




HUMBOLDT COUNTY

Interagency Education Guide
for Children & Youth in Foster Care



Fourth Edition | September 2015

INTERAGENCY EDUCATION GUIDE LEGISLATION CITATIONS

- AB 354** State of California Assembly Bill **(HS 120325 and HS120335)**
Immunization Requirements for School-Aged Youth in Foster Care
- AB 490** State of California Assembly Bill **(EC 48850 and EC 48853)**
Education Rights for School-Aged Youth in Foster Care
- AB 669** California State Assembly Bill **(EC 68085)**
Post Secondary Education Residency Requirements Exception to the
Uniform Residency Requirements
- AB 1393** State of California Assembly Bill **(EC 90001.5)**
Higher Education Housing for Foster Youth
- AB 1933** State of California Assembly Bill **(EC 48853.5)**
School of Origin Requirements for Youth under Court Jurisdiction
- AB 2463** Article 5 – State of California Assembly Bill
Higher Education Outreach and Assistance Act for Emancipated Foster Youth
- GC 7579.5** California Government Code
Appointment of an Educational Surrogate for Special Education
- Higher Education Opportunity Act (HEOA) **(PL 110-315)**
- McKinney-Vento Homeless Education Assistance Improvements Act **(PL 107-110)**

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INTERAGENCY EDUCATION GUIDE

This Guide for The Coordination of County Compliance with the McKinney-Vento Homeless Assistance Act of 2001, California Assembly Bill 490, AB 2463 Article 5, Higher Education Outreach and Assistance Act for Emancipated Foster Youth, AB 669 – Post Secondary Education Residency Requirements Exception to the Uniform Residency Requirements, AB 1393 - Higher Education Housing for Foster Youth, and the Higher Education Opportunity Act (HEOA) PL 110-315, as they relate to foster youth in Humboldt County, is adopted August, 2011 by:

The Humboldt County Office of Education, herein called “HCOE”

and

Placing Agencies, which include:

- Humboldt County Department of Health and Human Services, Social Services Branch, Child Welfare Services Division (DHHS/SSB/CWS)
- Humboldt County Probation Department
- Local Area Tribes and Rancherias

and

Local Education Agencies (LEA), which include:

- | | |
|---|--|
| ▪ Arcata School District | ▪ Kneeland School District |
| ▪ Big Lagoon Union School District | ▪ Loleta Union School District |
| ▪ Blue Lake Union School District | ▪ Maple Creek School District |
| ▪ Bridgeville School District | ▪ Mattole Unified School District |
| ▪ Cuddeback Union School District | ▪ McKinleyville Union School District |
| ▪ Cutten School District | ▪ Northern Humboldt Union High School District |
| ▪ Eureka City Schools, A Unified District | ▪ Orick School District |
| ▪ Ferndale Unified School District | ▪ Pacific Union School District |
| ▪ Fieldbrook School District | ▪ Peninsula Union School District |
| ▪ Fortuna Union Elementary School District | ▪ Rio Dell School District |
| ▪ Fortuna Union High School District | ▪ Rohnerville School District |
| ▪ Freshwater School District | ▪ Scotia Union School District |
| ▪ Garfield School District | ▪ South Bay Union School District |
| ▪ Green Point School District | ▪ Southern Humboldt Unified School District |
| ▪ Hydesville School District | ▪ Trinidad Union School District |
| ▪ Klamath-Trinity Joint Unified School District | |

and

Post Secondary Institutions

- Humboldt State University
- College of the Redwoods

and

Humboldt County Juvenile Court

and

Substitute Care Providers:

- | | |
|------------------------------|--|
| ▪ Environmental Alternatives | ▪ Redwood Coast Regional Center |
| ▪ Remi Vista, Inc. | ▪ Redwood Community Action
Agency/Youth Services Bureau |

Substitute Care Providers include the following: State Licensed Foster Parents, Foster Family Agency Certified Foster Homes, Approved Related/Non-Related Extended Family Members, Tribal Specified Homes, other facilities where children/youth reside while receiving services in out of home care, including organizations that support Substitute Care Providers – Foster Kinship Care Education (FKCE) and New Directions Foster Parent Association.

All parties listed above are collectively referred to as “Participant” or “Participants.” These Participants will collaborate and cooperate for the educational benefit of foster youth in Humboldt County.

GUIDING PRINCIPLES

Scope of Guide

The Participants are committed to ensuring that the health and education records of students in out of home care are current and accurate, that transfer of records occurs in a timely manner, that disputes regarding transportation or service delivery are resolved promptly, and that students in foster care are educated in the appropriate educational placement in the least restrictive environment (Ed. Code 48850 & 49069.5, Gov. Code 7579.1). This guide will be reviewed and updated annually by the Humboldt County Foster Youth Education Steering Committee.

Applicability

1. The intent of this guide is to provide consistency among Participants to ensure educational needs of foster youth are met and their rights are protected.
2. The Humboldt County Foster Youth Education Steering Committee created this guide to provide direction regarding implementation of laws related to the education of students in foster care.
3. Forms that implement and assist in the application of these laws are included.
4. This guide benefits youth who are in foster care under the jurisdiction of the Humboldt County Juvenile Court.

DELINEATION OF RESPONSIBILITIES

A. Responsibilities of the HCOE - Foster Youth Services (FYS) Coordinator

1. The Foster Youth Services Coordinator (FYSC) has the responsibility to be a conduit of information between California Department of Education, the Foster Youth Liaisons (FYL) and HCOE.
2. HCOE - FYSC will ensure that each district has a designated Foster Youth Liaison/Homeless Liaison.
3. The FYSC will maintain and provide annually to Placing Agencies a current list of Foster Youth Liaisons/Homeless Liaisons.
4. HCOE must submit to the county superintendent of schools a county-wide plan that ensures that all special education students have access to appropriate special education programs and services (EC 56410).
5. The FYSC shall serve as the FYL for juvenile court schools: HCOE shall provide for the administration and operation of juvenile court schools by the county superintendent of schools or by contract with the respective governing boards of the elementary, high school or unified school district in which the juvenile court school is located (EC 48645.2).
6. When foster youth are temporarily placed in a foster home, with a relative, or with a family friend, they are considered "homeless" under McKinney-Vento, and therefore it is the responsibility of the LEA's Homeless Liaison (HCOE FYSC/Homeless Liaison) to arrange transportation so that the student's education is not disrupted, and so that the student continues at the school of origin (42 U.S.C. 11435).

B. Responsibilities of the Local Education Agency (LEA)

1. LEAs will appoint a Foster Youth Liaison and Homeless Liaison for each school district and inform HCOE FYSC of the appointment (EC 48853.5(b)).
2. If a child's residential placement changes, the school district must allow the child to remain in his/her "school of origin" (usually the child's current school) for the duration of the jurisdiction of the court. Should court jurisdiction end prior to the end of the current school year, the local education agency is required to allow the child to continue in his or her school of origin for the duration of the academic school year. (EC 48853.5 (d)).
3. The district's FYL may recommend that this right be waived after consulting with the child, minor's counsel, and the educational representative/surrogate. If there is agreement that the child will change schools, the FYL will provide a written explanation of why the right to remain in the school of origin is being waived to the child, minor's counsel, and educational representative/surrogate (EC 48853.5(d)).
4. If a dispute arises, the child has the right to remain in the school of origin until the dispute is resolved, either by agreement or by Juvenile Court order (EC 48853.5 (d)).
5. Foster youth will be enrolled immediately following a change in schools without requiring proof of residency, immunizations, academic or medical records, school uniforms, or other documentation. The one exception to immediate enrollment is proof of the TDAP (Pertussis or Whooping Cough) Immunization. Proof of the TDAP immunization is required prior to any school enrollment or school transfer for students 10 years of age or older (HS 120335 (d) and EC 48853.5(d)(B)).

6. FYL will assist in ensuring a youth's academic records are transferred within 2 business days of notification of transfer to new district (EC 48853(b)(2) and EC 49069.5(d)).

The records shall include:

- Student's seat time
 - Full or partial credits earned (transcript)
 - Classes taken
 - Grades
 - Immunizations
 - Special education plan, Individual Education Plan (IEP), 504 plan, evaluation information
7. FYL will coordinate with appropriate parties to ensure that a foster youth's grades are not lowered due to absences caused by placement changes, attendance at a court hearing, or other court ordered activities (EC 49069.5(g-h)).
 8. When a foster youth is temporarily placed in a foster home, with a relative, or with a family friend they are considered "homeless" under McKinney-Vento; and, therefore, the responsibility of the of the LEA's Homeless Liaison is to arrange transportation so that the student's education is not disrupted and they continue at their school of origin (42 U.S.C. 11435).
 9. When a placing agency and court cannot identify an Educational Representative for a foster youth with an IEP:
 - Within 30 days of receipt of JV-535/JV-536 forms from the juvenile court, the Special Education Local Plan Area (SELPA) must appoint an Educational Surrogate.
 - The JV-536 form must be completed and returned to the court within 7 calendar days of the date of the appointment, termination, or replacement of an Educational Surrogate (CRC 5.502, 5.650) (See Form E-2).
 10. FYL will ensure credit is awarded to foster youth for full or partial coursework satisfactorily completed while attending another public school, juvenile court school, or non-public, non-sectarian school (EC 48645.5).
 11. LEA will provide placing agency staff access to youth's school records without parental consent or court orders (EC 49076(a)).

C. Responsibilities of Higher Education

1. College of the Redwoods (CR) and Humboldt State University (HSU) through their TRIO Programs are required to identify and make available services under such programs to youth in foster care and youth who left foster care after reaching age 13, or to homeless children and youth, as defined by law (HEOA PL 110-315, Title IV Part A Sec. 403).
2. CR and HSU will make available services to current and former foster youth under programs such as Talent Search, Upward Bound, CalSOAP, Student Support Services, Extended Opportunity Programs and Services (EOPS), and Educational Opportunity Program (EOP), including mentoring, tutoring, financial resources, academic counseling, and other services provided by such programs, as specified by the state and federal guidelines that govern these programs.
3. HSU will ensure priority housing for current and former foster youth, provide year-round, uninterrupted housing and guarantee housing availability in subsequent years (EC 76010; EC 90001.5).

