

AMENDED IN SENATE JUNE 15, 2000  
AMENDED IN ASSEMBLY MAY 26, 2000  
AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2012**

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**Introduced by Assembly Member Shelley**  
**(Principal coauthor: Assembly Member Honda)**  
(Principal coauthor: Senator Alpert)  
~~**(Coauthors: Assembly Members Aroner and Kuehl)**~~  
~~(Coauthors: Senators McPherson and Sher)~~  
**(Coauthors: Assembly Members Alquist, Aroner, Keeley,**  
**Kuehl, and Strom-Martin)**  
(Coauthors: Senators McPherson, Ortiz, Sher and  
Vasconcellos)

February 18, 2000

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An act to amend Sections 42921 and 42923 of, and to add Sections 42921.5, 42922.1, 42922.3, 42922.4, and 42922.5 to, the Education Code, to amend Section 1529.2 of the Health and Safety Code, and to amend Sections 827 and 16010 of the Welfare and Institutions Code, relating to foster care, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2012, as amended, Shelley. Foster care providers: educational support requirements.

Existing law provides for the placement of certain children in foster care, and imposes various licensing and other

requirements on the individuals and entities that provide foster care.

Existing law authorizes, in addition to 6 specified program sites, any school district to provide educational services to foster children.

This bill would, instead, provide that in addition to the 6 specified program sites, any other county office of education, consortium of school districts in cooperation with the county office of education, or consortium of county offices of education, may provide educational services for foster children.

The bill would require these programs to have at least one educational services coordinator, and would specify the duties to be performed by these coordinators. It would set priorities for the services to be delivered by these programs, including the provision of information to child welfare agencies for use in administrative and judicial proceedings related to the child.

~~The bill would make the implementation of certain of the additional requirements described above for the foster youth services programs subject to the appropriation of funds for that purpose.~~

The bill would also require that each program establish a local advisory group, composed as specified, to work with the program.

The bill would also require the Superintendent of Public Instruction to conduct an ongoing evaluation of this program.

The bill would also state the intent of the Legislature to increase funding, by January 1, 2005, to permit foster youth services programs to operate in all counties.

Existing law limits access to a juvenile case file to certain entities and individuals.

This bill would also permit access to that file by representatives of the foster youth services programs described in the bill.

Existing law contains replacement and postplacement requirements for foster families certified by foster family agencies.

Under existing law, preplacement training is required to include courses that cover accessing education and health services available to foster children, while postplacement



training is only required to include courses relating to health issues.

This bill would require postplacement training to include courses that cover accessing health and educational services available to foster children.

Existing law requires that, when a child is placed in foster care, the case plan recommended by the child welfare agency include a summary of the health and education information or records of the child, which is referred to as the child's health and education passport. This summary is required to include the names and addresses of the child's education providers, his or her grade level performance, and his or her school record.

This bill would, instead, require that the summary include the names and addresses of these providers, the child's educational status, including his or her grade level performance and school record, the status of his or her individualized education program, and information on his or her attendance, classroom behavior, and academic achievement.

*This bill would appropriate \$15,000,000 from the General Fund to the State Department of Education for purposes of expanding foster youth services programs.*

*To the extent that the funds appropriated by this bill are allocated to a school district, which is defined to include county offices of education for this purpose, those funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.*

By imposing new requirements on counties in this regard, the bill would create a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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~~ yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of
- 2 the following:
- 3 (a) There are over 100,000 youth in foster care.
- 4 (b) The state bears responsibility for their support.
- 5 (c) Foster youth perform at lower grade level than
- 6 their peers who are not in foster care.
- 7 (d) Today in California, 55 percent of foster youth
- 8 leave care without a high school diploma.
- 9 (e) Without a basic education, young adults are at an
- 10 increased risk of unemployment, dependence on public
- 11 assistance, incarceration, or homelessness.
- 12 (f) Foster youth experience repeated changes in their
- 13 residential placement, which often causes enrollment in
- 14 new schools and related personal stress that adversely
- 15 impacts their ability to succeed in school.
- 16 (g) Children placed in foster care have suffered
- 17 debilitating and emotional traumas as a result of parental
- 18 neglect or abuse.
- 19 (h) These children often languish in the foster care
- 20 system, moving from placement to placement and school
- 21 to school, and this has a profound effect on their success
- 22 in school.
- 23 (i) When these children experience changes in school
- 24 placements, information on their educational attainment
- 25 and needs often does not follow them.
- 26 (j) Providers are often uninformed about the
- 27 educational needs of the children in their care, and have
- 28 little training about the education system and available
- 29 services.
- 30 (k) These conditions can lead to a greater number of
- 31 behavioral problems that can seriously affect the
- 32 academic progress of foster youth and the stability of their
- 33 placements in school and foster care.



