



## **AB 490 OVERVIEW**

### **I. OVERALL INTENT OF AB 490**

- In all instances, educational and placement **decisions** shall be based on the **best interests** of the child. *EC48850 (a); EC 48853(g)*
- It is the intent of the Legislature to ensure that all pupils in foster care have a **meaningful opportunity** to meet the challenging state pupil achievement standards to which all pupils are held. *EC 48850(a)*
- Educators, county placing agencies, care providers, advocates, and the juvenile courts *shall work together* to:
  - maintain **stable school placements**;
  - ensure that each pupil is placed in the **least restrictive educational programs**; and
  - ensure foster youth access to **the academic resources**, services, and extracurricular and enrichment activities that are available to all pupils. *EC 48850(a)*.

### **II. EDUCATIONAL PLACEMENT DECISIONS**

#### **A. Least Restrictive Environment/Resources and Services**

All educational and school placement decisions for children placed in group homes or foster family homes shall be made to ensure that the child is:

- placed in the least restrictive educational programs; and
- has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils.

*EC Section 48853(g); WIC 361 (a)(5); WIC 726(b)(5)*

**B. 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*:

1. 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
2. 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)*)

**C. Juvenile Court School Placements**

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

**D. Continuation in School of Origin During Placement Disputes**

If any dispute arises as to the school placement of a pupil in a group home or foster home, the pupil has the right to remain in his or her school of origin, pending resolution of the dispute. *EC 48853(c)*

**III. MAINTAINING EDUCATIONAL STABILITY**

Child welfare placement decisions should be made with school stability in mind. In particular:

**A. Child’s Right To Remain In The School Of Origin**

At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school or origin for the duration of the school year if remaining in that school is in the child’s best interest. *EC 48853.5(d)(1)*

- Prior to making any recommendation to move a foster child from his or her school of origin, the foster care liaison shall provide the foster child and the person holding educational rights with a written explanation stating the basis for the recommendation and how this recommendation serves the child's best interests. *EC 48853.3(d)(3)*
- If any dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school or origin pending resolution of the dispute. *EC 48853.5(d)(5)*

**B. Consideration Of School Placement In Child Welfare Placement Decisions**

The selection of the most appropriate home shall, in addition to other statutory considerations regarding placement, also promote educational stability by taking into consideration proximity to the child's school attendance area at the time of removal or replacement. *WIC 16502.1*

**IV. FOSTER CARE LIAISON**

Every local education agency must have an educational liaison for foster children (includes dependents and wards).

**A. Duties**

The Liaison shall:

1. Ensure and facilitate proper school placement, enrollment, and checkout from school (*EC 48853.5 (b)(1)*);
2. Assist foster children when transferring schools and ensuring proper transfer of credits, records, and grades, (*EC 48853.5(b)(2)*); and
3. Within two business days of the foster child's request for enrollment, contact the school last attended by the foster child to obtain all academic and other records. The school liaison for the school last attended shall provide all records to the new school within two business days of receiving the request. (*EC 48853.5(d)(4)(C)*)

**B. School Placement**

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)*

## **V. TRANSFER OF RECORDS; NOTIFICATION AND CALCULATION OF CREDITS EARNED**

### **A. Duty of Placing Agency to Notify School District of Date of Transfer**

As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out. *EC 49069.5(c)*

### **B. Duty of Local Education Agency to Transfer Records**

Upon receiving 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)*

### **C. Duty of New District to Request Records**

The foster care liaison for the new school shall, **within two business days** of the foster child's request for enrollment, contact the school last attended in order to obtain all records. *EC 48853.5(d)(4)(C)*

## **VI. RIGHT TO IMMEDIATE ENROLLMENT**

When a foster child is subject to a change in school placement, 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)*

## **VII. COUNTY PLACING AGENCY ACCESS TO STUDENT RECORDS**

Any county placing agency (including Probation and Child Welfare), without parental consent or court order, is authorized to access student records 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. FOSTER CAREGIVER AUTHORITY TO CONSENT TO IEP PROGRAM AND RELATED SERVICES**

A foster parent has the educational rights with respect to consenting to Individualized Education Programs (IEP) and related services IF the court has specifically limited the educational rights of the parent or guardian AND the child has been placed in a permanent living arrangement as a ward or dependent of the court. Also clarifies that “foster parent” includes a relative caregiver or non-related extended family member with whom the child is placed through the juvenile court. *EC 56055; WIC 366.27; WIC 726*

### **IX. FOSTER YOUTH IN EMERGENCY SHELTERS**

Foster children living in emergency shelters may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- a. For health and safety emergencies (*EC 48853(f)(1)*); or
- b. To provide temporary, special, and supplementary services to meet the child’s unique needs if a decision regarding whether it is in the child’s best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services. *EC 48853(f)(2)*
  - o The services may be provided at the shelter pending a determination by the person holding educational rights.

### **X. GRADE PROTECTION**

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

### **XI. 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*

**XII. DIPLOMAS**

If a pupil completes the graduation requirements of his or her 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*

**XIII. CONSENT TO LIFE QUALITY ASSESSMENT FOR REGIONAL CENTER CLIENTS WHO ARE WARDS OR DEPENDENTS OF JUVENILE COURT**

Juvenile court or agency may consent to a life quality assessment for developmentally disabled ward or dependent. The court or agency shall be provided with a copy of the assessment upon request.