



**ADMINISTRATIVE PROCEDURE**

CATEGORY: **Students, Admission/Withdrawal**

SUBJECT: **Enrollment and Education of Students  
Residing in Foster Care**

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**A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing the enrollment and education of students residing in foster care.

2. **Related Procedures:**

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| Graduation from Senior High Schools .....                           | 4770 |
| Preregistration and Registration, K-6 .....                         | 6120 |
| Preregistration and Registration, 7-12 .....                        | 6123 |
| Enrollment of Children and Youth in Transition (aka Homeless) ..... | 6129 |
| Immunization Verification .....                                     | 6355 |

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board Policy: H-1500, H-1501, H-2100, H-2575, H-3000, H-7210, H-7600, K-1500, K-2100; Education Code sections 1981, 1982.c, 8263, 48200, 48201, 48205, 48850, 48645.5, 488853.5, 48980-48984, 49068, 49408, 49505, 49510-49520, 49530, 56026-53035; California Code of Regulations: Title 5, Division 1, Subchapter 2, Article 3, Section 438; California Interscholastic Federation Administrative Guidelines, Section 206.
2. **Federal Law:** Elementary and Secondary Education Act, 1965; Individuals with Disabilities Act, 2004; McKinney Vento Education for Homeless Children and Youth Act, 2007; Fostering Connections and Increasing Adoption Assistance Act, 2008.
3. **State Law:** AB490, Ensuring Educational Rights and Stability for Foster Youth, 2004; AB1933, Foster Children: Education, 2010; AB81, Interscholastic Athletics: Students in Foster Care (Dalton Dyer Law), 2010; AB167, Local Graduation Requirements, 2010; AB12, California Fostering Connections to Success Act, 2010; AB 709, Foster Children: School Placement: Immunization Records, 2010; SB578, Schools: Foster Youth: Course Credit, 2010.
4. **Academic Achievement:** It is the policy of the California legislature that everyone shares the duty to promote the educational progress of children residing in out-of-home placements, and that educators, school personnel, social workers, probation officers, caregivers, advocates, and juvenile court officers all work together to serve the educational needs of children residing in foster care. Children and youth residing in foster care should have access to the same academic resources, services, extracurricular and enrichment activities as are available to students residing with their parents.

5. **Segregation:** It is the policy of the California legislature that being a dependent of the state alone is not sufficient reason to separate students from the mainstream school environment. Schools must not provide services in settings within a school that segregate children and youth residing in foster care from other children and youth.

### C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Children and Youth in Transition Department, Student Services Division.
2. **Definitions.**
  - a. **Court-Appointed Special Advocate (CASA):** A person granted the authority to have access to all information pertaining to a foster child and who reports to the court on their findings and recommendations.
  - b. **Educational rights holder:** For many students residing in foster care, the student's parents retain educational rights and remain active in their child's education. If the court limits a parent's educational rights, a judge must appoint a "responsible adult" to hold these rights. A "responsible adult" may include:
    - (1) Foster parent
    - (2) Court-Appointed Special Advocate (CASA)
    - (3) Relative caregiver
    - (4) Other adult in the student's life
  - c. **Enrolled:** Attending school and fully participating in school activities.
  - d. **Free meals:** The US Department of Agriculture has determined that all students residing in foster care are automatically eligible for free meals.
  - e. **Liaison:** A staff person designated by the district and each school site to ensure that the rights of students residing in foster care are protected. The name of the site liaison must be reported annually to the district liaison in the Children and Youth in Transition Department. Liaisons must ensure that:
    - (1) School personnel identify students residing in foster care and coordinate activities with other applicable entities and agencies.

