

**School Change**

**When Contemplating a School Change**

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

**Youth Remains in School of Origin**

- Youth has the right to remain in school of origin for the duration of court's jurisdiction, or through graduation, if in high school when case is dismissed. EC § 48853.5(e)(3)(A).
- Youth is a resident of the school district of origin. EC § 48204(a)(1)(B)(2).
- School of origin = school attended while permanently housed, school last enrolled, or any school the youth attended within the last 15 months. EC § 48853.5(f).
- If youth has transportation in their IEP as a related service, school district of origin is responsible to provide it. EC §§ 48204(a)(1)(B)(2), 48853.5(e)(3)(B)(5).
- If no IEP transportation, foster parent may be reimbursed by Social Services for reasonable travel to school of origin. ACL No. 11-51; CRC 5.651(f)(1)(C).

**OR**

**Youth Changes Schools**

- Foster youth liaison must give written explanation to the youth and ed rights holder why it's in the youth's best interest to change schools. EC § 48853.5(e)(3)(b)(7).
- If the pupil has an IEP, the CWW must give the new and old school 10 days prior written notice of the expected school change. CRC 5.651(e)(1)(B).
- If the pupil has an IEP and changes districts, the new district must immediately provide comparable services and hold an IEP meeting within 30 days. EC § 56325.
- CWW should compile school records and education passport for new caregivers. WIC § 16010 (a),(c).
- The NEW SCHOOL shall allow the pupil to IMMEDIATELY enroll even if the pupil lacks records normally required for enrollment (EC § 48853.5(e)(8)(B)) AND within 2 days must contact the previous school to request all the pupil's records. EC § 48853.5(e)(8)(C).
- The PREVIOUS SCHOOL w/in two days must provide the records including any PARTIAL CREDITS received, which the new school must accept. Id., EC § 48645.5.
- CWW provides new district/SELPA Director a copy of the IEP and relevant records, contact information of previous school attended, and notice of who holds educational rights, when placing a child in licensed foster home or children's institution. See 2 CCR § 60510; EC § 56156.
- Open IEP assessment must be completed by new/old districts. 20 USC § 1414(b)(3)(D); EC § 56320(i).

**Assess For Special Ed & 504 Plan**

**Referral**

Written referral by ed rights holder OR service provider (e.g., teacher, CWW, attorney) to assess youth for SPED & 504 Plan (EC § 56029; 34 C.F.R. § 104.35) from birth to age 22. EC § 56026.

**Assessment Plan**

School must provide assessment plan w/in 15 days to ed rights holder (no SST is required). EC § 56321(a). If school refuses to assess, contact CWW & minor's counsel to discuss next steps.

**IEP Meeting**

IEP mtg held w/in 60 days of receipt of assessment plan signed by ed rights holder. EC § 56344(a).

**Eligible**

If pupil qualifies for special ed (5 CCR. § 3030), the pupil is eligible for a free appropriate public education (FAPE, e.g., SPED services & accommodations) in the least restrictive environment (LRE, 20 USC § 1412(a)(5)(A)), annual IEP review (EC § 56344(d), & reassessment every 3 years (EC § 56381(a)2). If only eligible for a 504 plan, school must create a plan w/ accommodations and services. 34 CFR § 104.3(j).

**OR**

**Not Eligible**

If the pupil does not qualify, contact CWW and minor's counsel. If you disagree with the assessment, consider an Independent Educational Evaluation (IEE). EC § 56329(b).

**School Discipline**

**Suspension?**

The school must make a reasonable effort to notify the ed rights holder by phone and must provide written notice. EC § 48911(d),(g). 20 days of suspension does not automatically create an expulsion rec. EC § 48903(a).

**Manifestation Determination?**

School must contact minor's lawyer & social services. EC § 48915.5(d). The MD requires 2 questions:

(1) was the behavior caused by, or did it have "a direct and substantial relationship" to the pupil's disability; and

(2) was the behavior a direct result of the district's failure to implement the IEP?

If answer is **YES** to either, pupil cannot be expelled, and school must develop a behavior plan. If the answer is **NO** to both questions, the pupil may be disciplined like a non disabled peer. 20 USC § 1415(k)(1)(F); 34 CFR § 300.530(e),(f).

**Graduation**

AB 167/216 allows foster youth to graduate by completing the CA requirements rather than their local district's credit requirements, when 3 requirements are met (EC § 51225.1(a)):

(1) The foster youth student must have transferred schools after completing their second year of high school, using either the number of credits earned or length of time of enrollment, whichever will make a student eligible.

(2) The district must find that the pupil is not reasonably able to complete the district's local graduation requirements by the end of their 4th year of high school.

(3) The pupil must complete all CA graduation requirements.

Notice required: W/in 30 days of student's transfer district must provide notice to student, social worker, and ed right holder re: eligibility.

