

Education Laws for Foster and Probation Youth

Right to Attend: Every youth between the ages of six and eighteen has a right to attend the public school in their area of residence for an entire school day. (CA Ed. Code § 48200) Public schools are prohibited from denying enrollment or readmission to a pupil solely on the basis of contact with the juvenile justice system. (New Law: Senate Bill 1088, 9/19/12)

Immediate Enrollment: Youth have a right to immediate enrollment in school even if they are unable to produce records normally required for enrollment such as transcripts, other education records, medical records including immunizations, or proof of residency. They also have a right to attend school even if they do not have uniforms or other supplies required by the school. (CA Ed. Code § 48853.5)

School of Origin: Youth have a right to stay and/or return to their school of origin at any time while their foster or delinquency case is open and through the conclusion of the school year in which the case is closed unless they are in high school, in which case they are allowed to remain at that school until graduation. This includes following feeder patterns when matriculating from one level of school to the next. School of origin includes the school the child was last enrolled in, the school the child attended when last permanently housed or any other school the child attended in the past 15 months to which the child is connected. If any dispute arises, the child has the right to remain in their school of origin until it is resolved. (CA Ed. Code § 48853.5)

Partial Credits: High school-aged youth who move in the middle of a semester have a right to partial credits calculated based upon their 'seat time' or hours in each class. Each district must have a policy in place for issuing partial credits. (CA Ed. Code § 48853.5)

Foster Youth Liaison and Transferring Records: A Foster Youth Liaison must be identified within each school district to assist families in resolving any AB 490 related issues. The liaison must also request the youth's education records within two business days. The sending school must send the records within two business days of the request. (CA Ed. Code § 48853.5)

Continuation Schools: Youth cannot be involuntarily assigned to a continuation school unless all 3 of the following are met: 1) they have committed an act enumerated in Section 48900 or have been habitually truant or irregular in attendance from instruction, 2) other means fail to bring about student improvement, and 3) after a formal hearing. The final decision to impose the involuntary assignment cannot be made by or involve any staff from the current school. (CA Ed. Code § 48432.5)

Community Day Schools: Youth cannot be involuntarily assigned to a community day school unless: 1) they are formally expelled and provided with all due process rights, or 2) the youth is referred by probation pursuant to Sections 300 and 602 of the Welfare and Institutions Code, or 3) the youth is referred by a school attendance review board. (CA Ed. Code § 48662)

Suspension: In most circumstances, school districts are required to use suspension only as a "last resort" punishment. (Assembly Bill 1729, 9/21/12)