1 (l) Foster care providers and schools need health and  
2 education records of foster youth to be better able to  
3 assess their respective needs.

4 SEC. 2. It is the intent of the Legislature, in enacting  
5 this act, to provide local agencies with the opportunity to  
6 elect to do all of the following:

7 (a) Provide direct education related services to  
8 children and foster care providers.

9 (b) Improve learning opportunities for foster youth by  
10 minimizing disruptive reenrollments in schools and  
11 ensuring that home environments are supportive of  
12 academic goals.

13 (c) Help foster youth to become productive members  
14 of society.

15 (d) Improve the quality of education outcomes for  
16 children in out-of-home placement.

17 (e) Build upon the success of current programs for  
18 foster youth to minimize current and long-term public  
19 costs, and to demonstrate the success of the Foster Youth  
20 Services programs in helping to reduce discipline,  
21 truancy, and academic problems among foster youth.

22 (f) Assist providers, including foster parents, group  
23 home providers, and relative caregivers, to work in  
24 partnership with social workers, educational advocates,  
25 teachers, and school administrators to ensure that foster  
26 children in their care are progressing academically.

27 SEC. 3. Section 42921 of the Education Code is  
28 amended to read:

29 42921. In addition to the six program sites specified in  
30 Section 42920, any other county office of education,  
31 consortium of school districts in cooperation with the  
32 county office of education, or consortium of county offices  
33 of education may provide educational services for  
34 children who reside in a regularly established licensed or  
35 approved foster home, located within the boundaries of  
36 the program site, pursuant to a commitment for  
37 placement under Chapter 2 (commencing with Section  
38 200) of Part 1 of Division 1 of the Welfare and Institutions  
39 Code.



1 SEC. 4. Section 42921.5 is added to the Education  
2 Code, to read:

3 42921.5. (a) Each foster youth services program  
4 operated pursuant to this chapter shall have at least one  
5 foster youth educational services advocate, who shall  
6 facilitate the provision of all necessary educational  
7 services to any foster child in the county who is either  
8 under the jurisdiction of the juvenile court pursuant to  
9 Section 300 of the Welfare and Institutions Code or under  
10 the jurisdiction of the juvenile court pursuant to Section  
11 601 or 602 of the Welfare and Institutions Code who is  
12 placed in a group home.

13 (b) The responsibilities of the foster youth educational  
14 services advocate shall include, but shall not be limited to:

15 (1) Working with the child welfare agency to  
16 minimize changes in school placement.

17 (2) Facilitating the prompt transfer of educational  
18 records, including the health and education passport,  
19 between educational institutions when placement  
20 changes are necessary.

21 (3) Providing information to the child welfare agency  
22 to assist the child welfare agency to deliver services to  
23 foster children, including, but not limited to, information  
24 required for inclusion in court reports by Section 16010 of  
25 the Welfare and Institutions Code.

26 (4) Responding to requests from the juvenile court for  
27 information and working with the court to ensure the  
28 delivery of necessary educational services.

29 (5) Working with the local advisory group established  
30 pursuant to Section 42922.5 to obtain mentoring, tutoring,  
31 transitional services, vocational training, emancipation  
32 services, and other services designed to enhance the  
33 educational prospects of foster children.

34 (6) Facilitating communication between the foster  
35 care provider, the teacher, and any other school staff or  
36 education service providers for the child.

37 (7) Sharing information with the foster care provider  
38 regarding available training programs that address  
39 education issues for children in foster care.



