

Instruction

EDUCATION FOR FOSTER YOUTH

Definitions

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

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

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

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

Best interest means a placement that ensures that the youth is placed in the least restrictive educational program and has access to academic resources, services, and extracurricular and enrichment activities that are available to District students. (Education Code 48853)

District Liaison

The Superintendent or designee designates the following position as the District Liaison for foster youth: (Education Code 48853.5)

Executive Director of
Operations and Communications Services and Support
84 East J Street, Chula Vista, CA 91910
(619) 425-9600 x1325

Instruction

EDUCATION FOR FOSTER YOUTH (continued)

The District Liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5).
2. Assist foster youth when transferring from one school to another or from one District to another in ensuring proper transfer of credits, records, and grades, including ensuring that records reflect full or partial credit for courses taken.

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

(cf. 5125 - Student Records; Confidentiality)

3. As necessary, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973.
4. Ensure that students in foster care receive appropriate school-based services, such as supplemental instruction, counseling, or after-school programs.
5. Develop protocols and procedures so that district staff, including principals, school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of foster youth.
6. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for the district's foster youth.

Enrollment

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

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

(cf. 6159 - Individualized Education Program)

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

Instruction

EDUCATION FOR FOSTER YOUTH (continued)

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program.

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

3. The student is entitled to remain in his/her school of origin as defined above.

At the initial placement, or any subsequent change in placement of a foster youth, the District shall allow the student to continue his/her education in the school of origin for the duration of the academic school year. However, the District Liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interest. (Education Code 48853.5)

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

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

If the District Liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agree that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The youth shall be immediately enrolled even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic, medical, or proof of residency, or clothing normally required for enrollment. (Education Code 48853.5) Medical records, additionally, include a birth certificate.

(cf. 5132 - Dress and Grooming)

(cf. 5141.31 - Immunizations)

Instruction

EDUCATION FOR FOSTER YOUTH (continued)

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

If a parent/guardian or foster youth disagrees with the District Liaison's recommendation, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within 30 days of receipt of the appeal. Within 30 days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Governing Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

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

(cf. 1312.3 - Uniform Complaint Procedure)

Regulation

Reviewed: 08/17/04

Reviewed: 02/07/06

Reviewed: 07/21/09

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California