

AMENDED IN SENATE MARCH 31, 2004

SENATE BILL

No. 1316

Introduced by Senator Alpert

February 17, 2004

An act to amend Sections 52052, 52054, 56157, 56366, 56366.1, ~~and 56366.5, and 56366.9~~ of, and to add Sections 49085, 56155.7, and 56157.5 to, the Education Code, *and to amend Section 1501.1 of the Health and Safety Code*, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1316, as amended, Alpert. Foster children: education.

(1) Existing law requires the California School Information Services program administrator to submit to the State Board of Education a plan to administer, coordinate, and manage the development and implementation of an electronic statewide school information system to address current problems of information exchange. Existing law requires the plan to prescribe the set of statewide data elements and codes to be implemented by the California School Information Services and requires these data elements and codes to comply with specified privacy provisions.

This bill would require the State Department of Education to ensure that the California School Information Services' system ~~meet~~ *meets* the needs of pupils in foster care and ~~include~~ *includes* disaggregated data on pupils in foster care.

(2) Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), to measure the performance of schools, especially the performance of pupils, and to demonstrate comparable improvement in academic achievement by all numerically significant

ethnic and socioeconomically disadvantaged subgroups within schools. Existing law requires the pupil data collected for the API to be disaggregated by special education status, English language learners, socioeconomic status, gender, and ethnic group.

Existing law establishes the Immediate Intervention/Underperforming Schools Program (II/USP), in which schools that are determined to be low-performing schools based on API results may participate. Schools that participate in the II/USP are required to develop an action plan to improve the academic performance of the schools' pupils. The action plan is required to consider disaggregated data regarding pupil achievement, including information regarding the achievement of English language learners, pupils with exceptional needs, pupils who qualify for free and reduced-price meals, and pupils in numerically significant subgroups.

This bill would require pupil data collected for the API and data used for action plans to be disaggregated for foster youth.

(3) *Existing law makes each school district, special education local plan area, or county office of education responsible for providing appropriate education to individuals with exceptional needs residing in a licensed children's institution or foster family home located in the geographical area covered by the local plan. Existing law defines a licensed children's institution as a residential facility that is licensed, as specified, to provide nonmedical care to children, including individuals with exceptional needs.*

This bill would prohibit a licensed children's institution and a residential care facility from requiring, as a condition of residency, that a child be identified as an individual with exceptional needs.

(4) Existing law makes each school district, special education local plan area, or county office of education responsible for providing appropriate education to individuals with exceptional needs residing in a licensed children's institution or foster family home located in the geographical area covered by the local plan. Existing law requires the school district, special education local plan area, or county office of education, in providing appropriate programs, to first consider services in programs operated by a public education agency. Under existing law, if those programs are not appropriate, special education and related services are required to be provided by contract with a nonpublic, nonsectarian school that is certified by the Superintendent of Public Instruction.



This bill would require a school district, special education local plan area, or county office of education that has placed an individual with exceptional needs residing in a licensed children's institution or foster family home in a nonpublic, nonsectarian school to conduct an annual evaluation, through the individualized education program process, of whether the placement is the least restrictive environment for the individual.

This bill would require a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs ~~residing in a licensed children's institution or foster family home~~ to certify in writing to the superintendent that the teachers at the school hold special education teaching credentials and that pupils have access to standards-based, core curriculum and the same instructional materials used by ~~the~~ a school district ~~in which~~ that places an individual with exceptional needs in the nonpublic, nonsectarian school ~~is located~~.

~~(4)~~

(5) Existing law authorizes school districts, special education local plan areas, and county offices of education to enter into master contracts for the provision of special education and related services with nonpublic, nonsectarian schools or agencies, as defined, and requires the master contract to be developed in accordance with specified requirements.

This bill would in addition require the master contract to include that, with respect to a nonpublic, nonsectarian school, the school shall be part of the Public School Performance Accountability Program in the same manner as public schools and each pupil placed in the school shall be tested in accordance with that accountability program, and the school shall prepare a school accountability report card, as provided. The bill would require the test results to be reported by the nonpublic, nonsectarian school to the State Department of Education.

~~(5)~~

(6) Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law sets forth the certification application process and procedures for the nonpublic, nonsectarian schools or agencies that seek certification and provides that the superintendent may certify a nonpublic, nonsectarian school or agency for a period of not longer than



4 years. Existing law requires that only those nonpublic, nonsectarian schools and agencies that provide special education that utilize staff who hold, or are receiving training under the supervision of staff who hold, a current valid California credential or license, as specified, may be certified.

This bill would instead provide that the superintendent may certify a nonpublic, nonsectarian school or agency for a period of not longer than 2 years, ~~and. The bill~~ would make related changes. ~~The bill would require that only those nonpublic, nonsectarian schools and agencies that provide special education that utilize staff who hold, or are enrolled in training programs that lead to a credential or license under the direct supervision of a staff member who holds, a current valid California credential, license, or certificate of registration document, may be certified.~~

Existing law requires, for purposes of certification of a nonpublic, nonsectarian school or agency that provides special education, at least one full-time person with a current valid California credential, license, or certificate of registration that is required in this or another state. Existing law requires that a nonpublic, nonsectarian school or agency that employs a person that holds a valid emergency credential document efforts of recruiting appropriately credentialed, licensed, or registered personnel, as a condition of renewing certification. Existing law requires a nonpublic, nonsectarian school or agency to provide written assurances that it meets standards relating to fire, health, sanitation, and building safety.

This bill would delete those provisions.

~~(6)~~

(7) Existing law requires a school district, special education local plan area, or county office of education, upon receipt of a request from a nonpublic, nonsectarian school for payment for services provided under contract, to either send a warrant within 45 days or notify the school or agency within 10 working days of the reason why payment will not be made.

This bill would provide that any educational funds received by a school district, special education local plan area, or county office of education for the costs of pupils placed with nonpublic, nonsectarian schools are to be used solely for those purposes and not for the costs of a residential program.

(8) Existing law prohibits a licensed children's institution at which individuals with exceptional needs reside from requiring as a condition



of residential placement that it provide the appropriate educational programs to those individuals through a nonpublic, nonsectarian school or agency owned or operated by a licensed children's institution. Existing law provides that those services may only be provided if the special education local plan area determines that alternative educational programs are not available.

