

SAN JUAN UNIFIED SCHOOL DISTRICT – FOSTER YOUTH SERVICES LEGAL GUIDE

School Placement Decisions

When Contemplating a School Change

- Youth has the right to remain in school/district of origin when there is a change in placement. EC § 48853.5(e)(1).
- The placing agency must consider a new home's proximity to the school of origin. WIC § 16501.1(c).
- Within 24 hrs. of determining that a home change would result in a school change, the CWW must contact minor's counsel and the ed. rights holder. CRC 5.651 (e)(1)(A).
- Minor's counsel must, as appropriate, discuss the proposed school change with the child and the ed. rights holder and may request a hearing. CRC 5.651 (e)(2)(A).

School of Origin

- Youth has the right to remain in school of origin for the duration of court's jurisdiction, or through graduation, if in high school when case is dismissed. EC § 48853.5(e)(3)(A).
- Youth is a resident of the school district of origin. EC § 48204(a)(1)(B)(2).
- School of origin = school attended while permanently housed, school last enrolled or any school the youth attended within the last 15 months. EC § 48853.5(f).
- Transportation is not required by a school district to allow a youth to attend a school, unless otherwise required under IDEA (IEP related service). EC § 48853.5(e)(3)(B)(5).

If a Foster Youth Pupil Changes Schools

- The foster youth liaison must give written explanation to the youth and ed. rights holder why it's in the youth's best interest to change schools. EC § 48853.5(e)(3)(b)(7).
- If the pupil has an IEP, the CWW must give the new and old school 10 days prior written notice of the expected school change. CRC 5.651(e)(1)(B).
- If the pupil has an IEP and changes districts, the new district must immediately provide comparable services and hold an IEP meeting within 30 days. EC § 56325
- CWW should compile school records and education passport for new caregivers. WIC § 16010(a),(c).
- The new school shall allow the pupil to immediately enroll even if the pupil lacks records normally required for enrollment AND within 2 days must contact the previous school to request all the pupil's records. EC § 48853.5(e)(8)(B); EC § 48853.5(e)(8)(C).
- The previous school within two days must provide the records, including any partial credits received, which the new school must accept. EC § 48645.5
- CWW provides the new district a copy of the IEP and relevant records, contact information of previous school attended and notice of who holds ed. rights when placing a child in a licensed foster home or LCI. CCR § 60510; EC § 56156

School Discipline

Suspension

- The school must make a reasonable effort to notify the ed rights holder by phone and must provide written notice. EC § 48911(d),(g).
- Pupils shall not be suspended for more than 20 schooldays, unless for purposes of adjustment, a pupil is transferred to another school or program, in which case the total number of schooldays cannot exceed 30. EC § 48903(a).

Extended Suspension / Rec. to Expel

If the pupil is referred for expulsion and suspension is extended because the pupil is deemed disruptive or a danger, the school must convene a meeting with the ed rights holder and invite the minor's attorney and social services designee to the meeting. EC § 48911(g).

Pupil has a Disability?

If the pupil has a disability (IEP or 504), or the school has knowledge of a suspected disability and the pupil has either (1) been referred for expulsion or (2) been suspended more than 10 days constituting a change in placement, the school must hold a manifestation determination within 10 days. 20 USC § 1415 (k)(1)(E),(k)(5); 34 CFR § 300.534(b).

Manifestation Determination?

School or district must contact minor's attorney and social services. EC § 48915.5 (d). The MD requires 2 questions be answered:

- (1) Was the behavior caused by, or did it have a "direct and substantial relationship" to the pupil's disability?
- (2) Was the behavior a direct result of the district's failure to implement the IEP?

If answer is YES to either, pupil cannot be expelled.

If the answer is NO to both, the pupil may be disciplined like a non-disabled peer. 20 USC § 1415 (k)(1)(F); 34 CFR § 300.530(e)(f).

Expulsion Hearings

- If the pupil is not disabled or the answer to both MD question is "No"; the school may hold an expulsion hearing within 30 days of committing any EC 48900 act. EC § 48918(a).
- 10 days prior to the hearing, written notice must be sent to the student and if it's a discretionary act, the minor's attorney and social services designee. EC § 48918(b); EC § 48918.1.
- The pupil may request to postpone the hearing for up to 30 days. EC § 48919.

Expulsion Appeal

If expelled, the ed rights holder may appeal within 30 days of the governing board's decision to expel. EC § 48919.

Graduation

AB 167/216

AB 167/216 allows a foster youth to graduate by completing the CA requirements for graduation rather than their local district's credit requirements, when 3 qualifications are met: (1) The foster youth student must have transferred schools after completing their 2nd year of high school, using either the number of credits earned or length of time of enrollment, whichever would make the student eligible. (2) The district must find that the pupil is not reasonably able to complete the district's local graduation requirements by the end of their 4th year of high school. (3) The pupil must complete all CA graduation requirements. Notice Requirement: Within 30 days of student's transfer, district must provide notice to student, social worker and ed. rights holder regarding eligibility. Note: Students with IEP or 504 Plan are exempt from the CA exit exam requirement as appropriate.

EC § 51225.1(a); EC § 60852.3.

Educational Rights

Educational Rights Holder

- Court form JV-535 names person to hold educational rights for a pupil.
- Court must determine whether there is an available, willing adult known to the minor before appointing an unknown adult or ordering an LEA to appoint a surrogate. WIC § 319; WIC § 726.

Resources

SJUSD Foster Youth Services

(Enrollment Issues, Records Requests, Tutoring Services, ILP, School Counseling, Transcript Analysis)

4425 Laurelwood Way, Sacramento, CA, 95864
(916) 971-7391

SJUSD Special Education Services

(916) 971-7525

SJUSD Central Enrollment

(916) 726-5826