4. CR will ensure priority housing for current and former foster youth and provide year-round, uninterrupted housing for occupation most days during the calendar year (EC 76010; EC 90001.5).
5. CR and HSU will ensure that students at time of enrollment, who are 19 years of age or younger and are or were dependents of California's Juvenile Court placed out of state, shall be entitled to resident classification until they have resided in the state the minimum time necessary to become a resident (EC 68085).
6. CR and HSU, through their Extended Opportunity Programs and Services/Educational Opportunity Programs, shall ensure that identified current and former foster youth are informed of services provided by these programs and other campus resources (EC 89345).
7. HSU will ensure representation on appropriate advisory councils is expanded to include at least one former foster youth who is either a current or former student at the university (EC 89344).

D. Responsibilities of the Placing Agencies

1. The social worker/probation officer/tribal social worker (SW/PO/TSW) will make decisions in the best interest of the student and maintain the student in school of origin for the duration of the jurisdiction of the court, unless the right to remain in the school of origin is waived and approved by the child/youth, minor's counsel, the Foster Youth Liaison, and the educational representative (WIC 16501.1(c); WIC 165021).
 - SW/PO/TSW will facilitate discussion of potential change of school of origin with the school district FYL, minor, minor's counsel, and educational representative.
 - If agreement is reached to change school, a *Foster Youth School of Origin Waiver Letter* will be completed and then signed by the four agreeing parties (See Form F-2).
 - SW/PO/TSW will attach the Foster Youth School of Origin Waiver Letter to the next regularly scheduled court report and discuss the school change in that report.
2. When a youth is detained, SW/PO/TSW will obtain the following information:
 - Who has educational decision making rights (***the parents maintain educational decision-making rights unless the court has limited these rights***);
 - Current school, grade level, and current grades.
3. SW/PO/TSW may access student records without parental consent or court order. Information obtained from school records will be used for:
 - Compiling the youth's Health and Education Passport (WIC 16010);
 - Fulfilling educational case management responsibilities;
 - Assisting with the school transfer or enrollment of the student (EC 49076(a)(11)).
4. SW/PO/TSW must provide substitute care providers with a current and updated Health and Education Passport (within 30 days for initial placement and within 48 hours for each subsequent placement) and the name of the appropriate school FYL (WIC 16010(c)).
5. Educational Stability Plan (ESP) must be complete and attached to each court report. The ESP must be updated each time a child changes schools (including matriculations) or residential placements (EC 56040; WIC 16501.1) (See Forms G-1 and G-2).
6. The child's case plan and court report must address the following (WIC 16010 (a)(b)(c); MPP 31-206.351(a)(c)(d)):
 - Child's foster care placement must take into account proximity to the school in which the child is enrolled at the time of placement;

- Court report must include a copy of the Health and Education Passport;
- Court report or case plan must include specified education information about the child, including names and addresses of the child's education providers, grade level performance, school record, and any other relevant education information.
- Case plans must include the number of school placements the child has experienced while in care.
 - How to access school placement information:
 - Contact the student's guidance counselor, school registrar or administrator and request a print out from the CAL-PADS system which will list all the known school placements. The school may need to have the Social Worker, Tribal Social Worker, or Probation Officer fax an official request for this document.

If any required information is not in the case plan, the plan must document where the information is located or efforts being made to locate the information.

7. When a foster youth is temporarily placed in a foster home, with a relative, or with a family friend, they are considered "homeless" under McKinney-Vento, and therefore the SW/PO/TSW must notify the LEA's Homeless Liaison to arrange transportation so that the student's education is not disrupted and the student continues at his/her school of origin (42 U.S.C. 11435).
8. The SW/PO/TSW will contact the appropriate LEA's Homeless Liaison and FYL to inform them that the youth has been placed in a potential permanent placement.
9. If there is a dispute regarding a proposed change of school placement, and a Juvenile Court hearing has been requested by filing form JV-539, the SW/PO/TSW must provide a report on the proposed change within 2 court days (CRC 5.651(e)(4)).
10. When a student changes schools:
 - SW/PO/TSW will notify the child's school site and the school district FYL of withdrawal using the *Withdrawal and Transfer Notification for Student in Foster Care* (See Forms D-1 and D-2) indicating the last expected day of attendance and requesting that the child be transferred (EC 49069.5(c)).
 - SW/PO/TSW will fax the *Fax Cover Sheet, Notification of Student in Foster Care* and *Enrollment of Student in Foster Care* to new school site and to school district FYL and the Humboldt County Office of Education (See Forms B-1, B-2, C-1 and C-2).
 - Upon determining that a placement change may result in a potential change of school, the SW/PO/TSW must notify the court, minor's counsel, and educational representative or surrogate parent by the end of the following business day (CRC 5.651(e)(1)(A)) by filing and serving *Notification of Potential Removal from School of Origin* (See Form F-1).
 - If child has an IEP, the SW/PO/TSW must provide written notice of the impending change of school to the current LEA and the receiving SELPA at least 10 days in advance. SW/PO/TSW will identify child's education rights holder/surrogate and provide other relevant information that will be useful in implementing child's IEP (CRC 5.651(e)(1)(B); GC 7579.1). SW/PO/TSW will use *Cover Fax Page* and *Notification of Student in Foster Care* (See Forms A-1, A-2, A-3, B-1 and B-2) to notify SELPA.
 - SW/PO/TSW shall serve minor's counsel a copy of the written notice.
11. If SW/PO/TSW determines that a foster youth is potentially eligible for special education, s/he will contact the district and/or SELPA (EC 56156(a)).

12. When a child is returned to the parent(s), the SW/PO/TSW will request that the court order the parent's educational rights restored and will inform the school that the child has returned to the home and the parent's educational rights have been restored.

E. Responsibilities of Substitute Care Providers (SCP)

1. SCP will immediately inform placing agencies when a student's attendance has been or will be interrupted.
2. SCP will collaborate with placing agencies to ensure foster youth maintain stable school placements. This includes planning for or providing transportation to and from school.
3. SCP will ensure that youth in their care have access to available academic resources, services, extracurricular and enrichment activities (EC 48850(a); 48853(g)).
4. When family reunification services have been terminated and a permanent plan has been ordered, the SCP may consent to IEP and related services, IF the court has specifically limited the educational rights of the parent or guardian, AND the child has been placed in his/her home in a permanent living arrangement as a ward or dependent of the court (EC 56055).

F. Responsibilities of the Juvenile Court

1. The juvenile court is responsible for oversight of county social services and probation agencies to ensure that the educational rights of foster youth are maintained, investigated, reported and monitored.
2. The juvenile court shares responsibility with other participants to ensure that foster youth achieve educational success.
3. The juvenile court will take into consideration the current educational placement of the child and the impact of any decision on that educational placement.
4. When a youth is detained by the court, the juvenile court may also issue an order temporarily limiting the parent's right to make educational decisions for the child and appointing a responsible adult as educational representative by signing the JV-535, if requested by the placing agency. At any other hearing, the placing agency may request the court sign a JV-535 limiting parent's educational rights until rescinded (See Form E-1).
5. If the juvenile court is unable to determine an appropriate responsible adult to serve as the educational representative for a child in special education at the time the JV-535 is requested, the juvenile court will request the HCOE appoint an educational surrogate by having Family Court Operations send a copy of the signed and filed JV-535 to HCOE with a JV-536 attached (See Forms E-1 and E-2).
6. Family Court Operations will provide a signed and file-stamped copy of the JV-535 to HCOE, the appropriate placing agency, County Counsel, minor's counsel, educational representative/ surrogate, parents' attorneys, Tribal representative, and CASA, if assigned (See Form E-1).
7. Upon receipt of a JV-539 requesting a hearing regarding the child's education, Family Court Operations will set a hearing date no later than 7 calendar days after the form was filed (CRC 5.651(e)) (See Form E-5).
8. The juvenile court requires case plans, assessments, and permanency plans that:
 - Address the youth's educational entitlements and how those entitlements are being satisfied.

- Provide information to assist the court in deciding whether the parent's/guardian's educational rights should be limited.
- Provide information regarding whether the school has met its obligation to provide educational services to the youth.

G. Responsibilities of Minor's Counsel

1. Minor's counsel shall investigate at every stage of the child's case whether the educational needs of the child are being met (WIC 317(f)).
2. Minor's counsel must provide their contact information to the foster youth liaison of each local educational agency serving every one of counsel's foster child clients every year. (EC 48853.5) (See Form B-3).
3. If minor's counsel suspects his/her client has exceptional needs or other educational disabilities, the child shall be referred, in writing, to the LEA for assessment.
4. Minor's counsel shall investigate whether or not the educational rights of a parent or guardian should be limited and, if so, minor's counsel will communicate the results of the investigation to the placing agency.
5. Minor's counsel shall have access to all educational/disciplinary records maintained by the child's LEA.
6. Upon notice by the placing agency that a child's placement will change and may result in a transfer of the child from school of origin, minor's counsel shall immediately contact the child, the educational representative/surrogate, and the FYL to determine whether there is agreement that changing schools will be in the child's best interest. This *Notice of Potential Removal from School of Origin* must be received by minor's counsel by the end of the following business day, unless the child is a special education student, in which case notice must be received at least 10 days before the change of placement (CRC 6.651(e)(1)) (See Form F-1).
7. If a transfer is recommended, minor's counsel will ensure the FYL provides the child, minor's counsel and educational representative/surrogate with a written explanation of why the child's right to remain in the current school is being waived.
8. If there is no agreement, minor's counsel will ensure the child remains in the current school until the court resolves the dispute (CRC 5.651).
9. If there is no agreement as to which school the child will attend, the minor's counsel shall request a hearing by filing a JV-539 no later than 2 court days after receipt of notice that the child's placement change may result in a transfer from the school of origin. Minor's counsel must provide notice of the court date, which will occur no later than 7 calendar days after the form was filed, to the parents' or guardians' attorneys, County Counsel, educational representative/surrogate, the placing agency, FYL, tribal representative, CASA, and all other persons required by WIC 293 (CRC 6.650 (e)(2)) (See Form E-5).
10. Minor's counsel and all other parties will receive the placing agency's report on this issue no later than 2 court days after the JV-539 is filed. The report shall include information required by CRC 5.651(e)(4).
11. At any court hearing regarding the child's education, the minor's counsel will ensure that the educational representative/surrogate receives notice of the proceeding and of his/her right to participate (CRC 5.650(j)).