This bill would prohibit a licensed children's institution at which individuals with exceptional needs reside from requiring as a condition of residential placement that it provide the appropriate educational programs to those individuals through a nonpublic, nonsectarian school or agency owned, operated by, or associated with, a licensed children's institution. The bill would provide that those services may only be provided if the special education local plan area determines that appropriate public alternative education programs are not available.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds and declares
2 the following:

3 (1) The outcomes for our youth in foster care are substandard
4 and, in many cases, California's system does not provide the
5 educational, life skills, and employment supports and
6 opportunities to ensure that all foster youth are able to successfully
7 transition from dependency to self-sufficiency. Those foster youth
8 that have been identified as ~~special education pupils~~ *individuals*
9 *with exceptional needs* face additional challenges.

10 (2) ~~Pupils in special education~~ *Individuals with exceptional*
11 *needs* who have been placed in nonpublic schools are often not
12 given the same educational opportunities and do not have access
13 to the same caliber of instruction and instructional materials as
14 pupils in public schools.

15 (3) In ~~fiscal year~~ *the 2002–03 fiscal year*, California spent over
16 \$2.2 billion on foster care.

17 (4) California's foster care system recently failed a federal
18 performance review and faces significant penalties if it does not
19 adequately address deficiencies in the foster care system.

20 (5) Approximately one-third of youth emancipating from
21 foster care fail to complete high school and few enter college,



1 although two-thirds express a desire to attend college. Of those
2 who do complete high school, some pupils do receive a
3 grade-point average, which is required for admission to a higher
4 education institution.

5 (6) After emancipating from foster care, at least 25 percent
6 experience homelessness, 33 percent receive welfare, 50 percent
7 face unemployment, and approximately 25 percent are arrested
8 and spend time in incarceration.

9 (7) Pupils in foster care are frequently moved to a different
10 school, and often experience multiple placements, during each
11 school year, slowing their educational progress.

12 (8) California's current funding system for ~~pupils individuals~~
13 ~~with exceptional needs~~ in foster care ~~and in special education~~
14 provides fiscal incentives for placement in a nonpublic school.
15 These incentives may conflict with the goal of giving ~~special~~
16 ~~education~~ ~~pupils individuals with exceptional needs~~ access to the
17 least restrictive environment appropriate to their needs.

18 (9) *According to a recent report based on a sample of cases,*
19 California's funding system also provides little incentive to school
20 districts to control costs. California now spends between sixty-five
21 thousand dollars (\$65,000) and eighty-five thousand dollars
22 (\$85,000) per child annually to house and educate a child in foster
23 care residing in a group home, ~~with higher costs~~ *the higher costs*
24 *of which are incurred* for those ~~attending~~ *placed in* a nonpublic
25 school.

26 (10) State standards are substantially weaker for nonpublic
27 schools than the standards and monitoring applied to California's
28 public schools.

29 (11) Accountability for educational outcomes for pupils in
30 foster care is vague and the system for monitoring the educational
31 progress of pupils in foster care placed in nonpublic schools is
32 inadequate.

33 (12) Foster youth and other pupils who have been identified
34 ~~with special needs~~ *as individuals with exceptional needs* have the
35 right to the best educational placement, ~~whether that is in a public~~
36 ~~school or a nonpublic school, and in~~ *and in* accordance with the
37 federal Individuals with Disabilities Education Act requirement
38 for a free appropriate public education that places pupils in the
39 least restrictive environment appropriate to their needs, *whether*
40 *that is in a public school or a nonpublic school.*



1 (b) It is therefore the intent of the Legislature to do the
2 following:

3 (1) Increase state and local accountability for ~~pupils~~
4 *individuals with exceptional needs* placed in nonpublic schools,
5 *including those residing in foster care*.

6 (2) Improve state and local monitoring of nonpublic schools.

7 (3) Ensure that foster youth and ~~special education pupils~~
8 *individuals with exceptional needs* who are placed in nonpublic
9 schools are included in the state's testing system in order to
10 monitor and improve their educational outcomes.

11 (4) Include the nonpublic schools and ~~special education pupils~~
12 *individuals with exceptional needs* who reside in licensed
13 children's institutions in the special education Focused
14 Monitoring and Technical Assistance System at the state and local
15 level.

16 (5) Require the State Department of Education to add
17 nonpublic schools to the Public School Accountability Act in
18 order to measure pupil performance at nonpublic schools.

19 (6) Create a funding structure that is neutral to the type of
20 educational placement necessary and best suited for the pupil and
21 that allows public schools to access funding currently available
22 only for nonpublic schools and agencies in serving ~~special~~
23 ~~education pupils~~ *individuals with exceptional needs* in foster care.

24 SEC. 2. Section 49085 is added to the Education Code, to
25 read:

26 49085. The department shall ensure that the California School
27 Information Services system meets the needs of pupils in foster
28 care and includes disaggregated data on pupils in foster care.

29 SEC. 3. Section 52052 of the Education Code is amended to
30 read:

31 52052. (a) (1) By July 1, 1999, the Superintendent of Public
32 Instruction, with approval of the State Board of Education, shall
33 develop an Academic Performance Index (API), to measure the
34 performance of schools, especially the academic performance of
35 pupils, and to demonstrate comparable improvement in academic
36 achievement by all numerically significant ethnic and
37 socioeconomically disadvantaged subgroups within schools.

38 (2) For purposes of this section, a numerically significant
39 ethnic or socioeconomically disadvantaged subgroup is a
40 subgroup that constitutes at least 15 percent of a school's total



1 pupil population and consists of at least 30 pupils. An ethnic or
2 socioeconomically disadvantaged subgroup of at least 100 pupils
3 constitutes a numerically significant subgroup, even if the
4 subgroup does not constitute 15 percent of the total enrollment at
5 a school. For schools whose API scores are based on test scores of
6 no fewer than 11 and no more than 99 pupils, numerically
7 significant subgroups shall be defined by the Superintendent of
8 Public Instruction, with approval by the State Board of Education.

9 (3) The API shall consist of a variety of indicators currently
10 reported to the State Department of Education including, but not
11 limited to, the results of the achievement test administered
12 pursuant to Section 60640, attendance rates for pupils and
13 certificated school personnel for elementary schools, middle
14 schools, and secondary schools, and the graduation rates for pupils
15 in secondary schools.

