

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Instruction
EDUCATION OF FOSTER YOUTHDefinitions

Foster youth, foster child, or student in foster care means any of the following: (Education Code 42238.01, 48853.5)

1. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, whether or not the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
2. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, whether or not the child has been removed from the child's home.
3. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 727, and is in foster care as defined by Welfare and Institutions Code 727.4(d).
4. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01.
5. A child who has been removed from the youth's home pursuant to Welfare and Institutions Code 309.
6. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law.
7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400(p).

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the foster youth was last enrolled, or if there is another school that the foster youth attended with which the foster youth is connected and that the foster youth attended within the preceding 15 months, the County Superintendent foster youth liaison, in consultation with, and with the agreement of, the foster youth and the person holding the right to make educational decisions for the foster youth shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. (Education Code 48853.5)

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Best interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all County Superintendent/County Board students. (Education Code 48850, 48853; 20 USC 6311)

County Superintendent Foster Youth Liaison

County Superintendent designates the following position as the County Superintendent foster youth liaison: (Education Code 48853.5)

Foster & Homeless Youth Education Services, Director
1111 Van Ness Avenue
Fresno, California 93721
(559) 265-4003

The County Superintendent foster youth liaison shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care. (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another. (Education Code 48853.5, 48645.5)

When a student in foster care is enrolling in a County Superintendent/County Board school, the County Superintendent foster youth liaison shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. When a foster youth is transferring to a new school, the County Superintendent foster youth liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

3. When required by law, notify the foster youth's educational rights holder, attorney, and county social worker when a foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination for a foster youth who is a student with a disability, prior to a change in the foster youth's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)
4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973.
5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, or after-school services.

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6. Develop protocols and procedures for creating awareness for County Superintendent staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth.
7. Collaborate with the county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for County Superintendent/County Board foster youth.
8. Monitor the educational progress of foster youth and provide reports to the County Superintendent or designee based on indicators identified in the local control and accountability plan.

The County Superintendent or designee shall regularly monitor the liaison's caseload, as well as additional duties outside of the foster youth program, to ensure that adequate time and resources are provided to meet the needs of foster youth.

Enrollment

A student placed in a licensed children's institution or foster family home within the jurisdiction of County Superintendent/County Board may attend programs operated by County Superintendent unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.
2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interests of the student to be placed in another education program and submits a written statement to County Superintendent or designee indicating that determination and an awareness of the following:
 - a. The student has a right to attend a regular public school in the least restrictive environment.
 - b. The alternate education program is a special education program, if applicable.
 - c. The decision to unilaterally remove the student from the County Superintendent/County Board school and to place the student in an alternate education program may not be financed by County Superintendent or County Board.
 - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.
3. At the initial placement or any subsequent change in placement, the student exercises the right to continue in the school of origin, as defined above. In any such circumstance, the following shall apply:

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- a. The student may continue in the school of origin for the duration of the court's jurisdiction.
- b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in the school of origin for the remainder of the school year.
- c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in the school of origin through graduation
- d. If the student is transitioning between school grade levels, the student shall be allowed to continue in the district in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of schools in the district. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The role of the County Superintendent foster youth liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

The County Superintendent foster youth 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 foster youth, recommend that the foster youth's right to attend the school of origin be waived and the foster youth 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 interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from the school of origin, the County Superintendent foster youth liaison shall provide the foster 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 the recommendation serves the youth's best interests. (Education Code 48853.5)

If the County Superintendent foster youth liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the foster youth would be served by a transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, regardless of whether the foster youth: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended.
2. Does not have clothing normally required by the school, such as school uniforms.
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation.

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If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the County Superintendent foster youth liaison's enrollment recommendation, an appeal may be filed with the Deputy Superintendent for Instructional Division, or designee. The Deputy Superintendent or designee shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the decision, the foster youth or the person holding the right to make educational decisions for the foster youth may appeal that decision to the County Superintendent. The County Superintendent shall make a decision within 30 calendar days of receipt of the appeal. The County Superintendent's decision shall be final.

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

Transportation

County Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable a foster youth to remain in the school of origin, for the duration of the time spent in foster care, when it is in the foster youth's best interest to do so. Such transportation costs may be paid by either the child welfare agency or County Superintendent, or shared by both. (20 USC 6312)

Any fees that the County Superintendent charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for foster youth. (Education Code 39807.5)

Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the grades shall be calculated as of the date the student left school.
2. A verified court appearance or related court-ordered activity.

Transfer of Coursework and Credits

When a foster youth transfers into a County Superintendent/County Board school, the school will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the foster youth and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed.

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course.

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2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned.
3. A complete record of the student's seat time, including both period attendance and days of enrollment.

