

**EDUCATION RELATED DUTIES IN  
CALIFORNIA JUVENILE DEPENDENCY AND DELINQUENCY CASES IMPOSED BY  
AB 490**

<b>RESPONSIBILITY</b>	<b>DUTY IMPOSED BY AB 490 (Effective January 1, 2004)</b>	<b>AUTHORITY</b>
Schools, Placing Agencies (Probation, Child Welfare Services), Adult Holder of Child's Educational Rights, Advocates, Juvenile Courts, Care Providers	<b>EDUCATIONAL AND SCHOOL PLACEMENT DECISIONS – CONSIDERATION OF THE CHILD'S BEST INTEREST</b> - 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. In all instances, educational and school placement decisions shall be based on the best interests of the child.	Education Code 48853, Welf. & Inst. Code 361, Welf. & Inst. Code 726
County Placing Agency (Child Welfare Services, Probation)	<b>EDUCATIONAL STABILITY AS PLACEMENT CONSIDERATION</b> - The selection of the most appropriate home that will meet the child's special needs and best interests shall, in addition to the other statutory considerations regarding placement, also promote <i>educational stability</i> by taking into consideration proximity to the child's school attendance area.	Welf. & Inst. Code 16501.1
Educators, Placing Agencies, Care Providers, Advocates, Juvenile Courts	<b>COOPERATION TO SUPPORT STABILITY; STUDENT ACCESS TO COMPLETE SCHOOL PROGRAMS AND ACTIVITIES</b> -The legislature intends for educators, placing agencies, care providers, advocates and juvenile courts to work together on behalf of homeless and foster children to ensure a meaningful opportunity to meet state academic achievement standards, stable school placements, placement in the least restrictive educational programs, and access to the academic resources, services and extracurricular and enrichment activities available to all pupils. All educational and school placement decisions must be based on the best interests of the child.	Education Code 48850(a), Welf. & Inst. Code 16000

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Educators, Placing Agencies, Adult Holder of Child's Educational Rights, Advocates, Juvenile Courts	<p><b>PREFERENCE FOR REGULAR PUBLIC SCHOOL PLACEMENT -</b>  A pupil placed in a group home or foster home shall attend programs operated by the local educational agency, unless:</p> <ol style="list-style-type: none"> <li>(1) The pupil has an IEP requiring another educational placement, or</li> <li>(2) The parent or other person holding the right to make educational decisions 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.</li> </ol> <p><b>Juvenile Court School Placements -</b> Before placement in a juvenile court school, the parent or person holding the right to make educational decisions, shall <i>first consider placement in the regular public school.</i> (This 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.)</p>	Education Code 48853
Schools (Local Education Agency)	<p><b>FOSTER CARE LIAISON -</b> Every local education agency must have an educational liaison for foster children (includes dependents and wards). The liaison shall:</p> <ol style="list-style-type: none"> <li>(1) Ensure and facilitate proper school placement, enrollment and checkout from school;</li> <li>(2) Assist foster children when transferring schools including ensuring proper transfer of credits, records, and grades; and</li> <li>(3) The liaison for the new school shall, 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.</li> </ol>	Education Code 48853.5.

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Schools (Local Education Agency)	<p><b>EDUCATIONAL STABILITY- CONTINUATION IN SCHOOL OF ORIGIN</b> - 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 in the school of origin for the duration of the academic school year.</p> <p><b>Continuation in School of Origin During Placement Disputes</b> - If any dispute arises as to the school placement of a pupil placed 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.</p>	Education Code 48853.5
Schools, Foster Youth, Adult Holder of Child's Educational Rights	<p><b>TRANSFERRING SCHOOL- WAIVER OF RIGHT TO CONTINUE IN SCHOOL OF ORIGIN</b> - The foster care liaison, in consultation with and the agreement of the foster child and the person holding the right to make educational decisions for the foster child may, in accordance with the foster child's best interest, recommend a waiver of the foster child's right to attend his or her school of origin and enrollment in any public school that pupils living in the attendance area in which the foster child resides are eligible to attend.</p> <p>Prior to making any recommendation to move a foster child from his or her school of origin, the liaison shall provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how this recommendation serves the foster child's best interest.</p> <p><b>Continuation in School of Origin During Placement Disputes</b> - If any dispute arises as to the school placement of a pupil placed 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.</p>	Education Code 48853.5
Schools	<p><b>TRANSFERRING SCHOOLS – IMMEDIATE ENROLLMENT</b> - If a change in schools occurs, the new school shall 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, immunization records, proof of residency, other documentation, or school uniforms.</p>	Education Code 48853.5

