

California Social Work Education Center

C A L S W E C

**IMPROVING EDUCATIONAL
SERVICES FOR FOSTER YOUTH
LIVING IN GROUP HOMES:**

**AN ANALYSIS OF INTERAGENCY
COLLABORATION**

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CalSWEC PREFACE

The California Social Work Education Center (CalSWEC) is the nation's largest state coalition of social work educators and practitioners. It is a consortium of the state's 16 accredited graduate schools of social work, the 58 county departments of social services and mental health, the California Department of Social Services, and the California Chapter of the National Association of Social Workers.

The primary purpose of CalSWEC is an educational one. Our central task is to provide specialized education and training for social workers who practice in the field of public child welfare. Our stated mission, in part, is "to facilitate the integration of education and practice." But this is not our ultimate goal. Our ultimate goal is to improve the lives of children and families who are the users and the purpose of the child welfare system. By educating others and ourselves, we intend a positive result for children: safety, a permanent home, and the opportunity to fulfill their developmental promise.

To achieve this challenging goal, the education and practice related activities of CalSWEC are varied: recruitment of a diverse group of social workers, defining a continuum of education and training, engaging in research and evaluation of best practices, advocating for responsive social policy, and exploring other avenues to accomplish the CalSWEC mission. Education is a process, and necessarily an ongoing one involving interaction with a changing

world. One who hopes to practice successfully in any field does not become “educated” and then cease to observe and to learn.

To foster continuing learning and evidence-based practice within the child welfare field, CalSWEC funds a series of curriculum modules that employ applied research methods to advance the knowledge of best practices in child welfare. These modules, on varied child welfare topics, are intended to enhance curriculum for Title IV-E graduate social work education programs and for continuing education of child welfare agency staff. To increase distribution and learning throughout the state, curriculum modules are made available through the CalSWEC Child Welfare Resource Library to all participating schools and collaborating agencies.

The module that follows has been commissioned with your learning in mind. We at CalSWEC hope it serves you well.

ABSTRACT

Placing a foster youth in an appropriate educational setting and avoiding unnecessary absences from school when transferring into a new home and new school requires a three-way collaborative effort between the caseworker, the foster care provider, and school staff. The purpose of this curriculum is to heighten the awareness and increase knowledge of child welfare workers, foster care providers, and school staff regarding the educational needs of foster children and to develop specific skills to address those needs and smooth the transition to new school environments.

While there are specific tools and legal codes that are supposed to facilitate the process of enrolling foster youth in school, they are frequently not used or followed. Research that was carried out to support this curriculum found that there was a delay, an average of approximately 10 to 18 days before a youth started school following a new group home placement. Further, among youth for whom we had data concerning their school attendance prior to entering their most recent group home placement, the average delay between prior and current school attendance was 67 days. Delays for Special Education youth were considerably longer than youth enrolled in regular education. The main reasons for these delays were reported as “waiting for information to arrive” and “belief that someone else is responsible.”

Interviews with child welfare workers indicated few social workers were using the educational passport section of the CWS/CMS. Only 11% of youth in

this sample had information in the education section of the passport. Less than 30% of group home providers indicated that they had formal training or written protocol on how to enroll their residents in school. Seven of the school districts examined had some form of assistance for group home youth; three of the nine school districts surveyed had written policies and procedures for enrolling foster youth in school.

This curriculum provides clear, concise, and practicable actions for all of the responsible professionals to enable them to operate effectively as part of a collaborative team at the critical moment when a foster youth transfers schools.

INTRODUCTION

The purpose of this curriculum is to provide child welfare workers with some very practical tasks and knowledge to be able to effectively assist the children on their caseload enroll in school. Although much of the focus has been on group home youth who often present the greatest challenge in terms of school enrollment and attendance, the material will be applicable to children in all types of out-of-home placement.

Since the enrollment and advocacy process is often a three-way collaboration between the child welfare agency, the school district, and the foster or group home, the curriculum will be broken down to illustrate the various responsibilities of these parties. Chapter I discusses previous and current research on the educational placement of youth in group homes. Chapter II will detail the process by which children without Special Education can be enrolled. Special attention will be paid to the issues presented by high school age youth. Chapter III will focus on the process of placing Special Education students in school and the various legal issues presented that are unique to foster children. Chapter IV will briefly discuss issues surrounding expulsion and educational alternatives and resources for foster children.

While all aspects of this information are important for child welfare workers, particularly workers overseeing foster placements, the details of the “Surrogate Parent” assignment process for foster children in Special Education

and the timelines of the Special Education process may be overwhelming for students who have not yet been introduced to the Juvenile Courts or been in the role of a child welfare case manager. Although the focus of this curriculum is primarily child welfare workers in the field, this material would be appropriate for group home staff, school social workers, or other school-based support staff. This material may also be of interest to foster parents, and to the school district liaisons newly mandated by AB490 under Section 48853.5 of the Education Code.

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COMPETENCIES

Ethnic Sensitive and Multicultural Practice

- 1.5 Student demonstrates the ability to collaborate with individuals, groups, community-based organizations, and government agencies to advocate for equitable access to culturally sensitive resources and services.

Core Child Welfare Practice

- 2.19 Student is able to engage and assess families from a strengths-based "person in environment" perspective and to develop and implement a case plan based on this assessment.
- 2.20 Student understands and utilizes the case manager's role to create and sustain a helping system for clients, a system that includes collaborative child welfare work with members of other disciplines.

Workplace Management

- 4.1 Student understands the need to negotiate and advocate for the development of resources that children and families need to meet their goals.
- 4.2 Student understands client and system problems and strengths from the perspectives of all participants in a multidisciplinary team and can effectively maximize the positive contributions of each member.
- 4.7 Student understands and is able to utilize collaborative skills and techniques in organizational settings to enhance service quality.

Advanced Child Welfare Practice

- 6.3 Student understands the requirements for effectively serving and making decisions regarding children with special needs and the balancing of parental and child rights.

Human Behavior and the Child Welfare Environment

- 7.6 Student can apply theories of human development and organizational change in developing intervention plans with clients.

Child Welfare Policy, Planning, and Administration

- 8.2 Student understands how political activities and regulatory, legislative, and judicial processes at local, state, and national levels influence agency policies, procedures, and programs.
- 8.9 Student demonstrates the ability to negotiate and advocate for the development of resources that children and families need to meet their goals.

GLOSSARY OF TERMS AND ACRONYMS

The list below includes some of the most common terms and acronyms used by both child welfare worker and school staff. This is by no means a complete and exhaustive list.

CASA – Court Appointed Special Advocate: A trained volunteer assigned by the court to represent the interests of individual foster children. CASAs can be assigned to represent foster youth for the purposes of Special Education testing and placement.

CDE – California Department of Education.

COE – County Office of Education: Provides oversight, technical assistance, and specialized programs at the county level. The COE often runs Community Day Schools, Special Education Centers, and schools in Juvenile Halls.

CWS/CMS – Child Welfare Services/Case Management System: The computer-based system used throughout the State of California to track services provided to children in the child welfare system. Provides electronic access to child welfare clients across counties when jurisdiction shifts and can be used to track and store vital educational information.

ED – Emotionally Disturbed: Acronym used for classification in Special Education for students who exhibits “one or more of the following characteristics over a long period of time and to a marked degree: *“An inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers or teachers; inappropriate types of behaviors or feelings and a tendency to develop physical symptoms or fears associated with personal or school problems. The term included autistic, schizophrenic, and emotionally disturbed, but not the socially maladjusted”*.

IEP – Individual Education Plan: A written statement for students identified as needing special education that includes an identification of the student’s disability, their current level of performance, the services to provide and to what extent the student can participate in the regular curriculum, and the goals and objectives of the plan.

IDEA – Individuals with Disabilities Education Act: Mandates that all children, regardless of their disabilities, are entitled to a free and appropriate public education.

ILSP – Independent Living Skills Program: Programs and services for foster youth 16 and older designed to assist them with emancipation from foster care.

LEA – Local Education Agency: most often a school or school district, can also be a County Office of Education or a non-Public School.

LH – Learning Handicapped: Also known as a Specific Learning Disability. A brain disorder that affects the person's ability to listen, think, speak, read, write, spell, or do mathematical calculation. This term includes perceptual handicaps, brain injury, dyslexia, aphasia, and minimal brain dysfunction.

NPS – Non-Public Schools: Residential or Day Treatment Centers for children with emotional disturbance who cannot be maintained in a regular public school. NPS placements are run by agencies other than the public school district or County Office of Education but overseen by the local SELPA. The SELPA of the sending school district financially supports students who are determined to be in need of NPS services.

RCL – Rate Classification Level: Level of care provided by the group home as determined by Community Care Licensing. Generally, the youth with the highest needs are placed in group homes with the highest level of care. Group homes in the community generally range from Level 8 to Level 12.

RS – Resource Services: Small group instruction for students who participate in the regular classroom (non-Special Education) setting for more than 50% of the school day.

SDC – Special Day Class: Special Education services provided to a student with an IEP in a classroom with a reduced number of children where the student attends 50% or more of the school day.

SELPA – Special Education Local Plan Area: A system set up within a school district or county to oversee the provision of special education services within that district or area of the county.

SOC 156/158 – Form used as a placement agreement when placing a child in a foster home or group home in California.

Surrogate Parent – Also known as an Educational Representative. Appointed by the Court or LEA after a parent's educational rights have been limited by Court

order to represent foster children and authorize Special Education testing and placement on their behalf.

Special Education – Federally mandated services under the IDEA for addressing the needs of students who have been evaluated as having a disability that prevents them from accessing a free and appropriate public education.

SST – Student Study (or Success) Team: A meeting that is comprised of teachers, school administrative and support staff, parents, and may include other concerned professional to discuss students with special needs and strategies to address those needs short of developing an IEP.

WIC – Welfare and Institution Code: California Code that governs issues pertaining to dependents and wards of the Court.

CHAPTER I

FACILITATING THE EDUCATIONAL PLACEMENT OF YOUTH IN GROUP HOMES: A RESEARCH STUDY

FACILITATING THE EDUCATIONAL PLACEMENT OF YOUTH IN GROUP HOMES: A RESEARCH STUDY

Introduction

Children who have been neglected and/or abused and who are living in out-of-home care are among our most vulnerable children and frequently need extensive help both for recovering from the trauma of their maltreatment and adjusting to the circumstances of their removal from home. In addition to ensuring a safe and loving home, the primary method by which we help prepare children for adulthood is through the services provided by the public education system.

Previous Research Findings

There is considerable evidence indicating that foster youth experience a great deal of difficulty in the school system and are frequently not receiving the attention that they need there. Recent research has suggested that many children who grow up in foster care are less likely to be actively supported in school by the adults in their lives, less likely to be in college preparatory classes than nonfoster children (when matched for learning ability), and more likely to change schools frequently than nonfoster children (Blome, 1997). They are placed in Special Education at a much higher rate than children not living in foster care (about 30% of foster children and 10% of nonfoster children), and due to gaps in communication between agencies responsible for their care they frequently do not receive services that they may have been eligible for in prior

school districts (see Ayasse, 1995; Goerge, Van Voorhis, Grant, Casey, & Robinson, 1992).

A statewide analysis in the State of Washington's public school system compared the educational achievement test scores of youth in long-term foster care with other children in grades 3, 6, and 9 and examined the graduation prospects of foster youth and nonfoster youth in 11th grade. This study found the following:

- "Foster youth score on average, 15 to 20 percentile points below nonfoster youth in statewide achievement tests.
- Only 59% of foster youth enrolled in 11th grade complete high school by the end of grade 12. (The completion rate for nonfoster youth is 86%.)
- Even after statistically controlling for a variety of factors, a youth that enters foster care is likely to have lower test scores and graduation rates.
- At both the elementary and secondary levels, twice as many foster youth had repeated a grade, changed schools during the year, or enrolled in special education programs compared with nonfoster youth.
- A youth's length of stay in foster care and other placement characteristics do not appear to be related to educational attainment. Foster youth in short-term care, for example, have on average the same educational deficits as children in long-term foster care." (Burley & Halpern, 2001).

Foster children living in group homes are particularly vulnerable due to the institutional nature of their care. A study completed by the American Institutes for Research (AIR) on behalf of the California Department of Education titled: *Education of Foster Group Home Children, Whose Responsibility Is It?* (2001) revealed the following data:

- 47% of group home youth are enrolled in Special Education.

- 41% of those (19% of all group home youth) in Special Education are classified as Seriously Emotionally Disturbed – compared to only 3% of all children in Special Education and 9% of all non-group-home foster children receiving Special Education services.
- Only 20% of youth in group homes had information stored in the Education Passport (a component of the Child Welfare Services/ Case Management System or CWS/CMS) where information can be made available to social workers responsible for their care.
- There is an average delay of 18 days in obtaining records for newly placed group home residents and 31 days for new residents with missing or out-of-date records.
- There are significant discrepancies between the perception of social services, mental health, probation, and group home staff as to how often records are lost or incomplete, how often youth have to repeat classes when course work credits are not found, whether duplication of educational assessments occurs, or whether youth experience long delays when attempting to enroll in school. Group home staff perceive these problems as happening more frequently than workers from the other agencies.
- Group home staff perceive a great deal of collaboration and cooperation between agencies but do not see it as helping the quality of educational services provided to foster youth.

A study conducted by the Bay Area Social Services Consortium (BASSC) in 2001, utilizing telephone surveys of foster care providers and foster child case record reviews, discovered that 12% of foster children experience delays of two or more weeks in enrolling in school. Group home youth and those with emotional problems were much more likely to experience these delays. It was also discovered that a child who is missing records and/or is identified as needing Special Education services might experience delays in enrollment of more than a month.

Current Research

Methods

The study conducted for this curriculum examined the educational services provided to group home youth from 26 group homes in three Bay Area counties: San Francisco, Contra Costa, and Alameda. Group homes were stratified by county, level of care, and geographic area within the county and a random sample of ten group homes were selected from each county, except in San Francisco county where six group homes were selected due to a smaller overall number of group homes located in that county. Data were collected on youth residing in a group home who met both of the following criteria, a) the youth was placed in the group home between September 2003 and April 2004, and b) the youth changed schools as a result of moving into this home. The educational placement process of these youth was monitored from the point the Foster Youth Services Program (FYSP; operated by the school district and/or County Office of Education) discovered that they were placed in the home until they began actually attending school and, in the case of Special Education students, began receiving appropriate educational services as defined by their most recent Individual Education Plan (IEP). Each county developed different strategies to notify student researchers that a group home youth had moved to a new group home. In two counties, the Foster Youth Services Programs maintained databases of all youth in group homes in their county. The database included the names of the youth, the group home, the social worker, and the date

of group home placement for each youth. The database was updated every few weeks and a report was produced. The social work intern used this report to determine which youth had moved to a new group home and might be eligible for the study. In another county, the social work intern had weekly phone contact with the group homes and educational liaisons working for Child Welfare Services to determine if they had any new residents.

Measures

The instruments used for this study included

- 1) A Demographic Face Sheet,
- 2) School Placement Tracking Tool,
- 3) A Structured Interview with the Child Welfare Placement Worker, and
- 4) Call Logs and Journals of Contact with Social Workers and School Personnel.

(See Appendix A for copies of these tools.)

These tools were created with input from a Research Advisory Group composed of representatives from three counties' child welfare departments, county and school district Foster Youth Service coordinators, and some of the group home directors. Permission to gather data from child welfare workers for the purposes of this study was granted by the Presiding Juvenile Court Judges of each county. MSW students who were working at the various Foster Youth Services Programs as social work interns completed data collection. It is important to note that while the random selection of group homes and use of the data for research was unique to this study, most of the data elements we

identified are routinely gathered by the FYS programs in order to assist youth to enroll in school.

The Face Sheet included demographic and other information about the group home youth included in the study. This demographic information included gender, ethnicity, age, school level, as well as other information. Important dates, such as the date the youth moved to the new residence and the last day they attended school in their previous school district was also included. General school information such as district of school, level in school, and type of previous school was recorded. Previous child welfare placement, county of residence, and county of jurisdiction was also included. Information about Special Education eligibility was indicated on this form, including type of disability, availability of IEP, and Special Education placement.

The School Placement Tracking Tool was designed to track the enrollment of the group home youth in school. The Tracking Tool included the date of occurrence of certain activities relevant to the enrollment of youth in school, such as, date records transferred to new school, date student began attending school, and date transportation was arranged, among others. Reasons for delay in carrying out these activities as reported by the group home provider, social worker, or school personnel were also indicated. Examples of some of the 26 reasons for delay are: "Group home not aware of responsibility," "Policy directive," "Student refuses placement," or "Information not available and

whereabouts not known.” The role of the person supplying the information to the interviewer was also recorded.

The Social Worker Interview form included questions about whether or not educational information was stored in the passport section of CWS/CMS, whether this information was up to date, whether the youth’s Special Education status was noted, and if so, the identity of the person responsible for authorizing the IEP was included. Staff gathering the data kept logs of the dates of each phone or in-person contact they made to gather these data elements for each subject.

Procedures

Once group homes were selected for inclusion in the study, a letter from the Foster Youth Services Program (FYSP) was sent and social work interns worked in collaboration with the group home and FYSP to create a plan for identifying eligible study participants. Procedures for identification of eligible youth varied by county and by social work intern.

Once a social work intern determined that an eligible youth had entered a group home, they contacted school personnel, social workers, and group home providers to complete the Social Worker Interview and School Placement Tracking forms. The youth’s enrollment process was followed until the youth was attending school and placed in an appropriate educational placement.

Researchers had no contact with the youth as a part of the study. All information was collected from group home providers, school personnel, and social workers.

Results

The results indicate that of the 45 youth newly placed in a group home and a new school, 18% experienced no significant delay in being placed in school (“No significant delay” was defined as fewer than 5 days between the day the youth entered the group home and the day he or she began attending school, excluding holidays and weekends.) Twenty-nine percent of youth experienced a delay of between 5 and 10 days, 18% experienced a delay of 11 to 18 days, and 20% experienced a delay of over 19 days between being placed in the new group home and starting classes at their new school. Special Education youth represented 33% of the sample and, as can be seen in Table 1 and Chart 1 below, experienced significantly longer delays in school enrollment and attendance. There were three youth who ran away from the home before being placed in school and two youth who moved to new group homes before being placed in an appropriate educational setting--one of whom was in placement for five months without ever having attended school.

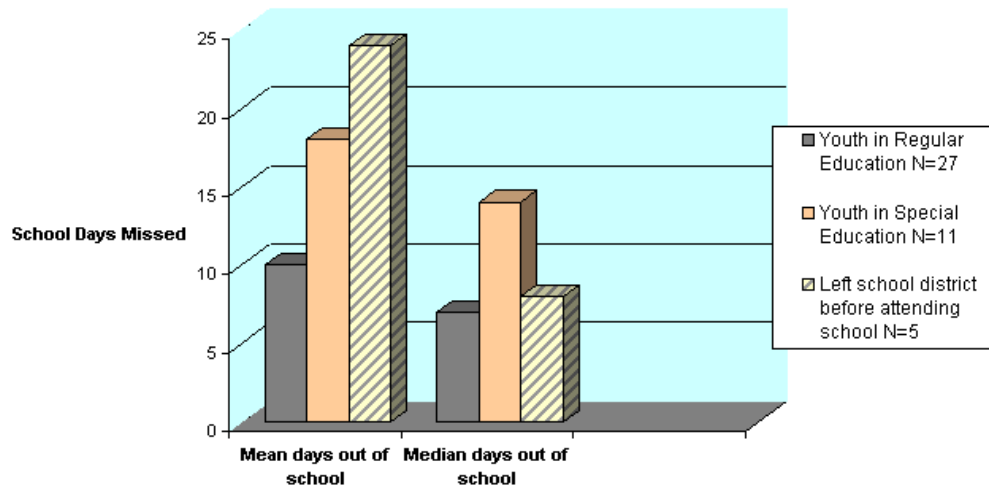
Table 1

Number of Youth Experiencing Significant Delays in Starting a New School

Delays for foster youth entering a new school after moving to a new group home	Youth in regular education	Youth in Special Education	Total	Percent
No significant delay	8	0	8	18%
5-10 days between the start of group home placement and the first day of school attendance	9	4	13	29%
11-18 days	5	3	8	18%
19 or more days	4	5	9	20%
Ran away or moved before attending new school	2	3	5	11%
No data	2	0	2	4%
Total	30	15	45	100%

Chart 1

Days of School Missed After Arriving in Group Home



In addition to missed school days as youth wait to get enrolled and start classes, often youth have not been in school for a period of weeks or months before they arrive at the new group home. Of the 27 youth for whom we had data, 60% had last attended school 30 or more days before arriving at the group home (holidays and weekends not included). Of the 18 regular education youth with available data, there was a median delay of 37 days between the last day they attended school before entering the group home and the start date of attending their new school. (One particular student was out of school for over 217 days.) Of the nine Special Education youth in our sample a median delay of 80 days of school were missed (see Chart 2). It is also notable that group home staff and social workers for over half of the youth we were tracking did not know when the youth had last attended school (Table 2).

Chart 2

Median Number of School Days Lost in Transitioning from One Group Home to Another (N = 27)

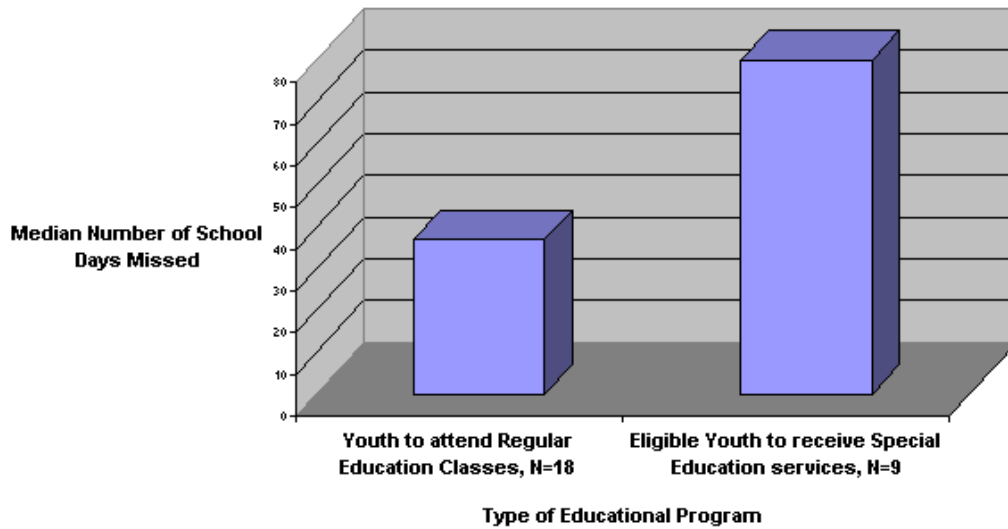


Table 2

Availability of Information for Previous School Attendance:

	Youth in regular education classes	Eligible youth in Special Education services
Number of youth with no information about the last day they attended school in the previous district	12	6
Number of youth with available information on their last day of school attendance	18	9
Total number of youth	30	15

Special Education students experienced average delays of 19 days (n = 15) from the start of residence to the start of any type of educational services, although the delay was considerably longer (26 days) before being placed in an “appropriate” educational program. (An “appropriate” educational program is defined as being placed in the same Special Education program indicated in the IEP from the prior school district or, if different, a new IEP meeting was held to formally change the type or restrictiveness of the placement.)

For all students for whom we had information, almost half (45%) of these delays were due to the school waiting for information from the previous school and the rest were mostly due to administrative delays in assigning school placement after the paperwork had arrived, vacation, or confusion on the part of the group home staff about who was responsible to complete the enrollment. For the students with the longest delays the most common reason was attributed to a delay in the transfer of paperwork between school districts (see Table 3).

Table 3**Reasons for Delay of Enrollment**

Reasons for delay	Belief someone else is responsible	Waiting for information to arrive or no information available	Policy or supervisor directive	Vacation	Other: (e.g.: student not willing to attend, IEP in dispute, not enough staff)
5-10 days between the start of group home placement and the first day of school attendance	2	2		2	3
11-18 days	1	4	1		
19 or more days	1	3	1		
Ran away or moved before attending new school		1			1
Total	4	10	2	2	4

Education Passport Utilization

Research staff attempted contact with all of the child welfare caseworkers of the youth who newly entered the group homes chosen for the study. They were able to contact 32 of the 45 caseworkers. The most frequent reason for lack of contact was that the caseworkers simply did not return phone calls. Our researchers found that 5 of the 32 (15.6%) caseworkers interviewed had information stored in the Education Passport and four of these indicated the foster youth's Special Education status. Although there were 12 youth whose

social workers knew they were eligible for Special Education, only two of those students' caseworkers had information about the type of services they were eligible for stored in the Educational Passport section of the CWS/CMS. Those two had complete information about the students' specific disability and the type of special education program for which they were eligible.

When we asked the group home staff whether they had an up-to-date Education Passport available to assist with school enrollment, we found that they did in only 5 out of 45 instances (11%). There was no correspondence between the youth reported to have Passports at the group home and the caseworker reports (4 of the 5 caseworkers of the youth who had current Passports at their group homes were also interviewed), indicating, perhaps, that Passports in the group home were not procured from the caseworkers and that caseworkers had not yet shared the Passports they had with the group homes.