16 (A) The pupil data collected for the API that comes from the
17 achievement test administered pursuant to Sections 60640 and
18 60644 and the high school exit examination administered pursuant
19 to Section 60851, when fully implemented, shall be disaggregated
20 by foster youth status, special education status, English language
21 learners, socioeconomic status, gender and ethnic group. Only the
22 test scores of pupils who were counted as part of a school district's
23 enrollment in the October California Basic Educational Data
24 System's data collection for the current fiscal year and were
25 continuously enrolled during that year may be included in the test
26 results reported in the API. Results of the achievement test and
27 other tests specified in subdivision (b) shall constitute at least 60
28 percent of the value of the index.

29 (B) Before including high school graduation rates and
30 attendance rates in the index, the Superintendent of Public
31 Instruction shall determine the extent to which the data are
32 currently reported to the state and the accuracy of the data.

33 (C) If the Superintendent of Public Instruction determines that
34 accurate data for these indicators is not available, the
35 Superintendent of Public Instruction shall report to the Governor
36 and the Legislature by September 1, 1999, and recommend
37 necessary action to implement an accurate reporting system.

38 (b) Pupil scores from the following tests, when available and
39 when found to be valid and reliable for this purpose, shall be
40 incorporated into the API:



1 (1) The assessment of the applied academic skills matrix test
2 developed pursuant to Section 60604.

3 (2) The nationally normed test designated pursuant to Section
4 60642.

5 (3) The standards-based achievement tests provided for in
6 Section 60642.5.

7 (4) The high school exit examination.

8 (c) Based on the API, the Superintendent of Public Instruction
9 shall develop, and the State Board of Education shall adopt,
10 expected annual percentage growth targets for all schools based on
11 their API baseline score from the previous year. Schools are
12 expected to meet these growth targets through effective allocation
13 of available resources. For schools below the statewide API
14 performance target adopted by the State Board of Education
15 pursuant to subdivision (d), the minimum annual percentage
16 growth target shall be 5 percent of the difference between a
17 school's actual API score and the statewide API performance
18 target, or one API point, whichever is greater. Schools at or above
19 the statewide API performance target shall have, as their growth
20 target, maintenance of their API score above the statewide API
21 performance target. However, the State Board of Education may
22 set differential growth targets based on grade level of instruction
23 and may set higher growth targets for the lowest performing
24 schools because they have the greatest room for improvement. To
25 meet its growth target, a school shall demonstrate that the annual
26 growth in its API is equal to or more than its schoolwide annual
27 percentage growth target and that all numerically significant
28 ethnic and socioeconomically disadvantaged subgroups, as
29 defined in subdivision (a) of Section 52052, are making
30 comparable improvement.

31 (d) Upon adoption of state performance standards by the State
32 Board of Education, the Superintendent of Public Instruction shall
33 recommend, and the State Board of Education shall adopt, a
34 statewide API performance target that includes consideration of
35 performance standards and represents the proficiency level
36 required to meet the state performance target. When the API is
37 fully developed, schools must, at a minimum, meet their annual
38 API growth targets to be eligible for the Governor's Performance
39 Award Program as set forth in Section 52057. The State Board of



1 Education may establish additional criteria that schools must meet
2 to be eligible for the Governor's Performance Award Program.

3 (e) Beginning in June 2000, the API shall be used for both of
4 the following:

5 (1) Measuring the progress of schools selected for participation
6 in the Immediate Intervention/Underperforming Schools Program
7 pursuant to Section 52053.

8 (2) Ranking all public schools in the state for the purpose of the
9 High Achieving/Improving Schools Program pursuant to Section
10 52056.

11 (f) (1) A comprehensive high school, middle school, or
12 elementary school with 11 to 99 valid test scores of pupils who
13 were enrolled in a school within the same school district in the
14 prior fiscal year shall receive an API score with an asterisk that
15 indicates less statistical certainty than API scores based on 100 or
16 more test scores.

17 (2) A school under the jurisdiction of a county board of
18 education or a county superintendent of schools, a community day
19 school, or an alternative school, including continuation high
20 schools and opportunity schools, may receive an API score if the
21 school has 11 or more valid test scores and the school chooses to
22 receive an API score for at least three years.

23 (3) A school that participates in the Immediate
24 Intervention/Underperforming Schools Program described in
25 Section 52053 shall receive an API score for the duration of its
26 participation in that program, unless the Superintendent of Public
27 Instruction determines that an API score would be an invalid
28 measure of the school's performance for one or more of the
29 following reasons:

30 (A) Irregularities in testing procedures occurred.

31 (B) The data used to calculate the school's API score are not
32 representative of the pupil population at the school.

33 (C) Significant demographic changes in the school's pupil
34 population render year-to-year comparisons of pupil performance
35 invalid.

36 (D) The Department of Education discovers or receives
37 information indicating that the integrity of the school's API score
38 has been compromised.

39 (g) Only schools with 100 or more test scores contributing to
40 the API may be included in the API rankings.



1 (h) By July 1, 2000, the Superintendent of Public Instruction,
2 with the approval of the State Board of Education, shall develop
3 an alternative accountability system for schools with fewer than
4 100 test scores contributing to the schools' API scores, and for
5 schools under the jurisdiction of a county board of education or a
6 county superintendent of schools, community day schools, and
7 alternative schools serving high-risk pupils, including
8 continuation high schools and opportunity schools.

9 SEC. 4. Section 52054 of the Education Code is amended to
10 read:

11 52054. (a) Commencing in the 2001–02 fiscal year, by
12 November 15 of the year that the school is selected to participate,
13 the governing board of a school district having jurisdiction over a
14 school selected for participation in the program shall do one of the
15 following:

16 (1) Contract with an external evaluator from the list of external
17 evaluators and shall appoint a broad-based schoolsite and
18 community team, consisting of a majority of nonschoolsite
19 personnel. In a school that has a limited-English-proficient pupil
20 population that constitutes at least 40 percent of the total pupil
21 population, an external evaluator shall have demonstrated
22 experience in working with a limited-English-proficient pupil
23 population. Not less than 20 percent of the members of the team
24 shall be parents or legal guardians of pupils in the school.

25 (2) Contract with an entity that has proven, successful expertise
26 specific to the challenges inherent in high-priority schools. These
27 entities may include, but are not limited to, the following:

- 28 (A) Institutions of higher education.
- 29 (B) County offices of education.
- 30 (C) School district personnel.

