

**Instruction**  
**EDUCATION FOR FOSTER YOUTH**

**AR 6173.1 (a)**

**Definitions**

*Foster youth, foster child*, or student in foster care means any of the following: (Education Code 42238.01, 42921, 48853.5)

1. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, regardless of whether the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
2. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, regardless of whether the child has been removed from the child's home
3. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 727, and is in foster care as defined by Welfare and Institutions Code 727.4(d).
4. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01.
5. A child who has been removed from the youth's home pursuant to Welfare and Institutions Code 309
6. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law
7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400
8. A child who is detained in a county-operated juvenile detention facility, or a child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602 and has been identified by a county child welfare agency, a probation department, or an Indian tribe that entered into an agreement pursuant to Welfare and Institutions Code 10553.1 as being at imminent risk of removal and placement into foster care

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the foster youth was last enrolled, or if

## **Instruction**

**AR 6173.1 (b)**

### **EDUCATION FOR FOSTER YOUTH**

there is another school that the foster youth attended with which the foster youth is connected and that the foster youth attended within the preceding 15 months the district liaison, in consultation with, and with the agreement of, the foster youth and the person holding the right to make educational decisions for the foster youth shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. If a foster youth is also a student with a disability and attends a certified nonpublic, nonsectarian school, then that school shall be deemed to be the school of origin. (Education Code 48853.5)

Best interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853 20 USC 6311)

#### **District Liaison**

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Executive Director for Learner Support Services  
500 Dyer Street  
Orcutt, CA 93455  
(805) 938-8900

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

3. Notify a foster youth's educational rights holder, attorney, and county social worker when a foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination for a foster youth who is a student with a disability,

**Instruction****AR 6173.1 (c)****EDUCATION FOR FOSTER YOUTH**

prior to a change in the foster youth's placement (Education Code 48853.5, 48911, 48915.5, 48918.1)

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973
5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and afterschool services
6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth
7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for the district's foster youth
8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

The Superintendent or designee shall regularly monitor the liaison's caseload, as well as additional duties outside of the foster youth program, to ensure that adequate time and resources are provided to meet the needs of foster youth in the district.

**Enrollment**

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.
2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interests of the student to be placed in another educational program and submits a written statement to the district indicating that determination and an awareness of the following:
  - a. The student has a right to attend a regular public school in the least restrictive environment.

**Instruction**  
**EDUCATION FOR FOSTER YOUTH**

**AR 6173.1 (d)**

- b. The alternate educational program is a special education program, if applicable.
  - c. The decision to unilaterally remove the student from the district school and to place the student in an alternate education program may not be financed by the district.
  - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.
3. At the initial placement or any subsequent change in placement, the student exercises the right to continue in the school of origin, as defined above:

In any such circumstance, the following shall apply:

- a. The student may continue in the school of origin for the duration of the court's jurisdiction
- b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in the school of origin for the remainder of the school year.
- c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in the school of origin through graduation.
- d. If the student is transitioning between school grade levels, the student shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of school in the district.

A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and the foster youth be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

## **Instruction**

**AR 6173.1 (e)**

### **EDUCATION FOR FOSTER YOUTH**

Prior to making any recommendation to move a foster youth from the school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the foster youth would be served by a transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, regardless of whether the foster youth: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

If the foster youth or a person holding the right to make educational decisions for a the foster youth disagrees with the liaison's enrollment recommendation, an appeal may be filed with the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the foster youth or the person holding the right to make educational decisions for the foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the foster youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

When the district offers an intersession program, priority access shall be given to students who are foster youth. If a foster student will be moving during an intersession period, the student's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the student attends for the intersession period. (Education Code 48853.5)

### **Transportation**

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable a foster youth to remain in their school of origin, for the duration of the time spent in foster care,

## **Instruction**

**AR 6173.1 (f)**

### **EDUCATION FOR FOSTER YOUTH**

when it is in the foster youth's best interest to do so. Such transportation costs may be paid by either the child welfare agency or the district, or shared by both. (20 USC 6312)

Any fees that the district charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for foster youth. (Education Code 39807.5)

#### **Effect of Absences on Grades**

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the grades shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

#### **Transfer of Coursework Credits**

When a foster student transfers into a district school, the student's coursework and credits shall be transferred as specified in Education Code 51225.2 and Board Policy and Administrative Regulation 6146.3 - Reciprocity of Academic Credit.

#### **Applicability of Graduation Requirements**

A foster student who transfers to a district school shall be expected to complete all courses and fulfill graduation requirements as specified in Board Policy 6146.1 - High School Graduation Requirements, unless the student has completed the second year of high school and thereby exempted from such requirements in accordance with Education Code 51225.1.

#### **Eligibility for Extracurricular Activities**

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

#### **Notification and Complaints**

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

**Instruction****AR 6173.1 (g)****EDUCATION FOR FOSTER YOUTH**

Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Regulation Approved: 5/29/26

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California