Although these data were gathered and calculated differently from previous studies, they corroborate the low rate of CWS/CMS Education Passport utilization (a 15.6% utilization rate in this study compared to 20% in the AIR study) and the extensive number of lost days of school foster youth are experiencing in the transition between homes and schools.

Policies and Training

We were able to gather information on school enrollment policies and procedures from 18 of the 25 group homes identified for this study. We found that 5 of those 18 had written policies or procedures explaining how to place youth in

school and 4 of the 18 had any type of training or staff development activities in those processes.

Of seven school districts from which we gathered data, we discovered that three had some form of written policy and/or directives on the process of enrolling foster youth in school. Two of these school districts appear to have smaller delays than average. These two school districts were the only districts that provided training to group home staff on how to enroll foster youth in school. However, the numbers of students from each school district is not large enough to determine whether those school districts with higher than average delays also had a greater proportion of youth in Special Education classes that would skew the delay time upward.

The research staff was not able to obtain access to any written policies developed by the county child welfare agencies involved in this study (even though we were aware of at least one written policy for one of the counties). Although these policies may exist, if they are not easily available, widely distributed, and/or their whereabouts and existence is not commonly known, then they have very minimal use in guiding practice.

Discussion

Discovering that there were delays in enrollment in the midst of school transitions was expected due to the results of past experience and research. However, it was somewhat ironic in an age where fax machines and instant email communication are the norm that these delays would be most frequently due to

“waiting for information to arrive.” In addition, when there are highly developed databases in which to store the information that is needed for enrollment at both the county and school district levels, it is somewhat mysterious as to why information should take days and weeks to arrive rather than hours. While we did find that some of the youth have complicated social and emotional difficulties that required a careful consideration of where their needs could be best met--which could result in delaying school placement--these situations accounted for only two or three of the instances where the youth experienced delays of more than 11 days. The other situations where information was slow to arrive will require a greater depth of inquiry than we were able to complete here. In any event, if current data are not entered into the existing databases and if the data are not conveyed in a timely fashion to those persons responsible for enrolling the foster youth in school, then any value these databases may have for enhancing collaborative sharing of information is greatly diminished.

The difficulty encountered in gathering policies from each county and school district was somewhat surprising given that each of the counties we were working with have had active collaborative groups focused on developing better communication between schools, group homes, and child welfare staff. These collaborative groups, coordinated by their respective County Offices of Education came into existence in or around 1999 after the Foster Youth Services Program was expanded by the State Legislature to address the educational needs of all group home youth in California. While they have, in many cases, forged

successful working relationships between agencies working on behalf of foster youth and many school staff and social workers have become familiar with their services, there appear to be some additional areas of improvement in terms of creating a more lasting infrastructure. Such an infrastructure would include detailed materials at each school, group home, and county child welfare office regarding the process of school enrollment for foster youth as well as information on a student's right to a free and appropriate public education. The enactment of AB490, which took effect midway through the period of this research, may help to address some of those issues by requiring the appointment of a school liaison at each school district and outlining more detailed procedures on how to mitigate the transitional issues foster youth encounter.

Although many foster youth have social and emotional needs that complicate their educational needs, most need only a small amount of assistance and guidance in order to negotiate the educational system. In all situations, the occasion where a youth must transfer to a new home and consequently a new school presents a critical transition. Long unnecessary absences from school, especially in high school, can have a seriously deleterious effect on a student's abilities to learn material, pass competency exams, earn credits, and eventually graduate from high school. Speeding up these transitions and minimizing the disruptiveness of changes in educational settings by sharing accurate, up-to-date information regarding the student's coursework and special educational needs is

one of the most crucial roles those working with foster youth can play to enhance their likelihood of succeeding in school and beyond.

CHAPTER II

TIMELY TRANSFER AND ENROLLMENT PROCESS

TIMELY TRANSFER AND ENROLLMENT PROCESS

Case Vignette 1: Educational Placement of a Group Home Youth in Special Education: Chris

In the first week of March, Chris, a foster youth, changed group home placements which made it necessary for him to also transfer schools. The group home provider and social worker that worked on his case had limited information on Chris' educational history. In conversations with Chris' group home, a staff member, who identified himself as the person responsible for enrolling youth in school, did not know when he was enrolled in school, when he started school, or where he went to school. The worker reported he had been on vacation when Chris moved to the group home and this had delayed Chris's school enrollment since he was the staff person responsible for enrolling youth in their group home in school. He was not sure who had enrolled Chris in school while he was away. He did know that Chris was eligible for Special Education, but did not know what type of services were mandated in his Individual Education Plan. The social worker also had little educational information on Chris. She did not know if he was eligible for Special Education services or who held educational rights. She did know the date he started school but did not have any information as to why there was a significant delay in

enrolling Chris in school. The Health and Education Passport in the CWS/CMS held no educational information for Chris.

Chris did not begin school until mid May. He missed more than 34 days of school from when he moved to the new group home until the day he started classes. Neither the group home nor the social worker was sure if the new educational placement was educationally appropriate as designated by his Individual Education Plan.



When moving a child in foster care into a new home there are myriad issues that the worker managing the change of placement must consider. Proximity to parents and the community of origin, keeping siblings together, matching cultural background of care providers, addressing the social and emotional needs of the child, and the ability to comply with court ordered visitation plans are among the many things workers must consider. Unless they have had a direct impact on the child's placement, educational issues are frequently considered low priority issues, largely because the placement worker often assumes that the foster care providers and the receiving school should be able to address those issues. While it is true that the care providers and school are best suited to negotiate the issues of enrolling the child in school and handling the details of the school placement, they are not able to do this effectively without a certain amount of background information and guidance from the social worker. For example, all schools require that children be

immunized prior to entering school. While California law allows foster children to begin school without those immunizations [See Education Code Section 48853.5.], eventually either the immunization records need to be located or the child needs to be re-immunized if he or she is to remain in school. In this case, either the contact information of the child's pediatrician or the name and location of the child's previous school should be provided to either the care provider or the receiving school so that the school can easily obtain the immunization records and the child can avoid the unpleasant, and unnecessary, process of being re-immunized.

For high school age foster youth, basic information about which school he or she last attended, credits earned, and subjects taken will allow the student to avoid taking the same classes over and/or losing credits needed for graduation. While many high school students will be well aware of the classes they have taken and credits they have earned, the names of classes and the methods of awarding credits do not always match well between different school systems and students will almost certainly need assistance with the transfer process.

The existence and location of an Individual Education Plan (IEP) and Special Education records for children needing Special Education (about 30-40% of all foster children) is also essential information to be shared in the initial enrollment period.

Legal Issues

Recent changes in California Law (AB490) governing the school transfer of foster youth have been enacted (as of January 1, 2004). This law is intended to maintain youth in the same school despite moving foster homes and to specify the responsibilities of the county placing agency and the Local Educational Agency (LEA) in the transfer process, should it become necessary. (See a definition of LEA in the Glossary.)

If transportation can be arranged to maintain the child in his or her school of origin, then that school is compelled to allow the child to continue there--even if he or she has moved out of the school's attendance area. Nothing in the law compels either the LEA or County Placing Agency to provide this transportation. In some circumstances, even if transportation can be arranged, a decision may be made to transfer the child to a new school, but such a decision must be made "in consultation with and the agreement of the foster child and the person holding the right to make educational decisions for the foster child...in accordance with the foster child's best interest"... (Education Code Section 48853.5).

AB490 changed this section of the Education Code to state that each LEA shall have a person designated to assist with the educational placement of foster children as follows:

"b) Each local educational agency shall designate a staff person as the educational liaison for foster children. [Emphasis added by authors.] In a school district that operates a foster children services program pursuant to Chapter 11.3 (commencing

with Section 42920) of Part 24, the educational liaison shall be affiliated with the local foster children services program.

The liaison shall do all of the following:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.

(2) Assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and grades.”

In the event that a child will need to be transferred from one school to another, the educational liaison at the previous school needs to be contacted in order to facilitate that process. At this writing, the extent to which all school districts are complying with this provision and have assigned educational liaisons is uncertain. In the event that no liaison has yet been assigned or is unavailable at the time of transfer, then the county placement worker should provide information about the previous school to the appropriate person at the receiving school and/or the caregiver.

Another significant change enacted by AB490 mandates school districts to develop a mechanism to award partial credit for work completed at other school districts and types of educational facilities such as juvenile hall and Community Day Schools (See Education Code Section 48645.5). As school districts develop these procedures, this will greatly help foster youth who are prone to losing credits in the transition process.

The County placing agency still retains some responsibility for the transfer and placement process under Education Code 49069.5:

49069.5 (a) The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.

(b) The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency. [Emphasis added by authors.]

(c) As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.

[The full text of referenced laws pertaining to the school placement process and AB490 can be viewed in Appendix C.]

If the identity of the educational liaison in a particular school district is unknown, the County Office of Education Foster Youth Services (FYS) Coordinator may be able to help. Information about the Foster Youth Services Programs can be found at the CDE website at <http://www.cde.ca.gov/ls/pf/fy/> (for a list of FYS coordinators, go to <http://www.cde.ca.gov/ls/pf/fy/documents/fycontacts0304.pdf>)

Transfer and School Placement Process

In order to simplify what can appear to be a complex process, we have outlined the steps that each of the responsible partners in this process need to follow when a foster youth transfers to a new school.

Protocol for Enrollment: General Education

To enroll foster children in “general” education within 72 hours, the following procedures should be followed:

Social Worker or Probation Officer:

1. Identify last school attended and/or the location of the child’s immunization records. Contact the appointed educational liaison for foster youth to assist with records transfer.
2. When possible, inquire if the youth has any identified learning handicaps, behavioral/emotional problems, or medical conditions (including name of pediatrician) or was expelled from school. [If the child has been receiving Special Educational services there are additional steps outlined below.]
3. Engage the youth in a discussion of his or her perceived educational needs and progress toward earning credits.
4. Notify foster parent/group home of last school of attendance, location of school and health records, and special needs.
5. Notify the new school, through their educational liaison, that you are placing a foster youth in the attendance area and provide information on past educational placement to facilitate prompt transfer of records (ED Code 48852).
6. Ask foster parent/group home operator to promptly enroll the youth. A SOC 156/158 will satisfy the school requirement for proof of residence. Proof of immunizations should be at the last school attended and should be requested promptly by the new school.

7. The social worker may initiate a letter to the school district indicating that special education needs of the youth have been identified by the foster parents.

Foster Parent/Group Home Operator:

1. Enroll youth promptly in the local public school using the SOC 156/158 (see attachment in Appendix B) as proof of residence.
2. Be insistent on prompt enrollment and that if there is no space available at the local site, the school district finds a space as soon as possible.
3. Request district transportation to school if the youth cannot attend the local school. Since it generally takes 5 to 7 days to arrange bus transportation, provide or arrange for alternate transportation until, and if, the district is able to schedule transportation for the youth. [Note: School districts are not required to provide transportation for non-Special Education students, but some may, and they can often assist with bus tickets for needy children.]
4. If after 3 days enrollment is denied, pursue the enrollment process through the chain of command as necessary (i.e., principal, assistant superintendent, to superintendent).
5. If youth needs Special Education, see the steps outlined below.

Local School (or Local Educational Agency - LEA):

1. Request cumulative school records and/or transcript from previous school immediately upon verifying that the youth is eligible for enrollment.
2. In the event there is no space for the youth at the local school, find an alternate school placement and, if available, arrange transportation.
3. Place youth in appropriate classes that reflect as closely as possible the youth's educational needs or level of academic functioning.
4. If youth is identified as needing Special Education services see steps outlined below.

[See Flow Charts in Appendix B regarding Social Worker or Probation Officer, School, and Foster or Group Home Responsibilities for placing children in schools.]

Case Vignette 2

In the same week in March that Chris, discussed earlier, changed group homes, another foster youth, Marc, also moved to a new group home and needed to transfer schools because of his change in group home placement. Marc's placement change was initiated by his social worker so that he could be closer to his family and visitations can be more easily facilitated. In the new group home, the providers were knowledgeable of district procedures for enrolling Special Education youth in school and they compiled necessary records and submitted the paperwork to the district 3 days after Marc entered the group home. Most of the information they needed to enroll Marc was found in the completed Health and Education Passport that the social worker had provided to the group home. The group home provider reported that having Marc's full educational history, including the name of his previous school, his special education status, and parental rights status helped ease the enrollment process. Although they had a great deal of information in the passport, they waited for 3 days for other information to arrive from the previous school before they could enroll Marc in school.

According to Marc's IEP, he is to attend a Non-public School. After Marc was enrolled, the school district took 3 weeks to find an appropriate placement for Marc in a Non-public School and Marc began classes at his new school, 15 days after he moved to the new group home. The 15-day delay was attributed to waiting for appropriate records and information to arrive from his previous school, such as his cumulative folder, Individualized Education Plan, immunization records, and other necessary paperwork.

During the 3 weeks, the group home provider reported that he contacted the previous school using information from the Health and Education Passport and he was also in contact with the new school district to track the progress of enrollment. The social worker was also in contact with the group home and the school district to ensure that they had the needed paperwork and to address any questions and concerns that might have further delayed the enrollment process. The school district, social worker, and group home provider collaboration ensured that Marc was enrolled in school and placed in an appropriate educational placement.



Questions to Consider

1. Chris and Marc's vignettes demonstrate much different approaches on the part of the caseworker to assist foster youth with school transitions.

2. What are some of the essential tasks as outlined in the *Transfer and School Placement Process* above that enabled Marc to be enrolled in school more quickly and appropriately than Chris?
3. Who was responsible for completing those tasks?

Beyond Enrollment: The Role of the Child Welfare Worker in Smoothing Transitions

Case Vignette 3: Boy in the Bathroom - Jimmy

Midway through the school year, a teacher approached a Foster Youth Services social work intern to complain about a 3rd grade boy, Jimmy, who had recently joined her class and who, she felt, was being willfully disobedient. Ever since his arrival, about a week earlier, Jimmy insisted on being excused from class to use the bathroom even though all children were required to use the restroom prior to reentering the class immediately after morning recess. The teacher had explained that she wanted everyone to use the restroom before coming back into the classroom so as not to miss the instructions for the activity she had planned for the mid-morning period. Jimmy appeared to understand these instructions and, even though she reminded him each time prior to lining up to reenter the classroom, Jimmy insisted he did not need to use the restroom until everyone was seated and she was beginning instruction. After the fourth or fifth day and repeated reminders, she simply ignored Jimmy's request until he began crying with discomfort and ran out of the classroom because he did not wish to wet his pants.

Recognizing that Jimmy was a foster child and aware that there were services available to assist him in school, the teacher approached the social work intern about the problem and asked for some assistance with the situation. The social work intern, who was not yet familiar with Jimmy, decided to contact the placement worker to get some background information before proceeding further. The placement worker was prompt in getting back to the intern and shared information about his educational background. The intern found nothing notable about Jimmy's educational needs and explained the bathroom situation the teacher was dealing with to the placement worker. After pausing and clarifying the need for confidentiality, the placement worker shared with the intern one of the reasons Jimmy had been removed from his parents' home. Apparently, one of the ways that the parents disciplined him was to shove his head in a toilet filled with excrement. The placement worker speculated that perhaps Jimmy felt uncomfortable being in bathrooms with other people due to the trauma he had suffered there.

After discussing in supervision how to negotiate the line between maintaining confidentiality and sharing vital information, the intern met with the teacher. The intern told the teacher, without going into detail, that one of the reasons that Jimmy was in foster care was because he had some abusive experiences in bathrooms and that he had very

good reasons to be afraid of being in there with other people. While this revelation was somewhat shocking to the teacher she was able to use the information to rethink her approach to Jimmy and worked out a plan by which he could use the bathroom alone and at a time when it would not interfere with instruction. The intern reported that the teacher's attitude toward Jimmy seemed to suddenly change from seeing him as a willfully disobedient boy to a child in need of empathy and special attention. There were no further problems reported by the teacher for the remainder of the time Jimmy attended school there.



Questions to Consider

1. What is the essential action and/or information that altered the dynamic between this teacher and Jimmy?
2. What do you imagine may have happened if the placement worker did not return the school social worker's phone call or share the information that she did with the school social worker?
3. The foster care placement worker plays the most important role in the school transition process in ensuring that vital information gets passed from one placement to the next and informing the educational liaisons which school district the youth is going to and/or coming from. While the process may seem simple on the surface, anyone who has worked with children in the foster care system knows that complications occur with some regularity. Children who have been abused and neglected have, among other things, a wide array of social and emotional problems, emotional triggers, such as Jimmy's, which can seem random to new people, family members who can appear unexpectedly, and life experiences which, when recounted in class or for an assignment, can easily overwhelm an untrained or inexperienced teacher. Because there is no way that a placement worker can anticipate every conceivable situation it is important that phone calls and other inquiries from school staff be addressed in a timely fashion. A few minutes consulting with a

concerned teacher or principal on the phone can go a long way toward smoothing the transition, clarifying visitation and duration of placement issues, guiding them on the child's sensitivities, ensuring appropriate health and mental health services, and, overall, preventing much more damaging, and time consuming, school and foster home disruptions.

In addition, the foster youth themselves should be consulted. Youth who are in middle and high school should be expected to be active participants in discussing their educational needs and options. Studies have found that not being consulted by social workers and other providers about plans for their well-being is a major complaint of youth who have emancipated from care (see Youth Law Center publication at: <http://www.ylc.org/GettingOutOftheRedZone-October2003.pdf>). On top of this unnecessary alienation, well-meaning professionals can spend a great deal of time developing plans for a youth who may veto it by simply refusing to participate.

If the school district in which the foster youth is placed has a Foster Youth Services Program, additional support services and linkages to other school-based programs may be provided that may be very helpful to the youth. Additionally, some schools have school social workers that are trained to assist vulnerable children and who also can be a excellent contact persons for foster care providers and placement workers if there are educational concerns about the foster youth in their care.

CHAPTER III

SPECIAL EDUCATION AND THE “SURROGATE PARENT” PROCESS

SPECIAL EDUCATION AND THE “SURROGATE PARENT” PROCESS

Individual Education Plan and Foster Youth Representation

Identifying a child with a handicap that may interfere with her or his learning ability and establishing an Individual Education Plan (IEP) is a complex process in any situation. Children in foster care present another layer of complications due to the fact that their parents, who no longer have physical custody, retain their rights to authorize IEP testing and Special Education placement of their children unless specifically limited by the court. If those rights are not limited, then the LEA has an obligation to request the child’s legal parents authorize testing and placement and advocate for their child’s needs. (For a legal definition of “parent” see Education Code Section 56028.) The court most often will order parents’ educational rights limited only on recommendation from the social worker and can appoint a “surrogate parent” or educational representative at the same time. The social worker then has the responsibility of informing the school and caregivers of the status of the parents’ legal rights in educational matters and the contact information for the educational representative.

[See “ Surrogate Parent” process flow chart in Appendix B.]

Surrogate Parent Law

Definition of “Parent”

The federal law known as the Individuals with Disabilities Education Act (IDEA) requires parent participation in IEP meetings as well as parent approval of assessments and the IEP itself. The federal definition of parent is as follows:

34 C.F.R. Sec 300.10 Parent

As used in this part, the term parent means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with SEC 300.514. The term does not include the State if the child is a ward of the state. [Emphasis added by authors.]

The “State” includes any employee of a public or private agency involved in the education or care of the child. This includes public school employees, social workers, probation officers, regional center workers, operators of group homes, or employees of private schools. Foster parents are not considered employees in that they are reimbursed for the care of the child rather than paid like a business. Consequently, anyone employed by the state is precluded from being appointed to be a surrogate parent or to be considered a person acting as a parent. As a result of these laws, questions of who *should* represent and who *can legally* represent a foster youth through the IEP process arise.

Limitation of Parents’ Educational Rights

When a child is placed in foster care and the state assumes custody, the biological or legal parents’ right to represent their child is not automatically

terminated. If the intent on the part of the state is to reunify the child, then the child's parents should understand their child's special educational needs and be integrally involved in the educational planning process. Furthermore, the legal parents continue to have the right to represent their child in those proceedings until the court specifically terminates that right under WIC 361(a). If the parents wish, they may designate (in writing) another adult to represent the educational interests of the child. If the legal parents are unavailable, unwilling, or unable to represent their child through the IEP process, then the social worker or probation officer may petition the court to terminate their educational rights. This would also terminate their right to designate another representative. Government Code 7579.5 details the rules governing the appointment of "Surrogate Parents" (also known as Educational Representatives, both terms are used in varying legal codes) and is found in Appendix C.

Appointment of a "Surrogate"

The first preference for who should be assigned to be the "Surrogate Parent" is the child's foster parent or relative caregiver. If the foster placement is considered to be short term or if the youth is placed in a group home and there is a person such as a CASA (Court Appointed Special Advocate) available to the youth, then the placement worker may inform the Court or LEA of that. In most cases, the Court may prefer to appoint a person familiar with the youth rather than have the LEA appoint a new person from their pool of surrogates. In any case, a surrogate may not be appointed unless the parent's educational rights

are specifically limited. The Court or LEA **may not** appoint the social worker, probation officer, group home operator or staff member, or someone employed by the school district to be the surrogate parent.

Social Worker Involvement in IEP Proceedings

Although placement workers may not be appointed to be educational representatives due to legal conflict of interest statutes, they should, at a minimum, be kept informed of the child's progress and type of educational services the child may be receiving. In the event that the assigned representative—often a foster parent or relative—is not aware of all of the legal and technical aspects of the Special Education process, social workers may want to assist them in advocating for the child's needs. Furthermore, the information about the IEP would be vital to include as part of the educational service plan required under WIC Section 16010.

Some school districts, particularly large urban school districts with a higher than average proportion of Special Education students, are not always able to complete testing within legal time limits nor be as attentive to the details of the process as is required. Active reminders and inquiries are sometimes necessary to ensure that the child's eligibility for services is established and the identified services are provided. School staff are also frequently appreciative of the ability to discuss their students' needs with other professionals who can provide important background information.

Delays in Enrollment for Special Education Students

It is not unusual for children with IEPs to miss weeks of school during school transfers. The most frequent cause of this delay for youth in Special Education was attributed to waiting for paperwork information to arrive from the previous school. Social workers can reduce these delays by locating the Special Education records prior to moving the child and should also insist that the child be placed in the most similar setting to the last school—or least restrictive alternative while waiting for records and a determination of the most appropriate placement to occur. An IEP meeting is required within 30 days of a change in educational placement to ensure that the child's educational needs are being met. However, our research indicates that this rarely happens and therefore should not be used as an excuse to delay enrollment and attendance in school. Furthermore, purposefully excluding a foster youth from school due to concerns about appropriateness of the placement should be done only with a consensus of all the interested parties, certainly including the youth and parent and/or educational representative.

[Information explaining the time limits, process, and different aspects of Special Education is included in Appendix C.]

Placement Process

In order for foster youth with special educational needs to be quickly placed in an appropriate educational setting, the following procedures should be followed:

Placing Social Worker or Probation Officer:

- 1) Notify the special education administrator of the district or county office of education of the youth's admission to the district. [From EC Sec 56156] (Contra Costa County Social Services Form DC 47).
- 2) Identify: a) whether the courts have terminated the parents' educational rights and appointed an educational representative, b) the location of the parents if they retain educational rights, and c) whether the location of the parents is unknown [From EC section 56156].
- 3) Follow agency procedures in obtaining a termination of educational rights order if no legal parents are available, willing, or competent to represent the youth [as per WIC 361(a)].
- 4) Identify persons who have been appointed by the court or who are familiar to the child and may be eligible to be appointed as a surrogate by the LEA. [See GoV Code 7579.5 of the Section 361 or 726 and Ed Code Section 56055]. These persons can be, in order of preference: a) a relative caregiver or foster parent, b) a close relative or adult sibling, c) a person identified by the social worker/probation officer as familiar with the youth and competent to represent him/her (i.e., a Court Appointed Special Advocate), or d) a surrogate parent selected by the LEA.
- 5) The social worker may attend IEP meetings to become familiar with the educational needs of the youth although not in the capacity of the surrogate parent.
- 6) Include information about the youth's educational needs in the case plan [as per WIC 16010] as follows: "...addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child..."

- 7) Include information about any limitations on the educational rights of the parents in social studies, evaluations, and regular reviews [as per WIC 358.1 and 366].

Foster Home/Group Home Operator:

- 1) Follow procedures for enrolling a youth in general education in school.
- 2) If a youth's Special Education status is known, then the group home operator must notify the district as per Education Code 56156:
"Each person licensed by the state to operate a licensed children's institution, or his or her designee, shall notify the special education administrator of the district, special education local plan area, or county office in which the licensed children's institution is located of any child potentially eligible for special education who resides at the facility."
- 3) For a youth who is currently identified as eligible for Special Education, request that the youth be administratively placed in a Special Education setting most similar to the last school placement and request an IEP review to be held within 30 days. If the youth cannot attend the local school, request that transportation be provided as part of the IEP.
- 4) For a youth who appears to be unsuccessful in a general education placement, discuss with the school staff any additional services or interventions that may be available to the youth at the school site. If there is a suspicion of a disability, make a *written* request for an assessment to determine eligibility for Special Education services. This may involve asking for a Student Study Team meeting to be arranged. Contact the school periodically to check on the progress of any intervention or assessment plan.
- 5) Inform the social worker/probation officer of the need to identify the parent or terminate educational rights (as outlined above) so that assessment and placement of the youth can occur as soon as possible.
- 6) Attend IEP meetings and communicate regularly with school staff regarding the progress of the youth in school.