H. Responsibilities of Educational Representative

1. The educational representative is responsible for representing the child in the identification, evaluation, and educational placement of the child and with the provision of the child's free, appropriate public education. This includes representing the child in all matters relating to the child's education, including (CRC 5.650 (f)):
 - The stability of the child's school placement;
 - Placement in the least restrictive educational program appropriate to the child's individual needs;
 - The child's access to academic resources, services, and extracurricular and enrichment activities;
 - The child's access to educational supports necessary to meet state academic achievement standards;
 - School disciplinary matters;
 - Other aspects of the provision of a free, appropriate public education.
2. The educational representative shall meet with the child at least once per year, and then as often as necessary to make educational decisions that are in the best interest of the child (CRC 5.650 (f)).
3. The educational representative will keep the minor's counsel, and the SW/PO/TSW informed of all issues surrounding the child's education.
4. The educational representative will review the child's education records at the beginning and end of the school year.
5. All decisions regarding matters affecting the child's educational needs shall be consistent with the child's best interest (CRC 5.650 (f)).
6. The educational representative acts as the parent or guardian in all educational matters regarding the child, including the right to be informed of school discipline issues, meetings, and proceedings.
7. The educational representative shall represent the child with exceptional needs in matters relating to identification and assessment of those needs, instructional planning and development, educational placement, and reviewing and revising the IEP (CRC 5.650 (f)).
8. The educational representative will attend the child's IEP and other educational meetings, consult with persons involved in the child's education, and sign any consents for education-related services and plans (CRC 5.650 (f)).
9. The educational representative has the right to consent to the child's IEP, including non-emergency medical services, mental health treatment services, and occupational or physical therapy services provided under chapter 26.5 of title 1 of the Government Code (CRC 5.650 (f)).
10. The educational representative will complete the *Educational Representative or Surrogate Parent Information* (JV-537) and return it to the SW/PO/TSW before every court hearing at which the child's education will be addressed. The educational representative may be present for the purpose of participating in the portions of the juvenile court hearings that concern the child's education. The educational representative may also participate in any juvenile court mediation regarding these issues (CRC 2.650 (j)) (See Form E-3).
11. If the educational representative resigns from the appointment, he or she must provide notice to the court and the minor's counsel and may use *Educational Representative or Surrogate Parent Information* (JV-537) to provide this notice (CRC 5.650 (g)) (See Form E-3).

I. Responsibilities of Educational Surrogate

1. The educational surrogate will participate in training provided by the LEA/HCOE regarding special education requirements, local special education options and procedures. The surrogate must have an adequate understanding of the child's disability and the disability's effect on the child's learning processes.
2. The educational surrogate assumes the rights and responsibilities of a parent in all educational matters, including guarantees for participation in decision-making and procedural safeguards (EC 56028; GC 7579.5).
3. The educational surrogate represents the rights of a student with special education needs in all educational matters related to the provision of a free, appropriate education, including but not limited to:
 - Identification, assessment, instructional planning and educational placement;
 - Reviewing and revising the IEP; attending IEP meetings; and signing consents relating to IEP, including non-emergency medical services, mental health treatment services and occupational or physical therapy services;
 - Consulting with persons involved in the child's education (EC 56050; GC 7579.5).
4. The educational surrogate will meet with the child at least one time per year and then as often as necessary to make educational decisions that are in the child's best interest (GC 7579.5).
5. The educational surrogate will inform the minor's counsel and the SW/PO/TSW of all issues surrounding the child's education.
6. The educational surrogate will review and inspect the child's educational records at the beginning and end of each school year (GC 7579.5).
7. When a student is being considered for suspension or expulsion, or there is a dispute over the identification, assessment, or placement of the student, the educational surrogate will participate in all aspects of the proceedings, with the same rights and responsibilities of a parent (EC 48900, et seq.).
8. The educational surrogate will inform the LEA immediately and resign if a conflict of interest arises, including becoming employed by an LEA or any agency involved in the education or care of students, or any financial interest which may conflict with the surrogate's representation of the student (GC 7579.5).
9. The educational surrogate shall complete the *Educational Representative or Surrogate Parent Information* (JV-537) (See Form E-3) and return it to the SW/PO/TSW before every court hearing at which the child's education will be addressed. The educational surrogate may be present for the purpose of participating in the portions of the juvenile court hearings that concern the child's education. The educational surrogate may also participate in any juvenile court mediation regarding these issues (CRC 5.650).

STANDING COURT ORDER

FILED

AUG 25 2015

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

IN THE MATTER OF:

STANDING PROTECTIVE ORDER

HUMBOLDT COUNTY OFFICE OF
EDUCATION'S FOSTER YOUTH
SERVICES PROGRAM

Petitioner

Pursuant to Education Code §§48850 et seq, Welfare and Institutions Code §827, and California Rules of Court, Rule 5.552 The Humboldt County Office of Education's Foster Youth Services (herein after FYS) Program, Petitioner herein, has requested a Court Order granting the release of juvenile records as specified below, for the following purposes: (1) to determine the educational needs for youth in foster care who are under the jurisdiction of the, Superior Court of California, County of Humboldt, Juvenile Court (hereinafter "the Court"); (2) to facilitate the transfer of health and education records between agencies.

Juvenile records are subject to the confidentiality provisions and privileges of the law and the constitutional right to privacy (Cal.Const., Art. I, §1; WIC §§346, 676, 827, 10850).

///

1
STANDING PROTECTIVE ORDER

1 Petitioner has voluntarily agreed that, if the Juvenile Court exercises its discretion to grant this
2 request, Petitioner will abide by the terms and conditions of this Order.

3 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

4 1. FYS program representatives shall have access to and receive copies of records
5 concerning foster youth as described herein, which are maintained by any school or educational
6 institution, public agency, service provider, group home provider, or foster care provider who
7 serves Humboldt County wards and dependents.

8 2. The records subject to this Order shall consist of health and education records as
9 described in WIC §16010(a); and the health and education summary for youth placed in foster
10 care.

11 3. Copies of this Order shall be distributed to:

- 12 A. County of Humboldt, Department of Health and Human Services, Social Services
13 Branch, Child Welfare Services Division;
- 14 B. County of Humboldt, Juvenile Probation Department;
- 15 C. County of Humboldt Office of Education;
- 16 D. All school districts in the County of Humboldt;
- 17 E. All Directors of Special Education Local Plan Areas in the County of Humboldt;
- 18 F. All private and charter schools in the County of Humboldt;
- 19 G. All other educational institutions serving foster youth in the County of Humboldt;
- 20 H. All foster care providers and foster family agencies in the County of Humboldt;
- 21 I. All Regional Centers for the Developmentally Disabled in the County of
22 Humboldt;
- 23 J. Court Appointed Special Advocate (CASA);
- 24 K. County of Humboldt, Department of Health and Human Services, Public Health
25 Branch, Foster Care Nursing Services;
- L. All attorneys representing clients in Juvenile Court matters;

1 M. Indian Child Welfare Act (ICWA);

2 N. All out-of-county Foster Youth Services Coordinators; and

3 O. All out-of-county providers who serve Humboldt county wards and dependents.

4 4. FYS representatives may share information with the persons and agencies listed in the
5 preceding paragraph if (1) such disclosure will be in the best interest of the youth whose records
6 are sought and (2) the information contained in those records is necessary and relevant to the
7 provision of services to the foster youth.

8 5. The information subject to this Order may be transmitted electronically if Petitioner
9 establishes a method of electronic transmission that ensures that the information will be kept
10 confidential.

11 6. Any person or agency receiving records and/or information pursuant to this Order
12 shall maintain the confidentiality of such records and information and shall use them only to the
13 extent necessary to ensure the prompt transfer of records and appropriate educational placement.

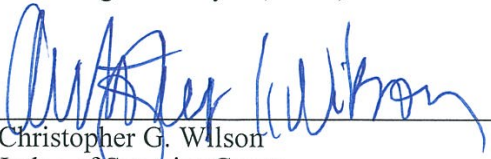
14 7. The Humboldt County Office of Education shall bear the responsibility for providing
15 a copy of this Order to all persons and agencies involved in the FYS program.

16 8. Any unauthorized disclosure of confidential information or failure to comply with the
17 terms and conditions of this Order may result in the vacation of this Order and/or may be
18 punishable as contempt of court.

19 A copy of this Standing Protective Order has the same force and effect in all respects as
20 the original Standing Protective Order.

21 This Order is effective February 1, 2015 through January 31, 2016, and shall be subject to
22 renewal on an annual basis.

23 DATED: AUGUST 25, 2015



Christopher G. Wilson
Judge of Superior Court
Presiding Judge Juvenile Court

25 N:\Standing Orders\dkr

FORMS

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GARRY T. EAGLES, Ph.D., Superintendent

901 Myrtle Avenue, Eureka, California 95501-1294

Phone: 707/445-7000

FAX: 707/445-7143

www.humboldt.k12.ca.us

FAX Cover Sheet

To _____	Phone _____
Fax _____	# of Pages _____
Date _____	
From _____	FAX: _____
Phone: _____	

The Humboldt County Office of Education Foster Youth Services (FYS) program has entered into an agreement with Humboldt County DHHS/SSB, Child Welfare Services (CWS) and Humboldt County Probation to assist in the facilitation of Health & Education Information for students placed in foster care. Per Ed Code § 49069.5 (c) the Social Worker or Probation Officer shall notify the district AB 490/Foster Youth Liaison of any expected school placement changes. If the student has an IEP, the SELPA will also be notified.

- **School District Liaison Responsibility:** Per EC § 48853.5(b)(4)(C) AB 490 Educational Liaison for Foster Youth must request or provide school records within 2 business days when there is a change of school.
- **New School District's Responsibility:** Per EC § 48853.5(d)(4)(C), Within 2 business days of receiving a request for enrollment, the foster youth liaison for the new school must contact the school last attended by the child to obtain all academic and other records.
- **Old School District's Responsibility:** Per EC § 49069.5(d)(e). Within 2 business days of receiving a transfer request, the current school district must transfer the child out and deliver the student's school records to the next school. The records must include a determination of seat time, full or partial credits earned, current classes and grades, immunization records, and, if applicable, special education or Section 504 records.

Additional Comments

Pursuant to EC § 48850 et seq, Welfare and Institutions Code sections 827, and California Rules of Court, rule 5.552, Humboldt County Presiding Judge of Juvenile Court, Honorable Christopher Wilson granted a Court Order on April 22, 2009, allowing for the sharing of information for the following purposes: [1] to determine the educational needs for youth in foster care who are under the jurisdiction of the Humboldt County Superior Court, Juvenile Division (the Court); [2] to facilitate the transfer of health and education records between agencies.