31 (b) The selected external evaluator or entity shall solicit input
32 from the parents and legal guardians of the pupils of the school. At
33 a minimum, the evaluator or entity shall do all of the following:

34 (1) Inform the parents and legal guardians, in writing, that the
35 school has been selected to participate in the Immediate
36 Intervention/Underperforming Schools Program due to its below
37 average performance.

38 (2) Hold a public meeting at the school, in cooperation with the
39 principal, to which all parents and legal guardians of pupils in the
40 school receive a written invitation. The invitation to the meeting



1 may be combined with the written notice required by paragraph
2 (1).

3 (3) Solicit, at the public meeting, the recommendations and
4 opinions of the participating parents and legal guardians of pupils
5 in the school regarding actions that should be taken to improve the
6 performance of the school. These opinions and recommendations
7 shall be considered by the external evaluator or entity and the
8 community team in the development or modification of the action
9 plan pursuant to this section or Section 52054.3.

10 (4) Provide technical assistance to the schoolsite.

11 (5) Notify all parents and legal guardians of pupils in the school
12 of their opportunity to provide written recommendations of
13 actions that should be taken to improve the performance of the
14 school which shall be considered by the external evaluator or
15 entity and the community team in the development or modification
16 of the action plan pursuant to this section or Section 52054.3.
17 Notice required by this subdivision may be combined with the
18 written notice required by paragraph (1).

19 (c) By February 15 of the school year in which the school is
20 selected to participate, the selected external evaluator or entity, in
21 collaboration with the broad-based schoolsite and community
22 team selected pursuant to subdivision (a), shall complete a review
23 of the school that identifies weaknesses that contribute to the
24 school's below average performance, make recommendations for
25 improvement, and begin to develop an action plan to improve the
26 academic performance of the pupils enrolled at the school. The
27 action plan shall include percentage growth targets at least as high
28 as the annual growth targets adopted by the State Board of
29 Education pursuant to Section 52052. The action plan shall include
30 an expenditure plan and shall be of a scope that does not require
31 expenditure of funds in excess of those provided pursuant to this
32 article or otherwise available to the school. The action plan may
33 not be of a scope that requires reimbursement by the Commission
34 on State Mandates for its implementation.

35 (d) At a minimum, the action plan shall do all of the following:

36 (1) Review and include the school and district conditions
37 identified in the school accountability report card pursuant to
38 Section 33126.

39 (2) Identify the current barriers at the school and district toward
40 improvements in pupil achievement.



1 (3) Identify schoolwide and districtwide strategies to remove
2 these barriers.

3 (4) Review and include school and school district crime
4 statistics, in accordance with Section 628.5 of the Penal Code.

5 (5) Examine and consider disaggregated data regarding pupil
6 achievement and other indicators to consider whether all groups
7 and types of pupils make adequate progress toward short-term
8 growth targets and long-term performance goals. The
9 disaggregated data to be included and considered by the plan shall,
10 at a minimum, provide information regarding the achievement of
11 foster youth, English language learners, pupils with exceptional
12 needs, pupils who qualify for free and reduced price meals, and
13 pupils in numerically significant subgroups.

14 (6) Set short-term academic objectives pursuant to Section
15 52052 for a two-year period that will allow the school to make
16 adequate progress toward the growth targets established for each
17 participating school for pupil achievement as measured by all of
18 the following to the extent that the data is available for the school:

19 (A) The achievement test administered pursuant to Section
20 60640.

21 (B) Graduation rates for grades 7 to 12, inclusive.

22 (C) Attendance rates for pupils and school personnel for
23 elementary, middle, and secondary schools.

24 (D) Any other indicators approved by the State Board of
25 Education.

26 (e) The school action plan shall focus on improving pupil
27 academic performance, improving the involvement of parents and
28 guardians, improving the effective and efficient allocation of
29 resources and management of the school, and identifying and
30 developing solutions that take into account the underlying causes
31 for low performance by pupils.

32 (f) The team, in the development of the action plan, shall
33 consult with the exclusive representatives of employee
34 organizations, where they exist.

35 (g) The school action plan may propose to increase the number
36 of instructional days offered at the schoolsite and also may propose
37 to increase up to a full 12 months the amount of time for which
38 certificated employees are contracted, if all of the following
39 conditions are met:



1 (1) Provisions of the plan proposed pursuant to this subdivision
2 shall not violate current applicable collective bargaining
3 agreements.

4 (2) An agreement is reached with the exclusive representative
5 concerning staffing specifically to accommodate the extended
6 school year or 12-month contract.

7 (h) The team, in the development of the action plan, shall
8 consult with the exclusive representatives of employee
9 organizations, where they exist.

10 (i) Upon its completion, the action plan shall be submitted to
11 the governing board of the school districts for its approval at a
12 regularly scheduled public meeting. After the plan is approved, but
13 no later than May 15 of the year that follows the year the school
14 is selected to participate, the plan shall be submitted to the
15 Superintendent of Public Instruction with a request for funding in
16 the form prescribed by the Superintendent of Public Instruction,
17 who shall review the school action plan and recommend approval
18 or disapproval of the school's request for funding to the State
19 Board of Education.

20 (j) Not later than July 15 of the year next following the year in
21 which a school is selected for participation, the State Board of
22 Education shall review and approve or disapprove the school's
23 request for funding, based on the recommendation of the
24 Superintendent of Public Instruction. Within 30 days of the State
25 Board of Education's review, the Superintendent of Public
26 Instruction shall notify the affected school districts of the state of
27 the board's action regarding the request for funding. In
28 conjunction with its approval of a request for funding to
29 implement a school's action plan, the State Board of Education
30 may, at the request of the governing board of the school district or
31 the county board of education for a school under its jurisdiction,
32 waive all or any part of any provision of this code, or any
33 regulation adopted by the State Board of Education, controlling
34 any of the programs listed in clause (i) of subparagraph (B) of
35 paragraph (1) of subdivision (a) of Section 54761 and Section
36 64000 if the waiver does not result in a decrease in the instructional
37 time otherwise required by law or regulation or an increase in state
38 costs and is determined to be consistent with subdivision (a) of
39 Section 46300.