- 7) Keep current records on the youth's educational needs as per WIC 16010(d) as follows:

"The child's caretaker shall be responsible for obtaining and maintaining accurate and thorough information from physicians and educators for the child's summary as described in subdivision (a) during the time that the child is in the care of the caretaker."

Foster Homes Only:

- 8) If you are eligible to be appointed as the surrogate parent or are considered a "person acting as a parent":
 - a) Request that the school district provides you any available literature and/or training that is required insuring adequate representation of the youth.
 - b) Inspect and review the youth's educational records.
 - c) Attend all IEP reviews, parent-teacher conferences, and communicate regularly with teachers and other school staff regarding the progress of the youth in school.
 - d) Communicate with the social worker/probation officer regarding the youth's status and progress in special education.

LEA and/or School District:

- 1) When a youth is transferring in from another school district, place the youth in an educational setting or interim placement most similar to the youth's most recent school placement as defined in the most recent IEP. Review the placement within 30 days in accordance with ED Code Sec 56325(a) and (b).
- 2) If there are questions about the validity or legality of the IEP, the youth should be placed in a general education setting pending a review.
- 3) Contact the Special Education Administrator or Educational Liaison who will:
 - a) Ask the caretaker, social worker, and/or probation officer who the legal parent is and their location, or if the court has terminated the parents' educational rights, or if the legal parent has designated another adult to represent the child's educational interests.
 - b) After determining that the location of the legal parent is unknown or the parent is deemed unable to represent the

youth *and* there is no evidence of the parents' educational rights being terminated, promptly ask the social worker/probation officer:

- To petition the court to terminate the parents' educational rights and assign a surrogate parent/education representative as per WIC 361(a), *or*
 - To clarify if the foster parent is a long-term foster parent or a relative and can therefore be considered as a "person acting in the place of the parent."
- c) After receiving evidence that the parents' educational rights have been terminated, but no surrogate has been appointed, the LEA must appoint a surrogate parent according to the dictates of Gov Code Sec.7579.5. Considering, in order of preference:
- the foster parent,
 - a close relative or adult sibling,
 - a person identified by the social worker/probation officer as familiar with the youth and competent to represent him/her such as a CASA, or
 - a surrogate parent trained by the LEA.
- d) Provide access to the surrogate parent, parent designee, or person acting in the place of the parent all educational records of the youth and ensure that the surrogate has the knowledge and skills that ensure adequate representation of the youth.
- e) Invite social workers, probation officers, group home operators, students (when age appropriate), and other care providers to IEP meetings to ensure consistency and continuity of care. (In the event that the youth is placed in a non-public, nonsectarian school this is required by Ed Code 48856.)

Alternatives to Special Education

If a foster youth has not already been identified as eligible for Special Education services but you suspect that he or she may be in need of those services, it is important to consider any possible alternatives that would be less restrictive and less stigmatizing to the youth. Despite our best intentions to

deliver the best possible services to children in need and our attempts to frame those services as “special,” most children still have a negative view of being labeled as “learning handicapped” or “emotionally disturbed.” Furthermore, while many children who have been neglected and abused may have suffered physical and emotional trauma, effects of prenatal drug exposure, and/or malnutrition that may have caused a disability, many others may be having educational difficulties due to having missed too many days of school or being unable to pay attention due to the stress and trauma of abuse and subsequent foster care placement.

A foster youth lagging in academic skills is not necessarily in need of an IEP, but could use additional help in the form of tutoring or counseling. In order to address issues such as these, most schools have what is called a Student Study (or Success) Team (SST) whereby the teacher, parents, administrators, and school support staff meet to see if additional services or strategies can be employed to assist a student with school difficulties. In some situations, this meeting can lead to arranging a plan to test the student for Special Education. In fact, many schools routinely require an SST before considering Special Education. The SST would also be a good place to arrange special accommodations under Section 504 for students with physical disabilities or conditions that do not require Special Education. In any event, although not legally required, an SST meeting is an excellent opportunity to explore alternative strategies to help a youth with educational needs in a less stigmatizing way.

For more information about Section 504, see the California Department of Education materials (<http://www.cde.ca.gov/ls/cs/k3/consider.asp>).

Services for Emotionally Disturbed Youth (Including AB3632 Services)

A student can be identified as needing Special Education for a disability due to Emotional Disturbance (ED) if it can be determined that her or his ability to learn is affected by that condition. Although at this time being disabled due to Attention Deficit/Hyperactivity Disorder can qualify a student for Special Education, Conduct and Other Behavioral Disorders such as Oppositional Defiant Disorder generally cannot. Once again, since being classified as ED can be very stigmatizing, pursuing mental health services outside of the educational setting in order to stabilize the foster youth should be a first consideration.

Once a youth is eligible for Special Education services due to being classified ED, the least restrictive services should be requested and it is advisable to choose counseling under the heading of Designated Instructional Services (otherwise known as “DIS counseling”; see Special Education materials in Appendix C). Many school districts require at least six months of counseling before they refer to the services offered through the County Health or Mental Health Services (as per CA Government Code 7576—sometimes referred to as AB3632 services) and requesting DIS counseling as part of the IEP can make these services possible if needed in the future.

CHAPTER IV

OTHER EDUCATIONAL ISSUES

OTHER EDUCATIONAL ISSUES

Expulsion of Students and Its Impact on Transferring Between School Districts

Students who have committed violent offenses, threatened others, or used drugs and alcohol repeatedly at school may be expelled from school. (For the entire list of offenses, see Education Code Section 49800). After being expelled, most often the student is assigned to Community Day School—often run by the County Office of Education or, if incarcerated as a result of the expulsion offense, attend school in Juvenile Hall. If the student is then transferred to a home in a new school district, the student may not attend school in that district unless there is a special hearing to determine whether the student presents a threat to other students or staff. (See Education Code Section 48915.1.) Students being transferred between different counties will be provided with an educational placement in an appropriate Community Day School. The Education Code requires that the receiving school district be informed of a student's expulsion status.

In addition to being legally obligated, it is also important for social workers to inform the receiving school district of the foster youth's expulsion status so as to avoid delays in enrolling the youth in a Community Day School. Since students at Community Day Schools and Juvenile Hall school earn credit toward high school graduation at those facilities, it is important that their records of

attendance and progress there should be transferred with them when moving back into a regular school placement.

There are extensive rules and procedures governing the expulsion process, re-admittance to school districts, and the impact of having an IEP on both the rationale for expulsion and types of services offered. If you were concerned with whether a foster youth is being treated fairly, consulting the attorney assigned to the youth (or having one assigned) would be prudent. There are also advocacy organizations and web sites that can provide information in this area such as Advocates for Special Kids (ASK; <http://www.advocatesforspecialkids.org/>). More information on this topic can also be found at: <http://www.wrightslaw.com/info/discipl.suspend.crabtree.htm>

The issues of Juvenile Justice and Special Education can also be found through the Youth Law Center Publication at: http://www.ncjrs.org/html/ojjdp/2000_6_5/contents.html

Students Who May Need Alternative Education

In addition to Special Education and Community Day Schools, there are a variety of alternative education programs which are much less restrictive and that may be appropriate for youth with unconventional educational backgrounds and needs. Foster youth living in shelters may be eligible for services through Homeless Education programs; youth for whom English is a second language are eligible for help through English Language Learner programs; youth who have unique abilities may also be served through Gifted and Talented Education

(GATE) programs. For older youth, Continuation and Alternative High Schools may offer ways of earning credits at an accelerated rate or ways more tailored to the needs of the particular student than regular comprehensive high schools. Other programs such as Independent Study, Home and Hospital Education, and Pregnant Minor and Teenage Mother programs may offer students a chance to study at home and/or enhanced child care and child development education. Some high schools offer vocational education and links to Community College programs. All of these programs vary greatly in their scope and content from school to school as well as between districts. For general information about these programs, check the CDE websites at <http://www.cde.ca.gov/sp/> and <http://www.cde.ca.gov/ls/>

Graduation, Foster Care, and Emancipation Issues

An important reason to consider alternative programs that would allow a youth to earn high school credits at an accelerated rate and/or gain important job skills is the fact that after foster youth turn 18, they must be able to document their ability to fulfill graduation requirements by their 19th birthday in order to remain in foster care. While many group homes and ILSP social workers may be aware of this rule and savvy in terms of maintaining foster youth foster care eligibility, other group home and foster care providers may need assistance with finding programs and enrolling their youth in them.

The California Youth Connection (CYC) is a group of current and former foster youth who have developed advocacy and legislative skills particularly in

the area of emancipating foster youth. They may be able to provide information in areas concerning independent living and financial aid for college. Their website is <http://www.calyouthconn.org/>

Practice Vignettes

These vignettes are accounts of actual situations that arose in the course of the research examining the school placement process for group home youth. The names* of youths, group homes, and schools have been changed for confidentiality purposes.

Roger

Roger is a 13-year-old African American male. He started his residency at Starlight* group home on November 20. A social worker provided a file for Roger to Starlight, however a Passport was not included. Before arriving at Starlight, Roger attended a Non-Public School in another school district. He regularly attended classes, and was neither AWOL, nor suspended from this school.*

According to Roger's social worker, and the group home director, Roger is eligible for Special Education services. He is both learning handicapped and severely emotionally disturbed. His parents retain educational rights, although at the time of the interview, the social worker was unsure as to whether he had up-to-date contact information for them.

The group home took the paperwork to enroll Roger in school on December 3, 2003. Roger was enrolled in the 8th grade at Martin Luther King

Middle School on December 10, 2003. However, this was a regular education placement, and the group home director understood Roger's handicapping condition to be so severe (because of behavior witnessed at the group home and information included in his file) that he believed he would not be able to function in this setting. He actually believed it would do more harm than good for Roger to be in this classroom. He argued that the school, given the IEP that appeared in Roger's file, was not providing an appropriate placement. He decided to keep Roger from going to school until the district agreed to place him in an appropriate setting.*

In the beginning of February 2004, the school district's Special Education Coordinator claimed that, according to their records, Roger was not a Special Education student. In addition, the school secretary suggested that they would need someone that had signing rights to complete paperwork for him if they were to arrange for a Special Education placement. Roger's social worker said that it was the group home's responsibility to follow-up with the school, regarding both notifying the school of Roger's Special Education eligibility, and of the identity of the person with the educational rights.

The school district found an appropriate placement for Roger on April 9, 2004. Roger, however, moved from Starlight group home on April 14 and did not begin his new placement before leaving.

From November, when Roger first arrived at Starlight, until April, when Roger left Starlight, he did not attend school. It is unclear as to whether Roger

will be able to retain the IEP status, as designated by his school district, when he arrives at his new school placement.

Questions to Consider:

1. What actions may have been taken so that Roger would not have missed 4 months of school?
2. Who had the authority to decide whether or not Roger would be placed in Special Education class?
4. Is it legal for the group home to keep Roger out of school because they believe the placement may not be appropriate for the youth?
5. What information was needed to determine Roger's need for Special Education and the identity of the person who could authorize it?
6. Who is responsible for providing that information to the LEA so that an appropriate educational placement can be established?
7. If it was established that Roger was attending an NPS authorized by an IEP, what type of educational placement should they have provided for him during the period of time it took to re-evaluate his needs?
8. In what amount of time does the LEA have to re-evaluate Roger's needs and hold an IEP meeting to determine an appropriate educational placement for him?

Cindy

Cindy is a 16-year-old African American girl who has moved between five group homes within the last year. She has a history of disruptive outbursts in class that often lead to physical confrontation with other students. Three of her fights resulted in school expulsions. She only lasted one day in her most recent school.*

Cindy's social worker has been attempting to qualify her for Special Education services for the past year and a half; however, Cindy was usually kicked out of school or ran away before testing was completed. Finally, at the end of 2003, Cindy's social worker prevailed. An IEP was conducted which was signed by her mother and Cindy began receiving services due to being found eligible as Emotionally Disturbed (ED).

Cindy moved into her present Level 12 group home in February 2004, but it took two months for her to enroll at a stable school setting. The group home counselor first signed her up at an alternative school setting that did not offer ED services. After two weeks, the special education teacher realized the school was out of compliance and referred her to the nearby non-alternative public school. An enrollment conference was set two weeks later, but Cindy ran away from the home and the meeting was postponed. She returned after two weeks, signed-up for classes and began attending school sporadically.

The group home counselor, special education coordinator, teacher, and Cindy convened for an IEP on April 12, 2004. Even though Cindy's mother, who has educational rights, was not informed of the meeting and consequently did not sign the IEP agreement, Cindy's plan was implemented and she began receiving services.

When the researcher phoned the group home on April 23, 2004 to check on Cindy's school status, the counselor stated that Cindy is currently receiving ED services through resource classes. However, in light of her exceptional

behavior, the group home counselor stated that the group home, special education coordinator, and social worker are in the process of terminating her IEP plan.

To clarify this matter, the researcher phoned the school Special Education coordinator and social worker. Both persons claimed that they were adamantly opposed to retracting Cindy's ED services. The Special Education coordinator asserts that Cindy frequently displays disruptive behavior and regularly cuts classes. The social worker argued that she labored arduously to qualify Cindy for services and has no intention of ending them. She plans to call a meeting to clarify Cindy's academic goals, but a date has not yet been set. Currently, Cindy is on AWOL status.

Questions to Consider:

1. What may have helped Cindy to avoid moving to so many different school sites?
2. What information about her past expulsions may be pertinent to school planning?
3. Who is authorized to decide which educational placement is most appropriate for Cindy?
4. Do you think that Cindy was fully engaged in the decision making process? If not, what would you do to increase her engagement and/or buy-in to her educational plan?
5. How would you go about establishing a viable home and educational setting for Cindy?

REFERENCES

REFERENCES

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APPENDIX A

RESEARCH TOOLS

Dear [Juvenile Court Judge]

The Center for Social Services Research at the School of Social Welfare, University of California at Berkeley, has recently received a grant from the California Social Work Education Center to study the barriers that foster youth face in enrolling in school in a timely fashion and to develop curriculum to train social workers in the Child Welfare System how to effectively address these issues.

We will be working with the Foster Youth Service programs in Alameda, Contra Costa, and San Francisco counties to gather information from social workers, school personnel, and group home providers, pertinent to school enrollment for group home youth as they newly enter or are re-placed in group care. All of the information to be gathered is routinely collected by the Foster Youth Services staff. We will primarily document where the information came from (i.e., child welfare agency, school system, child, etc.), when it was received or whether or not it was available, and, when appropriate, what reasons were given for not being able to get the information and/or enroll the youth in school. The study will take place from September 2003 – June 2004.

Reports from this study will **not** include **any** identifying information about the youth; nor will the research include any contact with youth. Similarly, reports will not identify individual social workers, school personnel, schools, school districts, or counties, unless, with advance permission, to identify particularly effective modes of practice in this area.

Our research assistants will be MSW students officially employed as interns for school districts, county offices of education, and/or community based organizations contracted to do work in the schools and will be simultaneously assisting the school enrollment process for foster youth and documenting the process for this study. They will be operating under the strict confidentiality rules of their host organizations and supervised by MSW social workers both in the agencies and through the university.

Since part of our study is to document whether or not current information has been entered in the Education Passport section of the CWS/CMS and utilized in the enrollment process our Foster Youth Services interns will be contacting individual social workers in _____ County and will ask a series of questions to determine whether these data exist in CWS/CMS for the group home youth who are newly entering or who are re-placed in group care. This letter serves as

a request for authorization from the Juvenile Court to allow social workers to release this information to Foster Youth Services staff to be included in our study.

Thank you for your consideration in this matter. Please sign below to authorize the release of this information. If you would like to discuss this study in more detail, please feel free to contact me at 510.643.7016, or at dberrick@uclink.berkeley.edu.

Sincerely,

Jill Duerr Berrick, Ph.D.
Principal Investigator and
Associate Professor

The Juvenile Court of _____ County authorizes social workers employed by _____ to release information to Foster Youth Services staff/interns from September, 2003 – June 2004. Only information pertinent to educational planning will be released. Only information pertaining to children/youth newly placed or re-placed in group care/residential treatment and who are served by Foster Youth Services will be released.

_____ signed

_____ date

Dear _____ Group Home,

Foster Youth Services program will be working this year on a study with the University of California at Berkeley and group homes in the Bay Area to look at the process by which group home youth are enrolled in school. Your group home, _____, has been randomly selected to be a part of the study. The study will look for barriers that make it difficult for group home youth to be enrolled in school and identify practices that are successful in getting group home youth enrolled in school in a timely manner. Your participation in this study will give us valuable information about how we can ease the process of enrolling group home youth in school and improve their access to education. We also anticipate that the process of gathering this information for these youth may help facilitate their school enrollment and placement.

For the purpose of the study, we are interested in following the enrollment process of group home youth when they transfer to a new school. When a youth enters a new group home and changes school, we will begin to gather information around issues related to their schooling. We will gather information from you at the group home, from social workers, and from school staff. Some of the information that we will be collecting is information about when the youth is enrolled in school, the youth's special education status, the parents' educational rights status, and other information pertaining to school. Most of the information will be from the youth's Educational Passport or their IEP. The information to be gathered for the study is information that Foster Youth Services collects as a regular part of their work with group homes and group home youth. The identity of the youth in the study will remain confidential and reports from the study will not reveal any names of youth, parents, group home staff, social service staff, school staff or others who share information in the study.

All we ask of you at the group home is that you contact Foster Youth Services (FYS) when a new youth comes into your group home and that you assist us in starting to gather information about school related issues for the youth. The FYS staff will follow the enrollment process for the youth and document the progress along the way until the youth is attending classes that are appropriate for them and we have completed our questionnaire. This may be as short as 30 days or as long as 6 months, depending upon the school situation of the individual child.

This study will continue until the end of the school year in June 2004. Anytime during this school year, whenever a youth enters your group home and has to change schools, they can be included in the study.

Tom XXX, a staff member from the study will be in contact with you in the next few weeks. In the meantime, if you have any questions about this study, you can contact FYS with questions or concerns. They can be reached at, XXXXXX.

Procedures for Enrolling Group Home Youth in School

Questionnaire for Group Homes

(Talk to someone at the group home who you have found to be knowledgeable about enrolling youth in school.)

Name of Group Home _____

Person you spoke to: _____

Position: _____

“One thing that we are interested in is to find out about policies and procedures that group homes have about enrolling youth in schools. I have a few questions about whether or not your group home has these types of policies or procedures for enrolling youth in schools.”

1. How do you decide who enrolls youth in school in the group home?	<input type="checkbox"/> Most convenient person based on whether or not on staff when student needs to be enrolled. <input type="checkbox"/> Particular person whose job it is to enroll youth in school. <input type="checkbox"/> The assigned case manager enrolls their youth in school. <input type="checkbox"/> The director enrolls are youth in school. <input type="checkbox"/> Other: (please describe below) _____ _____
2. For the person that enrolls the youth in school, are there any written procedures that the group home has that they follow?	YES or NO
IF NO to #2 3. If the procedures are not written, how does staff learn about how to enroll youth in school?	<input type="checkbox"/> Training on enrolling youth in school. <input type="checkbox"/> When staff is trained this is included in their orientation. <input type="checkbox"/> Other: (please describe below) _____ _____
IF YES to #2 4. Could you fax me a copy of these procedures? Fax number at CSSR (510) 642-3290. Att: Jennifer Donahue.	

5. Where are the procedures kept?	<hr/> <hr/> <hr/> <hr/> <hr/>	
Analyzing the Procedures from the Group Home		
Does it state who can enroll the child?		Y or N
Does it state where to enroll student?		Y or N
Does it talk about the Educational Passport?		Y or N
Does it give a timeline for enrolling youth in school?		Y or N
Does it address issues of parental rights?		Y or N
Does it address issues of special education placement?		Y or N
Does it address issues of obtaining school records?		Y or N
Does it give contact information for school personnel to contact in regards to enrolling youth?		Y or N
Does it show evidence of collaboration between FYS and the group home?		Y or N
What is the evidence for this collaboration?		

Procedures for Enrolling Group Home Youth in School Questionnaire for SCHOOL DISTRICT

(Talk with someone at the School District level to find out about the procedures or policies. A good place to start is with FYS coordinator. This person can direct you to someone in the district.)

School District: _____

Person you spoke to: _____

Position: _____

“As a part of our study on the enrollment of Group Home youth in school, we are interested to look at the policies and procedures that exist at the school district level for enrolling group home youth. These procedures may also address the enrollment of homeless youth. I have a few questions about whether or not your school district has these types of policies or procedures for enrolling youth in schools.”

1. Does the school district have any written procedures for enrolling group home youth or homeless youth in school?	YES or NO or Unknown
2. IF Unknown to #1 Is there anyone else that I might talk to in the district that might know about these procedures?	(please indicate this information in boxes below)
3. IF YES to #1 Could you fax me a copy of these procedures? Fax number at CSSR (510) 642-3290. Att: Jennifer Donahue.	
4. Is there a staff person that is responsible for the enrollment of Group Home or Homeless youth in school? Who is this person?	YES or NO Name of person: _____
5. Where are the procedures kept?	
6. Is there any training for group home staff on these procedures?	YES or NO
7. Is there any training for school site staff on these procedures?	YES or NO

(Please track who you spoke with to find this information.)

Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	
←	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown	→	Name _____ Position _____ Ph # _____ Procedure: Y N Unknown

<p>1. Hello I am _____ and I am working for the _____ Foster Youth Services Program and working with the _____ Group Home/Residential Treatment center to help them enroll their new residents in school. I understand you are the social worker for _____.</p> <p>If not, could you tell me who the new social worker is and his/her phone number?</p>	<p>1. Date social worker called _____/_____/_____</p> <p>Information regarding identity of social worker is accurate __Y__N <i>If yes STOP. If No, continue</i></p> <p><i>IF above is NO, can previous worker provide contact information for new social worker.</i> __Y__ N</p> <p>Date information gathered _____/_____/_____</p>
<p>Could you please tell me where _____ attended school?</p> <p>Is this information in the Educational Passport section of CWS/CMS?</p> <p>(if SWer knows,) What is the name of the school and school district where _____ attended school?</p>	<p>1a. Educational Information gathered by Specific Support Staff person in group home. __Y__ N <i>(if NO, STOP here.)</i></p> <p>Title of support person _____</p> <p>Phone number _____</p> <p>Date info received _____/_____/_____</p> <p>2. Previous school known __Y__ N <i>(if no STOP)</i></p> <p>Previous school info in Passport __Y__ N</p> <p>Name of School: _____</p> <p>Name of District: _____</p>

<p>Special Education Was _____ attending Special Education classes or found eligible for an IEP?</p> <p>Is the information in the Educational Passport?</p>	<p>3. Special Education Special Ed Status: <input type="checkbox"/> Eligible <input type="checkbox"/> Not eligible <input type="checkbox"/> Unknown <input type="checkbox"/> Untested</p> <p>Information in Ed Passport__ Y __ N</p> <p>Date info received ____/ ____/____</p>
<p><i>3a.If NOT eligible for Special Ed: That is all the questions I have at this time about the educational services of _____. Thank you for taking the time to discuss this information with me. STOP HERE.</i></p> <p><i>If Eligible for Special Ed: – Do you know what the handicapping condition is?</i></p> <p>Is the information in the Educational Passport?</p>	<p><i>3a.If Not Special Ed Eligible STOP you are finished with interview. If Special Education eligible, continue.</i></p> <p>Handicapping condition <input type="checkbox"/> Learning Handicapped <input type="checkbox"/> Severely Emotionally Disturbed <input type="checkbox"/> Physically Handicapped <input type="checkbox"/> Other <input type="checkbox"/> Unknown</p> <p>Information in Ed Passport__ Y __ N</p> <p>Date info received ____/ ____/____</p>
<p>3b. If Yes – Do you know what type of Special Ed program _____ was enrolled in?</p> <p>Is the information in the Educational Passport?</p>	<p>3b. Type of Program: <input type="checkbox"/> Resource Classes <input type="checkbox"/> Special Day Class <input type="checkbox"/> Designated Instructional Services <input type="checkbox"/> Special Education Center <input type="checkbox"/> Non-Public School <input type="checkbox"/> AB3632 Services <input type="checkbox"/> Other <input type="checkbox"/> Unknown</p> <p>Information in Ed Passport__ Y __ N</p> <p>Date info received ____/ ____/____</p>

<p>4. Educational Rights Can you tell me whether the parents retain their educational rights to represent the child?</p>	<p>4. Educational Rights <input type="checkbox"/> Parents retain education rights <input type="checkbox"/> Parents' educational rights have been terminated <input type="checkbox"/> Parents' educational rights status is unknown Date info received ____/____/____ </p>
<p>4a. If Parents retain their educational rights is there a way of contacting them to invite them to an IEP meeting?</p> <p>(If Yes, may we have the contact information so that we may invite them to future IEP meetings?)</p> <p>Do you plan to request the termination of the parent's educational rights?</p>	<p>4a. Contact information available for Parents: <input type="checkbox"/> Yes <input type="checkbox"/> No Social worker plans to terminate educational rights: <input type="checkbox"/> Yes <input type="checkbox"/> No Date info received ____/____/____ </p>
<p>4b. If the Education rights of the parents have been terminated has someone been appointed to be the educational representative/surrogate?</p> <p>Do you know the name and phone number of the educational representative/surrogate so that we may invite him/her to future IEP meetings?</p> <p>That is all the questions about _____ educational services. Thank you for taking the time to discuss this information with me.</p>	<p>4b. If parents' ed. rights have been terminated, continue with 4b, if parents maintain rights, stop. Surrogate Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No Identity of educational representative/surrogate known <input type="checkbox"/> Yes <input type="checkbox"/> No Education Representative Name <i>If your agency collects this information, collect on a separate form.</i> _____ Phone Number _____ Date info received ____/____/____ </p>

School Placement Tracking Form Coversheet

1. Client # _____

2. Date FYS program notified: ____/____/____

GENERAL INFORMATION

3. Last day of previous school attendance: ____/____/____
(MM / DD / YY)

4. Start Date of Residence: ____/____/____
(MM / DD / YY)

5. Ethnicity: __AA __Asian __Caucasian __Latino/a __Native American __Pacific Islander __Other _____

6. Gender: __M __F 7. Age: ____ 8. Level: __Elem __Middle __High 9. School District _____

10. County of residence: __Alameda __Contra Costa __San Francisco 11. County of jurisdiction: __A __CC __SF __Other

12. Passport at Group Home __Y __N 13. Date Received ____/____/____ 14. Passport info up-to-date __Y __N

15. Passport Provided to Group Home by _____ 16. Group Home _____

17. Prior School Placement __Juvenile Hall __Expelled __Public School __NPS Other _____

18. Prior Child Welfare Placement __Juvenile Hall __Group Home __Foster Care __Kin Care __Birth Home __AWOL

SPECIAL EDUCATION INFORMATION

19. Special Education Status Known: __Yes __No

20. Date GSR received info: ____/____/____

21. Student has an Active IEP: __Yes __No __Unknown

22. Date GSR received info: ____/____/____

Active IEP is if IEP has been determined for the student and student not formally exited.