- (2) Students residing in foster care enroll in, and have full and equal opportunity to succeed in school.
  - (3) Students residing in foster care and their families receive all educational services for which they are eligible, including Head Start, Even Start, and district-administered preschool programs; and referrals to health, mental health, dental, and other appropriate services.
  - (4) Parents/guardians of students residing in foster care are informed of educational and related opportunities available so they may participate in their child's education.
  - (5) Enrollment disputes are mediated and records of all disputes are kept on file to determine if particular issues or schools are unnecessarily delaying or denying the enrollment of students residing in foster care.
  - (6) There is collaboration with state coordinators and community and school personnel responsible for the provision of education and related services to students in foster care.
  - (7) Annual training is provided to site personnel to increase awareness of the needs of students residing in foster care, facilitate enrollment, ensure compliance with this procedure, and increase sensitivity to the needs of students in transition.
- f. **School of origin:** The school in which the student was last enrolled, or if there is another school the student attended within the preceding 15 months with which he or she is connected, the liaison, student and educational rights holder shall determine which school is deemed the school of origin.
- g. **Students awaiting foster care placement:** Students who reside in emergency shelters, or who are in temporary placement pending determination of permanent placement, are considered "homeless" and are covered under the provisions of the federal McKinney Vento Act, and California AB490, Ensuring Educational Rights and Stability for Foster Youth. See Administrative Procedure 6129.
- h. **Students residing in foster care:** Students who are under the supervision of either the county probation department or child welfare agency and who reside in, or have resided in, relative, kin, foster family or group home placements. (Beginning in January 2012, a three-year phase-in will extend foster care support to age 21.)

- i. **Title I:** Students residing in foster care are automatically eligible for Title I services regardless of the school they attend.
- j. **Unaccompanied youth:** A young person who lacks safe, affordable housing and who is not in the care of a parent or guardian; can include a youth who has been emancipated but has previously been in the foster care system.

## **D. IMPLEMENTATION**

### **1. School Selection.**

- a. Students residing in foster care have the right to remain in their school of origin for the remainder of the school year and to matriculate with their school of origin peers through the duration of high school if it is in their best interest to do so, or may choose to enroll in any public school that students living in the same attendance area as the new residence are eligible to attend.
- b. If a student residing in foster care is enrolled in a school other than the school of origin or the school requested by the educational rights holder, the district must provide a written explanation of its decision and the right to appeal, whether or not the educational rights holder disputes the placement.
- c. If a student residing in foster care is in a temporary placement, he or she is considered “homeless” and is covered under the federal McKinney-Vento Act provisions. See Administrative Procedure 6129.

### **2. Feasibility.** Enrollment feasibility shall be determined based on the needs and interests of the particular student residing in foster care and the wishes of the educational rights holder or student. Enrollment feasibility considerations include:

- a. Safety of the student.
- b. Continuity of instruction.
- c. Likely area of student’s future housing.
- d. Time remaining in the academic year.
- e. Anticipated length of stay in the short-term facility, (e.g., Polinsky Center or other emergency placement).
- f. School placement of siblings.

- g. Whether the student residing in foster care has special needs that would render a commute harmful. The length of the commute will be considered in determining the feasibility of placement in the school of origin only when it relates to the consideration of potential harm to the student.
3. **Transportation.**
- a. Local Education Agencies are not required to provide transportation for students residing in foster care to remain in their school of origin, but are not prohibited from doing so.
- b. If a student residing in foster care is in a temporary placement, he or she is considered to be “homeless” and is covered under the federal McKinney-Vento Act provisions. See Administrative Procedure 6129.
4. **Enrollment Records.**
- a. When a student residing in foster care changes schools, the receiving school must provide immediate enrollment even if any of the following are missing: academic and medical records, immunization records, proof of residency, school uniform, or fees/materials owed to the sending school.
- b. The receiving school requests records from the student’s previous school and/or school district immediately or within two business days of enrollment. Students must be enrolled in school while records and/or immunizations are obtained.
- c. If a student does not have immunization or medical records, the school nurse or liaison immediately assists in obtaining them. Students must be enrolled in school while records are obtained.
5. **Attendance.** A school may not lower a student’s grade due to absences caused by a change in placement, attendance at court hearings, or court-ordered activities.
6. **Credit.** Schools must award credit for full or partial coursework (work in progress) that is satisfactorily completed at another public school, a juvenile court school, or a non-public, non-sectarian school. When partial credit is awarded in a particular course, a student residing in foster care shall be enrolled in the same or equivalent coursework, if applicable, so that the student may continue and complete the entire course. A student residing in foster care shall not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California systems.