1 SEC. 5. *Section 56155.7 is added to the Education Code, to*
2 *read:*

3 *56155.7. A licensed children’s institution may not require that*
4 *a child be identified as an individual with exceptional needs as a*
5 *condition of residency.*

6 SEC. 6. Section 56157 of the Education Code is amended to
7 read:

8 56157. (a) In providing appropriate programs to individuals
9 with exceptional needs residing in licensed children’s institutions
10 or foster family homes, the district, special education local plan
11 area, or county office shall first consider services in programs
12 operated by public education agencies for individuals with
13 exceptional needs. If those programs are not appropriate, special
14 education and related services shall be provided by contract with
15 a nonpublic, nonsectarian school.

16 (b) If special education and related services are provided by
17 contract with a nonpublic, nonsectarian school, or with a licensed
18 children’s institution under this article, the terms of the contract
19 shall be developed in accordance with the provisions of Section
20 56366.

21 (c) If an individual with exceptional needs residing in a
22 licensed children’s institution or foster family home is placed in a
23 nonpublic, nonsectarian school, the district, special education
24 local plan area, or county office that made the placement shall
25 conduct an annual evaluation, through the individualized
26 education program process, of whether the placement is the least
27 restrictive environment for the individual.

28 ~~SEC. 6.—~~

29 SEC. 7. Section 56157.5 is added to the Education Code, to
30 read:

31 56157.5. In addition to the certification requirements set forth
32 in Sections 56366 and 56366.1, a nonpublic, nonsectarian school
33 that provides special education and related services to an
34 ~~individual with exceptional needs residing in a licensed children’s~~
35 ~~institution or foster family home shall certify in writing to the~~
36 *individual with exceptional needs shall certify in writing to the*
37 *superintendent that it meets all of the following requirements:*

38 (a) The teachers at the school hold special education teaching
39 credentials for the subjects they teach.

1 (b) The pupils have access to standards-based, core curriculum
2 and the same instructional materials used by ~~the a district in which~~
3 *that places an individual with exceptional needs in the nonpublic,*
4 *nonsectarian school is located.*

5 ~~SEC. 7.—~~

6 *SEC. 8.* Section 56366 of the Education Code is amended to
7 read:

8 56366. It is the intent of the Legislature that the role of a
9 nonpublic, nonsectarian school or agency shall be maintained and
10 continued as an alternative special education service available to
11 districts, special education local plan areas, county offices, and
12 parents.

13 (a) The master contract for nonpublic, nonsectarian school or
14 agency services shall be developed in accordance with the
15 following provisions:

16 (1) The master contract shall specify the general administrative
17 and financial agreements between the nonpublic, nonsectarian
18 school or agency and the district, special education local plan area,
19 or county office to provide the special education and designated
20 instruction and services, as well as transportation specified in the
21 pupil's individualized education program. The administrative
22 provisions of the contract also shall include procedures for
23 recordkeeping and documentation, and the maintenance of school
24 records by the contracting district, special education local plan
25 area, or county office to ensure that appropriate high school
26 graduation credit is received by the pupil. The contract may allow
27 for partial or full-time attendance at the nonpublic, nonsectarian
28 school.

29 (2) (A) The master contract shall include an individual
30 services agreement for each pupil placed by a district, special
31 education local plan area, or county office that will be negotiated
32 for the length of time for which nonpublic, nonsectarian school or
33 agency special education and designated instruction and services
34 are specified in the pupil's individualized education program.

35 (B) The master contract shall include a description of the
36 process being utilized by the district, county office, or special
37 education local plan area to oversee and evaluate placements in
38 nonpublic, nonsectarian schools. This description shall include a
39 method for evaluating whether the pupil is making appropriate
40 educational progress.



1 (3) Changes in educational instruction, services, or placement
2 provided under contract may only be made on the basis of
3 revisions to the pupil's individualized education program.

4 At any time during the term of the contract or individual services
5 agreement, the parent, the nonpublic, nonsectarian school or
6 agency, or the district, special education local plan area, or county
7 office may request a review of the pupil's individualized education
8 program by the individualized education program team. Changes
9 in the administrative or financial agreements of the master contract
10 that do not alter the individual services agreement that outlines
11 each pupil's educational instruction, services, or placement may
12 be made at any time during the term of the contract as mutually
13 agreed by the nonpublic, nonsectarian school or agency and the
14 district, special education local plan area, or county office.

15 (4) The master contract or individual services agreement may
16 be terminated for cause. The cause shall not be the availability of
17 a public class initiated during the period of the contract unless the
18 parent agrees to the transfer of the pupil to a public school
19 program. To terminate the contract either party shall give 20 days'
20 notice.

21 (5) The nonpublic, nonsectarian school or agency shall provide
22 all services specified in the individualized education program,
23 unless the nonpublic, nonsectarian school or agency and the
24 district, special education local plan area, or county office agree
25 otherwise in the contract or individualized services agreement.

26 (6) Related services provided pursuant to a nonpublic,
27 nonsectarian agency master contract shall only be provided during
28 the period of the child's regular or extended school year program,
29 or both, unless otherwise specified by the pupil's individualized
30 education program.

31 (7) The nonpublic, nonsectarian school or agency shall report
32 attendance of pupils receiving special education and designated
33 instruction and services as defined by Section 46307 for purposes
34 of submitting a warrant for tuition to each contracting district,
35 special education local plan area, or county office.

36 (8) With respect to a nonpublic, nonsectarian school, the school
37 shall be part of the Public School Performance Accountability
38 Program established by Article 2 (commencing with Section
39 52051) of Chapter 6.1 of Part 28 in the same manner as public
40 schools and each pupil placed in the nonpublic, nonsectarian



1 school by a district, special education local plan area, or county
2 office shall be tested in accordance with that accountability
3 program. The test results shall be reported by the nonpublic,
4 nonsectarian school to the department.

5 (9) With respect to a nonpublic, nonsectarian school, the school
6 shall prepare a school accountability report card in accordance
7 with Section 33126.

8 (b) The master contract or individual services agreement shall
9 not include special education transportation provided through the
10 use of services or equipment owned, leased, or contracted by a
11 district, special education local plan area, or county office for
12 pupils enrolled in the nonpublic, nonsectarian school or agency
13 unless provided directly or subcontracted by that nonpublic,
14 nonsectarian school or agency.

15 The superintendent shall withhold 20 percent of the amount
16 apportioned to a district or county office for costs related to the
17 provision of nonpublic, nonsectarian school or agency placements
18 if the superintendent finds that the local ~~education~~ *educational*
19 agency is in noncompliance with this subdivision. This amount
20 shall be withheld from the apportionments in the fiscal year
21 following the superintendent's finding of noncompliance. The
22 superintendent shall take other appropriate actions to prevent
23 noncompliant practices from occurring and report to the
24 Legislature on those actions.