If Yes to question 21, continue. If NO, STOP here.

23. If Yes, is the IEP documentation available: ___Yes ___No

24. Date GSR received info: ___/___/___

25. If Spec Ed eligible, has school been notified of Special Education needs at time of, or prior to, placement
___Yes ___No

26. If Special Ed eligible, what is the Handicapping condition:

27. Date GSR received info: ___/___/___

___Learning Handicapped ___Severely Emotionally Disturbed ___Physically Handicapped ___NA ___Other (list) _____

28. If Special Ed eligible to which Special Education Program(s) has the student been assigned:

___Designated Instructional Services ___Resource Classes ___Special Day Class ___Special Education Center
___Non-Public School ___Other (list) _____ ___NA

29. If Spec Ed eligible, identity of person responsible for signing IEP documents has been provided to the school district:

___Yes ___No ___NA If Yes, to whom was it provided _____ Date: _____

DRAFT

School Placement Tracking Form

Client # _____

Activity	Date it occurred	Reasons for delay	Who info obtained from
1. Student enrolled in local school or educational program by group home staff or other responsible party (Gr home or S.W.er)		<input type="checkbox"/> Not aware of responsibility <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Student not willing to go to school <input type="checkbox"/> Other:	
2. Social services/group home provides records and/or contact information of prior school to school (Gr home or S.W.er)		<input type="checkbox"/> Not aware of responsibility <input type="checkbox"/> Information not available and whereabouts not known <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Other:	
3. School receives records (School registrar or secretary)		<input type="checkbox"/> Information not available and whereabouts not known <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Other:	

Activity	Date it occurred	Reasons for delay	Who info obtained from
4. School/district finds an available school placement (School registrar or secretary or principal)		<input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Classes full <input type="checkbox"/> Student refuses placement <input type="checkbox"/> Other:	
5. School district or group home arranges transportation (School secretary or district Administrator)		<input type="checkbox"/> Not applicable <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Student refuses to use arranged transportation <input type="checkbox"/> District does not arrange or provide transportation for students attending schools outside of local area <input type="checkbox"/> Other:	
6. NON Special Education Eligible foster youth begins attending class or receiving educational services. (Group Home/School secretary or registrar)		Additional Delays: <input type="checkbox"/> Semester break or vacation <input type="checkbox"/> Classes full <input type="checkbox"/> Student refuses to go to school/classes <input type="checkbox"/> Administrative delays in establishing schedule <input type="checkbox"/> Other:	
STOP HERE IF NO SPECIAL EDUCATION			

Activity	Date it occurred	Reasons for delay	Who info obtained from
<p>7. <u>School</u> notified of Special Ed Eligibility</p> <p>(Social Worker)</p>		<p><input type="checkbox"/> S.W. not aware of responsibility to inform school</p> <p><input type="checkbox"/> Information not available and whereabouts not known</p> <p><input type="checkbox"/> Waiting for information to arrive from known source</p> <p><input type="checkbox"/> Belief that another person is responsible</p> <p><input type="checkbox"/> Not enough time to do the task at hand</p> <p><input type="checkbox"/> Policy or supervisor directive not to do task</p> <p><input type="checkbox"/> Staff unavailable to carry out task</p> <p><input type="checkbox"/> Other:</p>	
<p>8. <u>School</u> notified of Identity of person with Educational Rights</p> <p>(Social Worker or Special Ed Coordinator at school or district)</p>		<p><input type="checkbox"/> S.W. not aware of responsibility</p> <p><input type="checkbox"/> Believes that another person is responsible</p> <p><input type="checkbox"/> Information not available and whereabouts not known</p> <p><input type="checkbox"/> Waiting for information to arrive from known source</p> <p><input type="checkbox"/> Not enough time to do the task at hand</p> <p><input type="checkbox"/> Policy or supervisor directive not to do task</p> <p><input type="checkbox"/> Staff unavailable to carry out task</p> <p><input type="checkbox"/> Other:</p>	
<p>9. Parents determined to be ineligible and need educational rights terminated.</p> <p>(For group home youth whose parents' rights were not terminated prior to entering the group home)</p> <p>(Social Worker)</p>		<p><input type="checkbox"/> Not applicable</p> <p><input type="checkbox"/> S.W. not aware of responsibility</p> <p><input type="checkbox"/> Waiting for information to arrive from known source</p> <p><input type="checkbox"/> S.W. states that another person is responsible</p> <p><input type="checkbox"/> Not enough time to do the task at hand</p> <p><input type="checkbox"/> Policy or supervisor directive not to do task</p> <p><input type="checkbox"/> Staff unavailable to carry out task</p> <p><input type="checkbox"/> Other:</p>	

Activity	Date it occurred	Reasons for delay	Who info obtained from
10. <u>School</u> notifies Social Worker or Group Home of need for parent or Ed Rep to approve IEP (Special Ed Coord. or Ed Liaison)		<input type="checkbox"/> School staff not aware of responsibility <input type="checkbox"/> Information not available and whereabouts not known <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Other:	
11. Educational Rights order signed by judge or commissioner (only if parent's educational rights are terminated) (Social Worker)		<input type="checkbox"/> Not applicable <input type="checkbox"/> S.W not aware of responsibility to request order or <input type="checkbox"/> Believes that another person is responsible <input type="checkbox"/> Information not available and whereabouts not known <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Legal calendar filled/court delays <input type="checkbox"/> Court refuses to terminate educational rights <input type="checkbox"/> Other:	
12. Educational Representative appointed by Court. (Only if parent's educational rights are terminated) (Social Worker)		<input type="checkbox"/> Not applicable <input type="checkbox"/> Court not aware of responsibility <input type="checkbox"/> Information not available and whereabouts not known <input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Other:	

Activity	Date it occurred	Reasons for delay	Who info obtained from
13. IEP 30-day review scheduled and Parent or Educational Representative invited. (Special Ed Coordinator)		<input type="checkbox"/> Not aware of responsibility <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Meeting times filled beyond time limit <input type="checkbox"/> Unable to contact necessary participants <input type="checkbox"/> Unable to find mutually agreeable meeting time <input type="checkbox"/> Vacation or semester break <input type="checkbox"/> Other:	
14. Type of educational placement identified. (Special Ed Coordinator)		<input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Parent or Ed Rep did not appear at IEP Meeting <input type="checkbox"/> No agreement on Special Ed Program/IEP contested <input type="checkbox"/> Parent or Ed Rep did not sign IEP <input type="checkbox"/> Classes full <input type="checkbox"/> Other:	
15. Educational placement located. (Special Ed Coordinator)		<input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Parent or Ed Rep did not appear at IEP Meeting <input type="checkbox"/> No Agreement on Special Ed Program/IEP contested <input type="checkbox"/> Parent or Ed Rep did not sign IEP <input type="checkbox"/> Classes full <input type="checkbox"/> Other:	

Activity	Date it occurred	Reasons for delay	Who info obtained from
16. Transportation arranged for youth in Special Education. (Special Ed Coord)		<input type="checkbox"/> Waiting for information to arrive from known source <input type="checkbox"/> Belief that another person is responsible <input type="checkbox"/> Not enough time to do the task at hand <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Meeting times filled beyond time limit <input type="checkbox"/> Student refuses to use arranged transportation <input type="checkbox"/> No transportation available or provided for Special Ed students <input type="checkbox"/> Other:	
17. 30-day review IEP meeting held and placement formalized. (Special Ed Coordinator)		<input type="checkbox"/> Not enough time to do the task <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Meeting times filled beyond time limit <input type="checkbox"/> Student refuses identified placement <input type="checkbox"/> Other (list reasons):	
18. Placement formalized by 30-day review IEP team (if different from date of meeting.) (Special Ed Coordinator)		<input type="checkbox"/> Not applicable <input type="checkbox"/> Not enough time to do the task <input type="checkbox"/> Policy or supervisor directive not to do task <input type="checkbox"/> Staff unavailable to carry out task <input type="checkbox"/> Meeting times filled beyond time limit <input type="checkbox"/> Student refuses identified placement <input type="checkbox"/> Parent did not attend meeting <input type="checkbox"/> Education Surrogate did not attend meeting. <input type="checkbox"/> Other (list reasons):	

Activity	Date it occurred	Reasons for delay	Who info obtained from
19. Special Education eligible FY receives educational classes/services. (Special Ed or otherwise) (Group home or school registrar)		Additional Delays: <input type="checkbox"/> Semester break or vacation <input type="checkbox"/> Classes full <input type="checkbox"/> Youth/Student refuses to go to school <input type="checkbox"/> Administrative delays in establishing schedule <input type="checkbox"/> Other:	
20. Special Education eligible youth attends appropriate services/classes as identified by an IEP team. (Special Ed Coordinator)		Additional Delays: <input type="checkbox"/> Semester break or vacation <input type="checkbox"/> Classes full <input type="checkbox"/> Youth/Student refuses to go to school <input type="checkbox"/> Administrative delays in establishing schedule <input type="checkbox"/> Other:	

Other Outcomes:

___ 21. Youth determined to be eligible for Special Education, but attends Regular Education classes without a review of his/her IEP

Date _____

Not Applicable _____

___ 22. Youth legally signed out of Special Education, placed in Alternative Education Program

Date _____

Not Applicable _____

___ 23. Youth eligible for Special Ed, but placed in Alternative Education center with No IEP meeting and no Special Ed Services provided.

Date _____

Not Applicable _____

___ 24. Youth Placed in Special Education without:

A) ___ 30 Day Review of the IEP

B) ___ Parent or legally appointed Educational Representative signature

C) ___ Both of the above

Date _____

Not Applicable _____

___ 25. Youth is moved to a new residence in a different school district prior to attending school in current district

Date _____

Not Applicable _____

___ 26. Youth runs away or misbehaves and is exited from the group home placement before school placement can occur

Date _____

Not Applicable _____

___ 27. Youth is suspended or expelled from school during review of placement or before placement is formalized.

Date _____

Not Applicable _____

___ 28. Youth is suspended/expelled from school within 30 days of starting school.

Date of suspension/expulsion _____ Not Applicable _____

___ 29. Youth removed from group home within 30 days of starting school.

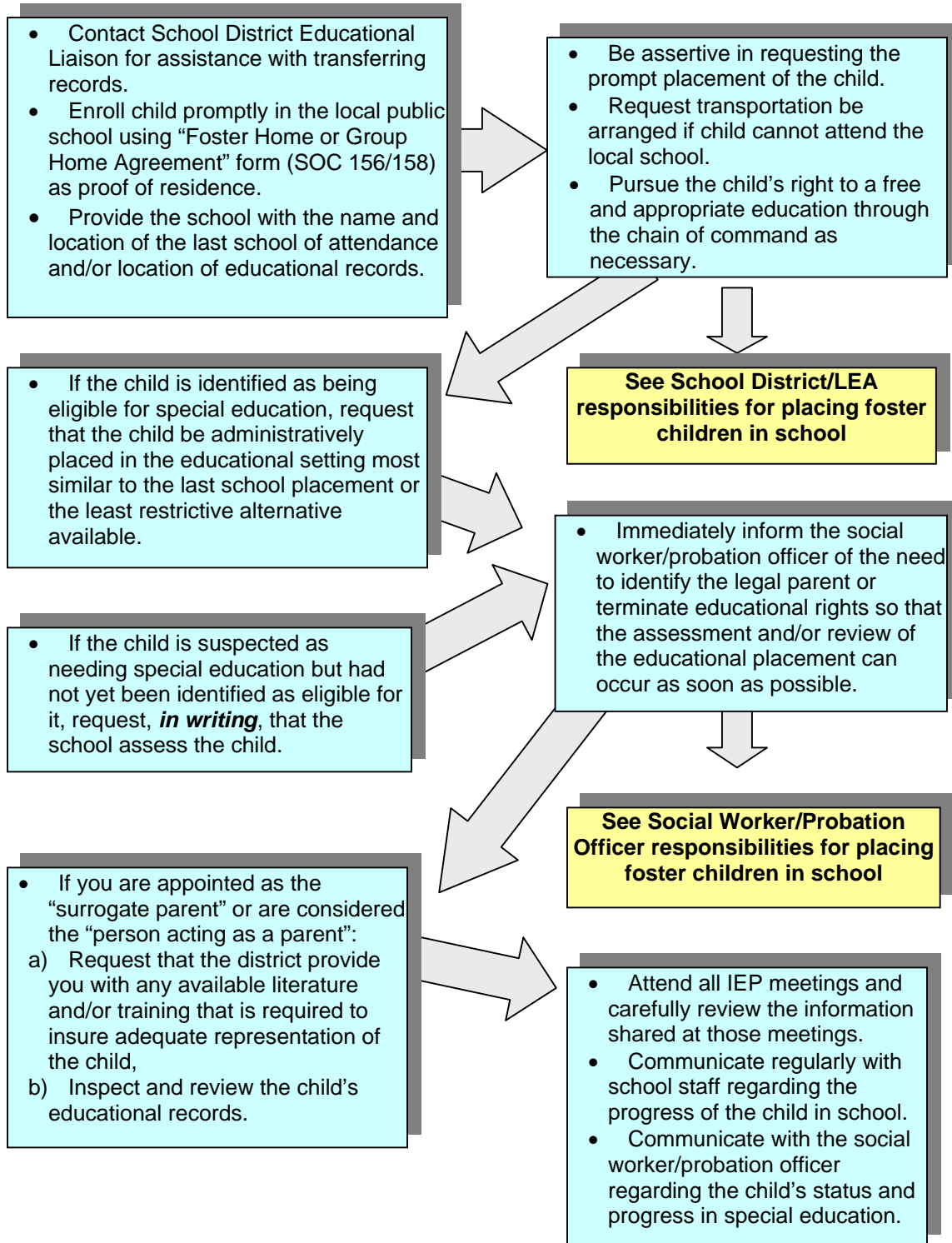
Date of suspension _____

Not Applicable _____

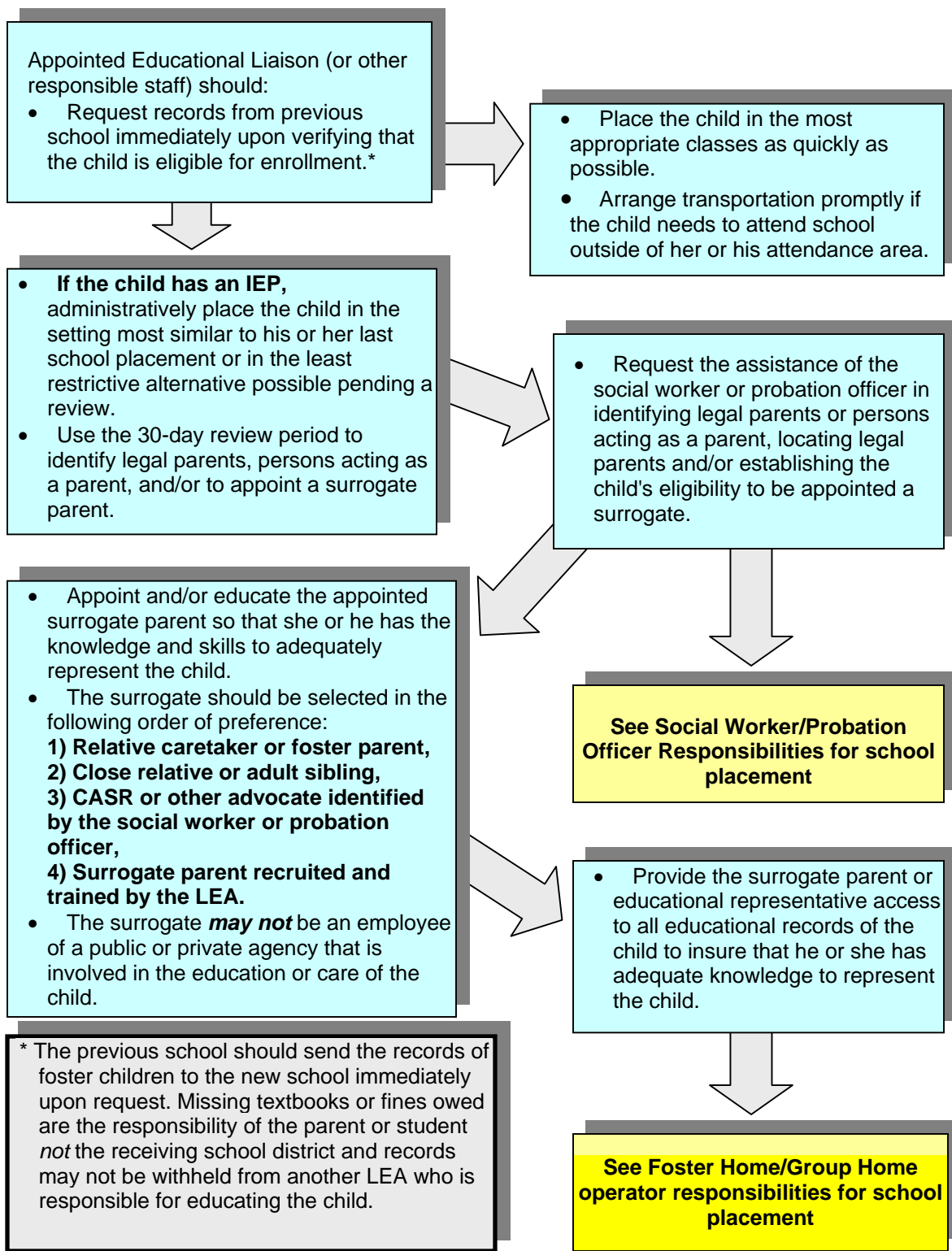
APPENDIX B

ENROLLMENT PROCESS

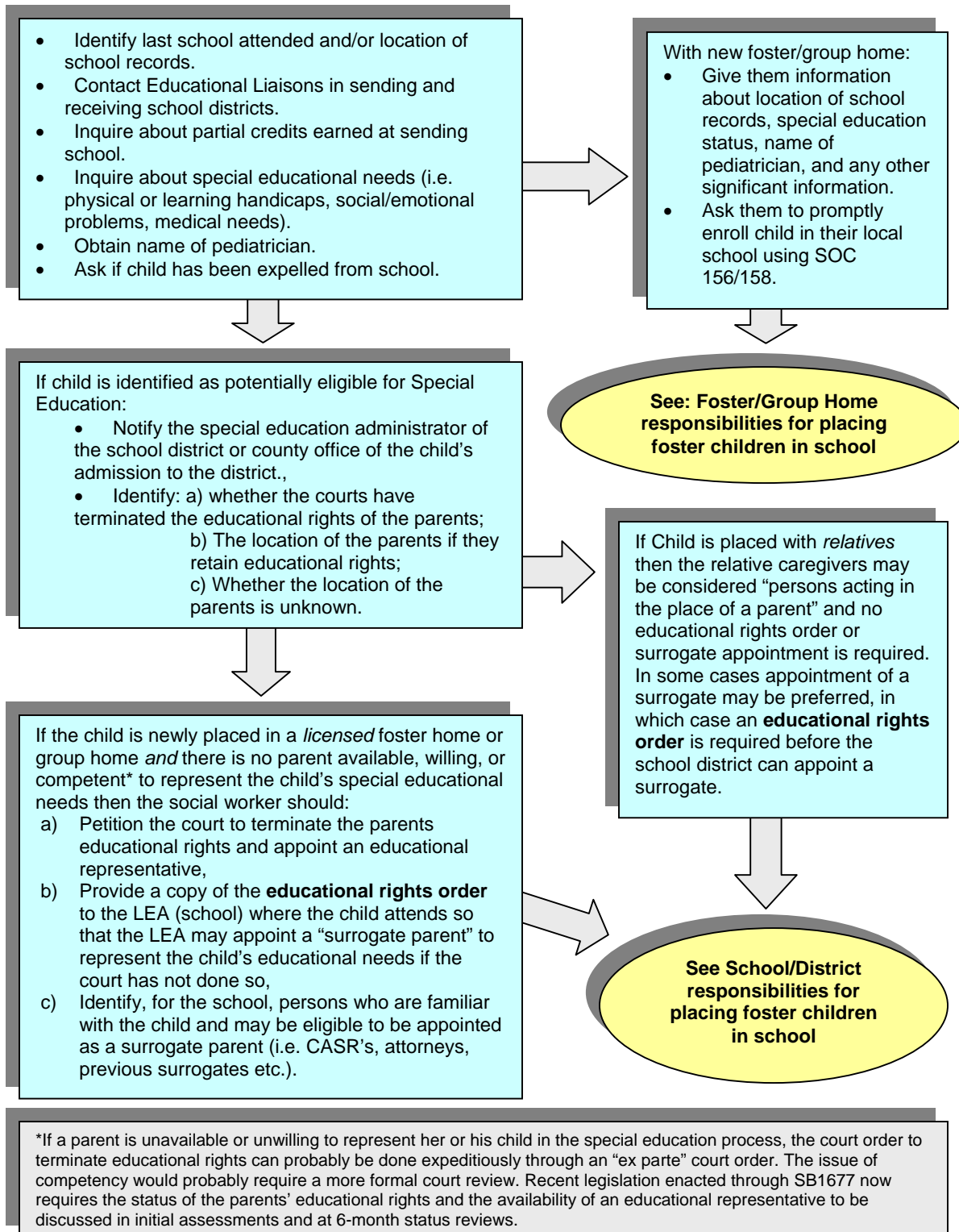
Foster Home or Group Home Responsibilities for Enrolling Foster Children in School