The County Superintendent shall transfer the credits and grades from the transferring school's transcript onto an official transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

County Superintendent shall accept and issue full or partial credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency. (Education Code 51225.2)

If the entire course was completed, the County Superintendent shall not require the foster youth to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the foster youth shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the County Superintendent may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the County Superintendent or designee finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, the foster youth shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. (Education Code 51225.2)

In no event shall a foster youth be prevented from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the County Superintendent and County Board.

However, when a foster youth who has completed the second year of high school transfers into County Superintendent/County Board schools from another school district or transfers between County Superintendent/County Board high schools, the foster youth shall be exempted from all County-established coursework and other County-established graduation requirements, unless the County Superintendent or designee makes a finding that the student is reasonably able to

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complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the foster youth's transfer, County Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If County Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in the third or fourth year of high school, the County Superintendent shall use either the number of credits the foster youth has earned as of the date of the transfer, the length of school enrollment, or for a foster youth with significant gaps in school attendance, the foster youth's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the foster youth for the exemption. (Education Code 51225.1)

If a foster youth was not properly notified of an exemption, declined the exemption, or was not previously exempted, the foster youth or the person holding the right to make educational decisions for the foster youth may request the exemption and the County Superintendent or designee shall exempt the foster youth within 30 days of the request. A student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

When the County Superintendent or designee determines that a foster youth who transferred into a County Superintendent and/or County Board school is reasonably able to complete County-established graduation requirements by the end of the foster youth's fourth year of high school, the foster youth shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the foster youth shall be reevaluated based on the foster youth's course completion status at the time, to determine if the student continues to be reasonably able to complete the County-established graduation requirements in time to graduate by the end of the foster youth's fourth year of high school. Written notice as to whether the foster youth then qualifies for the exemption shall be provided to the foster youth, the person holding the right to make educational decisions for the foster youth, and if applicable, to the foster youth's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the foster youth is not reasonably able to complete the County-established graduation requirements in time to graduate from high school by the end of the foster youth's fourth year of high school, the County Superintendent or designee shall provide the foster youth with the option to receive an exemption from County-established graduation requirements or stay in school for a fifth year to complete the County-established graduation requirements upon agreement with the foster youth, or if under 18 years of age, the person holding the right to make educational decisions for the foster youth, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a foster youth is exempted from County-established graduation requirements, the County Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth about the following: (Education Code 51225.1.)

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1. Discussion of how any requirements that are waived may affect the foster youth's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution.
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
3. Consideration of the foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

County Superintendent shall not require or request a foster youth to transfer schools in order to qualify for an exemption and shall not grant any request made by a foster youth or any person acting on behalf of a foster youth for a transfer solely to qualify the foster youth for an exemption. (Education Code 51225.1)

The County Superintendent or designee shall not require a foster youth who is eligible for an exemption from County-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the foster youth is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a foster youth is exempted from County-established graduation requirements the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while still enrolled in school or if the foster youth transfers to another school or school district. (Education Code 51225.1)

The County Superintendent or designee shall not require or request a foster youth who is exempted from County-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the foster youth's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a foster youth is reasonably able to complete County-established graduation requirements within the fifth year of high school, County Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in school for a fifth year to complete the County-established graduation requirements and how that will affect the foster youth's ability to gain admission to a postsecondary educational institution.
2. Consult with and provide information to the foster youth about transfer opportunities available through the California Community Colleges.

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3. Upon agreement with the foster youth or, if under 18 years of age, the person holding the right to make educational decisions for the foster youth, permit the foster youth to stay in school for a fifth year to complete the County-established graduation requirements.
4. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in the foster youth's school of origin.

When a foster youth who has completed the second year of high school transfers into County Superintendent/County Board schools from another school district or transfers between County Superintendent/County Board high schools, and is not reasonably able to complete the County-established graduation requirements within the foster youth's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the foster youth shall be exempted from all County-established graduation requirements and provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the County Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth, regarding the following: (Education Code 51225.1)

1. The foster youth's option to remain in school for a fifth year to complete statewide coursework requirements.
2. The effect of waiving the County-established requirements and remaining in school for a fifth year on the foster youth's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education.
3. Other options available to the foster youth, including but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
4. The foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

Eligibility for Extracurricular Activities

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

Notification and Complaints

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

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Any complaint alleging that the County Superintendent or County Board has not complied with requirements regarding the education of foster youth may be filed in accordance with the County Superintendent procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures. If the County Superintendent procedures find merit in a complaint, the County Superintendent shall provide a remedy to the affected student. A complainant not satisfied with the County Superintendent decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If CDE finds merit in an appeal, the County Superintendent shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

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