25 (c) (1) If the pupil is enrolled in the nonpublic, nonsectarian
26 school or agency with the approval of the district, special
27 education local plan area, or county office prior to agreement to a
28 contract or individual services agreement, the district, special
29 education local plan area, or county office shall issue a warrant,
30 upon submission of an attendance report and claim, for an amount
31 equal to the number of creditable days of attendance at the per diem
32 tuition rate agreed upon prior to the enrollment of the pupil. This
33 provision shall be allowed for 90 days during which time the
34 contract shall be consummated.

35 (2) If after 60 days the master contract or individual services
36 agreement has not been finalized as prescribed in paragraph (1) of
37 subdivision (a), either party may appeal to the county
38 superintendent of schools, if the county superintendent is not
39 participating in the local plan involved in the nonpublic,
40 nonsectarian school or agency contract, or the superintendent, if



1 the county superintendent is participating in the local plan
2 involved in the contract, to negotiate the contract. Within 30 days
3 of receipt of this appeal, the county superintendent or the
4 superintendent, or his or her designee, shall mediate the
5 formulation of a contract which shall be binding upon both parties.

6 (d) A master contract for special education and related services
7 provided by a nonpublic, nonsectarian school or agency may not
8 be authorized under this part, unless the school or agency has been
9 certified as meeting those standards relating to the required special
10 education and specified related services and facilities for
11 individuals with exceptional needs. The certification shall result
12 in the school's or agency's receiving approval to educate pupils
13 under this part for a period no longer than two years from the date
14 of the approval.

15 (e) By September 30, 1998, the procedures, methods, and
16 regulations for the purposes of contracting for nonpublic,
17 nonsectarian school and agency services pursuant to this section
18 and for reimbursement pursuant to Sections 56836.16 and
19 56836.20 shall be developed by the superintendent in consultation
20 with statewide organizations representing providers of special
21 education and designated instruction and services. The regulations
22 shall be established by rules and regulations issued by the board.

23 ~~SEC. 8.—~~

24 *SEC. 9.* Section 56366.1 of the Education Code is amended to
25 read:

26 56366.1. (a) A nonpublic, nonsectarian school or agency that
27 seeks certification shall file an application with the superintendent
28 on forms provided by the department and include the following
29 information on the application:

30 (1) A description of the special education and designated
31 instruction and services provided to individuals with exceptional
32 needs if the application is for nonpublic, nonsectarian school
33 certification.

34 (2) A description of the designated instruction and services
35 provided to individuals with exceptional needs if the application
36 is for nonpublic, nonsectarian agency certification.

37 (3) A list of appropriately qualified staff, a description of the
38 credential, license, or registration that qualifies each staff member
39 to render special education or designated instruction and services,
40 and copies of their credentials, licenses, or certificates of



1 registration with the appropriate state or national organization that
2 has established standards for the service rendered.

3 (4) An annual operating budget.

4 (5) Affidavits and assurances necessary to comply with all
5 applicable federal, state, and local laws and regulations which
6 include criminal record summaries required of all nonpublic
7 school or agency personnel having contact with minor children
8 under Section 44237.

9 (b) If the applicant operates a facility or program on more than
10 one site, each site shall be certified.

11 (c) If the applicant is part of a larger program or facility on the
12 same site, the superintendent shall consider the effect of the total
13 program on the applicant. A copy of the policies and standards for
14 the nonpublic, nonsectarian school or agency and the larger
15 program shall be available to the superintendent.

16 (d) Prior to certification, the superintendent shall conduct an
17 onsite review of the facility and program for which the applicant
18 seeks certification. The superintendent may be assisted by
19 representatives of the special education local plan area in which the
20 applicant is located and a nonpublic, nonsectarian school or
21 agency representative who does not have a conflict of interest with
22 the applicant. The superintendent shall conduct an additional
23 onsite review of the facility and program within two years of the
24 certification effective date, unless the superintendent
25 conditionally certifies the school or agency or unless the
26 superintendent receives a formal complaint against the school or
27 agency. In the latter two cases, the superintendent shall conduct an
28 onsite review at least annually.

29 (e) The superintendent shall make a determination on an
30 application within 120 days of receipt of the application and shall
31 certify, conditionally certify, or deny certification to the applicant.
32 If the superintendent fails to take one of these actions within 120
33 days, the applicant is automatically granted conditional
34 certification for a period terminating on August 31, of the current
35 school year. If certification is denied, the superintendent shall
36 provide reasons for the denial. The superintendent may certify the
37 school or agency for a period of not longer than two years.

38 (f) Certification becomes effective on the date the nonpublic,
39 nonsectarian school or agency meets all the application
40 requirements and is approved by the superintendent. Certification



1 may be retroactive if the school or agency met all the requirements
2 of this section on the date the retroactive certification is effective.
3 Certification expires on December 31 of the terminating year.

4 (g) The superintendent shall annually review the certification
5 of each nonpublic, nonsectarian school and agency. For this
6 purpose, a certified school or agency shall annually update its
7 application between August 1 and October 31, unless the board
8 grants a waiver pursuant to Section 56101. The superintendent
9 may conduct an onsite review as part of the annual review.

10 (h) The superintendent may monitor a nonpublic, nonsectarian
11 school or agency onsite at any time without prior notice when there
12 is substantial reason to believe that there is an immediate danger
13 to the health, safety, or welfare of a child. The superintendent shall
14 document the concern and submit it to the nonpublic, nonsectarian
15 school or agency at the time of the onsite monitoring. The
16 superintendent shall require a written response to any
17 noncompliance or deficiency found.

18 (i) (1) Notwithstanding any other provision of law, the
19 superintendent may not certify a nonpublic, nonsectarian school
20 or agency that proposes to initiate or expand services to pupils
21 currently educated in the immediate prior fiscal year in a juvenile
22 court program, community school pursuant to Section 56150, or
23 other nonspecial education program, including independent study
24 or adult school, or both, unless the nonpublic, nonsectarian school
25 or agency notifies the county superintendent of schools and the
26 special education local plan area in which the proposed new or
27 expanded nonpublic, nonsectarian school or agency is located of
28 its intent to seek certification.