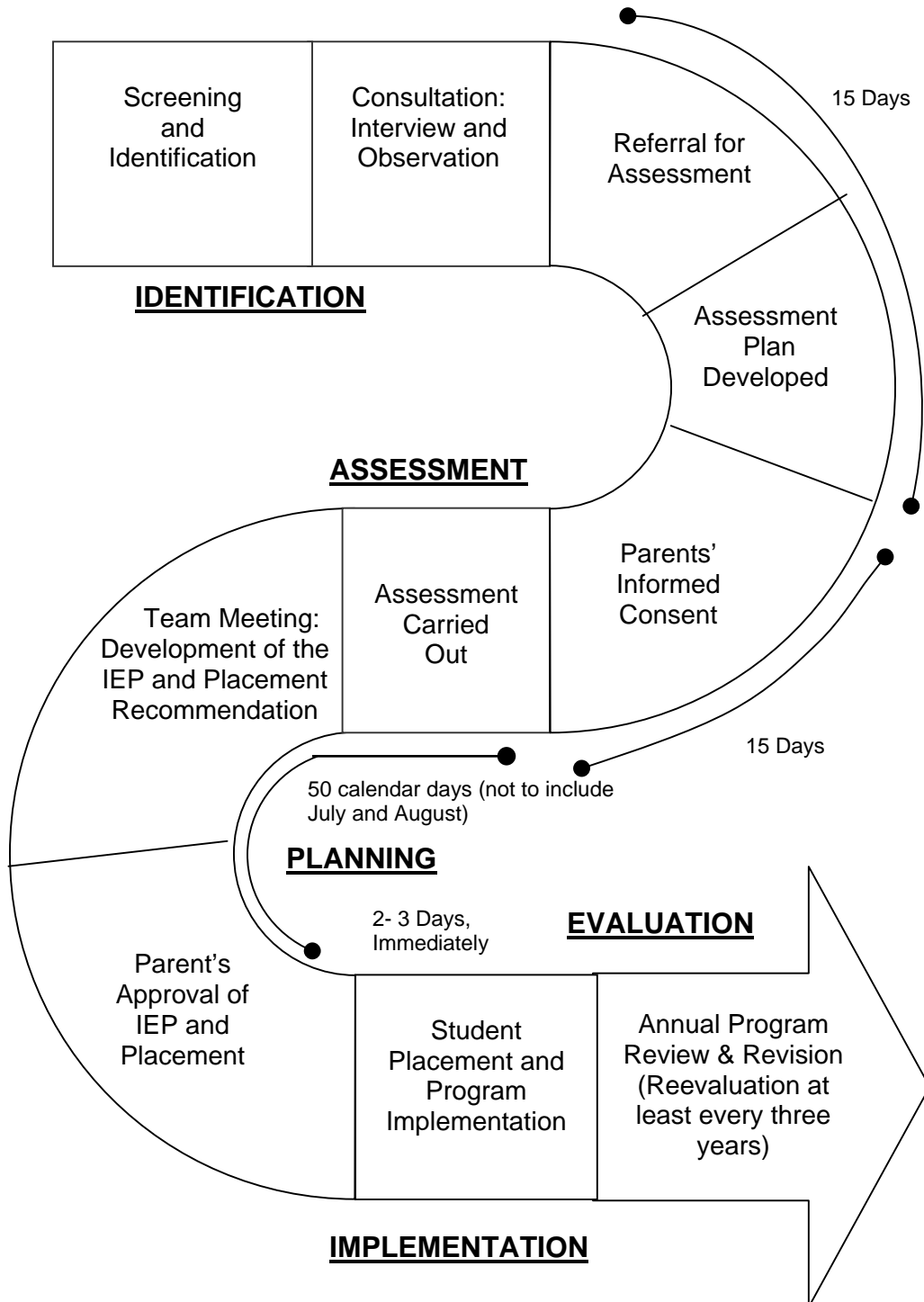
School District and/or Local Educational Agency Responsibilities in Placing Foster Children in School



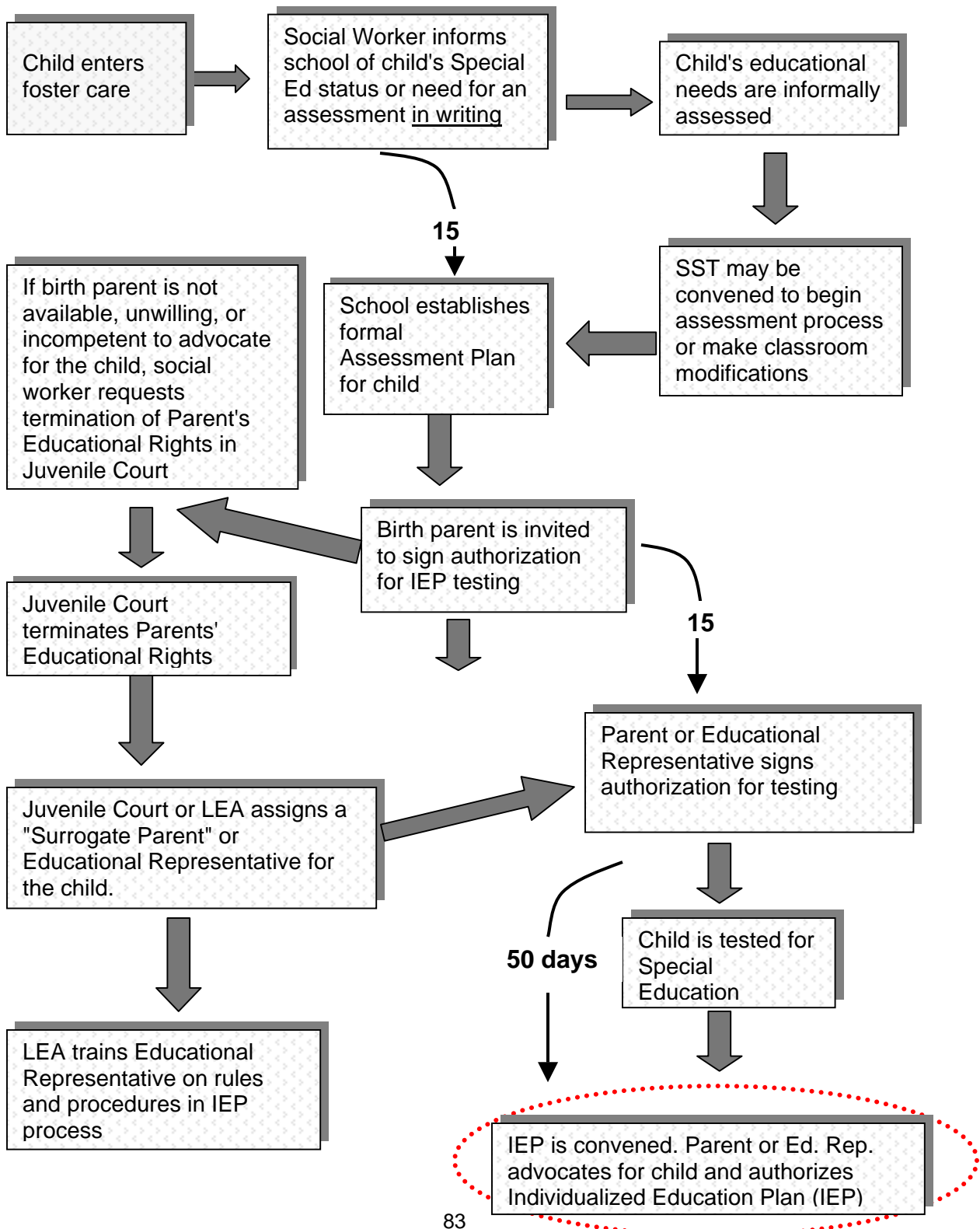
Social Worker or Probation Officer Responsibilities for Placing a Foster Child in School



Assessment Procedures for Special Education



"Surrogate Parent" Law - Procedures



APPENDIX C

LEGAL CODE

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Legislation Related to the Educational Services of Foster Youth		
Issue	Type of code	Text of legislation
Education of foster youth and youth who are homeless: Responsibility of key stakeholders.	Education Code Section 48850	<p>County Office of Education responsibilities: SEC. 2. Section 48850 of the Education Code is amended to read:</p> <p>48850. (a) It is the intent of the Legislature to ensure that all pupils in foster care and those who are homeless as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. In fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions must be based on the best interests of the child.</p> <p>(b) Every county office of education shall make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within the jurisdiction of the county office of education for use by the placing agencies in assisting parents and foster children to choose educational placements.</p> <p>(c) For purposes of individuals with exceptional needs residing in licensed children's institutions, making a copy of the annual service plan, prepared pursuant to subdivision (b) of Section 56205, available to those special education local plan areas that have revised their local plans pursuant to Section 56836.03 shall meet the requirements of subdivision (b).</p> <p>Placing Agency Responsibilities:</p>
	Education Code	<p>48852. <u>Every agency that places a child in a licensed children's institution shall notify the local educational</u></p>

		<p>services at the emergency shelter as necessary for short periods of time for either of the following reasons:</p> <p>(1) For health and safety emergencies.</p> <p>(2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.</p> <p>The educational services may be provided at the shelter pending a determination by the person holding the right regarding the educational placement of the child.</p> <p>(g) All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.</p> <p>Designation and Duties of LEA Educational Liaison:</p> <p>SEC. 4. Section 48853.5 is added to the Education Code, to read:</p> <p>48853.5. (a) This section applies to any foster child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.</p> <p><u>(b) Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24, the educational liaison shall be affiliated with the local foster children services program. The liaison shall do all of the following:</u></p> <p><u>(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.</u></p> <p><u>(2) Assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and</u></p>
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**Education
Code
Section
48853.5**

		<p><u>grades.</u></p> <p><u>(c) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin.</u></p> <p><u>(d) (1) At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the academic school year.</u></p> <p><u>(2) 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 may, in accordance with the foster child's best interest, recommend that the foster child's right to attend the school of origin be waived and the foster child be enrolled in any public school that pupils living in the attendance area in which the foster child resides are eligible to attend.</u></p> <p><u>(3) Prior to making any recommendation to move a foster child from his or her school of origin, the liaison shall provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how this recommendation serves the foster child's best interest.</u></p> <p><u>(4) (A) If the liaison in consultation with the foster child and the person holding the right to make educational decisions for the foster child agree that the best interests of the foster child would be served by his or her transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school.</u></p> <p><u>(B) The new school shall immediately enroll the foster child even if the foster child is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, proof of</u></p>
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		<p><u>residency, other documentation, or school uniforms.</u></p> <p><u>(C) The liaison for the new school shall, within two business days of the foster child's request for enrollment, contact the school last attended by the foster child to obtain all academic and other records. The school liaison for the school last attended shall provide all records to the new school within two business days of receiving the request.</u></p> <p><u>(5) If any dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school of origin pending resolution of the dispute.</u></p> <p><u>(6) The local educational agency and the county placing agency are encouraged to collaborate to ensure maximum utilization of available federal moneys, explore public-private partnerships, and access any other funding sources to promote the well-being of foster children through educational stability.</u></p> <p>(e) For purposes of this section, "school of origin" means the school that 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, 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.</p> <p>(f) This section does not supersede other law governing the educational placements in juvenile court schools, as defined by Section 48645.1, by the juvenile court under Section 602 of the Welfare and Institutions Code.</p>
Inclusion of Educational Needs in Child Welfare Case Plan	Welfare and Institutions code Section 16010	<p>Inclusion of Educational needs in Case Plan</p> <p>16010. (a) <u>When a child is placed in foster care, the case plan for each child recommended pursuant to Section 358.1 shall include a summary of the health and education information or records, including mental health information or records, of the child. The summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. The</u></p>

		<p><u>health and education summary shall include, but not be limited to, the names and addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child determined to be appropriate by the Director of Social Services.</u> If any other provision of law imposes more stringent information requirements, then that section shall prevail.</p> <p>(b) Additionally, any court report or assessment required pursuant to subdivision (g) of Section 361.5, Section 366.1, subdivision (d) of Section 366.21, or subdivision (b) of Section 366.22 shall include a copy of the current health and education summary described in subdivision (a).</p> <p>(c) <u>As soon as possible, but not later than 30 days after initial placement of a child into foster care, the child protective agency shall provide the caretaker with the child's current health and education summary as described in subdivision (a). For each subsequent placement, the child protective agency shall provide the caretaker with a current summary as described in subdivision (a) within 48 hours of the placement.</u></p> <p>(d) The child's caretaker shall be responsible for obtaining and maintaining accurate and thorough information from physicians and educators for the child's summary as described in subdivision (a) during the time that the child is in the care of the caretaker. On each required visit, the child protective agency or its designee family foster agency shall inquire of the caretaker whether there is any new information that should be added to the child's summary as described in subdivision (a). The child protective agency shall update the summary with such information as appropriate, but not later than the next court date or within 48 hours of a change in placement. The child protective agency or its designee family foster agency shall take all necessary steps to assist the caretaker in obtaining relevant health and education information for the child's health and education summary as described</p>
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		<p>in subdivision (a).</p> <p>(e) At the initial hearing, the court shall direct each parent to provide to the child protective agency complete medical, dental, mental health, and educational information, and medical background, of the child and of the child's mother and the child's biological father if known. The Judicial Council shall create a form for the purpose of obtaining health and education information from the child's parents or guardians at the initial hearing. The court shall determine at the hearing held pursuant to Section 358 whether the medical, dental, mental health, and educational information has been provided to the child protective agency.</p>
Priority of Placement of Foster Youth near Home	Welfare and Institutions Code Section 362.2	<p>Priority of Placement near Home</p> <p>362.2. <u>It is the intent of the Legislature that if a placement out-of-home is necessary pursuant to an individualized education program, that this placement be as near the child's home as possible, unless it is not in the best interest of the child. When the court determines that it is the best interest of the child to be placed out-of-state, the court shall read into the record that in-state alternatives have been explored and that they cannot meet the needs of the child, and the court shall state on the record the reasons for the out-of-state placement.</u></p>
Parent Educational Rights: Required Regular Reviews of Parent Educational Rights	Welfare and Institutions Code Section 358.1	<p>Regular reviews of Parent Educational Rights:</p> <p>SEC. 2. Section 358.1 of the Welfare and Institutions Code is amended to read:</p> <p>358.1. Each social study or evaluation made by a social worker or child advocate appointed by the court, required to be received in evidence pursuant to Section 358, shall include, but not be limited to, a factual discussion of each of the following subjects:</p> <p>...(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for his or her child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the study or evaluation makes that recommendation, it shall identify whether there is a responsible adult</p>

		<p>available to make educational decisions for the child pursuant to Section 361.</p>
	<p>Welfare and Institutions Code Section 366</p>	<p>SEC. 3. Section 366 of the Welfare and Institutions Code is amended to read:</p> <p>366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:</p> <p>....(C) <u>Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.</u></p>
	<p>Welfare and Institutions Code Section 366.27</p>	<p>SEC. 11. Section 366.27 of the Welfare and Institutions Code is amended to read:</p> <p>366.27. (a) If a court, pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, orders the placement of a minor in a planned permanent living arrangement with a relative, the court may authorize the relative to provide the same legal consent for the minor's medical, surgical, and dental care as the custodial parent of the minor.</p> <p>(b) <u>If a court orders the placement of a minor in a planned permanent living arrangement with a foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7, the court may limit the right of the minor's parent or guardian to make educational decisions on the minor's behalf, so that the foster parent, relative caretaker, or nonrelative extended family member may exercise the educational consent duties pursuant to Section 56055 of the Education Code.</u></p> <p>(c) If a court orders the placement of a minor in a planned permanent living arrangement, for purposes of this section, a foster parent shall include a person, relative caretaker, or a nonrelative extended family member as defined in Section 362.7, who has been licensed or approved by the county welfare department, county probation department, or the State Department of</p>

	<p>Social Services, or has been designated by the court as a specified placement.</p> <p>Welfare and Institution Code Section 726</p> <p>SEC. 12. Section 726 of the Welfare and Institutions Code is amended to read:</p> <p>726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:</p> <p>(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.</p> <p>(2) That the minor has been tried on probation while in custody and has failed to reform.</p> <p>(3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.</p> <p><u>(b) Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:</u></p> <p><u>(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.</u></p> <p><u>(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.</u></p> <p><u>(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.</u></p> <p><u>(4) A successor guardian or conservator is appointed.</u></p> <p><u>(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time the foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.</u></p> <p>An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. For purposes of this section, "an individual</p>
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		<p>who would have a conflict of interest," means a person having any interests that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section. If the court is unable to appoint a responsible adult to make educational decisions for the child and paragraphs (1) to (5), inclusive, do not apply, and the child has either been referred to the local educational agency for special education and related services, or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.</p> <p>All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.</p>
Parent Educational Rights: Termination of Parental Rights	Welfare and Institutions Section 361(a)	<p>Termination of Parent Educational Rights</p> <p>(a) SEC. 10. Section 361 of the Welfare and Institutions Code is amended to read:</p> <p>361. (a) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. <u>Any limitation on the right of the parent or guardian to make educational decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:</u></p> <p><u>(1) The minor reaches 18 years of age, unless the</u></p>

		<p><u>child chooses not to make educational decisions for him or herself, or is deemed by the court to be incompetent.</u></p> <p><u>(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.</u></p> <p><u>(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.</u></p> <p><u>(4) A successor guardian or conservator is appointed.</u></p> <p><u>(b) Nothing in subdivision (a) shall be construed to limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services or to a licensed county adoption agency at any time while the child is a dependent child of the juvenile court if the department or agency is willing to accept the relinquishment.</u></p>
Access to Student Records	<p>Education Code Section 49075</p> <p>Education Code Section 49076</p>	<p><u>Access to Student Records</u></p> <p>49075. A school district may permit access to pupil records to any person for whom a parent of the pupil has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file.</p> <p>49076. A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:</p> <p>(a) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:</p> <p>(1) <u>School officials and employees of the district, members of a school attendance review board appointed pursuant to Section 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing follow-up services to students referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.</u></p> <p>(2) <u>Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs</u></p>

		<p><u>leading to high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.</u></p> <p>(3) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, <u>and administrative head of an education agency, state education officials, or their respective designees,</u> or the United States Office of Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.</p> <p>(4) <u>Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.</u></p> <p>(5) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.</p> <p>(6) A pupil 16 years of age or older or having completed the 10th grade who requests access.</p> <p>(7) Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.</p> <p>(8) A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200) of Part 27 of Division 4 of Title 2) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400) of Part 27 of Division 4 of Title 2).</p> <p>(9) Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.</p> <p>(10) Any judge or probation officer for the purpose of</p>
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		<p>conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this paragraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.</p> <p><u>(11) Any county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.</u></p> <p>(b) School districts may release information from pupil records to the following:</p> <p>(1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a student or other persons.</p> <p>(2) Agencies or organizations in connection with a student's application for, or receipt of, financial aid. However, information permitting the personal identification of students or their parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.</p> <p>(3) The county elections official, for the purpose of identifying students eligible to register to vote, and for conducting programs to offer students an opportunity to register to vote. The information, however, shall not be used for any other purpose or given or transferred to any other person or agency.</p> <p>(4) Accrediting associations in order to carry out their accrediting functions.</p> <p>(5) Organizations conducting studies for, or on behalf</p>
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		<p>of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of students or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained.</p> <p>(6) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068. This information shall be in addition to the pupil's permanent record transferred pursuant to Section 49068.</p> <p><u>No person, persons, agency, or organization permitted access to pupil records pursuant to this section shall permit access to any information obtained from those records by any other person, persons, agency, or organization without the written consent of the pupil's parent. However, this paragraph shall not be construed as requiring prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate interest in the information.</u></p> <p>(c) Notwithstanding any other provision of law, any school district, including any county office of education or superintendent of schools, may participate in an interagency data information system that permits access to a computerized data base system within and between governmental agencies or districts as to information or records which are nonprivileged, and where release is authorized as to the requesting agency under state or federal law or regulation, as long as each of the following requirements are met:</p> <p>(1) Each agency and school district shall develop security procedures or devices by which unauthorized personnel cannot access data contained in the system.</p> <p>(2) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.</p> <p>(3) Each school district shall comply with the access log requirements of Section 49064.</p> <p>(4) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.</p> <p>(5) No agency or school district may make public or</p>
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	<p>Education Code Section 49077</p> <p>Education Code Section 49078</p>	<p>otherwise release information on an individual contained in the data base where the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.</p> <p>49077. Information concerning a student shall be furnished in compliance with a court order or a lawfully issued subpoena. The school district shall make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.</p> <p>49078. The service of a lawfully issued subpoena or a court order upon a public school employee solely for the purpose of causing him or her to produce a school record pertaining to any pupil may be complied with by that employee, in lieu of the personal appearance as a witness in the proceeding, by submitting to the court, or other agency, or person designated in the subpoena, at the time and place required by the subpoena or court order, a copy of that record, accompanied by an affidavit certifying that the copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.</p>
Access of Records: Child's Attorney	Welfare and Institutions Code Section 317(f)	<p>Access of records by Child's Attorney</p> <p>317 (f) Notwithstanding any other law, counsel shall be given access to all records relevant to the case which are maintained by state or local public agencies. All information requested from a child protective agency regarding a child who is in protective custody, or from a child's guardian ad litem, shall be provided to the child's counsel within 30 days of the request. Counsel shall be given access to records maintained by hospitals or by other medical or non-medical practitioners or by child care custodians, in the manner prescribed by Section 1158 of the Evidence Code.</p>

<p>School Transfer: Procedures for transferring foster youth to new educational placement</p>	<p>Education Code Section 49069.5</p>	<p>49069.5 (a) The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.</p> <p>(b) <u>The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency.</u></p> <p>(c) <u>As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.</u></p> <p>(d) <u>Upon receiving a transfer request from a county placing agency, the local educational agency shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.</u></p> <p>(e) As part of the transfer process described under subdivisions (c) and (d), the <u>local educational agency shall compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).</u></p> <p>(f) The local educational agency shall assign the duties listed in this section to a person competent to handle the transfer procedure and aware of the specific educational record keeping needs of homeless, foster, and other transient children who transfer between schools.</p> <p>(g) <u>The local educational agency shall ensure that if the pupil in foster care is absent from school due to a</u></p>
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School Transfer: Transfer of Pupil Records	<p>Education Code Section 49068</p> <p>Education Code Section 49069.3</p>	<p>Efficient Transfer of Pupil records</p> <p>49068. Whenever a pupil transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the pupil's permanent record or a copy thereof shall be transferred by the former district or private school upon a request from the district or private school where the pupil intends to enroll. Any school district requesting such a transfer of a record shall notify the parent of his right to receive a copy of the record and a right to a hearing to challenge the content of the record. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of records.</p> <p>49069.3. Foster family agencies with jurisdiction over currently enrolled or former pupils may access records of grades and transcripts, and any individualized education plans (IEP) that may have been developed pursuant to Chapter 4 (commencing with Section 56300) of Part 30 maintained by school districts or private schools of those pupils.</p>
School Transfer: Awarding Partial Credit upon transfer	Education Code Section 48645.5.	<p>SECTION 1. Section 48645.5 of the Education Code is amended to read:</p> <p>48645.5. Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a</p>

		diploma from the school the pupil last attended before detention or in the alternative, the county superintendent of schools may issue the diploma.
Transportation to School	Education Code Section 48311.	48311. Upon request of the pupil's parent or guardian, each school district of choice that admits a pupil under this section to any school or program of the district may provide to the pupil transportation assistance within the boundaries of the district to that school or program, to the extent that the district otherwise provides transportation assistance to pupils.
Criteria for School Suspension and Expulsion	Education Code Section 48900	<p>48900. A pupil may not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (q), inclusive:</p> <p>(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.</p> <p>(2) Willfully used force or violence upon the person of another, except in self-defense.</p> <p>(b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.</p> <p>(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.</p> <p>(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.</p> <p>(e) Committed or attempted to commit robbery or extortion.</p> <p>(f) Caused or attempted to cause damage to school property or private property.</p>

		<p>(g) Stolen or attempted to steal school property or private property.</p> <p>(h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.</p> <p>(i) Committed an obscene act or engaged in habitual profanity or vulgarity.</p> <p>(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.</p> <p>(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.</p> <p>(l) Knowingly received stolen school property or private property.</p> <p>(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.</p> <p>(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.</p> <p>(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.</p> <p>(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.</p> <p>(q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.</p> <p>(r) A pupil may not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other</p>
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		<p>school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:</p> <ul style="list-style-type: none"> (1) While on school grounds. (2) While going to or coming from school. (3) During the lunch period whether on or off the campus. (4) During, or while going to or coming from, a school sponsored activity. <p>(s) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).</p> <p>(t) As used in this section, "school property" includes, but is not limited to, electronic files and databases.</p> <p>(u) A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.</p> <p>(v) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.</p>
Expulsion and transfer to a new school district	Education Code Section 48915.1	<p>48915.1. (a) If the governing board of a school district receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the pupils or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of pupils as described in Section 48918.</p> <p>A school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no</p>

		<p>later than five working days from the date of the receipt of the request.</p> <p>(b) If a pupil has been expelled from his or her previous school for an act other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or pupil, if the pupil is emancipated or otherwise legally of age, shall, upon enrollment, inform the receiving school district of his or her status with the previous school district. If this information is not provided to the school district and the school district later determines the pupil was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to subdivision (a).</p> <p>(c) The governing board of a school district may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the pupils or employees of the school district.</p> <p>(d) The governing board of a school district, when making its determination whether to enroll an individual who has been expelled from another school district for these acts, may consider the following options:</p> <ol style="list-style-type: none"> (1) Deny enrollment. (2) Permit enrollment. (3) Permit conditional enrollment in a regular school program or another educational program. <p>(e) Notwithstanding any other provision of law, the governing board of a school district, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600).</p>
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(Special Education) Expulsion for youth with Special Needs	Education Code Section 48915.5	<p>Special Needs and Expulsion</p> <p>48915.5. (a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with subsection (k) of Section 1415 of Title 20 of the United States Code, the discipline provisions contained in Sections 300.519 through 300.529 of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.</p> <p>(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with paragraph (1) of subsection (a) of Section 1412 of Title 20 of the United States Code and subsection (d) of Section 300.121 of Title 34 of the Code of Federal Regulations.</p> <p>(c) If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program.</p>
(Special Education) Expulsion and Enrollment in County Community Day School	Education Code Section 48915.2	<p>Expulsion and Enrollment in County Community Day School</p> <p>48915.2. (a) A pupil expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school pursuant to subdivision (c) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.</p> <p>(b) After a determination has been made, pursuant to a hearing under Section 48918, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, the governing board of a school district may permit the individual to enroll in the school district after the term of expulsion, subject to one of the following conditions:</p> <p>(1) He or she has established legal residence in the school district, pursuant to Section 48200.</p>

