

IMPLEMENTATION PLAN FOR AB 490
A SCHOOL BLUEPRINT

AB 490, effective January 1, 2004, seeks to ensure that all of California's foster children (children supervised by either probation or child welfare placed in group homes, licensed foster homes, with relatives or nonrelative-extended family) have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. Educators, county placing agencies, care providers, advocates and the juvenile court are expected to work together to ensure that each pupil is placed in the least restrictive educational placement and has access to the academic resources, services, and extra curricular and enrichment activities that are available to all pupils. Accordingly, schools will be required to implement a variety of procedures to ensure effective application of these new laws

The overarching goal of AB 490 is to improve academic attainment for foster children by promoting school stability and identifying a clear preference for enrollment in regular public schools. The key components of school responsibilities that will ensure implementation of this enactment are summarized below.

I. Foster Care Liaison

- Each local education agency must **appoint** an educational liaison for foster children (both wards and dependents).
- The liaison shall ensure and facilitate proper school **placement, enrollment, transfer of credits, records and grades, and checkout** from school. *EC 48853.5 (b)(1)*. Transfers must be processed within two business of receiving the request. *EC 48853.5(d)(4)(C)*.

II. School Stability

- Whenever a **change in foster child's residence** occurs, the foster child has a right to **remain in the school of origin** for the duration of the school year.

III. Placement Pending Dispute Resolution

- If a **dispute** arises regarding school placement, the pupil has the right to remain in the school of origin pending resolution of the dispute.

IV. Preference for Regular School Placement

- Children placed in a licensed children's institution or foster family home **shall attend a mainstream public school program** *unless* the child has

an individualized education program (IEP) requiring placement in a non-public school or agency or in another local educational agency (*WIC 48853(a)(1)*); or the person holding educational rights determines that it is in the best interest of the pupil to be placed in another educational program, or that the pupil continue in his or her school of origin pursuant to *EC 48853.5(d)(1)* (*WIC 48853(a)(2)*).

- Before placement in a Juvenile Court school, continuation, alternative, or nonpublic school, the parent or person holding educational rights shall **first consider placement in the regular public school** (does not apply to a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility). *EC 48853(b)*.

V. Request or Recommendation in Regard to School Enrollment

- The foster care liaison, in consultation with and the agreement of the foster child and the person holding educational rights for the foster child, may, in accordance with the foster child's best interests, recommend that the foster child be enrolled in any public school that pupils living in the attendance area in which the foster child resides are eligible to attend. *EC 48853.5(d)(2)*. Any such recommendation must state in writing why this change is in the pupil's best interest.

VI. Immediate Enrollment

- Once it is determined that the foster child will indeed be changing schools, the new school **must immediately enroll** the foster child even if the foster child is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms. *EC 48853.5(d)(4)(B)*
- Upon receiving a transfer request from a county placing agency or new local educational agency, the local educational agency shall, **within two business days**, transfer the pupil out of school and deliver the educational information and records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP or 504 Plan). *EC 49069.5 (d) and (e); EC 48853.5(d)(4)(C)*

VII. County Placing Agency Access To Student Records

- Schools shall **release student records** to any county placing agency (including Probation and Child Welfare), without parental consent or court order, for the purpose of fulfilling the requirements of the health and education summary pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case

management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. *EC 49076*

VIII. School Credit Calculation

- Each public school district and county office of education **shall accept for credit** full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. *EC 48645.5*

IX. Grade Protection

- Schools **shall not lower grades** of a child in foster care due to absences from school because of a change in placement, attendance at court hearing, or other court-related activity. *EC 49069.5(h)*

X. Diplomas

- If a pupil completes the graduation requirements of the school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma. *EC 48645.5*

XI. Foster Caregiver Authority To Consent To IEP Program And Related Services

- A foster parent has, under certain circumstances, the educational rights with respect to consenting to Individualized Education Programs (IEP) and related services. *EC 56055; WIC 366.27; WIC 726*

XII. Consent To Life Quality Assessment For Regional Center Clients Who Are Wards Or Dependents Of Juvenile Court

- The juvenile court or agency may consent to a life quality assessment for developmentally disabled ward or dependent. The school shall provide the court or agency with a copy of the assessment upon request.