29 (2) The notification shall occur no later than the December 1
30 prior to the new fiscal year in which the proposed or expanding
31 school or agency intends to initiate services. The notice shall
32 include the following:

33 (A) The specific date upon which the proposed nonpublic,
34 nonsectarian school or agency is to be established.

35 (B) The location of the proposed program or facility.

36 (C) The number of pupils proposed for services, the number of
37 pupils currently served in the juvenile court, community school,
38 or other nonspecial education program, the current school services
39 including special education and related services provided for these



1 pupils, and the specific program of special education and related
2 services to be provided under the proposed program.

3 (D) The reason for the proposed change in services.

4 (E) The number of staff that will provide special education and
5 designated instruction and services and hold a current valid
6 California credential or license in the service rendered or
7 certificate of registration to provide occupational therapy.

8 (3) In addition to the requirements in subdivisions (a) through
9 (e), inclusive, the superintendent shall require and consider the
10 following in determining whether to certify a nonpublic,
11 nonsectarian school or agency as described in this subdivision:

12 (A) A complete statement of the information required as part
13 of the notice under paragraph (1).

14 (B) Documentation of the steps taken in preparation for the
15 conversion to a nonpublic, nonsectarian school or agency,
16 including information related to changes in the population to be
17 served and the services to be provided pursuant to each pupil's
18 individualized education program.

19 (4) Notwithstanding any other provision of law, the
20 certification becomes effective no earlier than July 1, if the school
21 or agency provided the notification required pursuant to paragraph
22 (1).

23 (j) The school or agency shall be charged a reasonable fee for
24 certification. The superintendent may adjust the fee annually
25 commensurate with the statewide average percentage inflation
26 adjustment computed for revenue limits of unified school districts
27 with greater than 1,500 units of average daily attendance if the
28 percentage increase is reflected in the district revenue limit for
29 inflation purposes. For purposes of this section, the base fee shall
30 be the following:

31		
32	(1) 1– 5 pupils	\$ 150
33	(2) 6–10 pupils	250
34	(3) 11–24 pupils	500
35	(4) 25–75 pupils	750
36	(5) 76 pupils and over	1,000
37		

38 The school or agency shall pay this fee when it applies for
39 certification and when it updates its application for annual review
40 by the superintendent. The superintendent shall use these fees to



1 conduct onsite reviews, which may include field experts. No fee
2 shall be refunded if the application is withdrawn or is denied by the
3 superintendent.

4 (k) (1) Notwithstanding any other provision of law, only those
5 nonpublic, nonsectarian schools and agencies that provide special
6 education and designated instruction and services utilizing staff
7 who hold, or are *enrolled in training programs that lead to a*
8 *credential or license authorizing the holder to provide services to*
9 *individuals with exceptional needs and are receiving training*
10 *under the direct supervision of* ~~staff who hold~~, *a staff member who*
11 *holds a current valid California credential or, license, or*
12 *certificate of registration document in the service rendered shall be*
13 *eligible to receive certification. Only those nonpublic,*
14 *nonsectarian schools or agencies located outside of California that*
15 *employ staff who hold a current valid credential or license to*
16 *render special education and related services as required by that*
17 *state shall be eligible to be certified.*

18 (2) Nothing in this subdivision restricts student teachers,
19 interns, or other staff who are enrolled in training programs that
20 lead to a license or credential that authorize the holder to render
21 services to special education pupils and who are under the direct
22 supervision of a staff member who holds a current valid California
23 credential, license, or certificate of registration document.

24 (3) A nonpublic, nonsectarian school or agency that employs
25 only persons who hold a valid California credential authorizing
26 substitute teaching pursuant to Section 56060 shall not be
27 certified. ~~At least one full-time person with a current valid~~
28 ~~California credential, license, or certificate of registration in the~~
29 ~~area of service to be rendered, or a current valid credential, license,~~
30 ~~or certificate of registration for appropriate special education and~~
31 ~~related services rendered that is required in another state, shall be~~
32 ~~required for purposes of certification under subdivision (d) of~~
33 ~~Section 56366.~~

34 (4) ~~A nonpublic, nonsectarian school or agency that employs~~
35 ~~persons holding a valid emergency credential shall document~~
36 ~~efforts of recruiting appropriately credentialed, licensed, or~~
37 ~~registered personnel for the special education and related services~~
38 ~~rendered as a condition of renewing certification.~~

39 (5) ~~Not later than August 1, 1997, the State Board of Education~~
40 ~~shall issue emergency regulations to implement this subdivision.~~



1 ~~The emergency regulations shall be developed by the~~
2 ~~superintendent, in collaboration with the Commission on Teacher~~
3 ~~Credentialing and other public agencies responsible for issuing~~
4 ~~licenses or certificates of registration to individuals providing~~
5 ~~designated instruction and services to individuals with exceptional~~
6 ~~needs. The regulations also shall be developed in consultation with~~
7 ~~statewide organizations representing public and nonpublic,~~
8 ~~nonsectarian schools or agencies that provide special education~~
9 ~~and designated instruction and services. The emergency~~
10 ~~regulations shall include, but shall not be necessarily limited to, all~~
11 ~~of the following:~~

12 ~~(A) Requirements for minimum personnel qualifications for~~
13 ~~credentials to provide special education to individuals with~~
14 ~~exceptional needs issued by the Commission on Teacher~~
15 ~~Credentialing pursuant to this code and applicable federal laws.~~

16 ~~(B) Requirements for minimum personnel qualifications for~~
17 ~~licenses or certifications of registration to provide designated~~
18 ~~instruction and services to individuals with exceptional needs~~
19 ~~issued by the California Board of Medical Quality Assurance, the~~
20 ~~Board of Behavioral Science Examiners, the Board of Consumer~~
21 ~~Affairs, and other state licensure agencies that are authorized~~
22 ~~under the Business and Professions Code to grant licenses or~~
23 ~~certificates of registration that may be applicable to the provision~~
24 ~~of designated instruction and services to individuals with~~
25 ~~exceptional needs.~~

26 ~~(C) Requirements for personnel who are not licensed or~~
27 ~~credentialed to provide special education or designated instruction~~
28 ~~and services to pupils under the supervision of a credentialed or~~
29 ~~licensed professional in the service rendered, including direct and~~
30 ~~nondirect supervision requirements established by this code and~~
31 ~~the Business and Professions Code, and related regulations.~~

