided a new category of placement option, Supervised Independent Living Setting (SILS), a supervised setting as specified in a NMDs transitional independent living case plan, in which the youth is living independently. The Transitional Housing Placement Plus Foster Care (THP+FC) placements and SILPS are considered types of SILS.

A SILP, as described in ACL No. 12-44, is a foster care placement approved and supervised by the county social worker or probation officer for that NMD only and in which the NMD is living independently, can be their own payee, and is not receiving provider-based supportive services. A SILP is the least restrictive placement option and will receive only the basic Aid to Families with Dependent Children-Foster Care rate with no specialized care increment (W&IC Section 11400(w)).

The THP+FC as described in ACL No. 12-44 is a program for NMDs, which is offered by a licensed transitional housing placement provider-based, supervised housing and supportive services program that includes regular contact with a provider case manager. Through THP+FC, NMDs are able to gain a level of independence in a supervised setting. This type of SILS placement is more restricted and has a higher rate structure than a SILP. **However, THP+FC providers are not eligible for education travel reimbursement.**

Subsequent to implementation of ACL No. 11-51, it has come to the attention of the Department of Social Services that there may be occasions when a NMD placed in a SILP is attending high school at their school of origin. In those instances, provided all other requirements have been satisfied, the NMD would be entitled to receive the education travel reimbursement, made payable to the youth.

### Rates

#### Mileage Rates:

| Distance from Foster Care Placement to School of Origin (in miles) One Way | Educational Travel Rate per Month per Child |
|--|---|
| Up to 3 miles  | \$0   |
| 4 to 8 miles   | \$58  |
| 9 to 13 miles  | \$154                                       |
| 14 to 18 miles   | \$250                                       |
| 19 to 23 miles   | \$347                                       |
| 24 or more miles   | \$443                                       |

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Page Three

### **Public Transportation Rates**

Public transportation passes are reimbursed at the flat rates of \$25, \$50, or \$75 per month per youth, as determined by the placement agency. If the costs of the monthly public transportation pass falls between two levels, reimbursement to the provider or NMD will always be at the higher of the two levels.

### **Inquiries**

Any questions regarding educational travel rates can be directed to the Foster Care Rates Bureau consultant at (916) 651-9152. Any questions regarding the assistance claim can be emailed to [assistance.claims@dss.ca.gov](mailto:assistance.claims@dss.ca.gov). Questions concerning educational planning and case plan assurances related to educational stability can be directed to the Child and Youth Permanency Branch at (916) 651-7464.

Sincerely,

### ***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division





**Jill Rowland**  
Education Program Director  
213.368.6010 | [j.rowland@kids-alliance.org](mailto:j.rowland@kids-alliance.org)

For more information or to download the Court Companion, visit [kids-alliance.org/fyetcourtcompanion](http://kids-alliance.org/fyetcourtcompanion).



ASSOCIATION OF CALIFORNIA  
SCHOOL ADMINISTRATORS

**Dr. Wes Smith**  
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CALIFORNIA COUNTY SUPERINTENDENTS  
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**Sandra Morales**  
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CHILDREN'S LAW CENTER OF CALIFORNIA  
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COUNTY WELFARE  
DIRECTORS ASSOCIATION

**Frank J. Mecca**  
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CHILD WELFARE COUNCIL  
[www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx](http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx)



KEEP KIDS IN SCHOOL AND OUT OF COURTS INITIATIVE

**Tracy Kenny**  
Attorney, Center for Families, Children & the Courts  
916-263-2838 | [tracy.kenny@jud.ca.gov](mailto:tracy.kenny@jud.ca.gov)



CA DEPT OF SOCIAL SERVICES

**Placement Services & Support Unit**  
916-657-1858 | [fostercareeducation@dss.ca.gov](mailto:fostercareeducation@dss.ca.gov)



LOS ANGELES COUNTY OFFICE OF EDUCATION

**Dr. Rachelle Touzard**  
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CALIFORNIA SCHOOL BOARDS ASSOCIATION

**Teri Burns**  
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EDUCATION COORDINATING COUNCIL

**Stefanie Gluckman**  
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