1 (8) Referring caregivers of foster youth who have  
2 special education needs to the Community Alliance or  
3 other special education advocates and others who have  
4 helpful information on special education.

5 SEC. 5. Section 42922.1 is added to the Education  
6 Code, to read:

7 42922.1. Each foster youth services program operated  
8 pursuant to this chapter shall include guiding principles  
9 that establish a hierarchy of services, in accordance with  
10 the following order:

11 (a) Provide, or arrange for the provision of, tutoring  
12 services for foster youth.

13 (b) Provide, or arrange for the provision of, services  
14 that meet local needs identified through collaborative  
15 relationships and local advisory groups, which may  
16 include, but shall not be limited to, all of the following:

17 (1) Mentoring.

18 (2) Counseling.

19 (3) Transitioning services.

20 (4) Emancipation services.

21 (c) Facilitation of timely individualized education  
22 programs and all special education services.

23 (d) Establish collaborative relationships and local  
24 advisory groups.

25 (e) Establish a mechanism for the efficient and  
26 expeditious transfer of health and education records and  
27 the health and education passport.

28 SEC. 6. Section 42922.3 is added to the Education  
29 Code, to read:

30 42922.3. (a) Each foster youth services program  
31 established pursuant to this chapter shall address the  
32 training needs of program staff in order to facilitate the  
33 ability of the staff to function as cross-disciplinary  
34 advocates for foster youth.

35 (b) Foster youth services programs shall also provide  
36 training to its collaborative partners, teachers, school  
37 boards, and administrators.

38 SEC. 7. Section 42922.4 is added to the Education  
39 Code, to read:



1 42922.4. In order to maximize services for foster  
2 youth, each foster youth services program established  
3 pursuant to this chapter shall link with other programs  
4 serving the area served by the foster youth program that  
5 are specifically designed to serve foster youth, including,  
6 but not limited to, independent living programs  
7 established pursuant to Part E (commencing with  
8 Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the  
9 United States Code.

10 SEC. 8. Section 42922.5 is added to the Education  
11 Code, to read:

12 42922.5. (a) Each foster youth services program  
13 operated pursuant to this chapter shall form a local  
14 advisory group chaired by the presiding juvenile court  
15 judge of a county served by the program, and composed  
16 of representatives from county social services, probation,  
17 mental health, public health nurse, health, education  
18 agencies, and foster care providers, and, if they exist in  
19 the county, a representative of the county's  
20 court-appointed special advocate program and a  
21 representative of the student attendance review board.

22 (b) The purpose of the local advisory group shall be to  
23 collaborate to ensure that foster children receive the  
24 necessary services and foster care providers receive the  
25 necessary information to enhance the foster child's ability  
26 to succeed educationally.

27 (c) Notwithstanding subdivision (a), a  
28 multidisciplinary personnel team engaged in the  
29 prevention, identification, and treatment of child abuse,  
30 as defined in Section 18951 of the Welfare and Institutions  
31 Code, may serve as the local advisory group for the  
32 purposes of this section.

33 (d) Notwithstanding any other provision of law,  
34 members of the local advisory group may disclose and  
35 exchange information and records to and with one  
36 another relevant to the education of any foster child  
37 under the jurisdiction of the juvenile court. All such  
38 information and records are confidential, and may not be  
39 disclosed for any purpose unrelated to the function of the  
40 local advisory group.



1 (e) Each local advisory group shall meet at least every  
2 quarter.

3 SEC. 9. Section 42923 of the Education Code is  
4 amended to read:

5 42923. (a) (1) Each foster youth services program  
6 operated pursuant to this chapter shall, by January 1 of  
7 each even-numbered year, report to the Superintendent  
8 of Public Instruction any information as may be required  
9 by the Superintendent of Public Instruction for the  
10 purpose of subdivision (b).

11 (2) Each program shall report to the Superintendent  
12 of Public Instruction the impact of the program on the  
13 goal of achieving efficient transfer of health and  
14 educational records to child welfare agencies and notify  
15 the Superintendent of Public Instruction the extent to  
16 which county practices support the goals of the program.