**7. District Graduation Requirements Exemption.**

- a. California AB167 requires school districts to exempt students residing in foster care from all coursework and other district requirements that are in addition to the statewide coursework requirements if the student transfers from one school district to another school or district while the student is in grades 11 or 12, or transfers between high schools within the district or to a new district with additional graduation requirements. See Attachments 1, 2, and 3.
- b. The school district is required to notify a student residing in foster care who is granted this exemption, and as appropriate, the educational rights holder, if any of the waived requirements will affect the student's ability to gain admission to a California public postsecondary educational institution.
- c. The school district must provide information to students residing in foster care, and as appropriate, the educational rights holder, about transfer opportunities available through the community college system.
- d. An exception is possible if the school district determines that the student is reasonably able to complete the additional requirements in time to graduate from high school while he or she is still residing in foster care.

**8. Students with Disabilities or Suspected Disabilities.** Priority shall be given for the evaluation of a student residing in foster care that has or is suspected of having a disability. Coordination with the student's sending school is necessary to ensure the performance of a full and complete evaluation.

- a. When necessary, the school district shall expeditiously designate an educational surrogate for an unaccompanied youth suspected of having a disability. See Attachments 4 and 5.
- b. The receiving school shall immediately implement a student's existing Individualized Educational Program (IEP).
- c. Any necessary IEP meetings or re-evaluations shall be conducted in accordance with state law. If complete records are not available, IEP teams must use good judgment in choosing the best course of action, balancing procedural requirements and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

**9. Dispute Resolution.** In the event of a dispute over school selection or enrollment, the student residing in foster care must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute.

- a. A written explanation of the district's decision regarding school selection or enrollment must be provided if the parent, guardian or educational rights holder disputes the school selection or enrollment decision, including the right to appeal. The written explanation shall be simply stated and provided in a language that is understandable to the parent, guardian, educational rights holder, or unaccompanied youth.
  - b. The parent, guardian, or educational rights holder should be advised that they may provide oral or written documentation to support their position about school selection or enrollment.
  - c. If the dispute remains unresolved at the district level, or is appealed, the district's foster youth liaison shall forward all written documentation and related paperwork to the San Diego County Office of Education's foster youth liaison. The county liaison will review the materials and determine the school selection or enrollment decision within five (5) working days of receipt of the materials. The county liaison will notify the district liaison and the parent, guardian, or educational rights holder of the decision.
  - d. If the dispute remains unresolved or is appealed, the county liaison shall forward all written documentation and related paperwork to the state's foster youth liaison for final resolution. The state liaison will notify the parent, guardian, or educational rights holder of the final school selection or enrollment decision within five (5) working days of receipt of the materials.
10. **Interscholastic Athletics.** California AB81 established the mandate that a student residing in foster care that changes residences pursuant to a court order or decision of a child welfare agency is immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.
11. **Training.** Site liaisons shall provide annual training for site personnel to increase awareness of the needs of students residing in foster care, facilitate enrollment, ensure compliance with this procedure, and increase sensitivity to the needs of students in transition.

## **E. FORMS AND AUXILIARY REFERENCES**

1. AB167 Planning Worksheet (Attachment 1)
2. AB167 Student Agreement Form (Attachment 2)
3. Principal's Certification of Graduates (Attachment 3)
4. Educational Surrogate Checklist (Attachment 4)

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NO: **6131**

PAGE: **8 OF 8**

EFFECTIVE: **NEW**

REVISED: **8-23-12**

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5. Educational Surrogate Request Form (Attachment 5)
6. California Foster Care Education Law Factsheets, available online at [www.lacdcfs.org/edu/docs/Ed\\_Law\\_Factsheets\\_FINAL.pdf](http://www.lacdcfs.org/edu/docs/Ed_Law_Factsheets_FINAL.pdf).

**F. REPORTS AND RECORDS**

1. Enrollment records
2. Immunization records

**G. APPROVED BY**



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General Counsel, Legal Services  
As to form and legality

**H. ISSUED BY**



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Chief of Staff