If you have any questions please feel free to contact:

(707) 445-6180**Roger Golec (707) 445-7187****Brett Moranda (707) 268-3303****CWS Education Liaison****HCOE Foster Youth Services Coord.****Supervising Probation Officer**

Important Notice: This communication, including any attachment, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, please notify the sender at the number above to report the error, and then destroy this information. You are hereby notified that any disclosure, copying or distribution of this information is strictly prohibited and may result in criminal or civil changes. Thank you



Social Services
 Stephanie Weldon, MSW, Director
 929 Koster Street, Eureka, CA 95501
 phone: (707) 476-4700 | fax: (707) 441-2096

FAX Cover Sheet

To _____	Phone _____
Fax _____	# of Pages _____
Date _____	
From _____	FAX: _____
Phone: _____	

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PROBATION DEPARTMENT

C O U N T Y O F H U M B O L D T

2002 HARRISON AVENUE, EUREKA, CA 95501

PHONE (707)445-7401 FAX (707) 443-7139

FAX Cover Sheet

To _____ Phone _____

Fax _____ # of Pages _____

Date _____

From _____ FAX: _____

Phone: _____

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Social Services
 Stephanie Weldon, MSW, Director
 929 Koster Street, Eureka, CA 95501
 phone: (707) 476-4700 | fax: (707) 441-2096

Notification of Student in Foster Care

_____ (DOB: _____) is a foster child of the Humboldt County Juvenile Court and is residing in a **Confidential Foster Home**.

Ed Rights Holder: _____

Relationship: _____

Address: _____

Phone: _____

The Parent(s) can have contact with student: Yes _____ No _____

The care provider has the day-to-day responsibility for the care and supervision of this student, and he/she has the authority to sign school enrollment forms and permission slips for field trips or participation in extra-curricular activities.

Unless the Court has limited the parent's/guardian's right to make educational decisions, the parent continues to have access to all of the child's educational records and should be notified of any information related to his/her education (e.g., SST and IEP meetings, parent-teacher conferences, etc.). Parents retain the right to make educational decisions for the child unless otherwise specified by the JV-535 document. The parents can also delegate a responsible adult to make educational decisions on their behalf.

As of _____ the Social Worker is _____, Phone: _____

If unable to reach Social Worker, please call HCOE Foster Youth Services Coordinator at (707) 445-7187.

**No Action Required.
 Please File in Student's Cumulative File.**



PROBATION DEPARTMENT

C O U N T Y O F H U M B O L D T

2002 HARRISON AVENUE, EUREKA, CA 95501

PHONE (707)445-7401 FAX (707) 443-7139

Notification of Student in Foster Care

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Ed Rights Holder: _____

Relationship: _____

Address: _____

Phone: _____

The Parent(s) can have contact with student: Yes _____ **No** _____

The care provider has the day-to-day responsibility for the care and supervision of this student, and he/she has the authority to sign school enrollment forms and permission slips for field trips or participation in extra-curricular activities.

Unless the Court has limited the parent's/guardian's right to make educational decisions, the parent continues to have access to all of the child's educational records and should be notified of any information related to his/her education (e.g., SST and IEP meetings, parent-teacher conferences, etc.). Parents retain the right to make educational decisions for the child unless otherwise specified by the JV-535 document. The parents can also delegate a responsible adult to make educational decisions on their behalf.

As of _____ the Probation Officer is _____, Phone: _____

If unable to reach the Deputy Probation Officer, please call HCOE Foster Youth Services Coordinator at (707) 445-7187.

No Action Required.
Please File in Student's Cumulative File.

Contact Information Sample Letter From Minor's Counsel

[Minor Counsel's Name Here]

Street Address
 City, State, Zip Code:
 Phone: (xxx) xxx-xxxx
 Fax: (xxx) xxx-xxxx
 Email:

DATE

Dear Principal,

Pursuant to our new obligation under AB 1909 (2012), I write to inform you, as the foster youth educational liaison for your local educational agency (LEA), that I represent XXXXXXXX in her Juvenile Dependency case. I also write to request that your LEA provide me with the new school discipline-related notices required by AB 1909, as detailed below.

AB 1909 has amended section 317 of the California Welfare and Institutions Code to require as follows:

(4) (A) At least once every year, if the list of educational liaisons is available on the Internet Web site for the State Department of Education, both of the following shall apply:

(i) Counsel shall provide his or her contact information to the educational liaison, as described in subdivision (b) of Section 48853.5 of the Education Code, of each local educational agency serving counsel's foster child clients in the county of jurisdiction.

Beginning January 1, 2013, when AB 1909 takes effect, please contact Law Office of _____ to notify me of and invite me to the following meetings and hearings concerning Humboldt County foster children and youth who I represent and are being served by your LEA:

1. The meeting to discuss whether a student will be on an extended suspension pending the governing board's decision regarding expulsion. Cal. Educ. Code § 48911(g).
2. An expulsion hearing. Cal. Educ. Code § 48918.1. Notice should be provided at least 10 calendar days prior to the hearing.
3. The meeting of a student's Individualized Education Program team to make a manifestation determination regarding an act that does not require an expulsion recommendation. Cal. Educ. Code § 48915.5(d).

Please provide the Law Office of _____ with notice by any means that is most convenient for you. My contact information is as follows:

Yours truly,

[Signature Here]



Social Services
Stephanie Weldon, MSW, Director
929 Koster Street, Eureka, CA 95501
phone: (707) 476-4700 | fax: (707) 441-2096

Enrollment Notification for Student in Foster Care

Date:

To: Registrar, Attendance Personnel, or Designee
Name of New School and School District

Fax:

From: Humboldt County Health and Human Services, Child Welfare Services Division

This Notice is to inform you that _____ (DOB: _____) is a dependent child of the Court and began residing in a Confidential Foster Home located within your school district boundaries on _____.

Pursuant to California Education Code 48853.5(d)(4)(B), when a foster youth changes schools, the new school **MUST** provide **IMMEDIATE ENROLLMENT** even if the student is missing academic records, including IEPs; immunization records; tuberculosis (TB) tests; dental exams/check-ups; proof of residency; school uniforms; fees or materials owed to the prior school.

Enrollment Notice			
The student has a(n)	<input type="checkbox"/> Individualized Education Plan (IEP) <input type="checkbox"/> 504 Plan	<input type="checkbox"/> AB 3632 <input type="checkbox"/> Unknown	
Action Needed			
<ul style="list-style-type: none"> ✓ See attached <i>Notification for Student in Foster Care</i>. ✓ If you have not received transcript information for this student within 48 hours, please contact the registrar at the student's previous school: Name of Previous School and Phone #. ✓ If records are missing in part or whole, please contact the Child Welfare Services Social Worker below or (707-445-6180) for the CWS Educational Liaison to assist with the gathering and transfer of records. 			

If you do have questions about this form or laws with respect to foster youth, please contact your District Foster Youth Liaison, Humboldt County Office of Education Foster Youth Services Coordinator, or Social Worker noted below.

Thank you,

Social Worker:

Phone:

Fax:



PROBATION DEPARTMENT

C O U N T Y O F H U M B O L D T

2002 HARRISON AVENUE, EUREKA, CA 95501

PHONE (707)445-7401 FAX (707) 443-7139

Enrollment Notification for Student in Foster Care**Date:**

To: Registrar, Attendance Personnel, or Designee
Name of New School and School District

Fax:**From:** Humboldt County Probation Department, Juvenile Division

This Notice is to inform you that _____ (DOB: _____) is a ward of the Court and began residing in a Confidential Foster Home located within your school district boundaries on _____.

Pursuant to California Education Code 48853.5(d)(4)(B), when a foster youth changes schools, the new school **MUST** provide **IMMEDIATE ENROLLMENT** even if the student is missing academic records, including IEPs; immunization records; tuberculosis (TB) tests; dental exams/check-ups; proof of residency; school uniforms; fees or materials owed to the prior school.

Enrollment Notice			
The student has a(n)	<input type="checkbox"/> <input type="checkbox"/>	Individualized Education Plan (IEP) 504 Plan	<input type="checkbox"/> <input type="checkbox"/>
			AB 3632 Unknown
Action Needed			
<p>✓ See attached <i>Notification for Student in Foster Care</i>.</p> <p>✓ If you have not received transcript information for this student within 48 hours, please contact the registrar at the student's previous school: Name of Previous School and Phone #.</p> <p>✓ If records are missing in part or whole, please contact the Deputy Probation Officer listed below. The Deputy Probation Officer will assist with the gathering and transfer of records.</p>			

If you do have questions about this form or laws with respect to foster youth, please contact your District Foster Youth Liaison, Humboldt County Office of Education Foster Youth Services Coordinator, or Deputy Probation Officer noted below.

Thank you,

Deputy Probation Officer:

Phone:

Fax:



Social Services
 Stephanie Weldon, MSW, Director
 929 Koster Street, Eureka, CA 95501
 phone: (707) 476-4700 | fax: (707) 441-2096

Withdrawal and Transfer Notification for Student in Foster Care

Date:

To: FORMER School Placement

Registrar, Attendance Personnel,
 or Designee:

Name of FORMER School and School

District:

Address:

Phone:

Fax:

From: Humboldt County Health and Human Services, Child Welfare Services Division

To: NEW School Placement

Registrar, Attendance Personnel,
 or Designee:

Name of NEW School and School

District:

Address:

Phone:

Fax:

This Notice is to inform you that **Name of Student (DOB)**, a dependent child of the Court will no longer be attending **Name of Former School** as of **DATE**.

This student began residing in a Confidential Foster Home located within the _____ School District boundaries on _____. **Name of Student** will now be attending **Name of New School**.

Within 48 Hours of Notice (per EC 48853) the following must be completed:

- **INSTRUCTIONS:** This form should be completed by the date of student withdrawal. When complete, fax form and attachments to (1) NEW SCHOOL registrar/attendance personnel/designee AND (2) Child Welfare Services. Forward official records to the new school upon request.

When Complete, FAX a copy of records A-G, where applicable.

A. Immunization Records

B. Unofficial Transcript or Report Card

C. Individualized Education Plan (IEP)

D. 504 Accommodation Plan

E. Psycho-educational Assessment Report

F. Withdrawal Grades

G. Attendance Record

Action Needed:

1. Transfer the student's educational records to the new school within two (2) business days. The record **MUST** include a determination of seat time, full or partial credits earned, classes, grades, immunizations, and, if applicable, special education (IEP) or 504 Plan. The student's grades **MUST** be calculated as of the date he/she left school. These records cannot be withheld if the student owes fees, books, and/or materials to the schools. **(California Education Codes 48645.5 & 49069.5)**
2. Complete and fax the Withdrawal Form for Foster Youth (or comparable form) and IEP/504 Plan, if applicable, to:
 - a) New school placement – **AND-**
 - b) Child Welfare Services Fax: (707) 445-6254

Thank you,
 Social Worker:

Phone:



PROBATION DEPARTMENT

C O U N T Y O F H U M B O L D T

2002 HARRISON AVENUE, EUREKA, CA 95501

PHONE (707)445-7401 FAX (707) 443-7139

Withdrawal and Transfer Notification for Student in Foster Care**Date:****To: FORMER School Placement**Registrar, Attendance Personnel,
or Designee:**Name of FORMER School and School****District:****Address:****Phone:****Fax:****From:** Humboldt County Probation Department, Juvenile Division**To: NEW School Placement**Registrar, Attendance Personnel,
or Designee:**Name of NEW School and School****District:****Address:****Phone:****Fax:**

This Notice is to inform you that **Name of Student (DOB)**, a ward of the Court will no longer be attending **Name of Former School** as of **DATE**.

