

Introduced by Senator DeSaulnierFebruary 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1568, as introduced, DeSaulnier. Pupils: foster children.

(1) Existing law requires a local educational agency serving a foster child to allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court over the child. Existing law requires the local educational agency to allow a foster child to continue in the school of origin through the duration of the academic school year if the jurisdiction of the court is terminated before the end of the school year. Existing law requires the local educational agency to allow a foster child to continue in the school district of origin in the same attendance area if the child is transitioning between school grade levels or to continue in the high school or middle school designated for matriculation in another school district if the child is transitioning to a middle or high school and the school designated for matriculation is in another school district.

This bill would impose a state-mandated local program by requiring a local educational agency to allow a former foster child to continue his or her education in the school of origin through the end of the highest grade maintained at that school if the jurisdiction of the court is terminated and applying to former foster children the provisions described above relating to foster children transitioning between school grade levels.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 is advisory with respect to placement decisions and determination
2 of school of origin.

3 (d) (1) At the initial detention or placement, or any subsequent
4 change in placement of a foster child, the local educational agency
5 serving the foster child shall allow the foster child to continue his
6 or her education in the school of origin for the duration of the
7 jurisdiction of the court.

8 (2) If the jurisdiction of the court is terminated, ~~prior to the end~~
9 ~~of an academic year~~ the *local educational agency shall allow the*
10 *former foster child shall be allowed* to continue his or her education
11 in the school of origin through the ~~duration of the academic school~~
12 ~~year end of the highest grade maintained at that school.~~

13 (3) To ensure that the foster child *or former foster child* has the
14 benefit of matriculating with his or her peers in accordance with
15 the established feeder patterns of school districts, if the foster child
16 *or former foster child* is transitioning between school grade levels,
17 the local educational agency shall allow the foster child *or former*
18 *foster child* to continue in the school district of origin in the same
19 attendance area, or, if the foster child *or former foster child* is
20 transitioning to a middle school or high school, and the school
21 designated for matriculation is in another school district, to the
22 school designated for matriculation in that school district.

23 (4) Paragraphs (2) and (3) ~~shall not be construed to do not~~
24 require a school district to provide transportation services to allow
25 a foster child *or former foster child* to attend a school or school
26 district, unless otherwise required under federal law, ~~nor shall this~~
27 ~~paragraph be construed to.~~ *This paragraph does not prohibit a*
28 school district from, at its discretion, providing transportation
29 services to allow a foster child *or former foster child* to attend a
30 school or school district.

31 (5) The liaison, in consultation with and with the agreement of
32 the foster child and the person holding the right to make
33 educational decisions for the foster child, may *recommend*, in
34 accordance with the foster child's best interests, ~~recommend~~
35 the foster child's right to attend the school of origin be waived and
36 the foster child be enrolled in any public school that pupils living
37 in the attendance area in which the foster child resides are eligible
38 to attend.

39 (6) ~~Prior to~~ *Before* making any recommendation to move a foster
40 child from his or her school of origin, the liaison shall provide the

1 foster child and the person holding the right to make educational
2 decisions for the foster child with a written explanation stating the
3 basis for the recommendation and how this recommendation serves
4 the foster child's best interest.

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

11 (B) The new school shall immediately enroll the foster child
12 even if the foster child has outstanding fees, fines, textbooks, or
13 other items or moneys due to the school last attended or is unable
14 to produce clothing or records normally required for enrollment,
15 such as previous academic records, medical records, including,
16 but not limited to, records or other proof of immunization history
17 pursuant to Chapter 1 (commencing with Section 120325) of Part
18 2 of Division 105 of the Health and Safety Code, proof of
19 residency, other documentation, or school uniforms.

20 (C) ~~The~~ *Within two business days of the foster child's request*
21 *for enrollment, the liaison for the new school shall, within two*
22 ~~business days of the foster child's request for enrollment,~~ contact
23 the school last attended by the foster child to obtain all academic
24 and other records. ~~All~~ *The last school attended by the foster child*
25 *shall provide all* required records ~~shall be provided~~ to the new
26 school regardless of any outstanding fees, fines, textbooks, or other
27 items or moneys owed to the school last attended. The school
28 liaison for the school last attended shall provide all records to the
29 new school within two business days of receiving the request.

30 (8) If a dispute arises regarding the request of a foster child *or*
31 *former foster child* to remain in the school of origin, the foster
32 child *or former foster child* has the right to remain in the school
33 of origin pending resolution of the dispute. The dispute shall be
34 resolved in accordance with the existing dispute resolution process
35 available to any pupil served by the local educational agency.

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

1 (10) It is the intent of the Legislature that this subdivision shall
2 not supersede or exceed other laws governing special education
3 services for eligible foster children.

4 (e) For purposes of this section, “school of origin” means the
5 school that the foster child attended when permanently housed or
6 the school in which the foster child was last enrolled. If the school
7 the foster child attended when permanently housed is different
8 from the school in which the foster child was last enrolled, or if
9 there is some other school that the foster child attended with which
10 the foster child is connected and that the foster child attended
11 within the immediately preceding 15 months, the liaison, in
12 consultation with and with the agreement of the foster child and
13 the person holding the right to make educational decisions for the
14 foster child, shall determine, in the best interests of the foster child,
15 the school that shall be deemed the school of origin.

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

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.