		(2) He or she is enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600) of Part 26.
Legislation Related to the Educational Services of Youth Who Qualify for Special Education		
Issue	Type of code	Text of Legislation
Mental Health Services and Special Education (AB 3632)	Government Code 7576.	<p>7576 (a) The State Department of Mental Health, or any community mental health service, as defined in Section 5602 of the Welfare and Institutions Code, designated by the State Department of Mental Health, shall be responsible for the provision of mental health services, as defined in regulations by the State Department of Mental Health, developed in consultation with the State Department of Education, when required in the pupil's individualized education program. <u>A local education agency shall not be required to place a pupil in a more restrictive educational environment in order for the pupil to receive the mental health services specified in the pupil's individualized education program if the mental health services can be appropriately provided in a less restrictive setting.</u> It is the intent of the Legislature that the local education agency and the community mental health service vigorously attempt to develop a mutually satisfactory placement that is acceptable to the parent and addresses the pupil's educational and mental health treatment needs in a manner that is cost-effective for both public agencies, subject to the requirements of state and federal special education law, including the requirement that the placement be appropriate and in the least restrictive environment. For purposes of this section, "parent" is as defined in Section 56028 of the Education Code.</p> <p>(b) A local education agency, individualized education program team, or parent may initiate a</p>

		<p>referral for assessment of a pupil's social and emotional status, pursuant to Section 56320 of the Education Code. Based on the results of assessments completed pursuant to Section 56320 of the Education Code, an individualized education program team may refer a pupil who has been determined to be an individual with exceptional needs as defined in Section 56026 of the Education Code and who is suspected of needing mental health services to a community mental health service when a pupil meets all of the criteria in paragraphs (1) to (5), inclusive. Referral packages shall include all documentation required in subdivision (c), and shall be provided immediately to the community mental health service.</p> <p>(1) The pupil has been assessed by school personnel in accordance with Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of the Education Code. Local education agencies and community mental health services shall work collaboratively to ensure that assessments performed prior to referral are as useful as possible to the community mental health service in determining the need for mental health services and the level of services needed.</p> <p>(2) The local education agency has obtained written parental consent for the referral of the pupil to the community mental health service, for the release and exchange of all relevant information between the local education agency and the community mental health service, and for the observation of the pupil by mental health professionals in an educational setting.</p> <p>(3) The pupil has emotional or behavioral characteristics that:</p> <p>(A) Are observed by qualified educational staff in educational and other settings, as appropriate.</p> <p>(B) Impede the pupil from benefiting from educational services.</p> <p>(C) Are significant as indicated by their rate of occurrence and intensity.</p> <p>(D) Are associated with a condition that</p>
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		<p>cannot be described solely as a social maladjustment or a temporary adjustment problem, and cannot be resolved with short-term counseling.</p> <p>(4) As determined using educational assessments, the pupil's functioning, including cognitive functioning, is at a level sufficient to enable the pupil to benefit from mental health services.</p> <p>(5) The local education agency has provided counseling, psychological, or guidance services to the pupil pursuant to Section 6363 of the Education Code, and the individualized education program team has determined that the services do not meet the pupil's educational needs, or, in cases where these services are clearly inappropriate, the individualized education program team has documented which of these services were considered and why they were determined to be inappropriate.</p> <p>(c) When referring a pupil to a community mental health service in accordance with subdivision (b), the local education agency or the individualized education program team shall provide the following documentation:</p> <p>(1) Copies of the current individualized education program, all current assessment reports completed by school personnel in all areas of suspected disabilities pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of the Education Code, and other relevant information, including reports completed by other agencies.</p> <p>(2) A copy of the parent's consent obtained as provided in paragraph (2) of subdivision (b).</p> <p>(3) A summary of the emotional or behavioral characteristics of the pupil, including documentation that the pupil meets the criteria set forth in paragraphs (3) and (4) of subdivision (b).</p> <p>(4) A description of the counseling, psychological, and guidance services, and other interventions that have been provided to the pupil, including the initiation, duration, and frequency of these services, or an explanation of why a service was considered for the pupil and determined to be inappropriate.</p>
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		<p>(d) Based on preliminary results of assessments performed pursuant to Section 56320 of the Education Code, a local education agency may refer a pupil who has been determined to be, or is suspected of being, an individual with exceptional needs, and is suspected of needing mental health services, to a community mental health service when a pupil meets the criteria in paragraphs (1) and (2). Referral packages shall include all documentation required in subdivision (e) and shall be provided immediately to the community mental health service.</p> <p>(1) The pupil meets the criteria in paragraphs (2) to (4), inclusive, of subdivision (b).</p> <p>(2) Counseling, psychological, and guidance services are clearly inappropriate in meeting the pupil's needs.</p> <p>(e) When referring a pupil to a community mental health service in accordance with subdivision (d), the local education agency shall provide the following documentation:</p> <p>(1) Results of preliminary assessments to the extent they are available and other relevant information including reports completed by other agencies.</p> <p>(2) A copy of the parent's consent obtained as provided in paragraph (2) of subdivision (b).</p> <p>(3) A summary of the emotional or behavioral characteristics of the pupil, including documentation that the pupil meets the criteria in paragraphs (3) and (4) of subdivision (b).</p> <p>(4) An explanation as to why counseling, psychological, and guidance services are clearly inappropriate in meeting the pupil's needs.</p> <p>(f) The procedures set forth in this chapter are not designed for use in responding to psychiatric emergencies or other situations requiring immediate response. In these situations, a parent may seek services from other public programs or private providers, as appropriate. This subdivision shall not change the identification and referral responsibilities imposed on local education agencies under Article 1 (commencing with Section 56300) of Chapter 4 of Part 30 of the Education Code.</p> <p>(g) Referrals shall be made to the community</p>
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		<p>mental health service in the county in which the pupil lives. <u>If the pupil has been placed into residential care from another county, the community mental health service receiving the referral shall forward the referral immediately to the community mental health service of the county of origin, which shall have fiscal and programmatic responsibility for providing or arranging for provision of necessary services. In no event shall the procedures described in this subdivision delay or impede the referral and assessment process.</u></p>
<p>Special Education: Definition and Age Limits of Special Education</p>	<p>Education Code Section 56026</p>	<p>Definition and Age limits of Special Education:</p> <p>56026. "Individuals with exceptional needs" means those persons who satisfy all the following:</p> <p>(a) Identified by an individualized education program team as a child with a disability, as that phrase is defined in subparagraph (A) of paragraph (3) of Section 1401 of Title 20 of the United States Code.</p> <p>(b) Their impairment, as described by subdivision (a), requires instruction, services, or both, which cannot be provided with modification of the regular school program.</p> <p>(c) Come within one of the following age categories:</p> <p>(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.</p> <p>(2) Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office pursuant to Section 56441.11.</p> <p>(3) Between the ages of five and 18 years, inclusive.</p> <p>(4) Between the ages of 19 and 21 years, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her 19th birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards or has not graduated from high school with a regular high school diploma.</p> <p>(A) Any person who becomes 22 years of age during the months of January to June, inclusive,</p>

		<p>while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to regulations adopted by the State Board of Education, pursuant to Article 1 (commencing with Section 56100) of Chapter 2.</p> <p>(B) Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.</p> <p>(C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year.</p> <p>(D) No school district, special education local plan area, or county office of education may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.</p> <p>(d) Meet eligibility criteria set forth in regulations adopted by the board, including, but not limited to, those adopted pursuant to Article 2.5 (commencing with Section 56333) of Chapter 4.</p> <p>(e) Unless disabled within the meaning of subdivisions (a) to (d), inclusive, pupils whose educational needs are due primarily to limited English proficiency; a lack of instruction in reading or mathematics; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not individuals with exceptional needs.</p>
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Foster Parents Rights to Request and Authorize Assessment for Special Education Services	Education Code Section 56029	Foster Parents rights to request and authorize assessments “Referral for assessment” means any written request for assessment to identify an individual with exceptional needs made by any of the following: <u>(a) A parent or guardian of the individual.</u> <u>(b) A teacher or other service provider of the individual.</u> <u>(c) A foster parent of the individual, consistent with the limitations contained in federal law.</u>
	Education Code Section 56044	SEC. 52. Section 56044 of the Education Code is repealed. SEC. 53. Article 3.7 (commencing with Section 56055) is added to Chapter 1 of Part 30 of the Education Code, to read:
	Education Code Section 56055	<p style="text-align: center;">Article 3.7. Foster Parents</p> 56055. (a) (1) Except as provided in subdivision (b), a foster parent shall, to the extent permitted by federal law, including, but not limited to, Section 300.20 of Title 34 of the Code of Federal Regulations, have the rights related to his or her foster child’s education that a parent has under Title 20 (commencing with Section 1400) of the United States Code and pursuant to Part 300 (commencing with Section 300.1) of Title 34 of the Code of Federal Regulations. <u>The foster parent may represent the foster child for the duration of the foster parent-foster child relationship in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising an individualized education program, if necessary, and in all other matters relating to the provision of a free appropriate public education of the child.</u> <u>Notwithstanding any other provision of law, this representation shall include the provision of written consent to the individualized education program, including non-emergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to this chapter. The foster parent may sign any consent relating to individualized education program purposes.</u> (2) A foster parent exercising rights relative to a foster child under this section may consult with the parent or guardian of the child to ensure continuity of health, mental health, or other services.

		<p>(b) A foster parent who had been excluded by court order from making educational decisions on behalf of a pupil shall not have the rights relative to the pupil set forth in subdivision (a).</p> <p>(c) This section only applies if the juvenile court has limited the right of the parent or guardian to make educational decisions on behalf of the child, and the child has been placed in a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, Section 366.26, or paragraph (5) or (6) of subdivision (b) of Section 727.3 of the Welfare and Institutions Code.</p> <p>(d) For purposes of this section, a foster parent shall include a person, relative caretaker, or nonrelative extended family member as defined in Section 362.7 of the Welfare and Institutions Code, who has been licensed or approved by the county welfare department, county probation department, or the State Department of Social Services, or who has been designated by the court as a specified placement.</p>
Timelines and Authorizations for Special Education Assessments	Education Code Section 56321	<p>Timelines and Authorizations for Assessments:</p> <p>56321. <u>(a) Whenever an assessment for the development or revision of the individualized education program is to be conducted, the parent of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five schooldays from the date of receipt of the referral, unless the parent agrees, in writing, to an extension. However, in any event, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each district's school calendar for each pupil for whom a referral has been made 10 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 15-day time shall recommence on the date that the pupil's regular schooldays reconvene. A copy of the notice of parent rights shall be attached to the assessment plan. A written explanation of all the</u></p>

		<p>procedural safeguards under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 and following), and the rights and procedures contained in Chapter 5 (commencing with Section 56500), shall be included in the notice of parent rights, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; and the type of representative who may be invited to participate.</p> <p>(b) The proposed assessment plan given to parents shall meet all the following requirements:</p> <p>(1) Be in language easily understood by the general public.</p> <p>(2) Be provided in the primary language of the parent or other mode of communication used by the parent, unless to do so is clearly not feasible.</p> <p>(3) Explain the types of assessments to be conducted.</p> <p>(4) State that no individualized education program will result from the assessment without the consent of the parent.</p> <p>(c) No assessment shall be conducted unless the written consent of the parent is obtained prior to the assessment except pursuant to subdivision (e) of Section 56506. The parent shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of the consent.</p>
	Education Code Section 56321.5	56321.5. The copy of the notice of parent rights shall include the right to electronically record the proceedings of individualized education program meetings as specified in Section 56341.
	Education Code Section 56322	56322. The assessment shall be conducted by persons competent to perform the assessment, as determined by the school district, county office, or special education local plan area.
	Education Code Section 56323	56323. Admission of a pupil to special education instruction shall be made only in accordance with this article, Article 2.5 (commencing with Section 56333) and standards established by the board and

	Education Code Section 56324	<p>upon a recommendation by the individualized education program team.</p> <p>56324. (a) Any psychological assessment of pupils shall be made in accordance with Section 56320 and shall be conducted by a credentialed school psychologist who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed.</p> <p>(b) Any health assessment of pupils shall be made in accordance with Section 56320 and shall be conducted by a credentialed school nurse or physician who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed.</p>
Appointment of Surrogates for representation in IEP process	Government Code Section 7579.5.	<p>7579.5. (a) A local educational agency shall appoint a surrogate parent for a child in accordance with clause (iii) of paragraph (2) of subsection (c) of Section 300.515 of Title 34 of the Code of Federal Regulations under one or more of the following circumstances:</p> <p>(1) (A) The child is adjudicated a dependent or ward of the court pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code upon referral of the child to the local educational agency for special education and related services, or if the child already has a valid individualized education program, (B) the court has specifically limited the right of the parent or guardian to make educational decisions for the child, and (C) the child has no responsible adult to represent him or her pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055 of the Education Code.</p> <p>(2) No parent for the child can be identified.</p> <p>(3) The local educational agency, after reasonable efforts, cannot discover the location of a parent.</p> <p>(b) When appointing a surrogate parent, the local educational agency shall, as a first preference, select a relative caretaker, foster parent, or court-appointed special advocate, if any of these individuals exists and is willing and able to serve. If none of these individuals is willing or able to act as a surrogate parent, the local educational agency shall select the</p>

		<p>surrogate parent of its choice. If the child is moved from the home of the relative caretaker or foster parent who has been appointed as a surrogate parent, the local educational agency shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the child.</p> <p>(c) For the purposes of this section, the surrogate parent shall serve as the child's parent and shall have the rights relative to the child's education that a parent has under Title 20 (commencing with Section 1400) of the United States Code and pursuant to Part 300 of Title 34 (commencing with Section 300.1) of the Code of Federal Regulations. The surrogate parent may represent the child in matters relating to special education and related services, including the identification, assessment, instructional planning and development, educational placement, reviewing and revising the individualized education program, and in all other matters relating to the provision of a free appropriate public education of the child. Notwithstanding any other provision of law, this representation shall include the provision of written consent to the individualized education program including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to this chapter.</p> <p>(d) The surrogate parent is required to meet with the child at least one time. He or she may also meet with the child on additional occasions, attend the child's individualized education program meetings, review the child's educational records, consult with persons involved in the child's education, and sign any consent relating to individualized education program purposes.</p> <p>(e) As far as practical, a surrogate parent should be culturally sensitive to his or her assigned child.</p> <p>(f) The surrogate parent shall comply with federal and state law pertaining to the confidentiality of student records and information and shall use discretion in the necessary sharing of the information with appropriate persons for the purpose of furthering the interests of the child.</p> <p>(g) The surrogate parent may resign from his or her appointment only after he or she gives notice to the local educational agency.</p> <p>(h) The local educational agency shall terminate the appointment of a surrogate parent if (1) the</p>
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		<p>person is not properly performing the duties of a surrogate parent or (2) the person has an interest that conflicts with interests of the child entrusted to his or her care.</p> <p>(i) Individuals who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed as a surrogate parent. "An individual who would have a conflict of interest," for purposes of this section, means a person having any interests that might restrict or bias his or her ability to advocate for all of the services required to ensure that the child has a free appropriate public education.</p> <p>(j) Except for individuals who have a conflict of interest in representing the child, and notwithstanding any other law or regulation, individuals who may serve as surrogate parents include, but are not limited to, foster care providers, retired teachers, social workers, and probation officers who are not employees of the State Department of Education, the local educational agency, or any other agency that is involved in the education or care of the child.</p> <p>(1) A public agency authorized to appoint a surrogate parent under this section may select a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the other standards of this section.</p> <p>(2) A person who otherwise qualifies to be a surrogate parent under this section is not an employee of the local educational agency solely because he or she is paid by the local educational agency to serve as a surrogate parent.</p> <p>(k) The surrogate parent may represent the child until (1) the child is no longer in need of special education, (2) the minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by a court to be incompetent, (3) another responsible adult is appointed to make educational decisions for the minor, or (4) the right of the parent or guardian to make educational decisions for the minor is fully restored.</p> <p>(l) The surrogate parent and the local educational agency appointing the surrogate parent shall be held harmless by the State of California when acting in their official capacity except for acts or omissions that are found to have been wanton, reckless, or</p>
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		<p>malicious.</p> <p>(m) The State Department of Education shall develop a model surrogate parent training module and manual that shall be made available to local educational agencies.</p> <p>(n) Nothing in this section may be interpreted to prevent a parent or guardian of an individual with exceptional needs from designating another adult individual to represent the interests of the child for educational and related services.</p> <p>(o) If funding for implementation of this section is provided, it may only be provided from Item 6110-161-0890 of Section 2.00 of the annual Budget Act.</p> <p>(1) (A) The child is adjudicated a dependent or ward of the court pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code upon referral of the child to the local educational agency for special education and related services, or if the child already has a valid individualized education program,</p> <p>(B) the court has specifically limited the right of the parent or guardian to make educational decisions for the child, and</p> <p>(C) the child has no responsible adult to represent him or her pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055 of the Education Code.</p> <p>(2) No parent for the child can be identified.</p>
Stakeholders Responsibility for Special Education Services	Education Code Section 56155	<p>56155. The provisions of this article shall only apply to individuals with exceptional needs placed in a licensed children's institution or foster family home by a court, regional center for the developmentally disabled, or public agency, other than an educational agency.</p> <p>Definition of Licensed Children's Institution (LCI):</p>
	Education Code Section 56155.5	<p>56155.5. (a) As used in this article, "licensed children's institution" means a residential facility that is licensed by the state, or other public agency having delegated authority by contract with the state to license, to provide nonmedical care to children, including, but not limited to, individuals with exceptional needs. "Licensed children's institution" includes a group home as defined by subdivision (g) of Section 80001 of Title 22 of the</p>

<p>Placing Agencies Responsibility</p>	<p>Education Code Section 56156</p>	<p>California Code of Regulations. As used in this article and Article 3 (commencing with Section 56836.16) of Chapter 7.2, a "licensed children's institution" does not include any of the following:</p> <p>(1) A juvenile court school, juvenile hall, juvenile home, day center, juvenile ranch, or juvenile camp administered pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27.</p> <p>(2) A county community school program provided pursuant to Section 1981.</p> <p>(3) Any special education programs provided pursuant to Section 56150.</p> <p>(4) Any other public agency.</p> <p>(b) As used in this article, "foster family home" means a family residence that is licensed by the state, or other public agency having delegated authority by contract with the state to license, to provide 24-hour nonmedical care and supervision for not more than six foster children, including, but not limited to, individuals with exceptional needs. "Foster family home" includes a small family home as defined in paragraph (6) of subdivision (a) of Section 1502 of the Health and Safety Code.</p> <p>Placing Agency responsibilities re: Special Education needs notification:</p> <p>56156. <u>(a) Each court, regional center for the developmentally disabled, or public agency that engages in referring children to, or placing children in, licensed children's institutions shall report to the special education administrator of the district, special education local plan area, or county office in which the licensed children's institution is located any referral or admission of a child who is potentially eligible for special education.</u></p> <p><u>(b) At the time of placement in a licensed children's institution or foster family home, each court, regional center for the developmentally disabled, or public agency shall identify all of the following:</u></p> <p><u>(1) Whether the courts have specifically limited the rights of the parent or guardian to make educational decisions for a child who is a ward or dependent of the court.</u></p>
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<p>Special Education Local Plan Area Responsibility</p>	<p>Education Code Section 56156.4</p>	<p><u>(2) The location of the parents, in the event that the parents retain the right to make educational decisions.</u></p> <p><u>(3) Whether the location of the parents is unknown.</u></p> <p><u>(c) Each person licensed by the state to operate a licensed children's institution, or his or her designee, shall notify the special education administrator of the district, special education local plan area, or county office in which the licensed children's institution is located of any child potentially eligible for special education who resides at the facility.</u></p> <p><u>(d) The superintendent shall provide each county office of education with a current list of licensed children's institutions in that county at least biannually. The county office shall maintain the most current list of licensed children's institutions located within the county and shall notify each district and special education local plan area within the county of the names of licensed children's institutions located in the geographical area of the county covered by the district and special education local plan area. The county office shall notify the director of each licensed children's institution of the appropriate person to contact regarding individuals with exceptional needs.</u></p> <p>SELPA responsibilities to children in LCI's:</p> <p>56156.4. <u>(a) Each special education local plan area shall be responsible for providing appropriate education to individuals with exceptional needs residing in licensed children's institutions and foster family homes located in the geographical area covered by the local plan.</u></p> <p><u>(b) In multidistrict and district and county office local plan areas, local written agreements shall be developed, pursuant to subdivision (f) of Section 56195.7, to identify the public education entities that will provide the special education services.</u></p> <p><u>(c) If there is no local agreement, special education services for individuals with exceptional needs residing in licensed children's institutions shall be the responsibility of the county office in the county in which the institution is located, if the county office is part of the special education local plan area, and special education services for individuals with</u></p>
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<p>Responsibility of Local Plan Area and County Office of Education</p>	<p>Education Code Section 56156.5</p>	<p><u>exceptional needs residing in foster family homes shall be the responsibility of the district in which the foster family home is located. If a county office is not a part of the special education local plan area, special education services for individuals with exceptional needs residing in licensed children's institutions, pursuant to this subdivision, shall be the responsibility of the responsible local agency or other administrative entity of the special education local plan area. This program responsibility shall continue until the time local written agreements are developed pursuant to subdivision (f) of Section 56195.7.</u></p> <p>(d) This section shall apply to special education local plan areas that are submitting a revised local plan for approval pursuant to Section 56836.03 or that have an approved revised local plan pursuant to Section 56836.03.</p> <p>LEA vs. COE responsibilities for Special Ed services:</p> <p>56156.5. (a) Each district, special education local plan area, or county office shall be responsible for providing appropriate education to individuals with exceptional needs residing in licensed children's institutions and foster family homes located in the geographical area covered by the local plan.</p> <p>(b) In multidistrict and district and county office local plan areas, local written agreements shall be developed, pursuant to subdivision (f) of Section 56195.7, to identify the public education entities that will provide the special education services.</p> <p>(c) <u>If there is no local agreement, special education services for individuals with exceptional needs residing in licensed children's institutions shall be the responsibility of the county office in the county in which the institution is located, if the county office is part of the special education local plan area, and special education services for individuals with exceptional needs residing in foster family homes shall be the responsibility of the district in which the foster family home is located. If a county office is not a part of the special education local plan area, special education services for individuals with exceptional needs residing in licensed children's institutions, pursuant to this subdivision, shall be the responsibility of the responsible local agency or other</u></p>
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		<p><u>administrative entity of the special education local plan area. This program responsibility shall continue until the time local written agreements are developed pursuant to subdivision (f) of Section 56195.7.</u></p> <p>(d) This section shall not apply to any special education local plan area that has a revised local plan approved pursuant to Section 56836.03. This section shall apply to special education local plan areas that have not had a revised local plan approved pursuant to that section.</p> <p>(e) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2004, deletes or extends the date on which it becomes inoperative and is repealed.</p>
	<p>Education Code Section 56156.6</p>	<p>56156.6. If the district in which the licensed children's institution or foster family home is located is also the district of residence of the parent of the individual with exceptional needs, and if the parent retains legal responsibility for the child's education, Sections 56836.16 and 56836.17 shall not apply.</p>
	<p>Education Code Section 56157</p>	<p>56157. (a) In providing appropriate programs to individuals with exceptional needs residing in licensed children's institutions or foster family homes, the district, special education local plan area, or county office shall first consider services in programs operated by public education agencies for individuals with exceptional needs. If those programs are not appropriate, special education and related services shall be provided by contract with a nonpublic, nonsectarian school.</p> <p>(b) If special education and related services are provided by contract with a nonpublic, nonsectarian school, or with a licensed children's institution under this article, the terms of the contract shall be developed in accordance with the provisions of Section 56366.</p>
	<p>Responsibility for costs of Residential Placement</p> <p>Education Code Section</p>	<p>Responsibility for costs associated with residential placement:</p> <p>56159. If a district, special education local plan area, or county office does not make the placement decision of an individual with exceptional needs in a</p>

Residency Rule	<p>56159</p> <p>Education Code Section 56162</p>	<p>licensed children's institution or in a foster family home, the court, regional center for the developmentally disabled, or public agency, excluding an education agency, placing the individual in the institution, shall be responsible for the residential costs and the cost of noneducation services of the individual.</p> <p>Residency rule:</p> <p>56162. <u>Individuals with exceptional needs placed in a licensed children's institution or foster family home by a court, regional center for the developmentally disabled, or public agency, other than an educational agency, prior to the effective date of this article, shall be considered residents of the geographical area of the local plan in which the licensed children's institution or foster family home is located, for special education and related services pursuant to the provisions of this article.</u></p>
SELPA Responsibility: Evaluation of Non – Public Schools	<p>Education Code Section 56200</p>	<p>SELPA responsibility to evaluate non-public schools</p> <p>56200(j) A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each pupil's individualized education program are being met. This description shall include a method for evaluating whether the pupil is making appropriate educational progress.</p>
General Responsibility of Special Education Local Plan Area [SELPA]	<p>Education Code Section 56205</p>	<p>SELPA responsibilities:</p> <p>56205. (a) Each special education local plan area [SELPA] submitting a local plan to the superintendent under this part shall demonstrate, in conformity with subsection (a) of Section 1412 of, and paragraph (1) of subsection (a) of Section 1413 of, Title 20 of the United States Code, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following:</p> <ul style="list-style-type: none"> (1) Free appropriate public education. (2) Full educational opportunity.

