

Board Policy #:
Adopted/Ratified: 2/22/22
Revision Date: June 21, 2022



Foster and Mobile Youth Policy

The Governing Board of The Cottonwood School (the "Charter School") desires to ensure that foster and mobile youth are provided equal access to the same free, appropriate public education provided to other children and youth. Foster and mobile students will be given access to the education and other services that such students need to ensure that they have an opportunity to meet the same challenging State student academic achievement standards to which all students are held. Foster students will not be stigmatized or segregated in a separate school or program based on the Student's status as a foster youth.

The purpose of The Cottonwood School Governing Board approving this Foster Youth Policy is to accomplish the following:

1. Define Foster Child/Student/Youth and School of Origin
2. Establish a Foster Child Liaison
3. Outline Admission Requirements for Foster and Mobile Children
4. Outline the Rights of a Former Foster Children
5. Outline Course Work and Graduation Requirements for Foster and Mobile Children
6. Establish Transportation Requirements for a Foster and Mobile Children
7. Outline Who Has Access to Records for Foster and Mobile Children

1. Definitions:

- **Foster child/student/youth** means any of the following
 1. A child who is the subject of a petition filed pursuant to California Welfare and Institutions Code ("WIC") section 309 (whether or not the child has been removed from the child's home by a juvenile court).
 2. A child who is the subject of a petition filed pursuant to WIC section 602 has been removed from the child's home by the juvenile court and is in foster care.
 3. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
 - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
 - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
 - c. The nonminor is participating in a transitional independent living case plan.

4. 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.¹
 5. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- "*Former juvenile court school student*" means a student who, upon completion of the Student's second year of high school, transfers from a juvenile court school to the Charter School.
 - "*Child of a military family*" refers to a student who resides in the household of an active duty military member.
 - "*Currently Migratory Child*" refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency ("LEA"), either within California or from another state, so that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
 - "*Student participating in a newcomer program*" means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.
 - "*Educational Rights Holder*" ("*ERH*") means a parent, guardian, responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the Student pursuant to Education Code section 56055.
 - The Charter School is the **school of origin** when the Student attended the Charter School when permanently housed or was last admitted at the initial detention or placement or a subsequent change in placement of a foster child. If the school the foster child attended when permanently housed is different from the school in which the foster child was last admitted, or if there is some other school that the foster child attended with which the fosterchild is connected and that the foster child attended within the immediately preceding 15 months, the foster child liaison, in consultation with, and with the agreement of, the fosterchild and the person holding the right to make educational decisions for the foster child, shall determine, in the best interests of the foster child, the school that shall be deemed the school of origin.
 - "*Best interests*" means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all Charter School students.

Within this Policy, foster/juvenile court youth, former juvenile court school students, a child of a military family, a currently migratory child, and a student participating in the newcomer program will be referred to collectively as foster and/or mobile youth.

¹ The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

2. Foster Child Liaison: The School's foster child liaison is: Samantha Woodbeck, mvhy@cottonwood.k12.org.

The School's foster child liaison is required to do all of the following:

- Ensure and facilitate the proper educational placement, enrollment in school, and checkout from the school of foster children.
- Assist foster children when transferring from one school to another school in ensuring proper transfer of credits, records, and grades.
- When a foster youth is enrolling in the Charter School, the Foster and Mobile Youth Liaison shall contact the school last attended by the Student within two (2) business days to obtain all academic and other records. The last school attended by the foster youth shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. When a foster youth is transferring to a new school, the Foster and Mobile Youth Liaison shall provide the Student's records to the new school within two (2) business days of receiving the new school's request, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the Charter School.
- Notify the foster child's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations if the School has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal.
- 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.
- As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services.
- Develop protocols and procedures for creating awareness for Charter School staff, including but not limited to principals, deans, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth.
- Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the Charter School's foster youth.
- Monitor the educational progress of foster youth and provide reports to the Executive Director or designee and the School Board based on indicators identified in the Charter School's local control and accountability plan.

This Policy does not grant the Foster and Mobile Youth Liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible person appointed by the court to represent the child pursuant to WIC sections 319, 361 or 726, a surrogate parent, or a foster parent exercising authority under Education Code section 56055. The role of the Foster and Mobile Youth Liaison is advisory with respect to placement options and determination of the school of origin.

- 3. Admission:** The Charter School will work with foster youth and their ERH to ensure that each foster youth 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 students, including, but not limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the child's best interest and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

All foster and mobile students are required to follow the school's process for admitting students, including filling out and submitting the school's admission packet. As with all students, admission depends upon availability unless the Student seeks re-enrollment in the Charter School as the Student's school of origin. In the event of an oversubscription in a grade, foster and mobile students will participate in the lottery as with any other student.