32 ~~(D) Requirements for the certification of nonpublic,~~
33 ~~nonsectarian schools and agencies to provide individual and group~~
34 ~~designated instruction and services to individuals with exceptional~~
35 ~~needs.~~

36 ~~(6) For purposes of the Administrative Procedure Act, the~~
37 ~~Legislature declares that the regulations issued pursuant to~~
38 ~~paragraph (5) shall be deemed to be in response to an emergency~~
39 ~~and necessary for the immediate preservation of the public peace,~~
40 ~~health and safety, or general welfare by ensuring that all personnel~~



1 ~~providing special education and designated instruction and~~
2 ~~services to individuals with exceptional needs are appropriately~~
3 ~~qualified to provide the services specified by a pupil's~~
4 ~~individualized education program.~~

5 ~~(l) The superintendent shall establish guidelines for the~~
6 ~~implementation of subdivision (a) in consultation with statewide~~
7 ~~organizations representing providers of special education and~~
8 ~~designated instruction and services. The State Board of Education~~
9 ~~shall approve the standards not later than August 1, 1997.~~

10 ~~(m) (1) By September 30, 1998, the superintendent shall, in~~
11 ~~consultation with statewide organizations representing providers~~
12 ~~of special education and designated instruction and services,~~
13 ~~develop the procedures, methods, and areas of certification,~~
14 ~~including, but not limited to, the following:~~

15 ~~(A) Information required for purposes of the application~~
16 ~~specified in subdivision (a).~~

17 ~~(B) Procedures for conducting onsite reviews of the nonpublic,~~
18 ~~nonsectarian school or agency program.~~

19 ~~(C) Provisions specific to minimum staff qualifications to~~
20 ~~provide special education and designated instruction and services~~
21 ~~that are required for certification.~~

22 ~~(D) Provisions specific to the provision of special education~~
23 ~~and related services to individuals with exceptional needs from~~
24 ~~birth to preschool.~~

25 ~~(2) The board shall issue as rules and regulations the~~
26 ~~procedures, methods, and areas of certification developed~~
27 ~~pursuant to paragraph (1).~~

28 ~~(n) In addition to meeting the standards adopted by the board,~~
29 ~~a nonpublic, nonsectarian school or agency shall provide written~~
30 ~~assurances that it meets all applicable standards relating to fire,~~
31 ~~health, sanitation, and building safety.~~

32 ~~SEC. 9.— certified.~~

33 ~~SEC. 10. Section 56366.5 of the Education Code is amended~~
34 ~~to read:~~

35 ~~56366.5. (a) Upon receipt of a request from a nonpublic,~~
36 ~~nonsectarian school for payment for services provided under a~~
37 ~~contract entered into pursuant to Sections 56365 and 56366, the~~
38 ~~district, special education local plan area, or county office shall~~
39 ~~either (1) send a warrant for the amount requested within 45 days,~~



1 or (2) notify the nonpublic, nonsectarian school within 10 working
2 days of any reason why the requested payment shall not be paid.

3 (b) If the district, special education local plan area, or county
4 office fails to comply with subdivision (a), the nonpublic,
5 nonsectarian school may require the district, special education
6 local plan area, or county office to pay an additional amount of 1¹/₂
7 percent of the unpaid balance per month until full payment is
8 made. The district, special education local plan area, or county
9 office may not claim reimbursement from the state for such
10 additional amount pursuant to any provision of law, including any
11 provision contained in Chapter 3 (commencing with Section 2201)
12 of Part 4 of Division 1 of the Revenue and Taxation Code.

13 (c) Any educational funds received by a district, special
14 education local plan area, or county office for the costs of pupils
15 placed with nonpublic, nonsectarian schools shall be used solely
16 for those purposes and not for the costs of a residential program.

17 *SEC. 11. Section 56366.9 of the Education Code is amended*
18 *to read:*

19 56366.9. A licensed children's institution at which
20 individuals with exceptional needs reside shall not require as a
21 condition of residential placement that it provide the appropriate
22 educational programs to those individuals through a nonpublic,
23 nonsectarian school or agency owned—~~or~~, operated by, *or*
24 *associated with*, a licensed children's institution. Those services
25 may only be provided if the special education local plan area
26 determines that *appropriate public* alternative educational
27 programs are not available.

28 *SEC. 12. Section 1501.1 of the Health and Safety Code is*
29 *amended to read:*

30 1501.1. (a) It is the policy of the state to facilitate the proper
31 placement of every child in residential care facilities where the
32 placement is in the best interests of the child. A county may require
33 placement or licensing agencies, or both placement and licensing
34 agencies, to actively seek out-of-home care facilities capable of
35 meeting the varied needs of the child. Therefore, in placing
36 children in out-of-home care, particular attention should be given
37 to the individual child's needs, the ability of the facility to meet
38 those needs, the needs of other children in the facility, the licensing
39 requirements of the facility as determined by the licensing agency,
40 and the impact of the placement on the family reunification plan.



1 (b) Pursuant to this section, children with varying designations
2 and varying needs, except as provided by statute, may be placed
3 in the same facility provided the facility is licensed, complies with
4 all licensing requirements relevant to the protection of the child,
5 and has a special permit, if necessary, to meet the needs of each
6 child so placed. *A facility may not require, as a condition of*
7 *placement, that a child be identified as an individual with*
8 *exceptional needs as defined by Section 56026 of the Education*
9 *Code.*

10 (c) Neither the requirement for any license nor any regulation
11 shall restrict the implementation of the provisions of this section.
12 Implementation of this section does not obviate the requirement
13 for a facility to be licensed by the department.

14 (d) Pursuant to this section, children with varying designations
15 and varying needs, except as provided by statute, may be placed
16 in the same licensed foster family home or with a foster family
17 agency for subsequent placement in a certified family home.
18 Children with developmental disabilities, mental disorders, or
19 physical disabilities may be placed in licensed foster family homes
20 or certified family homes, provided that an appraisal of the child's
21 needs and the ability of the receiving home to meet those needs is
22 made jointly by the placement agency and the licensee in the case
23 of licensed foster family homes or the placement agency and the
24 foster family agency in the case of certified family homes, and is
25 followed by written confirmation prior to placement. The
26 appraisal shall confirm that the placement poses no threat to any
27 child in the home.

28 For purposes of this chapter, the placing of children by foster
29 family agencies shall be referred to as "subsequent placement" to
30 distinguish the activity from the placing by public agencies.