		<p>(3) Child find and referral.</p> <p>(4) Individualized education programs, including development, implementation, review, and revision.</p> <p>(5) Least restrictive environment.</p> <p>(6) Procedural safeguards.</p> <p>(7) Annual and triennial assessments.</p> <p>(8) Confidentiality.</p> <p>(9) Transition from Subchapter III (commencing with Section 1431) of Title 20 of the United States Code to the preschool program.</p> <p>(10) Children in private schools.</p> <p>(11) Compliance assurances, including general compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), federal regulations relating thereto, and this part.</p> <p>(12) (A) A description of the governance and administration of the plan, including identification of the governing body of a multidistrict plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.</p> <p>(B) A description of the regionalized operations and services listed in Section 56836.23 and the direct instructional support provided by program specialists in accordance with Section 56368 to be provided through the plan.</p> <p>(C) Verification that a community advisory committee has been established pursuant to Section 56190.</p> <p>(D) Multidistrict plans, submitted pursuant to subdivision (b) or</p> <p>(c) of Section 56195.1, shall do the following:</p> <p>(i) Specify the responsibilities of each participating county office and district governing board in the policymaking process, the responsibilities of the superintendents of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the local plan.</p> <p>(ii) Identify the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education</p>
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		<p>local plan area in relation to the following:</p> <p>(I) The hiring, supervision, evaluation, and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.</p> <p>(II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.</p> <p>(III) The operation of special education programs.</p> <p>(IV) Monitoring the appropriate use of federal, state, and local funds allocated for special education programs.</p> <p>(V) The preparation of program and fiscal reports required of the special education local plan area by the state.</p> <p>(E) The description of the governance and administration of the plan, and the policymaking process, shall be consistent with subdivision (f) of Section 56001, subdivision (a) of Section 56195.3, and Section 56195.9, and shall reflect a schedule of regular consultations regarding policy and budget development with representatives of special education and regular education teachers and administrators selected by the groups they represent and parent members of the community advisory committee established pursuant to Article 7 (commencing with Section 56190) of Chapter 2.</p> <p>(13) Copies of joint powers agreements or contractual agreements, as appropriate, for districts and counties that elect to enter into those agreements pursuant to subdivision (b) or (c) of Section 56195.1.</p> <p>(14) Comprehensive system of personnel development.</p> <p>(15) Personnel standards, including standards for training and supervision of paraprofessionals.</p> <p>(16) Performance goals and indicators.</p> <p>(17) Participation in state and districtwide assessments, and reports relating to assessments.</p> <p>(18) Supplementation of state, local, and other federal funds, including nonsupplantation of funds.</p> <p>(19) Maintenance of financial effort.</p> <p>(20) Opportunities for public participation prior to adoption of policies and procedures.</p> <p>(21) Suspension and expulsion rates.</p> <p>(b) Each local plan submitted to the superintendent</p>
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		<p>under this part shall also contain all the following:</p> <p>(1) An annual budget plan that shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school in the local plan area at least 15 days prior to the hearing. The annual budget plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and Section 56195.9. The annual budget plan shall identify expected expenditures for all items required by this part which shall include, but not be limited to, the following:</p> <p>(A) Funds received in accordance with Chapter 7.2 (commencing with Section 56836).</p> <p>(B) Administrative costs of the plan.</p> <p>(C) Special education services to pupils with severe disabilities and low incidence disabilities.</p> <p>(D) Special education services to pupils with nonsevere disabilities.</p> <p>(E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments.</p> <p>(F) Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2.</p> <p>(G) The use of property taxes allocated to the special education local plan area pursuant to Section 2572.</p> <p>(2) An annual service plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by school</p>
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		<p>districts, community schools operated by county offices of education, and juvenile court schools, regardless of whether the district or county office of education is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.</p> <p>(3) A description of programs for early childhood special education from birth through five years of age.</p> <p>(4) A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual identified in subparagraph (A) of paragraph (12) of subdivision (a).</p> <p>(5) A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the plan.</p> <p>(6) Verification that the plan has been reviewed by the community advisory committee and that the committee had at least 30 days to conduct this review prior to submission of the plan to the superintendent.</p> <p>(7) A description of the process being utilized to meet the requirements of Section 56303.</p> <p>(c) A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each pupil's individualized education program are being met. The description shall include a method for evaluating whether the pupil is making appropriate educational progress.</p> <p>(d) The local plan, budget plan, and annual service plan shall be written in language that is understandable to the general public.</p>
Definition of "Parent"	Education Code Section 56028	<p>Definition of "Parent"</p> <p>SECTION 1. Section 56028 of the Education Code is amended to read:</p> <p>56028. (a) <u>"Parent."</u> includes any of the following:</p> <p>(1) A person having legal custody of a child.</p> <p>(2) Any adult pupil for whom no guardian or</p>

		<p>conservator has been appointed.</p> <p>(3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives). "Parent" also includes a parent surrogate.</p> <p>(b) "Parent" does not include the state or any political subdivision of government.</p> <p>(4) A foster parent if the natural parents' authority to make educational decisions on the child's behalf has been specifically limited by court order in accordance with subsection (b) of Section 300.20 of Title 34 of the Code of Federal Regulations.</p>
Responsibility of Transferring Pupil	Education Code Section 56325	<p>Interim Placement when Special Education Student Transfers Schools:</p> <p><u>56325. (a) Whenever a pupil transfers into a school district from a school district not operating programs under the same local plan in which he or she was last enrolled in a special education program, the administrator of a local program under this part shall ensure that the pupil is immediately provided an interim placement for a period not to exceed 30 days. The interim placement must be in conformity with an individualized education program, unless the parent or guardian agrees otherwise. The individualized education program implemented during the interim placement may be either the pupil's existing individualized education program, implemented to the extent possible within existing resources, which may be implemented without complying with subdivision (a) of Section 56321, or a new individualized education program developed pursuant to Section 56321.</u></p> <p><u>(b) Before the expiration of the 30-day period, the interim placement shall be reviewed by the individualized education program team and a final recommendation shall be made by the team in accordance with the requirements of this chapter. The team may utilize information, records, and reports from the school district or county program from which the pupil transferred.</u></p> <p>Sending District responsibility for Funding NPS:</p> <p><u>(c) Commencing on July 1, 1998, whenever a pupil</u></p>

		<p><u>described in subdivision (a) was placed and residing in a residential nonpublic, nonsectarian school, prior to transferring to a school district in another special education local plan area, and this placement is not eligible for funding pursuant to Section 56836.16, the special education local plan area that contains the district that made the residential nonpublic, nonsectarian school placement shall continue to be responsible for the funding of the placement, including related services, for the remainder of the school year. An extended year session is included in the school year in which the session ends.</u></p>
Placement of Disabled Youth	Government Code Section 7579	<p>7579. (a) <u>Prior to placing a disabled child or a child suspected of being disabled in a residential facility, outside the child's home, a court, regional center for the developmentally disabled, or public agency other than an educational agency, shall notify the administrator of the special education local plan area in which the residential facility is located. The administrator of the special education local plan area shall provide the court or other placing agency with information about the availability of an appropriate public or nonpublic, nonsectarian special education program in the special education local plan area where the residential facility is located.</u></p> <p>(b) Notwithstanding Section 56159 of the Education Code, the involvement of the administrator of the special education local plan area in the placement discussion, pursuant to subdivision (a), shall in no way obligate a public education agency to pay for the residential costs and the cost of noneducational services for a child placed in a licensed children's institution or foster family home.</p> <p>(c) It is the intent of the Legislature that this section will encourage communication between the courts and other public agencies that engage in referring children to, or placing children in, residential facilities, and representatives of local education agencies. It is not the intent of the section to hinder the courts or public agencies in their responsibilities for placing disabled children in residential facilities when appropriate.</p>
Discharge Planning for Disabled Youth	Government Code	<p>Discharge from Medical Facility:</p> <p>7579.1. (a) Prior to the discharge of any disabled child or youth who has an active individualized</p>

	<p>Section 7579.1.</p>	<p>education program from a public hospital, proprietary hospital, or residential medical facility pursuant to Article 5.5 (commencing with Section 56167) of Chapter 2 of Part 30 of the Education Code, a licensed children's institution or foster family home pursuant to Article 5 (commencing with Section 56155) of Chapter 2 of Part 30 of the Education Code, or a state hospital for the developmentally disabled or mentally disordered, the following shall occur:</p> <p>(1) <u>The operator of the hospital or medical facility, or the agency that placed the child in the licensed children's institution or foster family home, shall, at least 10 days prior to the discharge of a disabled child or youth, notify in writing the local educational agency in which the special education program for the child is being provided, and the receiving special education local plan area where the child is being transferred, of the impending discharge.</u></p> <p>(2) <u>The operator or placing agency, as part of the written notification, shall provide the receiving special education local plan area with a copy of the child's individualized education program, the identity of the individual responsible for representing the interests of the child for educational and related services for the impending placement, and other relevant information about the child that will be useful in implementing the child's individualized education program in the receiving special education local plan area.</u></p> <p><u>(b) Once the disabled child or youth has been discharged, it shall be the responsibility of the receiving local educational agency to ensure that the disabled child or youth receives an appropriate educational placement that commences without delay upon his or her discharge from the hospital, institution, facility, or foster family home in accordance with Section 56325 of the Education Code. Responsibility for the provision of special education rests with the school district of residence of the parent or guardian of the child unless the child is placed in another hospital, institution, facility, or foster family home in which case the responsibility of special education rests with the school district in which the child resides pursuant to Sections 56156.5, 56156.6, and 56167 of the Education Code.</u></p>
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		(c) <u>Special education local plan area directors shall document instances where the procedures in subdivision (a) are not being adhered to and report these instances to the Superintendent of Public Instruction.</u>
LEA responsibility to Invite Agency Representative when Monitoring Placement in Non-public School:	Education Code Section 48856.	48856. <u>A local educational agency shall invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.</u>
School Placement as the Education Authority	Education Code Section 48854	48854. <u>A licensed children's institution or nonpublic, nonsectarian school, or agency may not require as a condition of placement that educational authority for a child, as defined in Section 48859 be designated to that institution, school, or agency.</u>
Defining Education Authority	Education Code Section 48859	48859. For purposes of this chapter, "educational authority" means an entity designated to represent the interests of a child for educational and related services.
Suspension and Expulsion of Youth with Special Needs	Education Code 48915.5	<p>Special Needs and Expulsion</p> <p>48915.5. (a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with subsection (k) of Section 1415 of Title 20 of the United States Code, the discipline provisions contained in Sections 300.519 through 300.529 of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.</p> <p>(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with paragraph (1) of subsection (a) of Section 1412 of Title 20 of the United States Code and subsection (d) of Section 300.121 of Title 34 of the Code of Federal Regulations.</p> <p>(c) If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program.</p>

<p>Expulsion and Enrollment in County Community Day School</p>	<p>Education Code Section 48915.2</p>	<p>Expulsion and Enrollment in County Community Day School</p> <p>48915.2. (a) A pupil expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school pursuant to subdivision (c) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.</p> <p>(b) After a determination has been made, pursuant to a hearing under Section 48918, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, the governing board of a school district may permit the individual to enroll in the school district after the term of expulsion, subject to one of the following conditions:</p> <p>(1) He or she has established legal residence in the school district, pursuant to Section 48200.</p> <p>(2) He or she is enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600) of Part 26.</p>
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ASSEMBLY BILL 490

BILL NUMBER: AB 490 CHAPTERED
BILL TEXT

CHAPTER 862
FILED WITH SECRETARY OF STATE OCTOBER 12, 2003
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PASSED THE SENATE SEPTEMBER 10, 2003
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AMENDED IN SENATE AUGUST 19, 2003
AMENDED IN SENATE JULY 23, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY APRIL 10, 2003

INTRODUCED BY Assembly Member Steinberg
(Coauthors: Assembly Members Calderon, Cohn, Diaz, Frommer, Jackson, Koretz, Laird, Lieber, Maldonado, Maze, Mullin, Negrete, McLeod, and Vargas)
(Coauthors: Senators Alpert, Bowen, Kuehl, Perata, Romero, Scott, Soto, and Vasconcellos)

FEBRUARY 14, 2003

An act to amend Sections 48645.5, 48850, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, 16000, and 16501.1 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, Steinberg. Education: foster children.

(1) Existing law requires a school district to accept for credit any coursework satisfactorily completed by a pupil while in juvenile court school or in any county or state-operated institution.

This bill would instead require a school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency, thus imposing a state-mandated local program.

(2) Existing law requires every county office of education to make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within its jurisdiction. Existing law requires every agency that places a child in a licensed children's institution to notify the local educational agency at the time a pupil is placed and requires a local educational agency to invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.

This bill would declare the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined by specified federal law, have a meaningful opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.

This bill would require pupils placed in licensed children's institutions or foster family homes to attend programs operated by the local educational agency, under specified circumstances,

thus imposing a state-mandated local program. The bill would require the parent, guardian, or person holding the right to make educational decisions for the pupil to first consider placement of the pupil in the regular public school before any decision to place the pupil in a juvenile court school.

This bill would require each local educational agency to designate a staff person as the educational liaison for foster children who are a ward or dependent child of the court, to ensure and facilitate the proper educational placement, enrollment in school, and transfer between schools of foster children and to assist foster children when transferring schools or school districts, and would impose various related responsibilities on the person holding the right regarding educational placement of the child. The bill would require all educational and school placement decisions to meet specified criteria. The bill would require the local educational agency serving a foster child, at the initial detention or placement, or any subsequent change in placement of the foster child, to allow the foster child to continue his or her education in the school the foster child is currently attending for the duration of the school year, except as provided. By imposing these additional duties involving foster children upon local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a local educational agency with which a pupil in foster care has been most recently enrolled that has been informed of the next educational placement of the pupil to cooperate with the county social service or probation department to, upon request, ensure that the educational and other background record of the pupil, is transferred to the receiving local educational agency and the foster children services program in a timely manner.

This bill would delete those provisions and, instead, would provide that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency, as defined. The bill would require the county placing agency, as soon as it becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer. The bill would require the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement. By imposing a higher level of service on these local agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except under certain circumstances, including, among others, access by a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation regarding the declaration of a person to be a ward of the court, or involving a violation of a condition of probation.

This bill would also authorize a school district to permit access to any county placing agency for the purpose of fulfilling the requirements of a certain health and education summary or fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or placement of a pupil.

(5) Existing law permits a foster parent to represent the foster child for the duration of the foster parent-foster child relationship in matters relating to public education of the foster child. This bill would limit the representation to situations in which the foster child is placed in a planned permanent living arrangement and in which the juvenile court has limited the right of the parent or guardian to make educational decisions. The bill would require specified criteria to be met in selecting the most appropriate home.

(6) Existing law requires area boards on developmental disabilities to, with the consent of the consumer and, when appropriate, a family member, conduct life quality assessments, as provided, with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements. Existing law requires the area board to develop a report of its findings following each life quality assessment and to provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer. This bill would authorize a life quality assessment to be conducted with the consent of the juvenile court or social services agency if the consumer is a

dependent of the juvenile court and would require the area board to provide a copy of the life quality assessment of that consumer, upon request, to the court or social services agency, thus imposing a state-mandated local program.

(7) This bill would further declare the intent of the Legislature to ensure that a pupil in foster care or who is homeless, as defined by specified federal law, has the opportunity to meet the academic achievement standards to which all pupils are held, is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.

(8) The bill would also update cross-references and make conforming and other technical changes.

(9) The bill would incorporate further changes to Section 16501.1 of the Government Code proposed by AB 408, AB 1151, and SB 591, contingent upon their prior enactment.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48645.5 of the Education Code is amended to read:

48645.5. Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or in the alternative, the county superintendent of schools may issue the diploma.

SEC. 2. Section 48850 of the Education Code is amended to read:

48850. (a) It is the intent of the Legislature to ensure that all pupils in foster care and those who are homeless as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. In fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions must be based on the best interests of the child.

(b) Every county office of education shall make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within the jurisdiction of the county office of education for use by the placing agencies in assisting parents and foster children to choose educational placements.

(c) For purposes of individuals with exceptional needs residing in licensed children's institutions, making a copy of the annual service plan, prepared pursuant to subdivision (b) of Section 56205, available to those special education local plan areas that have revised their local plans pursuant to Section 56836.03 shall meet the requirements of subdivision (b).

SEC. 3. Section 48853 is added to the Education Code, to read:

48853. (a) A pupil placed in a licensed children's institution or foster family home shall attend programs operated by the local educational agency, unless one of the following applies:

(1) The pupil has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(2) The parent or guardian, or other person holding the right to make educational decisions for the pupil pursuant to Section 361 or 727 of the Welfare and Institutions Code or Section 56055, determines that it is in the best interest of the pupil to be placed in another educational program, or that the pupil continue in his or her school of origin pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

(b) Before any decision is made to place a pupil in a juvenile court school as defined by Section 48645.1, the parent or guardian, or person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055, shall first consider placement in the regular public school.

(c) If any dispute arises as to the school placement of a pupil subject to this section, the pupil has the right to remain in his or her school of origin, as defined in subdivision (e) of Section 48853.5, pending resolution of the dispute.

(d) This section does not supersede other laws that govern pupil expulsion.

(e) This section does not supersede any other law governing the educational placement in a juvenile court school, as defined by Section 48645.1, of a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility.

(f) Foster children living in emergency shelters, as referenced in McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11431 et seq.), may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

(1) For health and safety emergencies.

(2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

The educational services may be provided at the shelter pending a determination by the person holding the right regarding the educational placement of the child.

(g) All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

SEC. 4. Section 48853.5 is added to the Education Code, to read:

48853.5. (a) This section applies to any foster child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

(b) Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24, the educational liaison shall be affiliated with the local foster children services program. The liaison shall do all of the following:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.

(2) Assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and grades.

(c) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the

authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin.

(d) (1) At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the academic school year.

(2) 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 may, in accordance with the foster child's best interest, recommend that the foster child's right to attend the school of origin be waived and the foster child be enrolled in any public school that pupils living in the attendance area in which the foster child resides are eligible to attend.

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

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

(B) The new school shall immediately enroll the foster child even if the foster child is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms.

(C) The liaison for the new school shall, within two business days of the foster child's request for enrollment, contact the school last attended by the foster child to obtain all academic and other records. The school liaison for the school last attended shall provide all records to the new school within two business days of receiving the request.

(5) If any dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school of origin pending resolution of the dispute.

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

(e) For purposes of this section, "school of origin" means the school that 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, 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.

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

SEC. 5. Section 48859 of the Education Code is amended to read:

48859. For purposes of this chapter, the following terms have the following meanings:

(a) "County placing agency" means the county social service department or county probation department.

(b) "Educational authority" means an entity designated to represent the interests of a child for educational and related services.

SEC. 6. Section 49061 of the Education Code is amended to read:

49061. As used in this chapter:

(a) "Parent" means a natural parent, an adopted parent, or legal guardian. If the parents are divorced or legally separated, only a parent having legal custody of the pupil may challenge the content of a record pursuant to Section 49070, offer a written response to a record pursuant to Section 49072, or consent to release records to others pursuant to Section 49075. Either parent may grant consent if both parents have notified, in writing, the school or school district that an agreement has been made. If a pupil has attained the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil.

(b) "Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

"Pupil record" does not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this subdivision, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

(c) "Directory information" means one or more of the following items: pupil's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil.

(d) "School district" means any school district maintaining any of grades kindergarten through 12, any public school providing instruction in any of grades kindergarten through 12, the office of the county superintendent of schools, or any special school operated by the department.

(e) "Access" means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

(f) "County placing agency" means the county social service department or county probation department.

SEC. 7. Section 49069.5 of the Education Code is amended to read:

49069.5. (a) The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.

(b) The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency.

(c) As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.

(d) Upon receiving a transfer request from a county placing agency, the local educational agency shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.

(e) As part of the transfer process described under subdivisions (c) and (d), the local educational agency shall compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or individualized education

program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(f) The local educational agency shall assign the duties listed in this section to a person competent to handle the transfer procedure and aware of the specific educational record keeping needs of homeless, foster, and other transient children who transfer between schools.

(g) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or placing agency, the grades and credits of the pupil will be calculated as of the date the pupil left school, and no lowering of grades will occur as a result of the absence of the pupil under these circumstances.

(h) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

SEC. 8. Section 49076 of the Education Code is amended to read:

49076. A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

(a) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(1) School officials and employees of the district, members of a school attendance review board appointed pursuant to Section 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing followup services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

(2) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided or where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.

(3) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner which will not permit the personal identification of pupils or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.

(4) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.

(5) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(6) A pupil 16 years of age or older or having completed the 10th grade who requests access.

(7) Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.

(8) A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200) of Part 27) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400) of Part 27).

(9) Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

(10) Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this paragraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

(11) Any county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.

(b) School districts may release information from pupil records to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

(2) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(3) The county elections official, for the purpose of identifying pupils eligible to register to vote, and for conducting programs to offer pupils an opportunity to register to vote. The information, however, shall not be used for any other purpose or given or transferred to any other person or agency.

(4) Accrediting associations in order to carry out their accrediting functions.

(5) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained.

(6) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068. This information shall be in addition to the pupil's permanent record transferred pursuant to Section 49068.

A person, persons, agency, or organization permitted access to pupil records pursuant to this section may not permit access to any information obtained from those records by any other person, persons, agency, or organization without the written consent of the pupil's parent. However, this paragraph does not require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate interest in the information.

(c) Notwithstanding any other provision of law, any school district, including any county office of education or superintendent of schools, may participate in an interagency data information system that permits access to a computerized database system within and between governmental agencies or districts as to information or records which are nonprivileged, and where release is authorized as to the requesting agency under state or federal law or regulation, if each of the following requirements are met:

(1) Each agency and school district shall develop security procedures or devices by which unauthorized personnel cannot access data contained in the system.

- (2) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.
- (3) Each school district shall comply with the access log requirements of Section 49064.
- (4) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.
- (5) An agency or school district may not make public or otherwise release information on an individual contained in the database where the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.

SEC. 9. Section 56055 of the Education Code is amended to read:

56055. (a) (1) Except as provided in subdivisions (b), (c), and (d), a foster parent may exercise, to the extent permitted by federal law, including, but not limited to, Section 300.20 of Title 34 of the Code of Federal Regulations, the rights related to his or her foster child's education that a parent has under Title 20 (commencing with Section 1400) of the United States Code and pursuant to Part 300 (commencing with Section 300.1) of Title 34 of the Code of Federal Regulations. The foster parent may represent the foster child for the duration of the foster parent-foster child relationship in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising an individualized education program, if necessary, and in all other matters relating to the provision of a free appropriate public education of the child. Notwithstanding any other provision of law, this representation shall include the provision of written consent to the individualized education program, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to this chapter. The foster parent may sign any consent relating to individualized education program purposes.

(2) A foster parent exercising rights relative to a foster child under this section may consult with the parent or guardian of the child to ensure continuity of health, mental health, or other services.

(b) A foster parent who had been excluded by court order from making educational decisions on behalf of a pupil does not have the rights relative to the pupil set forth in subdivision (a).

(c) This section only applies if the juvenile court has limited the right of the parent or guardian to make educational decisions on behalf of the child, and the child has been placed in a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, Section 366.26, or paragraph (5) or (6) of subdivision (b) of Section 727.3 of the Welfare and Institutions Code.

(d) For purposes of this section, a foster parent shall include a person, relative caretaker, or nonrelative extended family member as defined in Section 362.7 of the Welfare and Institutions Code, who has been licensed or approved by the county welfare department, county probation department, or the State Department of Social Services, or who has been designated by the court as a specified placement.

SEC. 10. Section 361 of the Welfare and Institutions Code is amended to read:

361. (a) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian to make educational decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, at which time the foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child may not be appointed to make educational decisions. For purposes of this section, "an individual who would have a conflict of interest," means a person having any interests that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section.

If the court is unable to appoint a responsible adult to make educational decisions for the child and paragraphs (1) to (5), inclusive, do not apply, and the child has either been referred to the local educational agency for special education and related services, or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.

All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

(b) Subdivision (a) does not limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services or to a licensed county adoption agency at any time while the child is a dependent child of the juvenile court, if the department or agency is willing to accept the relinquishment.

(c) A dependent child may not be taken from the physical custody of his or her parents or guardian or guardians with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence of any of the following:

(1) There is a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor or would be if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parents' or guardians' physical custody. The fact that a minor has been adjudicated a dependent child of the court pursuant to subdivision (e) of Section 300 shall constitute prima facie evidence that the minor cannot be safely left in the custody of the parent or guardian with whom the minor resided at the time of injury. The court shall consider, as a reasonable means to protect the minor, the option of removing an offending parent or guardian from the home. The court shall also consider, as a reasonable means to protect the minor, allowing a nonoffending parent or guardian to retain custody as long as that parent or guardian presents a plan acceptable to the court demonstrating that he or she will be able to protect the child from future harm.