17 (b) The Superintendent of Public Instruction shall, by  
18 February 15 of each even-numbered year, report to the  
19 Legislature and the Governor on the foster children  
20 services provided pursuant to this chapter. The report  
21 shall be prepared with the advice and assistance of  
22 providers of foster children services and shall include, but  
23 not be limited to, the following:

24 (1) Recommendations regarding the continuation of  
25 services.

26 (2) Recommendations regarding the effectiveness of  
27 the services, unless program effectiveness is assessed in  
28 any other report covering the same time period.

29 (3) Recommendations regarding the broadening of  
30 the application of those services.

31 (4) Information which shall be sufficient to determine,  
32 at a minimum, whether these services have resulted in a  
33 major quantitative improvement or deterioration in any  
34 of the following indicators:

35 (A) Pupil academic achievement.

36 (B) The incidence of pupil discipline problems or  
37 juvenile delinquency.

38 (C) Pupil dropout rates or truancy rates.

39 (5) A discussion of the meaning and implications of the  
40 indicators contained in paragraph (4).



1 (6) Information as to whether current laws or county  
2 practices preclude the efficient transfer of health and  
3 educational records to child welfare agencies.

4 (c) The Superintendent of Public Instruction shall  
5 establish ongoing outcome data requirements for all  
6 foster youth services programs operating pursuant to this  
7 chapter.

8 (d) The Superintendent of Public Instruction shall  
9 undertake an ongoing evaluation of the program  
10 provided for under this chapter, *and shall consult with*  
11 *the State Department of Social Services, county welfare*  
12 *directors, and foster youth groups to establish evaluation*  
13 *criteria.*

14 SEC. 10. Section 1529.2 of the Health and Safety Code  
15 is amended to read:

16 1529.2. (a) In addition to the foster parent training  
17 provided pursuant to Section 903.7 of the Welfare and  
18 Institutions Code, foster family agencies shall supplement  
19 the community college training by providing a program  
20 of training for their certified foster families.

21 (b) (1) Every licensed foster parent shall complete a  
22 minimum of 12 hours of foster parent training, as  
23 prescribed in paragraph (3), before the placement of any  
24 foster children with the foster parent. In addition, a foster  
25 parent shall complete a minimum of eight hours of foster  
26 parent training annually as prescribed in paragraph (4).  
27 No child shall be placed in a foster family home unless  
28 these requirements are met by the persons in the home  
29 who are serving as the foster parents.

30 (2) (A) Upon the request of the foster parent for a  
31 hardship waiver from the postplacement training  
32 requirement or a request for an extension of the deadline,  
33 the county may, at its option, on a case-by-case basis,  
34 waive the postplacement training requirement or extend  
35 any established deadline for a period not to exceed one  
36 year, if the postplacement training requirement presents  
37 a severe and unavoidable obstacle to continuing as a  
38 foster parent. Obstacles for which a county may grant a  
39 hardship waiver or extension are:



1 (i) Lack of access to training due to the cost or travel  
2 required.

3 (ii) Family emergency.

4 (B) Before a waiver or extension may be granted, the  
5 foster parent should explore the opportunity of receiving  
6 training by video or written materials.

7 (3) The initial preplacement training shall include,  
8 but not be limited to, training courses that cover all of the  
9 following:

10 (A) An overview of the child protective system.

11 (B) The effects of child abuse and neglect on child  
12 development.

13 (C) Positive discipline and the importance of  
14 self-esteem.

15 (D) Health issues in foster care.

16 (E) Accessing education and health services available  
17 to foster children.

18 (4) The postplacement annual training shall include,  
19 but not be limited to, training courses that cover all of the  
20 following:

21 (A) Age-appropriate child development.

22 (B) Accessing education and health services available  
23 to foster children.

24 (C) Positive discipline and the importance of  
25 self-esteem.

26 (D) Emancipation and independent living skills if a  
27 foster parent is caring for youth.

28 (5) Foster parent training may be attained through a  
29 variety of sources, including community colleges,  
30 counties, hospitals, foster parent associations, the  
31 California State Foster Parent Association's Conference,  
32 adult schools, and certified foster parent instructors.

33 (6) A candidate for placement of foster children shall  
34 submit a certificate of training to document completion  
35 of the training requirements. The certificate shall be  
36 submitted with the initial consideration for placements  
37 and provided at the time of the annual visit by the  
38 licensing agency thereafter.