This student began residing in a Confidential Foster Home located within the _____ School District boundaries on _____. **Name of Student** will now be attending **Name of New School**.

Within 48 Hours of Notice (per EC 48853) the following must be completed:

- **INSTRUCTIONS:** This form should be completed by the date of student withdrawal. When complete, fax form and attachments to (1) NEW SCHOOL registrar/attendance personnel/designee AND (2) Child Welfare Services. Forward official records to the new school upon request.

When Complete, FAX a copy of records A-G, where applicable.

A. Immunization Records

B. Unofficial Transcript or Report Card

C. Individualized Education Plan (IEP)

D. 504 Accommodation Plan

E. Psycho-educational Assessment Report

F. Withdrawal Grades

G. Attendance Record

Action Needed:

3. Transfer the student's educational records to the new school within two (2) business days. The record **MUST** include a determination of seat time, full or partial credits earned, classes, grades, immunizations, and, if applicable, special education (IEP) or 504 Plan. The student's grades **MUST** be calculated as of the date he/she left school. These records cannot be withheld if the student owes fees, books, and/or materials to the schools. **(California Education Codes 48645.5 & 49069.5)**
4. Complete and fax the Withdrawal Form for Foster Youth (or comparable form) and IEP/504 Plan, if applicable, to:
 - c) New school placement – **AND-**
 - d) Probation Fax: (707) 443-7139

Thank you,
Deputy Probation Officer:

Phone:

11. c. ☐ Reunification services for the child and family have been terminated or were never ordered and the child is placed in a planned permanent living arrangement with (*identify placement or indicate if placement is confidential*):

(1) ☐ The Court finds that the identified foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may represent the child in all general and special educational matters under Education Code section 56055(a) and is not prohibited from doing so or excluded by Welfare and Institutions Code section 361 or 726 or 34 Code of Federal Regulations section 300.519 or 303.19.

(2) ☐ The following foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may not make educational decisions for the child under Education Code section 56055(b).

(a) Name:

(b) Address:

(c) Telephone:

(d) Relationship to child:

d. ☐ The following responsible adult, who has no apparent conflict of interest and who is not prohibited by Education Code section 56055 or 34 Code of Federal Regulations section 300.519 or 303.19, is appointed as the child's educational representative:

(1) Name:

(2) Address:

(3) Telephone:

(4) Relationship to child:

e. ☐ The Court cannot identify a responsible adult to make educational decisions for the child, and the child is potentially eligible for special education and related services or already has an individualized education program (IEP). Therefore, the Court refers the child to the local educational agency (LEA). The LEA must make reasonable efforts to appoint a surrogate parent for the child under Government Code section 7579.5 within 30 days of the Court's referral. The LEA must notify the Court of the identity of the appointee on attached form JV-536 within seven calendar days of the date of the appointment, termination, resignation, or replacement of a surrogate parent.

Note: If box 11.e is checked, form JV-536, *Local Educational Agency Response to JV-535-Appointment of Surrogate Parent*, must be attached when this order is served on the local education agency.

f. ☐ The Court cannot identify a responsible adult to make educational decisions for the child, and the child does not qualify for special education. The Court, with input from any interested person, will make educational decisions for the child.

12. ☐ The child has the following educational and developmental needs (*check all that apply*):

a. ☐ The child is 0-3 years old and has been identified with a disability.

b. ☐ The child is 0-3 years old and is suspected of having a disability.

c. ☐ The child is age 3 years or older and has been identified with a disability.

d. ☐ The child is age 3 years or older and is suspected of having a disability.

e. ☐ The child is currently eligible for special education, general education accommodations and modifications, early intervention services, or regional center developmental services.

f. ☐ The child is receiving services based on the following plan (*check all that apply*):

(1) ☐ Individualized education program (IEP)

(2) ☐ Section 504 plan

(3) ☐ Individual family plan (IFP)

(4) ☐ Quality of life assessment

(5) ☐ Other (*explain*):

13. ☐ The educational representative is ordered to (*check all that apply*):

a. ☐ submit to the local education agency a written referral for special education assessment and assessments under section 504 of the Rehabilitation Act of 1973.

b. ☐ submit to the regional center a written referral for an eligibility assessment.

c. ☐ submit to the local education agency a written referral for an assessment, evaluation, or services or a written request to convene the IEP team to review or revise the child's IEP.

d. ☐ submit a written request to the regional center to convene the IFP team to review or revise the child's IFP.

14. ☐ As provided under 34 Code of Federal Regulations § 300.300, the child's initial evaluation for special education services need not be postponed to await parental or guardian consent or appointment of an educational representative because one or more of the following circumstances have been met:
- a. ☐ The Court has limited or temporarily limited the educational rights of the parent or guardian, and consent for an initial assessment has been given by an individual appointed by the Judicial Officer to represent the child.
 - b. ☐ The local education agency cannot discover the whereabouts of the parent or guardian.
 - c. ☐ The parent's rights have been terminated, or the guardianship has been set aside.

The Court appoints the following person to represent the child in the request for an initial evaluation (*name, address unless confidential*):

15. The clerk will provide a copy of the completed JV-535 to the child if 10 years or older, to the minor's counsel, to the social worker and probation officer, to the foster youth liaison, and to the educational representative at the end of the proceeding or no later than seven calendar days after the order. The clerk will make the form available to the parents or guardians (unless otherwise indicated on the form), the Court Appointed Special Advocate (CASA) volunteer, and, if requested, to all other persons provided notice under section 293.
16. ☐ Within seven calendar days of this order, a copy of this order must be served on the local education agency by (*choose one*):
- a. ☐ a representative of the County Welfare Department
 - b. ☐ a representative of the Probation Department
 - c. ☐ the clerk of this Court
 - d. ☐ the minor's counsel
17. **This order applies to any school or school district in the State of California.**
18. ☐ The educational representative, or the person whom the Court appointed to represent the child for an initial evaluation, will report to the Court regarding the child's education on (*date*): _____ in Dept. _____ at _____ a.m./p.m..

Date

Judicial Officer

JV-536

LOCAL EDUCATIONAL AGENCY REPRESENTATIVE (Name and address):		FOR COURT USE ONLY
1		
TELEPHONE NO. (Optional):	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF 2 Street Address: 825 5 th Street Mailing Address: City and Zip Code: Eureka, CA 95501 Branch Name: Humboldt County Juvenile Court		
CHILD'S NAME: 3		
LOCAL EDUCATIONAL AGENCY RESPONSE TO JV-535---APPOINTMENT OF SURROGATE PARENT		CASE NUMBER: 4

This form must be completed and returned to the court at the address listed above within seven calendar days of the date of the appointment, termination, or replacement of a surrogate parent.

1. a. Child's school: **5**
- b. Address of child's school:
- c. School personnel contact (*name, title, and telephone*):
2. a. Name of surrogate parent:
- b. Address: **6**
- c. Telephone:
- d. Relationship to child:

-
1. Enter your school's name, mailing address and telephone number.
 2. This information will be preprinted.
 3. The child's name will be preprinted.
 4. The Juvenile Court case number will be preprinted.
 5. Fill in the child's school and the school's mailing address. Fill in information for the school's designated contact person (i.e., secretary, principal, vice-principal, educational liaison, etc.)
 6. Enter information about the surrogate parent.

3. ☒ The appointed surrogate parent does not have a conflict of interest with the child. (Welf. & Inst. Code, §§ 361, 726; 34 C.F.R. §§ 300.519, 303.19; Gov. Code, § 7579.1(i), (j).)

7

4. ☒ The appointed surrogate parent will represent the child on educational issues as required by state and federal law.

5. ☒ The appointed surrogate parent agrees that this representation is continuous. If the surrogate parent is not able to represent the child's educational needs, the surrogate parent will inform the local education agency.

6. ☐ The previous surrogate parent resigned or was terminated under section 7579.5(h) of the Government Code.

a. Name of previous surrogate parent:

b. Address:

8

c. Telephone:

d. Relationship to child:

7. ☐ The local educational agency has not appointed a surrogate parent within 30 days as required by rule 5.650(d)(3).

9

Date: _____

10

(TYPE OR PRINT NAME)

(LOCAL EDUCATION AGENCY REPRESENTATIVE'S SIGNATURE)

(TITLE)

7. Items 3, 4 and 5 must be marked.

8. Only mark item 6 if you are changing surrogates.

9. Mark item 7 if no surrogate parent is appointed within 30 days

10. The person who completed the JV-536 will fill in this information along with their signature and job title.

PROOF OF SERVICE

**STATE OF CALIFORNIA
COUNTY OF HUMBOLDT**

I, enter the name of the person who is serving the JV536, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is enter the name of the school and the mailing address

more space for entering the mailing address; that on enter the date you mailed, delivered, or faxed a copy of the JV-536, I served a copy of the JV-536.

_____ By placing a copy in an envelope and depositing the envelope at my place of business for same day collection and mailing with the United States mail, following ordinary business practices to:

enter the names and addresses of each individual you mailed a JV536 to.

_____ By personally delivering a copy to the person/office set forth below:

enter the name of each person and/or office you delivered a JV536 to.

_____ By placing a copy in the designated box on the ground floor of the Courthouse to the Judge, Attorney of record, or the department named below:

enter the name of each person and/or office you delivered a JV536 to.

_____ By faxing a copy to the following:

enter the name of each person and/or office you faxed a copy of the JV536 to.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this proof-of-service was executed on enter the date you are signing this proof-of-service, in Eureka, CA.