(2) The parent or guardian of the minor is unwilling to have physical custody of the minor, and the parent or guardian has been notified that if the minor remains out of their physical custody for the period specified in Section 366.26, the minor may be declared permanently free from their custody and control.

(3) The minor is suffering severe emotional damage, as indicated by extreme anxiety, depression, withdrawal, or untoward aggressive behavior toward himself or herself or others, and

there are no reasonable means by which the minor's emotional health may be protected without removing the minor from the physical custody of his or her parent or guardian.

(4) The minor or a sibling of the minor has been sexually abused, or is deemed to be at substantial risk of being sexually abused, by a parent, guardian, or member of his or her household, or other person known to his or her parent, and there are no reasonable means by which the minor can be protected from further sexual abuse or a substantial risk of sexual abuse without removing the minor from his or her parent or guardian, or the minor does not wish to return to his or her parent or guardian.

(5) The minor has been left without any provision for his or her support, or a parent who has been incarcerated or institutionalized cannot arrange for the care of the minor, or a relative or other adult custodian with whom the child has been left by the parent is unwilling or unable to provide care or support for the child and the whereabouts of the parent is unknown and reasonable efforts to locate him or her have been unsuccessful.

(d) The court shall make a determination as to whether reasonable efforts were made to prevent or to eliminate the need for removal of the minor from his or her home or, if the minor is removed for one of the reasons stated in paragraph (5) of subdivision (c), whether it was reasonable under the circumstances not to make any of those efforts. The court shall state the facts on which the decision to remove the minor is based.

(e) The court shall make all of the findings required by subdivision (a) of Section 366 in either of the following circumstances:

(1) The minor has been taken from the custody of his or her parent or guardian and has been living in an out-of-home placement pursuant to Section 319.

(2) The minor has been living in a voluntary out-of-home placement pursuant to Section 16507.4.

SEC. 11. Section 366.27 of the Welfare and Institutions Code is amended to read:

366.27. (a) If a court, pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, orders the placement of a minor in a planned permanent living arrangement with a relative, the court may authorize the relative to provide the same legal consent for the minor's medical, surgical, and dental care as the custodial parent of the minor.

(b) If a court orders the placement of a minor in a planned permanent living arrangement with a foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7, the court may limit the right of the minor's parent or guardian to make educational decisions on the minor's behalf, so that the foster parent, relative caretaker, or nonrelative extended family member may exercise the educational consent duties pursuant to Section 56055 of the Education Code.

(c) If a court orders the placement of a minor in a planned permanent living arrangement, for purposes of this section, a foster parent shall include a person, relative caretaker, or a nonrelative extended family member as defined in Section 362.7, who has been licensed or approved by the county welfare department, county probation department, or the State Department of Social Services, or has been designated by the court as a specified placement.

SEC. 12. Section 726 of the Welfare and Institutions Code is amended to read:

726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.

(2) That the minor has been tried on probation while in custody and has failed to reform.

(3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.

(b) Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time the foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. For purposes of this section, "an individual who would have a conflict of interest," means a person having any interests that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section.

If the court is unable to appoint a responsible adult to make educational decisions for the child and paragraphs (1) to (5), inclusive, do not apply, and the child has either been referred to the local educational agency for special education and related services, or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.

All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

(c) If the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

As used in this section and in Section 731, "maximum term of imprisonment" means the longest of the three time periods set forth in paragraph (2) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the "maximum term of imprisonment" is the longest term of imprisonment prescribed by law.

"Physical confinement" means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.

This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.

SEC. 13. Section 727.2 of the Welfare and Institutions Code is amended to read:

727.2. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his or her home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(1) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21 or 366.22, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(2) The parent has been convicted of any of the following:

(A) Murder of another child of the parent.

(B) Voluntary manslaughter of another child of the parent.

(C) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in subparagraph (A) or (B).

(D) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(3) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.

If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative or referred to another planned permanent living arrangement.

(6) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to independent living.

The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(f) At any status review hearing prior to the first permanency hearing, the court shall order return of the minor to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed himself or herself of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a permanent plan of "return to the physical custody of the parent or legal guardian after further reunification services are offered," as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

SEC. 14. Section 4570 of the Welfare and Institutions Code is amended to read:

4570. (a) In order to remain informed regarding the quality of services in the area and to protect the legal, civil, and service rights of persons with developmental disabilities, the Legislature finds that it is necessary to conduct life quality assessments with consumers served by the regional centers.

(b) The department shall enter into an interagency agreement with the state council, on behalf of the area boards, to conduct the life quality assessments described in this section. This interagency agreement shall include assurances that the state council shall not direct the area boards in their conduct of these assessments or in the content or format of the annual reports submitted to the council by the area boards.

(c) Consistent with the responsibilities described in this chapter, the area board, with the consent of the consumer and, when appropriate, a family member, shall conduct life quality assessments with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements no less than once every three years or more frequently upon the request of a consumer, or, when appropriate, a family member. If a consumer who is eligible to receive a life quality assessment is a dependent of a juvenile court pursuant to Section 300, 601, or 602, the assessment may be conducted with the consent of the court or social services agency. A regional center or the department shall annually provide the local area board with a list, including, but not limited to, the name, address, and telephone number of each consumer, and, when appropriate, a family member, the consumer's date of birth, and the consumer's case manager, for all consumers living in out-of-home placements, supported living arrangements, or independent living arrangements, in order to facilitate area board contact with consumers and, when appropriate, family members, for the purpose of conducting life quality assessments.

(d) The life quality assessments shall be conducted by utilizing the "Looking at Life Quality Handbook" or subsequent revisions developed by the department.

(e) The assessments shall be conducted by consumers, families, providers, and others, including volunteer surveyors. Each area board shall recruit, train, supervise, and coordinate surveyors. Upon request, and if feasible, the area board shall respect the request of a consumer and, when appropriate, family member, for a specific surveyor to conduct the life quality assessment. An area board may provide stipends to surveyors.

(f) A life quality assessment shall be conducted within 90 days prior to a consumer's triennial individual program plan meeting, so that the consumer and regional center may use this information as part of the planning process.

(g) Prior to conducting a life quality assessment, the area board shall meet with the regional center to coordinate the exchange of appropriate information necessary to conduct the assessment and ensure timely followup to identified violations of any legal, civil, or service rights.

(h) Following the completion of each life quality assessment, the area board shall develop a report of its findings and provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer. A copy of the life quality assessment of a consumer who is a dependent of a juvenile court pursuant to Section 300, 601, or 602 shall be provided, upon request, to the court or social services agency. In the event that a report identifies alleged violations of any legal, civil, or service right, the area board shall notify the regional center and the department of the alleged violation. The department shall monitor the regional center to ensure that violations are addressed and resolved in a timely manner.

(i) Regional centers shall review information from the life quality assessments on a systemic basis in order to identify training and resource development needs.

(j) (1) On an annual basis, each area board shall prepare and submit a report to the state council describing its activities and accomplishments related to the implementation of this section. The report shall include, but not be limited to, the number of life quality assessments conducted, the number of surveyors, including those provided stipends, a description of the surveyor recruitment process and training program, including any barriers to recruitment, the number, nature, and outcome of any identified violations of legal, civil, or service rights reported to regional centers, and recommendations for improvement in the life quality assessment process.

(2) By September 15 of each year, the state council shall compile these reports and forward to the Governor, the Legislature, and the department.

(k) Implementation of this section shall be subject to an annual appropriation of funds in the Budget Act for this purpose.

SEC. 15. Section 16000 of the Welfare and Institutions Code is amended to read:

16000. (a) It is the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. If a child is removed from the physical custody of his or her parents, preferential consideration shall be given whenever possible to the placement of the child with the relative as required by Section 7950 of the Family Code. If the child is removed from his or her own family, it is the purpose of this chapter to secure as nearly as possible for the child the custody, care, and discipline equivalent to that which should have been given to the child by his or her parents. It is further the intent of the Legislature to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive, most familylike setting and to live as close to the child's family as possible pursuant to subdivision (c) of Section 16501.1. Family reunification services shall be provided for expeditious reunification of the child with his or her family, as required by law. If reunification is not possible or likely, a permanent alternative shall be developed.

(b) It is further the intent of the Legislature to ensure that all pupils in foster care and those who are homeless as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) have the opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. In fulfilling their responsibilities to pupils in foster care, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions must be based on the best interests of the child.

SEC. 16. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of

state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.1. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan

shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(14) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, and the child's prospective adoptive parents, if applicable, be provided with information necessary

to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) When a child who is 10 years of age or older has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is not placed in a group home to identify any individuals other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.2. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles set forth in this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) As used in subdivisions (b) and (c), a home or setting that is "safe" means that the home or setting is free from abuse or neglect, as described in Section 11165.5 of the Penal Code.

(e) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or

mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings,

and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(j) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.3. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(4) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the

child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(j) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.4. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles set forth in this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) As used in subdivisions (b) and (c), a home or setting that is "safe" means that the home or setting is free from abuse or neglect, as described in Section 11165.5 of the Penal Code.

(e) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the

child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the

child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(14) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings,

and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(j) When a child who is 10 years of age or older has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is placed in a group home to identify any individuals other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.5. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(4) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(14) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) When a child who is 10 years of age or older has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is not placed in a group home to identify any individuals other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(k) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.6. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles set forth in this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(4) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) As used in subdivisions (b) and (c), a home or setting that is "safe" means that the home or setting is free from abuse or neglect, as described in Section 11165.5 of the Penal Code.

(e) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social

worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will

be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(k) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 16.7. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles set forth in this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(4) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) As used in subdivisions (b) and (c), a home or setting that is "safe" means that the home or setting is free from abuse or neglect, as described in Section 11165.5 of the Penal Code.

(e) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the

court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(14) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(j) When a child who is 10 years of age or older has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is placed in group home to identify any individuals

other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(l) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 17. Section 16.1 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and AB 408. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and AB 1151 and SB 591 are not enacted or do not amend Section 16501.1 of the Welfare and Institutions Code, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 408, in which case Sections 16, 16.2, 16.3, 16.4, 16.5, and 16.6 of this bill shall not become operative.

SEC. 18. Section 16.2 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and AB 1151. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and AB 408 and SB 591 are not enacted or do not amend Section 16501.1 of the Welfare and Institutions Code, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1151, in which case Sections 16, 16.1, 16.3, 16.4, 16.5, 16.6, and 16.7 of this bill shall not become operative.

SEC. 19. Section 16.3 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and SB 591. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and AB 408 and AB 1151 are not enacted or do not amend Section 16501.1 of the Welfare and Institutions Code (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 490, in which case Sections 16, 16.1, 16.2, 16.4, 16.5, 16.6, and 16.7 of this bill shall not become operative.

SEC. 20. Section 16.4 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, AB 408, and AB 1151. It shall only become operative if (1) these 3 bills are enacted and become effective on or before January 1, 2004, and SB 591 is not enacted or does not amend Section 16501 of the Welfare and Institutions Code, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 408 and AB 1151, in which case Sections 16, 16.1, 16.2, 16.3, 16.5, 16.6, and 16.7 of this bill shall not become operative.

SEC. 21. Section 16.5 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, AB 408, and SB 591. It shall only become operative if (1) these 3 bills are enacted and become effective on or before January 1, 2004, and AB 1151 is not enacted or does not amend Section 16501 of the Welfare and Institutions Code, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 408 and SB 591, in which case Sections 16, 16.1, 16.2, 16.3, 16.4, 16.6, and 16.7 of this bill shall not become operative.

SEC. 22. Section 16.6 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, AB 1151, and SB 591. It shall only become operative if (1) these 2 bills are enacted and become effective on or before January 1, 2004, and AB 408 is not enacted or does not amend Section 16501.1 of the Welfare and Institutions Code (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1151 and SB 591, in which case Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, and 16.7 of this bill shall not become operative.

SEC. 1.7.

SEC. 24. Section 16.7 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill, AB 408, AB 1151, and SB 591. It shall only become operative if (1) all 4 bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 408, AB 1151, and SB 591, in which case Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, and 16.6 of this bill shall not become operative.

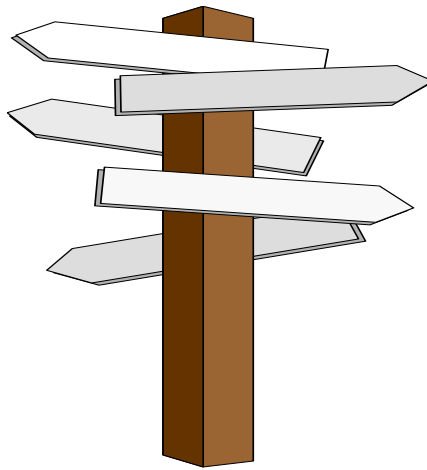
SEC. 25. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

APPENDIX D

EDUCATIONAL PASSPORT GUIDE



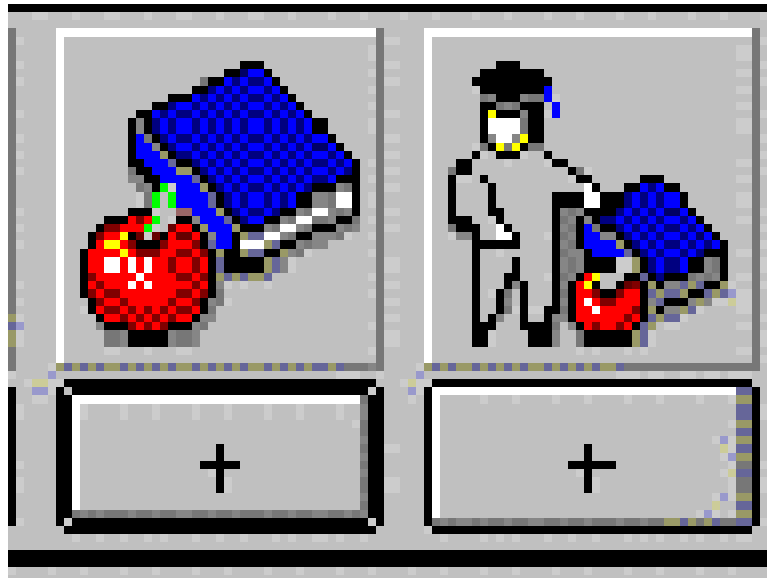
HEALTH AND EDUCATION REDESIGN TRAINING GUIDE



HEALTH AND EDUCATION SCREENS AND MAPPING GUIDES

HEALTH AND EDUCATION

TRAINING GUIDE



EDUCATION NOTEBOOK SCREENS AND MAPPING GUIDES

Education Notebook

The Education Notebook consists of two pages and is used to record and view information about the child client's educational status, both current and history. There are both mandatory and optional sections designed to provide the information necessary to document all statutory and regulatory education related requirements. Some fields are mandatory in order to meet these requirements. Most fields that are mandatory, however, are so in order to complete a process started. Update the Education Notebook when there is a change in the child's enrollment information (e.g., promotion from one grade to another, school advocacy situation, special needs requirements), or when there is an addition to the child's education records.

The *Education Information* page is used to enter and view general education information, including enrollment and education provider information. It also provides information on who is to make educational decisions for the child. Additionally, it portrays an educational history for the child, as well as educational needs specific for this child.

The *Education Record* page is used to enter and view an addition to the child's education record (e.g., the child receives a year-end report card, an Individual Education Plan (IEP), or a Progress Report is received).

Information from the Education Notebook populates into the Health and Education Passport document. The Education Notebook should be kept up to date even if your county does not use the Health and Education Passport to meet state requirements to provide medical and educational information to the foster parents. This is necessary to keep an accurate record of the child's academic progress, needs, and achievements.

HEALTH AND EDUCATION
SCREENS AND MAPPING GUIDES



EDUCATION NOTEBOOK
EDUCATION INFORMATION PAGE

EDUCATION INFORMATION PAGE

Client Services - Case [jughead case] - [Education [Bell School for Hearing Impaired]]

File Edit Search Action Associated Attach/Detach Window Help Wizard

Education Information Education Record

Education Information

Education Decision Information

☐ Parental Rights to Make Education Decisions for this Child Limited by Court

Court Order Date: / / Court Appointed Education Representative: Phone: () - Ext:

☐ Home Schooled

Education Provider Name: Teacher/Counselor Name:

Start Date: / / End Date: / / Reason Child Left School:

Grade: Hours at School: Likely Graduation Date: / / Grade Level Performance:

Education Provider Contact

Name: Title: Phone: Fax: () -

No.: Street:

City: State: ZIP: ZIP Ext:

Special Education Needs of This Child

Educational Needs/School Performance/Strengths/Interests

Ready Case [jughead case] -> Client (Case Focus Child) [jug head] -> Educatic

Start WinPopup CWSTrace Microsoft ... CWS/CMS... Client Se... 5:40 PM

Section and Sub-section Field Headings/Labels	Location on HEP Populated To/ Guidelines for Contents Notes
<u>EDUCATION INFORMATION PAGE</u>	All Education related information is provided in the last section of the Health and Education Passport, just prior to the optional child's picture, if the picture is included. The <i>Education Information</i> page includes information on the child's current and previous schools, as well as information on the parent's ability to make educational decisions for the child, special education needs, and academic progress.
<ul style="list-style-type: none"> <i>Parental Rights to Make Education Decisions for this Child Limited by Court Indicator</i> <p><u>Note:</u> Previously, the parent's education decision-making limitation indicator was only on the demographics page of the client notebook. It now also is on the <i>Education Information</i> page as well. This indicator box may be checked or unchecked on either page. The fields in both locations are linked so that the two pages always are in sync.</p>	Page 7 - Education Decision Information - <i>Parental Rights to Make Education Decisions for this Child Limited by Court</i> indicator box.
<ul style="list-style-type: none"> <i>Court Order Date</i> 	This information does not appear on the HEP.
<ul style="list-style-type: none"> <i>Court Appointed Education Representative</i> <p><u>Note:</u> This is a text field and cannot be searched on.</p>	Page 7 - Education Decision Information - <i>Court Appointed Education Representative</i> field.

Section and Sub-section Field Headings/Labels	Location on HEP Populated To/ Guidelines for Contents Notes
<ul style="list-style-type: none"> <i>Phone</i> 	Page 7 - Education Decision Information - Court Appointed Education Representative <i>Phone Number</i> field.
<ul style="list-style-type: none"> <i>Home Schooled Indicator</i> <p>Note: If Home Schooled indicator box has been checked, "Home Schooled" will display in <i>School Name</i> field.</p>	Page 7 - Education Information - Current School/Previous Schools - <i>School Name</i> field.
<ul style="list-style-type: none"> <i>Education Provider Name</i> <p>Note: Information entered here will appear in the <i>Current School</i> Section of the Health and Education Passport if the <i>Education Provider</i> has no <i>End Date</i>. Information entered will appear in <i>Previous Schools</i> Section if the <i>Education Provider</i> does have an <i>End Date</i>. If <i>Home Schooled</i> indicator box has been checked, "Home Schooled" will display in <i>School Name</i> field.</p>	Page 7 - Education Information - Current School/Previous Schools - <i>School Name</i> field.
<ul style="list-style-type: none"> <i>Teacher/Counselor Name</i> <p>Note: This information does not appear in the <i>Previous Schools</i> section.</p>	Page 7 - Education Information - <i>Current School</i> - <i>Teacher/Counselor Name</i> field.
<ul style="list-style-type: none"> <i>Start Date</i> 	Page 7 - Education Information - <i>Current School/Previous Schools</i> - <i>Start Date</i> field.
<ul style="list-style-type: none"> <i>End Date</i> 	Page 7 - Education Information - <i>Previous Schools</i> - <i>End Date</i> field.

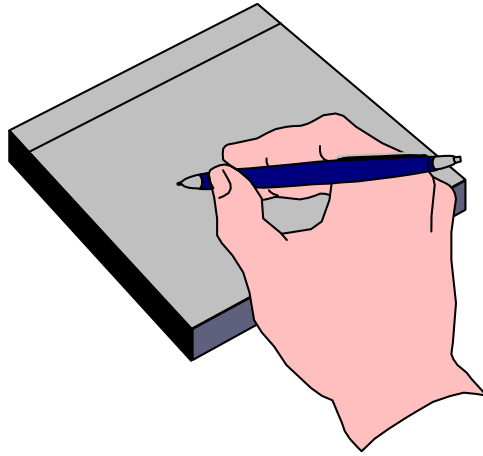
Section and Sub-section Field Headings/Labels	Location on HEP Populated To/ Guidelines for Contents Notes
<u>Note:</u> This information does not appear in the <i>Current School</i> section.	
<ul style="list-style-type: none"> <i>Reason Child Left School</i> <p><u>Note:</u> (1) The value options are: <i>Deceased, Dropped Out, Excluded from Public Schools, Expelled, Graduated, Change of Residence, Emancipated, Transferred.</i> (2) This information does not appear in the <i>Current School</i> section.</p>	Page 7 - Education Information - <i>Previous Schools - Reason Child Left School</i> field.
<ul style="list-style-type: none"> <i>Grade</i> 	Page 7 - Education Information - Current School - <i>Current Grade</i> field; Previous Schools - <i>Last Grade</i> field.
<ul style="list-style-type: none"> <i>Hours at school</i> 	This information does not appear on the HEP.
<ul style="list-style-type: none"> <i>Likely Graduation Date</i> 	This information does not appear on the HEP.
<ul style="list-style-type: none"> <i>Grade Level Performance</i> <p><u>Note:</u> This is the grade level at which the child was performing the majority of his/her school work.</p>	Page 7 - Education Information - <i>Current School/Previous Schools - Grade Level Performance</i> field.
<ul style="list-style-type: none"> <i>Education Provider Principal Name</i> 	Page 7 - Education Information - <i>Current School/Previous Schools - Principal Name</i> field.
Section and Sub-section Field	Location on HEP Populated To/

Headings/Labels	Guidelines for Contents Notes
<u>Note:</u> This field previously was called <i>Contact Name</i> .	
• <i>Title</i>	This information does not appear on the HEP.
• <i>Phone</i>	Page 7 - Education Information - <i>Current School/Previous Schools</i> - <i>Phone</i> field. It also will display an <i>Ext.</i>
• <i>Fax</i>	This information does not appear on the HEP.
• <i>Education Provider Address</i>	Page 7 - Education Information - Current School/Previous Schools - <i>School Address</i> field.
• <i>Special Education Needs of This Child</i>	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - <i>Special Education Needs of This Child</i> text field.</p> <p><u>Note:</u> This may include information regarding location of Special Education records, if different from cumulative files, IEP location, type of program, Resources, SDC, SED, ED, LH/LD, etc. It also may note the existence of a Learning Disorder, dyslexia, etc.</p>
• <i>Educational Needs/School Performance/Strengths/Interests</i>	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - <i>Educational Needs/ School Performance/Strengths/Interests</i> field.</p> <p><u>Note:</u> While the previous text field may focus on a child's capability issues, this field focuses on the child's performance, behavior, and attitude.</p>

If you wish to view the corresponding Application Process for this section of the Education Mapping Guide, click on [Education Information Process](#).

HEALTH AND EDUCATION

SCREENS AND MAPPING GUIDE



EDUCATION NOTEBOOK EDUCATION RECORD PAGE

EDUCATION RECORD PAGE

Client Services - Case [jughead case] - [Education [Bell School for Hearing Impaired]]

File Edit Search Action Associated Attach/Detach Window Help Wizard

Education Information Education Record

Education Record

+	Start Date	End Date	Information Type

Start Date End Date Information Type

Education Record Comments

Ready Case [jughead case] -> Client (Case Focus Child) [jug head] -> Education

Start WinPopup CWSTrace Microsoft ... CWS/CMS... Client Se... 5:42 PM

<u>EDUCATION RECORD PAGE</u>	<p>All <i>Education Record</i> information is provided in the last section of the Health and Education Passport, just prior to the optional child's picture, if the picture is included. All Education Records attached to a current school enrollment are provided with associated comments in a repeating format in the <i>Current School</i> Section. All Education Records attached to an end-dated school enrollment are provided with associated comments in a repeating format in the <i>Previous Schools</i> Section.</p>
<ul style="list-style-type: none"> • <i>Information Type</i> <p><u>Note:</u> The value options minimally include: Attendance Record, Child Evaluation, End of Year Report Card, IEP, IFSP (0-3), and Progress Record. See the <u>Code Tables</u> Section of the Training Guide to determine if additional values have been added.</p>	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - Education Record field.</p>
<ul style="list-style-type: none"> • <i>Start Date</i> 	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - Education Record <i>Start Date</i> field.</p>
<ul style="list-style-type: none"> • <i>End Date</i> 	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - Education Record <i>End Date</i> field.</p>
<ul style="list-style-type: none"> • <i>Education Record Comments</i> 	<p>Page 7 - Education Information - <i>Current School/Previous Schools</i> - Education Record <i>Comments</i> field.</p>

If you wish to view the corresponding Application Process for this Mapping Guide, click on [Education Record Process](#).

If you wish to view the next unit of the Screens and Mapping Guides section, click on [Health and Education Passport Presentation Guide](#).