Note: Students with IEP or 504 plan are exempt from the CA exit exam (CAHSEE). EC § 60852.3.

**Extended Suspension / Rec to Expel?**

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

**Pupil has a Disability?**

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

**Expulsion Hearing?**

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

**Expulsion Appeal**

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

**Ed Rights**

**Std to limit ed rights for a minor dependent:**

necessary to protect the child. WIC § 361. (At detention: unwilling, unavailable, unable WIC § 319). Court form: JV-535 & JV-535(A).  
 • Court must determine whether there is an available, willing adult known to the minor before appointing an unknown adult or ordering an LEA to do so. WIC §§ 319, 726.

## Calculate Client's Trauma/ACE Score\*

If yes, enter "1"  
During the first 18 years of client's life:

- **PHYSICAL ABUSE:** Did a parent or other adult in the household often or very often push, grab, slap, or throw something at client? Or, ever hit client so hard that client had marks or was injured? \_\_\_\_\_
- **SEXUAL ABUSE:** Did an adult or person at least 5 years older than client ever touch or fondle client or have client touch their body in a sexual way? Or, attempt or actually have oral, anal, or vaginal intercourse with client? \_\_\_\_\_
- **EMOTIONAL ABUSE/NEGLECT:** Did client often or very often feel that no one in client's family loved client or thought client was important or special? Or, client's family didn't look out for each other, feel close to each other, or support each other? \_\_\_\_\_
- **PHYSICAL NEGLECT:** Did client often or very often feel that client didn't have enough to eat, had to wear dirty clothes, and had no one to protect client? Or, client's parents were too drunk or high to take care of client or take client to the doctor if client needed it? \_\_\_\_\_
- Were client's parents ever **separated or divorced**? \_\_\_\_\_
- **MOTHER TREATED VIOLENTLY:** Was client's mother or stepmother often or very often pushed, grabbed, slapped, or had something thrown at her? Or, sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? Or, Ever repeatedly hit at least a few minutes or threatened with a gun or knife? \_\_\_\_\_
- **SUBSTANCE ABUSE:** Did client live with anyone who was a problem drinker or alcoholic or who used street drugs? \_\_\_\_\_
- **MENTAL HEALTH:** Was a household member depressed or mentally ill, or did a household member attempt suicide? \_\_\_\_\_
- **INCARCERATION:** Did a household member go to prison? \_\_\_\_\_

Now add up client's "Yes" answers: \_\_\_\_\_ This is client's ACE Score.

\* Adapted from Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Koss, M. P., & Marks, J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The Adverse Childhood Experiences (ACE) Study. American Journal of Preventive Medicine, 14, 245-258.

## If Client's ACE Score is 4 or Above, Ask:

### School

- Learning problems?
- Behavior problems?
- Bullied?
- Frequently suspended or ever expelled?
- Held back a grade?
- Changed schools as a result of a home change?
- Behind in high school credits?
- Hates school?
- Frequently truant?

### Mental Health

- Mental health diagnosis?
- Chronically depressed or unhappy?
- Chronically anxious?
- Cannot form relationships with peers?
- Cannot form relationships with adults?
- Atypical behavior or feelings under normal circumstances?
- Self harm?
- Substance abuse?
- Eating disorder?
- Juvenile delinquency involvement/probation?
- Involuntary psychiatric hold?

### Physical Health

- Overweight or obese?
- Hyperactive and/or inattentive?
- Malnourished?
- Diabetes?
- Hair loss?
- Poor hygiene?
- Dental problems?
- High blood pressure?
- Gang affiliation?
- Homeless or unstable housing?
- Unsafe sex?
- Substance abuse?

## Provide Interventions

### School

- Train current educational rights holder
- Appoint new educational rights holder
- Refer for Student Success Team ("SST")
- Refer for special education assessment ("IEP")
- Advocate for intensive special education instruction
- Advocate for school positive behavior support plan
- Advocate to maintain school of origin/stability
- Gather partial credits from all previous schools
- Request tutoring from county agencies
- Provide meaningful extracurricular activities

### Mental Health

- Court ordered psychological evaluation
- Therapy (individual, family)
- Therapeutic Behavioral Support ("TBS")
- Special Education or 504 plan referral -> Educationally Related Mental Health Services ("ERMHS")
- Katy A mental health teaming with all service providers
- Court Appointed Special Advocate ("CASA")
- Medication evaluation → medication
- Drug treatment programs
- Mobile response team referral

### Physical Health

- Regular visits to pediatrician and dentist
- ADHD/ADD screening
- Special education and/or 504 plan referral consideration of "Other Health Impairment" eligibility
- Gang intervention program
- Team Decision Making meeting with social services to locate safe, stable housing
- Drug treatment programs
- Referral to comprehensive health programs focused nutrition, sex, and substance abuse decision-making