

FOSTER YOUTH SENDING/RECEIVING SCHOOL PROCEDURES

ASSEMBLY BILL 490

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

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

In order to maintain compliance with AB490 and prevent foster children from experiencing unnecessary educational delays and hurdles, please review the following procedures:

Receiving School (foster youth students newly enrolled or transferred in)

Administrative Assistants/School Registrars must:

1. Request records from the child's previous school and/or school district immediately or within two business days of enrollment or receipt of San Francisco Human Services Agency/Juvenile Probation Department (SF-HSA/JPD) Form 1145. The former school must transfer the student out of the school, and deliver the student's educational records to the next school within two (2) business days [EC § 48853.5]. If records are not received within two (2) business days, or appear to be incomplete, contact the former school, Foster Youth Services Coordinator, and/or the district office.
2. Inquire about the following in order to determine appropriate educational placement:
 - a. Special Education Needs:
If the child was in special education and has transferred to a new school, the child must be immediately provided with services comparable to the services required by the existing IEP. If the child's new school is in a different Special Education Local Plan Area (SELPA), the local education agency must either adopt the previous IEP or hold an meeting with 30 days to develop a new IEP [EC § 56325(a)].
 - b. 504 Accommodation Plans
 - c. Current expulsion from school
 - d. Person who holds "educational rights" for the child, which could be the child's parent/guardian, someone appointed by the court, or someone appointed by the school district (keep this information on file) [WIC§ 361, 726; GC § 7579.5].
** County-employed social workers and probation officers **cannot** hold educational rights for a foster youth. Similarly, group home or other non-public agency employees who provide educational care to the youth or have a conflict of interest **cannot** hold educational rights [GC § 7579.5(i)-(j)].
3. Ask the caregiver to update the student's emergency card to include the social worker or probation officer, child's attorney, legal guardian, person who holds educational rights, and the child's pediatrician.
4. Notify the SFUSD Foster Youth Services Liaison or SAP Coordinator at your school site of the student's enrollment to assist youth in accessing academic resources, services, extra-curricular and enrichment activities available.
5. Allow a student in foster care to remain enrolled for the rest of the school year when his/her home placement is changed. Foster youth are entitled to remain in his or her school of origin for the duration of the school year when doing so will be in the child's best interest [EC § 48853.5]. If a dispute arises as to the school placement of a foster child, the student has the right to remain in his or her school of origin pending resolution of the dispute [EC § 48853.5].

Sending School (foster youth students withdrawn or transferring out)

Administrative Assistants/School Registrars must:

1. Transfer the student out of school upon notification from caregiver, social worker, probation officer, or receipt of San Francisco County Human Services Agency/Juvenile Probation Department (SF-HSA/JPD) Form 1144.
2. Complete SFUSD Student Transition Form and attach as cover letter to sending educational records.
3. Deliver student education records to the student's new school of attendance within two (2) business days upon request by receiving school or receipt of SF-HSA Form 1144, including:
 - a. Determination of seat time, full and/or partial coursework, grades, and classes that have been satisfactorily completed. A foster child's grade cannot be lowered due to absences caused by a change in placement, attendance at a court hearing, or a court ordered activity [EC § 49069.59g09h0].
 - a. Immunization Record
 - b. Birth Certificate (if available)
 - c. Official Transcript or Report Card
 - d. Attendance Record
 - e. Test Scores
 - f. Current IEP and Psychological Report (if applicable)
 - g. Section 504 Accommodation Plan (if applicable)
 - h. Official Expulsion Letter(s) (if applicable)

****Please note:** All required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or money owed to the school last attended [EC § 48853.5(b)(1)(4)(B)].

4. Notify the SFUSD Foster Youth Services (FYS) Coordinator when the above student records have been transferred to the receiving school. To notify the SFUSD FYS Coordinator, fax a signed and dated copy of SF-HSA/JPD Form 1144 (when received).

Additional Information for School Staff

1. Educational Court Orders are obtained for San Francisco County dependents in order to release student records to social workers and probation officers. Court orders are kept on file with SFUSD Foster Youth Services Program. Student records can be shared once school site verifies social worker/probation offices is with San Francisco County.
2. For special education students, use the 30-day interim placement period to identify the parent, legal guardian, or other holder of educational rights. The child's social worker or attorney should be able to tell you who holds these rights. Only if the court limits the parent/guardian's rights and cannot find a responsible adult, the court will refer the case to the SFUSD Educational Surrogate Coordinator for appointment of a surrogate parent.
3. For more information on AB490 Roles and Responsibilities, please refer to the San Francisco County AB490 Interagency and Community Agreement (available at the following Website link: <http://www.healthiersf.org/Resources/index.html#fosterYouth>)

If you have any questions regarding these procedures contact Maya Webb, SFUSD Foster Youth Services Coordinator at (415) 242-2615, Ext. 3310 or webbm1@sfusd.edu.

Citation/Abbreviation Key:

- § = Section
EC = California Education Code
GC = California Government Code
WIC = Welfare and Institutions Code