The person who served the JV536 will sign here

(Signature)

JV-537

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Street Address: 825 5 th Street Mailing Address: City and Zip Code: Eureka, CA 95501 Branch Name: Humboldt County Juvenile Court	FOR COURT USE ONLY
CHILD'S NAME:	
EDUCATIONAL REPRESENTATIVE OR SURROGATE PARENT INFORMATION	CASE NUMBER:

To the educational representative or surrogate parent of the child: You may submit written information to the court or to the child's social worker or probation officer, and you may attend review hearings. This optional form may assist you in providing written information to the court. Please type or print clearly in ink and submit the form well in advance of the hearing but no later than seven days prior to the hearing. Please provide five additional copies to the clerk.

1.
 - a. Child's date of birth: _____
 - b. Child's age: _____
 - c. Child's school: _____
 - d. Child's grade level: _____

2.
 - a. Name of educational representative or surrogate parent: _____
 - b. Address: _____
 - c. Telephone: _____
 - d. I was appointed as educational representative or surrogate parent on *(date)*: _____
 - e. I was appointed as educational representative or surrogate parent by *(name)*: _____
 - (1) ☐ Local education agency in *(school district)*: _____
 - (2) ☐ Juvenile court in *(county)*: _____
 - (3) ☐ Other *(specify)*: _____
 - f. ☐ I am resigning from my appointment.

3. Since my appointment as educational representative or surrogate parent, or since my last form JV-537 statement, I have performed the following actions on behalf of the child *(specify)*:

4. ☐ I do not have any new or additional information since the last court hearing.

5. ☐ I have new or additional information since the last court hearing (*e.g., changed school, school discipline*):

6. ☐ Based on my observations of the child's physical, emotional, mental, and social development, I believe the child
 - a. ☐ *(0-3 years old)* may be eligible for early intervention services.
 - b. ☐ may have a disability *(explain)*: _____

7. ☐ The child has the following disabilities *(specify)*: _____

8. ☐ The child has the following educational needs *(specify)*: _____

9. ☐ The child requires the following services to meet his or her educational needs (*specify*): _____

10. ☐ The child is receiving the following education related services or accommodations (*explain*): _____

a. These services or accommodations ☐ are ☐ are not appropriate (*explain*): _____

b. Date of the most recent individualized education plan (IEP) or section 504 plan: _____

11. ☐ On (*date*): _____, I made a request for assessments from the
 a. ☐ regional center (*name*): _____
 b. ☐ local education agency (*name*): _____
 c. ☐ other (*name*): _____

12. a. Type of assessments requested (*check all that apply*):

- (1) ☐ Individualized education plan
 (2) ☐ Section 504 plan
 (3) ☐ Individual family plan
 (4) ☐ AB 3632 county mental health assessments
 (5) ☐ Psycho-educational assessment
 (6) ☐ Other (*specify*): _____

b. Reason requested (*specify*): _____

13. ☐ If you need more space to respond to any section above, please check this box and attach additional pages.
 Number of pages attached: _____

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF EDUCATIONAL REPRESENTATIVE OR SURROGATE PARENT)

JV-538

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): WENDY B CHAITIN, COUNTY COUNSEL #98359 HUMBOLDT COUNTY COUNSEL 825 FIFTH STREET EUREKA CA 95501 TELEPHONE NO.: 707-445-7236 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CHILD WELFARE SERVICES	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: HUMBOLDT COUNTY COURTHOUSE MAILING ADDRESS: 825 FIFTH STREET CITY AND ZIP CODE: EUREKA CA 95501 BRANCH NAME: JUVENILE DIVISION	
CHILD'S NAME:	
FINDINGS AND ORDERS REGARDING TRANSFER FROM SCHOOL OF ORIGIN	CASE NUMBER:

1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorney present: _____

THE COURT FINDS AND ORDERS

2. The ☐ social worker ☐ probation officer provided a report no later than two court days after form JV-539 was filed. The report included the information required by rule 5.651(e)(4) of the California Rules of Court.
3. ☐ The court has read and considered the report.
4. The ☐ social worker ☐ probation officer provided notice as required by rule 5.651(e) of the California Rules of Court.
5. ☐ As soon as the county placing agency became aware of the need to transfer the child in foster care out of the school of origin, the county placing agency contacted the appropriate person at the local education agency.
- a. Name of local education agency contact:
 b. Title:
 c. Telephone:
 d. Date of contact:
6. ☐ Before recommending that the child be moved from the school of origin, the foster-care liaison provided the child and parent or educational representative with a written explanation of the recommendation and how this change will serve the child's best interest (date explanation provided):
7. a. ☐ The foster-care education liaison, in consultation and agreement with the child and parent or educational representative, waives the child's right to be enrolled in the school of origin.
- b. ☐ There is a disagreement between the child; the parent, guardian, or educational representative; and the foster youth liaison regarding the child's request to remain in his or her school of origin.
- (1) The foster youth liaison must provide written communication explaining why it is not in the child's best interest to remain in the school of origin.
- (2) The child must be allowed to remain in and attend the school of origin pending resolution of the dispute.

8. The county placing agency.

- a. ☐ notified the local education agency of the date the child will leave the school of origin
(date notice provided):
 - b. ☐ requested from the local education agency that the child be transferred out of the school of origin
(date notice provided):
 - c. ☐ made the following efforts to maintain the child in the school of origin (describe and provide details):
 - d. ☐ notified the current and prospective local educational agency of the change of placement at least 10 days before the placement change, because the child has a disability or individualized education plan
(date notice provided):
9. ☐ Within two business days of receiving the request, the local education agency:
- a. ☐ transferred the child out of the school of origin and delivered the child's educational information and records to the next education placement.
 - b. ☐ compiled the complete education records of the child, including a determination of seat time, full or partial credits earned, current class records, immunizations, other records, and if applicable, a copy of the child's plan adopted under section 504 of the Rehabilitation Act of 1973 or an individualized education program adopted under the Individuals With Disabilities Education Act.
 - c. ☐ calculated the grades and credits of the child as of the date the child left school. No lowering of grades resulted from the child's absence caused by the child's removal from the school of origin.
10. ☐ If applicable, the court has asked the social worker, probation officer, and other interested parties why the educational requirements on this form have not been met.
- a. ☐ The following actions are necessary to ensure the child's educational and disability rights (specify):
 - b. ☐ The court set the matter for a hearing under Welfare and Institutions Code, section 362 to join the following agencies to address the provision of the following services (specify):

DATE: _____

Judicial Officer

NOTICE OF HEARING

- page 39 -

Humboldt Co. Dept of Health & Human Services
Child Welfare Division
Eureka, CA 95501
Social Worker
(707) xxx-xxxx

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT**

In re:

Case No.

(Student's name)

**NOTIFICATION OF POTENTIAL REMOVAL
FROM SCHOOL OF ORIGIN**

a minor.

_____ /

PLEASE BE ADVISED that on _____, at _____ a.m./p.m.,

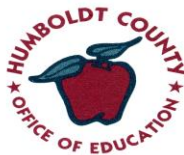
_____ was placed in foster care/ 's placement changed.

This placement will result in the potential removal of the student from the school of origin.

DATED:

Social Worker / Probation Officer

[Proof of service to: Minor's atty, Parent's attys, ed rep/surrogate, District Foster Youth Liaison, HCOE Foster Youth Services Coordinator, Tribe, CASA, County Counsel]



GARRY T. EAGLES, Ph.D., Superintendent

901 Myrtle Avenue, Eureka, California 95501-1294

Phone: 707/445-7000

FAX: 707/445-7143

www.humboldt.k12.ca.us

Foster Youth School of Origin Waiver Letter

In Re: _____
(Child's Name)

The Foster Youth Liaison (FYL), education rights holder, minor and minor's counsel have discussed and agreed that it is in the child's best interest to attend _____ school at this time thereby waiving the minor's right to attend his/her school _____ of origin.

The reason (s) for this decision is/are:

However, if the education rights holder and or minor determine within a reasonable amount of time that he/she would like to go to the original school of origin, _____, enrollment at the school of origin will be reinstated.

Minor

Date

Education Rights Holder

Date

Foster Youth Liaison

Date

Minor's Counsel

Date

Other

Date

Education Stability Plan (ESP)

Date of ESP Update: _____

Child's Name:	_____	Grade Level:	_____
Current School:	_____	School Start Date:	_____
Education Rights Holder:	_____	Foster Youth Liaison:	_____
Minor's Attorney:	_____	CWS Social Worker:	_____

Complete all that apply.☐ **Child is too young to attend school****Appropriateness of School Placement:****Current School:**

- The student's participation and performance at this school is _____.
- The student's current school is ☐ able ☐ unable to meet this student's educational needs.
- Is this school appropriate and in the student's best interest? ☐ Yes ☐ No Explain: _____
- The student participates in the following after-school or extracurricular activities (tutoring, athletics, clubs): _____
- The student has earned the following academic or extracurricular awards or achievements this semester: _____

Special Education Considerations:

- ☐ The student does not have any special education needs.
- ☐ The student has the following special education needs (IEP, 504, special day or resource classes, TBS):
- For students who have an IEP or 504 plan, provide the date of the last meeting and an overview of the identified goals for the student, as well as the accommodations and services that will be provided: _____

School Attendance and Behavior:

- Does this student have any suspensions, expulsions, or other school disciplinary concerns (truancy, behavioral challenges, AOD issues, etc.) that affect his/her schooling? ☐ Yes ☐ No If yes, please explain: _____
 - How are these concerns being addressed by the placement agency?
 - How are these concerns being addressed by the school?
 - How are these concerns being addressed by the Educational Rights Holder?

*Attach a copy of the most recent school attendance and behavior logs to the court reports.***Factors Affecting Educational Stability:****Placement:**

- Discuss the student's current placement (who, where, expected length of placement, etc.): _____
- How does the current placement impact the student's ability to remain in his/her school of origin?
- How many placements has this student experienced this academic year?

School of Origin:

- Is the student enrolled in his/her school of origin? ☐ Yes ☐ No
- Describe the efforts taken to maintain school of origin: _____
- If school placement has changed, explain how/why it is in the best interest of the student to leave his/her school of origin: _____
- How many school changes has this student experienced this school year?
- Describe your coordinated efforts with the district Foster Youth Liaison: _____

Transportation Plan:

- Who is responsible for transportation?
- Payment for transportation?
- Mode of transportation: ☐ School bus ☐ Care provider drives ☐ Other: _____
- Other transportation considerations and concerns: _____

GUIDELINES TO SCHOOL CHANGES FOR FOSTER YOUTH

A. School Placement Change Instructions

When you are considering a school placement change you will need the approval from the following 4 people:

- **Minor's educational representative**
- **Minor's attorney**
- **Foster Youth Liaison from the minor's school of origin.**
- **The YOUTH must agree with the school placement change.**
 - Please remember the SW/PO /TSW and the caregivers do not get to help make any decisions regarding school placement.