39 (c) Nothing in this section shall preclude a county  
40 from requiring county-provided preplacement or



1 postplacement foster parent training in excess of the  
2 requirements in this section.

3 SEC. 11. Section 827 of the Welfare and Institutions  
4 Code is amended to read:

5 827. (a) (1) Except as provided in Section 828, a case  
6 file may be inspected only by the following:

7 (A) Court personnel.

8 (B) The district attorney, a city attorney, or city  
9 prosecutor authorized to prosecute criminal or juvenile  
10 cases under state law.

11 (C) The minor who is the subject of the proceeding.

12 (D) His or her parents or guardian.

13 (E) The attorneys for the parties, and judges, referees,  
14 other hearing officers, probation officers and law  
15 enforcement officers who are actively participating in  
16 criminal or juvenile proceedings involving the minor.

17 (F) The superintendent or designee of the school  
18 district where the minor is enrolled or attending school.

19 (G) Members of the child protective agencies as  
20 defined in Section 11165.9 of the Penal Code.

21 (H) The State Department of Social Services to carry  
22 out its duties pursuant to Division 9 (commencing with  
23 Section 10000), and Part 5 (commencing with Section  
24 7900) of Division 12 of the Family Code to oversee and  
25 monitor county child welfare agencies, children in foster  
26 care or receiving foster care assistance, and out-of-state  
27 placements.

28 (I) To authorized legal staff or special investigators  
29 who are peace officers who are employed by, or who are  
30 authorized representatives of, the State Department of  
31 Social Services, as necessary to the performance of their  
32 duties to inspect, license, and investigate community care  
33 facilities, and to ensure that the standards of care and  
34 services provided in those facilities are adequate and  
35 appropriate and to ascertain compliance with the rules  
36 and regulations to which the facilities are subject. The  
37 confidential information shall remain confidential except  
38 for purposes of inspection, licensing, or investigation  
39 pursuant to Chapter 3 (commencing with Section 1500)  
40 and Chapter 3.4 (commencing with Section 1596.70) of



1 Division 2 of the Health and Safety Code, or a criminal,  
2 civil, or administrative proceeding in relation thereto.  
3 The confidential information may be used by the State  
4 Department of Social Services in a criminal, civil, or  
5 administrative proceeding. The confidential information  
6 shall be available only to the judge or hearing officer and  
7 to the parties to the case. Names that are confidential shall  
8 be listed in attachments separate to the general  
9 pleadings. The confidential information shall be sealed  
10 after the conclusion of the criminal, civil, or  
11 administrative hearings, and shall not subsequently be  
12 released except in accordance with this subdivision. If the  
13 confidential information does not result in a criminal,  
14 civil, or administrative proceeding, it shall be sealed after  
15 the State Department of Social Services decides that no  
16 further action will be taken in the matter of suspected  
17 licensing violations. Except as otherwise provided in this  
18 subdivision, confidential information in the possession of  
19 the State Department of Social Services shall not contain  
20 the name of the minor.

21 (J) Members of children's multidisciplinary teams,  
22 persons or agencies providing treatment or supervision of  
23 the minor.

24 (K) Representatives of foster youth services programs  
25 operating under Chapter 11.3 (commencing with Section  
26 42920) of Division 3 of Title 2 of the Education Code.

27 (L) Any other person who may be designated by court  
28 order of the judge of the juvenile court upon filing a  
29 petition.

30 (2) Notwithstanding any other law and subject to  
31 subparagraph (A) of paragraph (3), juvenile case files,  
32 except those relating to matters within the jurisdiction of  
33 the court pursuant to Section 601 or 602, which pertain to  
34 a deceased child who was within the jurisdiction of the  
35 juvenile court pursuant to Section 300, shall be released  
36 to the public pursuant to an order by the juvenile court  
37 after a petition has been filed and interested parties have  
38 been afforded an opportunity to file an objection. Any  
39 information relating to another child or which could  
40 identify another child, except for information about the



1 deceased, shall be redacted from the juvenile case file  
2 prior to release, unless a specific order is made by the  
3 juvenile court to the contrary. Except as provided in this  
4 paragraph, the presiding judge of the juvenile court may  
5 issue an order prohibiting or limiting access to the  
6 juvenile case file, or any portion thereof, of a deceased  
7 child only upon a showing that release of the juvenile case  
8 file or any portion thereof is detrimental to the safety,  
9 protection, or physical, or emotional well-being of  
10 another child who is directly or indirectly connected to  
11 the juvenile case that is the subject of the petition.

