

ASSEMBLY BILL

No. 709

Introduced by Assembly Member Brownley

February 17, 2011

An act to amend Section 48853.5 of the Education Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as introduced, Brownley. Foster children: school placement: disputes.

Existing law provides that at the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court. However, if the educational liaison for foster children and the person holding the right to make educational decisions for the foster child agree that the best interests of the foster child would best be served by waiver of this right and transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school. Existing law requires the new school to immediately enroll the foster child even if he or she is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms.

This bill would specify that the new school is required to immediately enroll the foster child even if he or she is unable to produce medical records, including records or other proof of immunization history, notwithstanding other provisions of law requiring documentation of immunizations prior to school admission.

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

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

1 SECTION 1. Section 48853.5 of the Education Code is
2 amended to read:
3 48853.5. (a) This section applies to a child ~~(hereafter “foster~~
4 ~~child”)~~ who has been removed from his or her home pursuant to
5 Section 309 of the Welfare and Institutions Code, is the subject of
6 a petition filed under Section 300 or 602 of the Welfare and
7 Institutions Code, or has been removed from his or her home and
8 is the subject of a petition filed under Section 300 or 602 of the
9 Welfare and Institutions Code (*hereafter “foster child”*).
10 (b) Each local educational agency shall designate a staff person
11 as the educational liaison for foster children. In a school district
12 that operates a foster children services program pursuant to Chapter
13 11.3 (commencing with Section 42920) of Part 24, the educational
14 liaison shall be affiliated with the local foster children services
15 program. The liaison shall do all of the following:
16 (1) Ensure and facilitate the proper educational placement,
17 enrollment in school, and checkout from school of foster children.
18 (2) Assist foster children when transferring from one school to
19 another or from one school district to another in ensuring proper
20 transfer of credits, records, and grades.
21 (c) This section does not grant authority to the educational
22 liaison that supersedes the authority granted under state and federal
23 law to a parent or guardian retaining educational rights, a
24 responsible adult appointed by the court to represent the child
25 pursuant to Section 361 or 726 of the Welfare and Institutions
26 Code, a surrogate parent, or a foster parent exercising the authority
27 granted under Section 56055. The role of the educational liaison
28 is advisory with respect to placement decisions and determination
29 of school of origin.
30 (d) (1) At the initial detention or placement, or any subsequent
31 change in placement of a foster child, the local educational agency
32 serving the foster child shall allow the foster child to continue his
33 or her education in the school of origin for the duration of the
34 jurisdiction of the court.

1 (2) If the jurisdiction of the court is terminated prior to the end
2 of an academic year, the *foster* child shall be allowed to continue
3 his or her education in the school of origin through the duration
4 of the academic school year.

5 (3) To ensure that the foster child has the benefit of matriculating
6 with his or her peers in accordance with the established feeder
7 patterns of school districts, if the *foster* child is transitioning
8 between school grade levels, the local educational agency shall
9 allow the *foster* child to continue in the school district of origin in
10 the same attendance area, or, if the *foster* child is transitioning to
11 a middle school or high school, and the school designated for
12 matriculation is in another school district, to the school designated
13 for matriculation in that school district.

14 (4) Paragraphs (2) and (3) of subdivision (d) shall not be
15 construed to require a school district to provide transportation
16 services to allow a *foster* child to attend a school or school district,
17 unless otherwise required under federal law, nor shall this
18 paragraph be construed to prohibit a school district from, at its
19 discretion, providing transportation services to allow a *foster* child
20 to attend a school or school district.

21 (5) The liaison, in consultation with and the agreement of the
22 foster child and the person holding the right to make educational
23 decisions for the foster child may, in accordance with the foster
24 child's best interests, recommend that the foster child's right to
25 attend the school of origin be waived and the foster child be
26 enrolled in any public school that pupils living in the attendance
27 area in which the foster child resides are eligible to attend.

28 (6) Prior to making any recommendation to move a foster child
29 from his or her school of origin, the liaison shall provide the foster
30 child and the person holding the right to make educational decisions
31 for the foster child with a written explanation stating the basis for
32 the recommendation and how this recommendation serves the
33 foster child's best interest.

34 (7) (A) If the liaison in consultation with the foster child and
35 the person holding the right to make educational decisions for the
36 foster child agree that the best interests of the foster child would
37 best be served by his or her transfer to a school other than the
38 school of origin, the foster child shall immediately be enrolled in
39 the new school.

1 (B) The new school shall immediately enroll the foster child
2 even if the foster child has outstanding fees, fines, textbooks, or
3 other items or moneys due to the school last attended or is unable
4 to produce ~~records or clothing~~ *or records* normally required for
5 enrollment, such as previous academic records, medical records,
6 *including records or other proof of immunization history,*
7 *notwithstanding the requirements of Chapter 1 (commencing with*
8 *Section 120325) of Part 2 of Division 105 of the Health and Safety*
9 *Code governing documentation of immunizations prior to school*
10 *admission, proof of residency, other documentation, or school*
11 *uniforms.*

12 (C) The liaison for the new school shall, within two business
13 days of the foster child's request for enrollment, contact the school
14 last attended by the foster child to obtain all academic and other
15 records. All required records shall be provided to the new school
16 regardless of any outstanding fees, fines, textbooks, or other items
17 or moneys owed to the school last attended. The school liaison for
18 the school last attended shall provide all records to the new school
19 within two business days of receiving the request.

20 (8) If a dispute arises regarding the request of a foster child to
21 remain in the school of origin, the foster child has the right to
22 remain in the school of origin pending resolution of the dispute.
23 The dispute shall be resolved in accordance with the existing
24 dispute resolution process available to any pupil served by the
25 local educational agency.

26 (9) The local educational agency and the county placing agency
27 are encouraged to collaborate to ensure maximum utilization of
28 available federal moneys, explore public-private partnerships, and
29 access any other funding sources to promote the well-being of
30 foster children through educational stability.

31 (10) It is the intent of the Legislature that subdivision (d) shall
32 not supersede or exceed other laws governing special education
33 services for eligible foster children.

34 (e) For purposes of this section, "school of origin" means the
35 school that the foster child attended when permanently housed or
36 the school in which the foster child was last enrolled. If the school
37 the foster child attended when permanently housed is different
38 from the school in which the foster child was last enrolled, or if
39 there is some other school that the foster child attended with which
40 the foster child is connected and that the foster child attended

1 within the immediately preceding 15 months, the liaison, in
2 consultation with and the agreement of the foster child and the
3 person holding the right to make educational decisions for the
4 foster child, shall determine, in the best interests of the foster child,
5 the school that shall be deemed the school of origin.

6 (f) This section does not supersede other law governing the
7 educational placements in juvenile court schools, as described in
8 Section 48645.1, by the juvenile court under Section 602 of the
9 Welfare and Institutions Code.

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