If any of the 4 identified parties disagree then the minor's counsel must file a JV-539 "Request for Hearing Regarding Child's Education."

- Once the JV-539 is filed with the Court, the SW/PO will have 2 business days to write a report in response to the JV-539.

Legally, UNTIL a school placement decision has been made, the youth must continue to attend his/her school of origin and the SW/PO will need to work with the FYL, the foster parents, and any other supportive parties to arrange and organize a transportation plan.

WHAT THE SW/PO NEEDS TO DO:

If the school placement is going to change then the Social Worker/ Probation Officer must request a **Foster Youth School of Origin Waiver Letter from the FYL and submit the copy of the letter to the Court** (usually as a court report attachment).

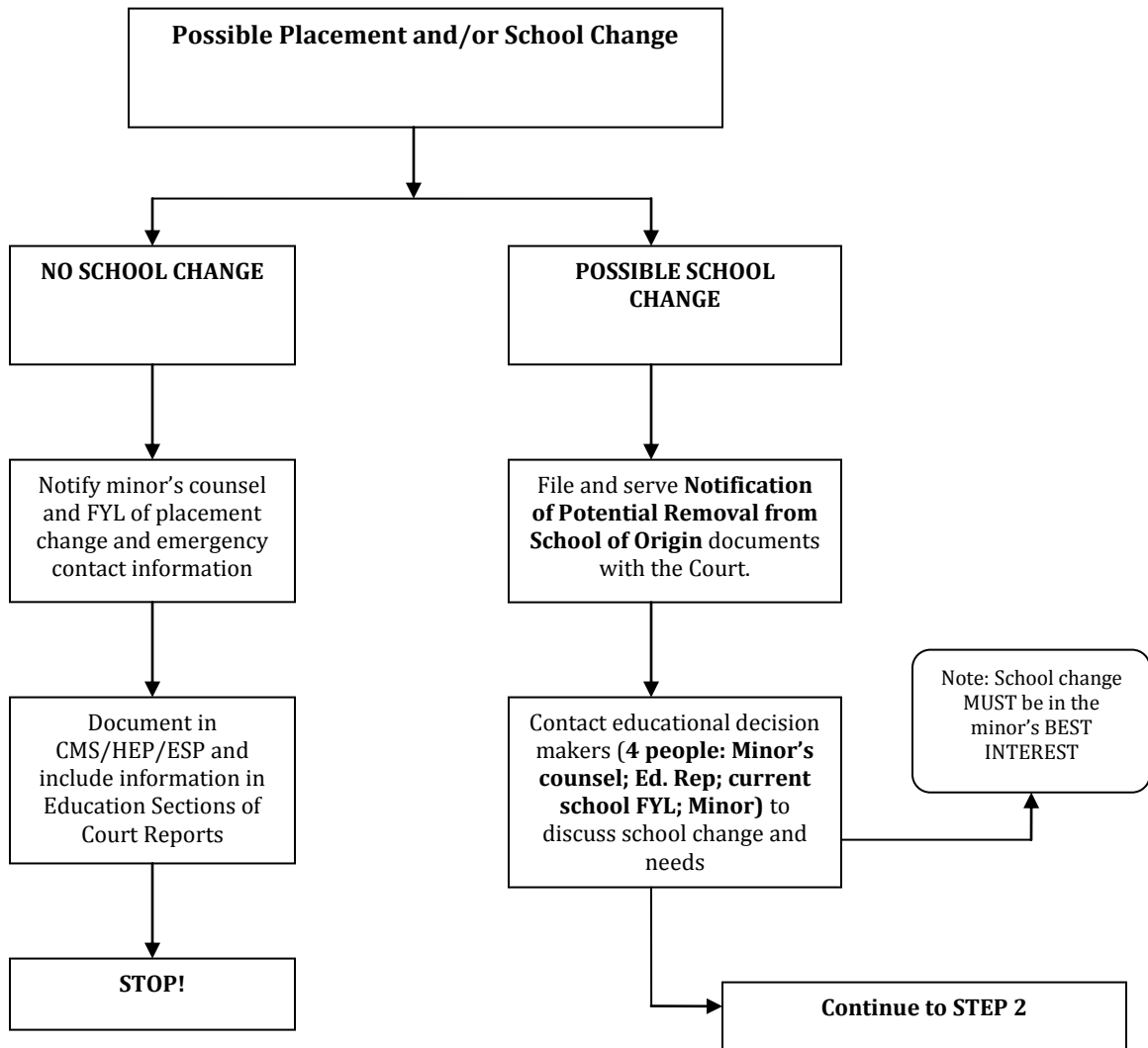
SW/PO then completes the following 3 forms:

1. Notification of Student in Foster Care
2. Enrollment of Student in Foster Care
(These two forms are faxed to the NEW school)
3. Transfer and Withdrawal of Student in Foster Care.
(This form is faxed to the OLD school)

All three forms and the **Education Fax Cover Sheet** can be found in the IEG and under the **green tab—last icon in CMS**. Go to the plus button on that last icon and then hit the county button to bring up our list of documents.

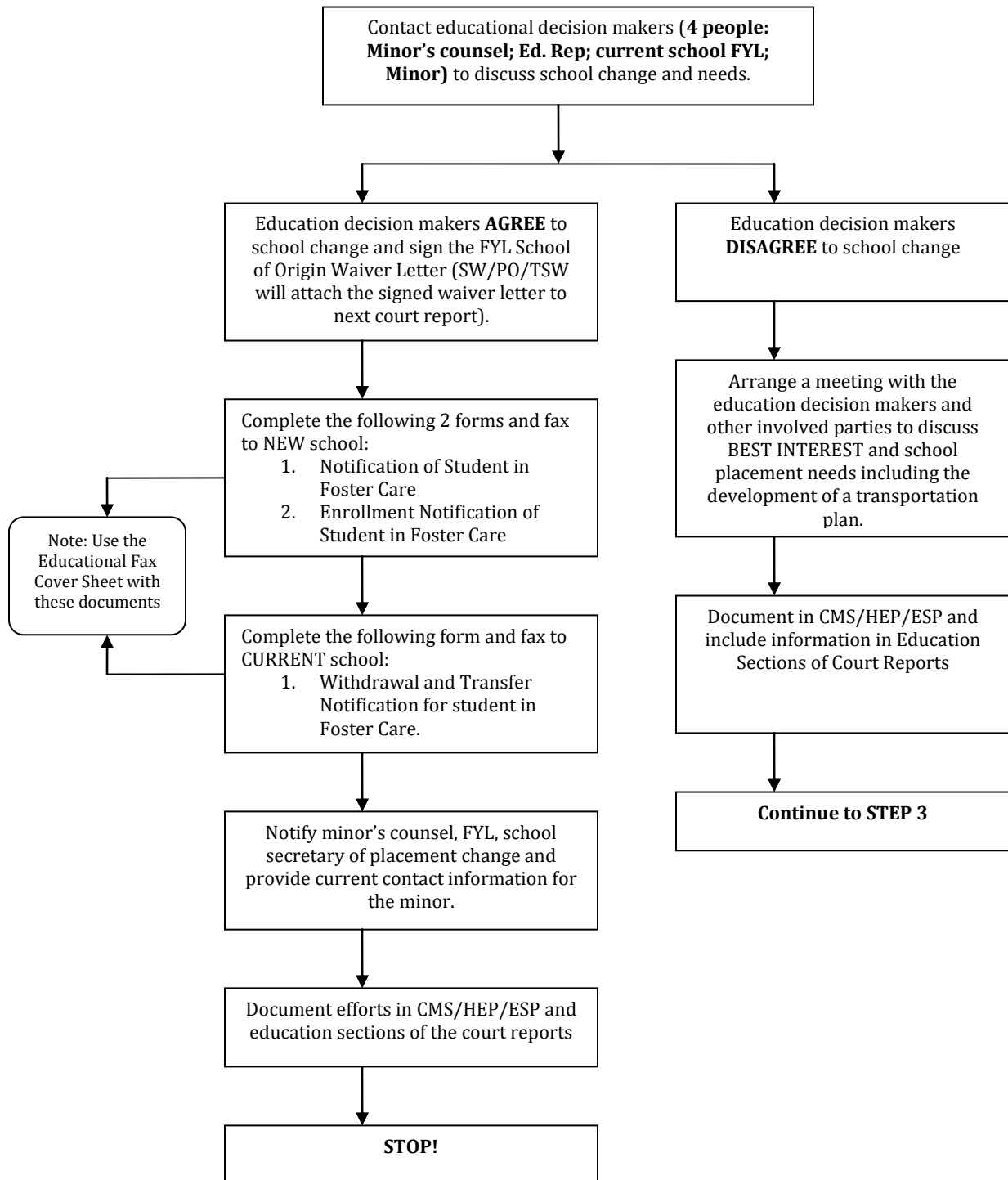
B. School Placement Change Flow Charts Steps 1-3

Educational School Change Step 1:



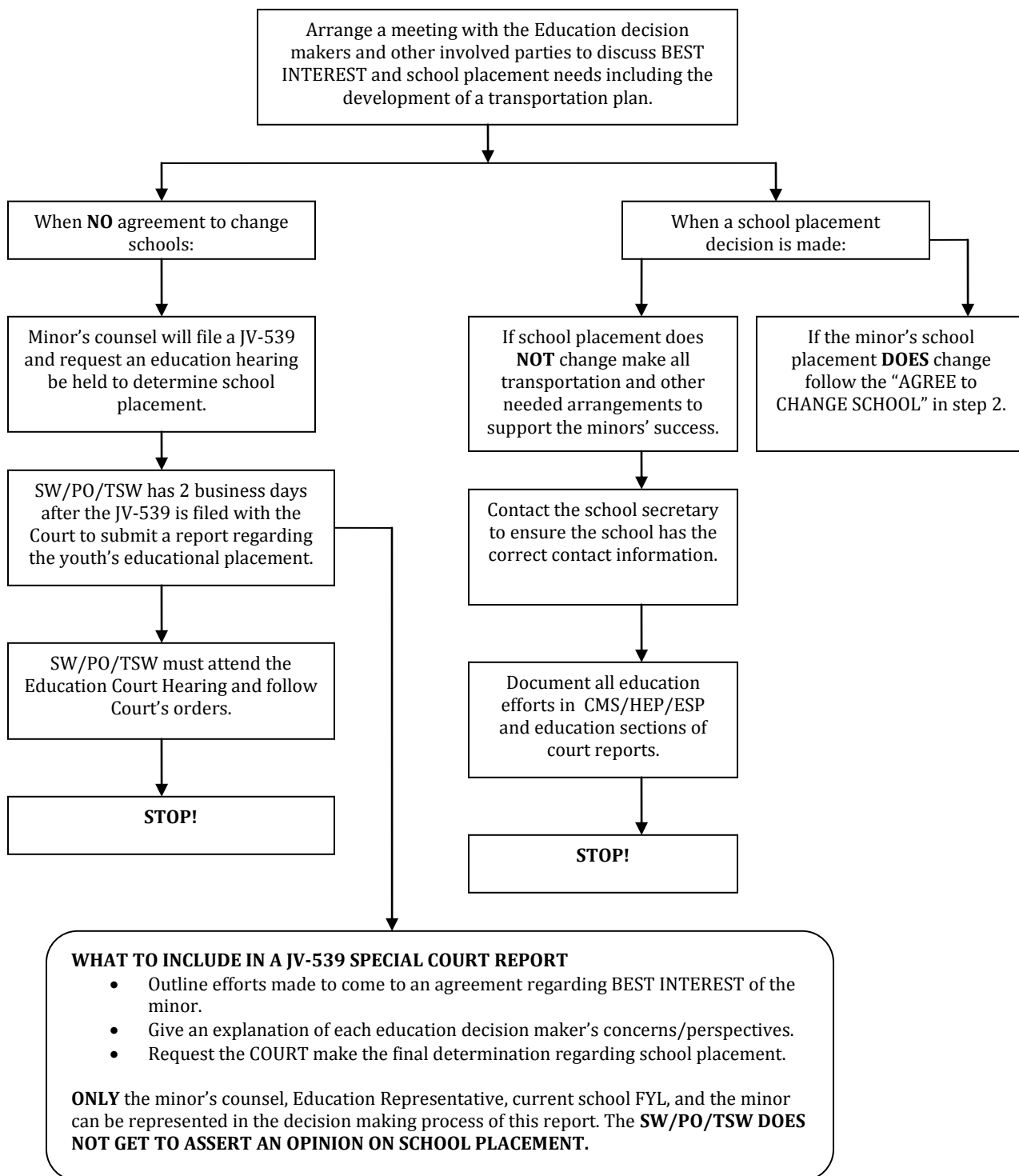
B. School Placement Change Flow Charts Steps 1-3

Educational School Change Step 2:



B. School Placement Change Flow Charts Steps 1-3

Educational School Change Step 3:



DEFINITIONS

Homeless Child/Youth

Lack a fixed, regular, and adequate nighttime residence. "Youth living in emergency or transitional shelters or are awaiting foster care placement" (M-V Sec. 725(2)(B)(ii)).

Emergency Shelter

Emergency Shelters may be licensed shelter facilities, licensed shelter homes, or relative/non-relative extended family member (NREFM) homes.

"Emergency Shelter" care means the provision of a protective environment for a child who must be immediately removed, pursuant to WIC Sec 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement" (CDSS Manual of Policy and Procedures, CWS Manual, Div 31, 31-002(e)(11)).

Transitional Shelter

May also be referred to as an Emergency Placement and may be in the form of any residence listed under emergency shelter.

A protective environment utilized for emergency shelter care, which occurs between foster care placements, while awaiting a reassessment of the child/youth's case plan and acquiring a regular residence/foster care home.

Foster Care Placement

Includes foster family homes, Foster Family Agencies (FFA), relative or non-related extended family member (NREFM) homes, or group homes.

A placement made in the provision of a placing agency's child specific case plan, with the intent of providing a stable and consistent residence in the process of achieving permanency.

ACCESS & CONSENT GUIDELINES

The table below sets forth the persons/agencies that are permitted to:

- 1) Enroll/dis-enroll student
- 2) Visit student on school grounds
- 3) Access student's records
- 4) Consent to student's IEP or 504 Plan

This table is not child-specific and is meant to be used only as a general guideline.

Persons/Agencies with a "✓" may:	Social Worker/ Probation Officer	MH Clinician/ Case Manager	Care Provider	*Parents OR Persons Holding Education Rights	ICWA Advocate	Student's Attorney	Child Advocate (CASA)
Enroll/Dis-enroll student	✓		✓	✓			Only if they hold Ed. Rights
Visit student on school grounds	✓	✓	✓	✓ * Parents' access may be limited by the Court	✓	✓	✓
Access school records	✓		Only if they hold Ed. Rights	✓	✓	✓	✓
Authority to consent to an IEP			Only if they hold Ed. Rights	✓			Only if they hold Ed. Rights

AGENCY RESPONSIBILITY

The following table specifies community and agency responsibilities for students who have been moved (initially or subsequently) by a placing agency into a different school district.

School of Origin: “The school the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected and that foster child attended within the immediately preceding 15 months, the liaison, in consultation with and the agreement of the foster child and the person holding the right to make educational decisions for the foster child, shall determine in the best interest of the foster child, the school that shall be deemed the school of origin” (EC48853.5(e)).

County Guide: In the law regarding transportation, this interagency guide will be used to strengthen our County’s capacity to provide educational stability in accordance with legislative intent pending further clarification from the State or Federal government.

		McKinney-Vento	AB 490
SCHOOL DISTRICTS	School District of Origin	<ul style="list-style-type: none"> Coordinate transportation delivery with the school district of placement Seek to maximize funding through grants and other funding Participate equally with the district of placement in cost of transportation (Special rules may apply for Special Education Students) 	
			<ul style="list-style-type: none"> If in Special Ed and the current IEP includes transportation, take a lead role in the cost of transportation
	District of Placement	<ul style="list-style-type: none"> Take the lead in developing and executing a transportation plan Seek to maximize funding through grants and other funding Participate equally with the school district of origin the cost of transportation (Special rules may apply for Special Education Students) 	
PLACING AGENCY		<ul style="list-style-type: none"> Consult with and include the caregiver(s) and community partners in the coordination of transportation Assist in the arrangements for transportation, as needed Ensure case plans, assessments and permanency plans are submitted to the court with adequate information regarding transportation arrangements Collaborate with school districts to ensure maximum utilization of available federal money, explore public-private partnerships, and access any funding sources potentially available to assist with educational stability 	
COMMUNITY PARTNER		<ul style="list-style-type: none"> Actively participant in problem-solving transportation issues Utilize foster care payments, as appropriate, to assist with transportation services and cost 	
JUVENILE COURTS		<ul style="list-style-type: none"> Before taking court actions, ensure consideration of the impact on the school educational placement Ensure case plans, assessments and permanency plans are created to assist the foster child/youth to achieve educational success 	

EC48850(a); EC48853(g)

GUIDELINES FOR DETERMINING WHAT IS IN THE BEST INTEREST OF THE CHILD/YOUTH

A foster child/youth in out of home care has the right to stay in their school of origin unless that right was waived and approved by the child/ youth, minor's counsel, the Foster Youth Liaison, and the Educational Representative. If the identified parties have ANY disagreement regarding the child/youth's school placement, the court will make the final school placement decision.

Information to take into consideration in determining the child/youth's best interest:

- Student's school preference
- The age of the foster child/youth
- The distance/time of the commute and what impact that might have on the student's education
- Personal safety
- A student's need for special instruction
- The length of anticipated stay in a temporary shelter or other temporary location
- The time of the school year
- Schools siblings attend
- Special programs or activities
- Transportation

No decision regarding best interest can be made without consulting all parties involved, including the child/youth and his/her attorney.

Best Practices

In the best interest of the foster child/youth:

1. Placing Agencies will attempt to locate an out of home placement for a child in the same school district.
2. Children/youth do not have their education placement changed when there are less than 60 days left in a school year.
3. Youth who are planning on graduation in the current school year do not have their education placement changed when there are less than 90 days left in the school year.
4. Children/youth have their educational placement in the same school district as the parent/guardian with whom reunification is actively being sought.

Please note: The SW/PO/TSW does not participate in the decision process regarding school placement.

SPECIAL EDUCATION CONSIDERATIONS & DEFINITIONS

Individualized Education Plan (IEP)

In simple terms, this is the plan that is written on an annual basis in compliance with the *Individuals with Disabilities Education Act* (IDEA). This plan is written by a committee comprised of teachers, school and district administrators, parents/guardians and any persons who have knowledge of the child that may assist in the process. Each person has an EQUAL standing within the committee. The compiling of the plan is not done on a "voting" basis, but rather by consensus. If consensus cannot be reached, there are legal avenues that must be followed. No IEP can be written excluding the family or over their objections.

The committee looks at the student's present levels of performance, and reviews records, medical reports, evaluation data and any other relevant information available in order to decide upon an appropriate plan. The plan itself will consist of measurable goals and objectives, accommodations, modifications, etc. – in other words, a viable plan for a student to achieve academically consistent with his/her medical condition. It levels the "playing field."

This federal program is funded, and school districts receive these funds under the condition they comply with the rules and regulations set forth under IDEA.

504 Plan

Section 504 provides services to students who have a physical or mental impairment that substantially impairs a major life activity, such as learning (34 CFR §104.3(j)). Additional examples of disabilities that may warrant a 504 plan are asthma, allergies, diabetes, ADD, or ADHD.

Manifestation Hearing

A manifestation hearing must be held when school personnel recommend a long-term suspension (more than 10 school days) or when a student is approaching ten cumulative days of suspension. The purpose of the hearing is to determine if the student's inappropriate behavior is substantially related to the student's disability.

The manifestation hearing team will include the student's IEP team and other qualified personnel. The director of special education, or designee, will preside at the hearing. The manifestation designee may be any staff member trained by the special education director in conducting manifestation hearings. Currently all principals, assistant principals, and school psychologists are trained.

Procedure

1. The principal or designee will send prior written notice, a meeting notice, and procedural safeguards to the parents and will notify the special education director and appropriate district administrators.
2. The principal or designee will notify the IEP team.
3. At the hearing, the principal or designee will describe student's alleged misconduct.

4. The principal or designee will complete a manifestation determination report (Form SP130).
5. The special education director or designee will make a manifestation determination.
6. The special education director or designee will give a copy of the manifestation determination report to the parents.
7. Based upon the manifestation determination, the IEP team will follow the procedures described in the long term suspension section of this page.

Timeline

A manifestation hearing must take place no later than 10 calendar days after the date on which the decision is made to conduct a hearing. Parents must be notified in writing five calendar days prior to the hearing. Parents may waive the five-day timeline.

http://www.specialeducationlawyers.info/iep_manifestation.htm

DEPENDENCY PROCEEDINGS FLOWCHART