12 (3) Access to juvenile case files pertaining to matters  
13 within the jurisdiction of the juvenile court pursuant to  
14 Section 300 shall be limited as follows:

15 (A) If a juvenile case file, or any portion thereof, is  
16 privileged or confidential pursuant to any other state law  
17 or federal law or regulation, the requirements of that  
18 state law or federal law or regulation prohibiting or  
19 limiting release of the juvenile case file or any portions  
20 thereof shall prevail. Unless a person is listed in  
21 subparagraphs (A) to (J), inclusive, of paragraph (1) and  
22 is entitled to access under the other state law or federal  
23 law or regulation without a court order, all those seeking  
24 access, pursuant to other authorization, to portions of, or  
25 information relating to the contents of, juvenile case files  
26 protected under another state law or federal law or  
27 regulation, shall petition the juvenile court. The juvenile  
28 court may only release the portion of, or information  
29 relating to the contents of, juvenile case files protected by  
30 another state law or federal law or regulation if disclosure  
31 is not detrimental to the safety, protection, or physical or  
32 emotional well-being of a child who is directly or  
33 indirectly connected to the juvenile case that is the  
34 subject of the petition. This paragraph shall not be  
35 construed to limit the ability of the juvenile court to carry  
36 out its duties in conducting juvenile court proceedings.

37 (B) Prior to the release of the juvenile case file or any  
38 portion thereof, the court shall afford due process,  
39 including a notice of and an opportunity to file an



1 objection to the release of the record or report to all  
2 interested parties.

3 (4) A juvenile case file, any portion thereof, and  
4 information relating to the content of the juvenile case  
5 file, shall not be disseminated by the receiving agencies  
6 to any persons or agencies, other than those persons or  
7 agencies authorized to receive documents pursuant to  
8 this section. Further, a juvenile case file, any portion  
9 thereof, and information relating to the content of the  
10 juvenile case file, shall not be made as an attachment to  
11 any other documents without the prior approval of the  
12 presiding judge of the juvenile court, unless it is used in  
13 connection with and in the course of a criminal  
14 investigation or a proceeding brought to declare a person  
15 a dependent child or ward of the juvenile court.

16 (b) (1) While the Legislature reaffirms its belief that  
17 juvenile court records, in general, should be confidential,  
18 it is the intent of the Legislature in enacting this  
19 subdivision to provide for a limited exception to juvenile  
20 court record confidentiality to promote more effective  
21 communication among juvenile courts, family courts, law  
22 enforcement agencies, and schools to ensure the  
23 rehabilitation of juvenile criminal offenders as well as to  
24 lessen the potential for drug use, violence, other forms of  
25 delinquency, and child abuse.

26 (2) Notwithstanding subdivision (a), written notice  
27 that a minor enrolled in a public school, kindergarten to  
28 grade 12, inclusive, has been found by a court of  
29 competent jurisdiction to have committed any felony or  
30 any misdemeanor involving curfew, gambling, alcohol,  
31 drugs, tobacco products, carrying of weapons, a sex  
32 offense listed in Section 290 of the Penal Code, assault or  
33 battery, larceny, vandalism, or graffiti shall be provided  
34 by the court, within seven days, to the superintendent of  
35 the school district of attendance. Written notice shall  
36 include only the offense found to have been committed  
37 by the minor and the disposition of the minor's case. This  
38 notice shall be expeditiously transmitted by the district  
39 superintendent to the principal at the school of  
40 attendance. The principal shall expeditiously disseminate



1 the information to those counselors directly supervising  
2 or reporting on the behavior or progress of the minor. In  
3 addition, the principal shall disseminate the information  
4 to any teacher or administrator directly supervising or  
5 reporting on the behavior or progress of the minor whom  
6 the principal believes needs the information to work with  
7 the pupil in an appropriate fashion, to avoid being  
8 needlessly vulnerable or to protect other persons from  
9 needless vulnerability.