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Schools County Placing Agency (Probation, Child Welfare Services)	<b>TRANSFERRING SCHOOLS – RESPONSIBILITY</b> - Proper and timely transfer between schools of pupils in foster care is the responsibility of both the local education agency and the county placing agency.	Education Code 49069.5
Schools County Placing Agency (Probation, Child Welfare Services)	<b>TRANSFERRING SCHOOLS - NOTIFICATION &amp; RECORDS</b> – As soon as it becomes aware of the need to transfer a student, the county placing agency must notify the local education agency (LEA) of the student’s expected last day of attendance, request calculation of the student’s seat time, credits and grades in preparation for transfer of records, and request that the student be transferred out.  The LEA within 2 business days of receiving a request must transfer out and deliver educational information and records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP or 504 plan) to the next educational placement. The LEA must designate a person to handle transfer process of foster youth.	Education Code 49069.5
County Placing Agency (Probation, Child Welfare Services)	<b>ACCESS TO STUDENT RECORDS</b> - Any county placing agency, without parental consent or court order, is authorized to access student records for the purpose compiling the child’s health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code, fulfilling educational case management responsibilities required by the juvenile court or by law or assisting with the school transfer or enrollment of a pupil. School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.	Education Code 49076

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Foster Caregiver	<p><b>FOSTER CAREGIVER AUTHORITY TO CONSENT TO IEP PROGRAM AND RELATED SERVICES</b> - Foster parents may exercise parental authority and consent to special education and related services only if the juvenile court has <b>limited the right of the parent</b> or guardian to make educational decisions on behalf of the child, and the child has been <b>placed in a planned permanent living arrangement</b> as dependent or ward of the juvenile court.</p> <p>A "Foster parent" <b>includes a relative caretaker or non-relative extended family member</b> with whom the child is placed through the juvenile court. Under existing law, a foster parent may be appointed as the "responsible adult" for the purpose of making educational decisions.</p>	Education Code 56055, Welf. & Inst. Code 366.27, Welf. & Inst. Code 726, Welf. & Inst. Code 361(a)
Schools County Placing Agency (Probation, Child Welfare Services)	<p><b>FOSTER YOUTH IN EMERGENCY SHELTERS</b> - 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:</p> <ul style="list-style-type: none"> <li>(1) For health and safety emergencies, or</li> <li>(2) 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.</li> </ul> <p>The educational services may be provided at the shelter pending a determination by the person holding the right regarding the educational placement of the child.</p>	Education Code 48853
Schools	<p><b>NO LOWERING OF GRADES BASED ON PLACEMENT OR COURT-RELATED ABSENCES</b> - Grades of a child in foster care may not be lowered due to absence from school because of a change in placement, attendance at court hearing or other court-related activity.</p>	Education Code 49069.5
Schools	<p><b>CALCULATION OF SCHOOL CREDITS</b> - 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.</p>	Education Code 48645.5

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Schools	<b>DIPLOMAS</b> - 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.	Education Code 48645.5
Placing Agency, Juvenile Court	<b>CONSENT TO LIFE QUALITY ASSESSMENT FOR REGIONAL CENTER CLIENTS WHO ARE WARDS OR DEPENDENTS OF JUVENILE COURT</b> - 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..	Welf. & Inst. Code 4570