10 Any information received by a teacher, counselor, or  
11 administrator under this subdivision shall be received in  
12 confidence for the limited purpose of rehabilitating the  
13 minor and protecting students and staff, and shall not be  
14 further disseminated by the teacher, counselor, or  
15 administrator, except insofar as communication with the  
16 juvenile, his or her parents or guardians, law enforcement  
17 personnel, and the juvenile's probation officer is  
18 necessary to effectuate the juvenile's rehabilitation or to  
19 protect students and staff.

20 An intentional violation of the confidentiality  
21 provisions of this paragraph is a misdemeanor punishable  
22 by a fine not to exceed five hundred dollars (\$500).

23 (3) If a minor is removed from public school as a result  
24 of the court's finding described in subdivision (b), the  
25 superintendent shall maintain the information in a  
26 confidential file and shall defer transmittal of the  
27 information received from the court until the minor is  
28 returned to public school. If the minor is returned to a  
29 school district other than the one from which the minor  
30 came, the parole or probation officer having jurisdiction  
31 over the minor shall so notify the superintendent of the  
32 last district of attendance, who shall transmit the notice  
33 received from the court to the superintendent of the new  
34 district of attendance.

35 (c) Each probation report filed with the court  
36 concerning a minor whose record is subject to  
37 dissemination pursuant to subdivision (b) shall include on  
38 the face sheet the school at which the minor is currently  
39 enrolled. The county superintendent shall provide the  
40 court with a listing of all of the schools within each school



1 district, within the county, along with the name and  
2 mailing address of each district superintendent.

3 (d) Each notice sent by the court pursuant to  
4 subdivision (b) shall be stamped with the instruction:  
5 “Unlawful Dissemination Of This Information Is A  
6 Misdemeanor.” Any information received from the court  
7 shall be kept in a separate confidential file at the school  
8 of attendance and shall be transferred to the minor’s  
9 subsequent schools of attendance and maintained until  
10 the minor graduates from high school, is released from  
11 juvenile court jurisdiction, or reaches the age of 18,  
12 whichever occurs first. After that time the confidential  
13 record shall be destroyed. At any time after the date by  
14 which a record required to be destroyed by this section  
15 should have been destroyed, the minor or his or her  
16 parent or guardian shall have the right to make a written  
17 request to the principal of the school that the minor’s  
18 school records be reviewed to ensure that the record has  
19 been destroyed. Upon completion of any requested  
20 review and no later than 30 days after the request for the  
21 review was received, the principal or his or her designee  
22 shall respond in writing to the written request and either  
23 shall confirm that the record has been destroyed or, if the  
24 record has not been destroyed, shall explain why  
25 destruction has not yet occurred.

26 Except as provided in paragraph (2) of subdivision (b),  
27 no liability shall attach to any person who transmits or fails  
28 to transmit any notice or information required under  
29 subdivision (b).

30 (e) For purposes of this section, a “juvenile case file”  
31 means a petition filed in any juvenile court proceeding,  
32 reports of the probation officer, and all other documents  
33 filed in that case or made available to the probation  
34 officer in making his or her report, or to the judge,  
35 referee, or other hearing officer, and thereafter retained  
36 by the probation officer, judge, referee, or other hearing  
37 officer.

38 SEC. 12. Section 16010 of the Welfare and Institutions  
39 Code is amended to read:



1 16010. (a) When a child is placed in foster care, the  
2 case plan for each child recommended pursuant to  
3 Section 358.1 shall include a summary of the health and  
4 education information or records, including mental  
5 health information or records, of the child. The summary  
6 may be maintained in the form of a health and education  
7 passport, or a comparable format designed by the child  
8 protective agency. The health and education summary  
9 shall include, but not be limited to, the names and  
10 addresses of the child's health, dental, and education  
11 providers, the child's educational status, including the  
12 child's grade level performance, the child's school record,  
13 the status of the child's individualized education  
14 program, information on his or her attendance, classroom  
15 behavior, academic achievement, and assurances that the  
16 child's placement in foster care takes into account  
17 proximity to the school in which the child is enrolled at  
18 the time of placement, a record of the child's  
19 immunizations and allergies, the child's known medical  
20 problems, the child's current medications, past health  
21 problems and hospitalizations, a record of the child's  
22 relevant mental health history, the child's known mental  
23 health condition and medications, and any other relevant  
24 mental health, dental, health, and education information  
25 concerning the child determined to be appropriate by  
26 the Director of Social Services. If any other provision of  
27 law imposes more stringent information requirements,  
28 then that section shall prevail.

29 (b) Additionally, any court report or assessment  
30 required pursuant to subdivision (g) of Section 361.5,  
31 Section 366.1, subdivision (d) of Section 366.21, or  
32 subdivision (b) of Section 366.22 shall include a copy of  
33 the current health and education summary described in  
34 subdivision (a).

35 (c) As soon as possible, but not later than 30 days after  
36 initial placement of a child into foster care, the child  
37 protective agency shall provide the caretaker with the  
38 child's current health and education summary as  
39 described in subdivision (a). For each subsequent  
40 placement, the child protective agency shall provide the



1 caretaker with a current summary as described in  
2 subdivision (a) within 48 hours of the placement.

3 (d) The child’s caretaker shall be responsible for  
4 obtaining and maintaining accurate and thorough  
5 information from physicians and educators for the child’s  
6 summary as described in subdivision (a) during the time  
7 that the child is in the care of the caretaker. On each  
8 required visit, the child protective agency or its designee  
9 family foster agency shall inquire of the caretaker  
10 whether there is any new information that should be  
11 added to the child’s summary as described in subdivision  
12 (a). The child protective agency shall update the  
13 summary with such information as appropriate, but not  
14 later than the next court date or within 48 hours of a  
15 change in placement. The child protective agency or its  
16 designee family foster agency shall take all necessary  
17 steps to assist the caretaker in obtaining relevant health  
18 and education information for the child’s health and  
19 education summary as described in subdivision (a).

20 (e) At the initial hearing, the court shall direct each  
21 parent to provide to the child protective agency  
22 complete medical, dental, mental health, and educational  
23 information, and medical background, of the child and of  
24 the child’s mother and the child’s biological father if  
25 known. The Judicial Council shall create a form for the  
26 purpose of obtaining health and education information  
27 from the child’s parents or guardians at the initial hearing.  
28 The court shall determine at the hearing held pursuant  
29 to Section 358 whether the medical, dental, mental  
30 health, and educational information has been provided to  
31 the child protective agency.

32 ~~SEC. 13. (a) Sections 42921.5, 42922.1, 42922.3,~~  
33 ~~42922.4, and 42922.5, as added to the Education Code by~~  
34 ~~this act, shall not be implemented unless there is an~~  
35 ~~appropriation for that purpose in the Budget Act.~~

36 ~~(b)~~  
37 *SEC. 13.* It is the intent of the Legislature, by January  
38 1, 2005, to increase funding for foster youth services  
39 programs operating pursuant to Chapter 11.3  
40 (commencing with Section 42920) of Division 3 of Title



1 2 of the Education Code in order to permit programs to  
2 be operated in all counties.

3 SEC. 14. *The sum of fifteen million dollars*  
4 *(\$15,000,000) is hereby appropriated from the General*  
5 *Fund to the State Department of Education for purposes*  
6 *of expanding foster youth services programs pursuant to*  
7 *Chapter 11.3 (commencing with Section 42920) of Part 24*  
8 *of the Education Code.*

9 SEC. 15. Notwithstanding Section 17610 of the  
10 Government Code, if the Commission on State Mandates  
11 determines that this act contains costs mandated by the  
12 state, reimbursement to local agencies and school  
13 districts for those costs shall be made pursuant to Part 7  
14 (commencing with Section 17500) of Division 4 of Title  
15 2 of the Government Code. If the statewide cost of the  
16 claim for reimbursement does not exceed one million  
17 dollars (\$1,000,000), reimbursement shall be made from  
18 the State Mandates Claims Fund.