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin if it is their best interest. The Charter School will immediately enroll a foster youth, a currently migratory child, or child of a military family seeking re-enrollment in the Charter School as their school of origin.

The foster child liaison, in consultation with, and with the agreement of, the foster child and the person holding the right to make educational decisions for the foster child, may recommend, in accordance with the foster child's best interests, that the foster child's right to attend the school of origin be waived and the foster child be enrolled in a public school that pupils living in the attendance area in which the foster child resides are eligible to attend.

Before making a recommendation to move a foster child from his or her school of origin, the foster 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 the recommendation serves the foster child's best interest.

Suppose the foster child liaison, in consultation with the foster child and the person holding the right to make educational decisions for the foster child, agrees that the foster child's best interests would best be served by his or her transfer to a school other than the school of origin. In that case, the foster child shall immediately be enrolled in the new school.

If the foster child seeking admission has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for admission, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history, proof of residency, other documentation or school uniforms, this will not serve as a basis for non-admission. Within two days of admission of the foster child, the foster child liaison will contact the school last attended by the foster child to obtain all academic and other records.

If a dispute arises regarding the request of a foster child to remain in The Cottonwood School as the school of origin, the foster child has the right to remain in The Cottonwood School pending resolution of the dispute. The dispute shall be resolved in accordance with the Uniform Complaint Procedures adopted by the School.

Admission to The Cottonwood School as the school of origin will be allowed unless a determination is made that it is not in the best interest of the foster child to attend The Cottonwood School. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement.

- 4. Former Foster Children:** At the initial detention or placement, or any subsequent change in placement, a foster youth may continue in their school of origin for the duration of the court's jurisdiction. A currently migratory child or child of a military family may continue in their school of origin as long as the Student meets the definition of a currently migratory child or child of a military family as described above. If the jurisdiction of the court is terminated before the end of an academic year, The Cottonwood School shall allow a former foster child who is in kindergarten or any of grades 1 to 8, inclusive, to continue his or her education as the school of origin through the duration of the academic school year.

If the jurisdiction of the court is terminated while a foster child, migratory child, or child of a military family is in high school, The Cottonwood School shall allow the child to continue his or her education in The Cottonwood School as the school of origin through graduation.

If the foster youth, currently migratory child or child of a military family, is transitioning between school grade levels, the youth shall be allowed to continue in the district of origin in the same attendance area to provide the youth the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts. 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.

- 5. Course Work and Graduation Requirements:** The Charter School will accept coursework satisfactorily completed by the foster or mobile child while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school even if the pupil did not complete the entire course and shall issue that pupil full or partial credit for coursework completed.

The credits accepted shall be applied to the same or equivalent course, if applicable, as the coursework completed in the prior school. The Charter School will not require the foster child to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. If the pupil did not complete the entire course, the Charter School shall not require the pupil to retake the portion of the course the pupil completed unless the Charter School, in consultation with the holder of educational rights for the pupil, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the foster youth shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course.

A foster youth shall not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.

A foster or mobile youth who transfers between schools any time after the completion of the Student's second year of high school and is in the Student's third or fourth year of high school, the School shall be exempt from all coursework and other requirements adopted by the School that are in addition to the statewide coursework requirements specified in Education Code section 51225.3, unless the School makes a finding that the Student is reasonably able to complete the School's graduation requirements in time to graduate from high school by the end of the Student's fourth year of high school.

If the School determines that the foster or mobile Student is reasonably able to complete the School's graduation requirements within the Student's fifth year of high school, the School shall do all of the following: 1) Inform the Student of the Student's option to remain in school for a fifth year to complete the School's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19; 2) Inform the Student, and the Student's educational rights holder, about how remaining in the School for a fifth year to complete the School's graduation requirements will affect the Student's ability to gain admission to a postsecondary educational institution; 3) Provide information to the Student about transfer opportunities available through the California Community Colleges; 4) Permit the Student to stay in school for a fifth year to complete the School's graduation requirements upon agreement with the Student, if the Student is 18 years of age or older, or if under 18 years of age, with the person holding the right to make educational decisions for the Student.

To determine whether a foster student is in the third or fourth year of high school, either the number of credits the pupil has earned to the date of transfer or the length of the Student's school admission may be used, whichever will qualify the Student for the exemption.

Within 30 calendar days of the date that a foster student may qualify for the exemption from local graduation requirements transfers into a school, the School shall notify the Student, the educational rights holder, and the School's liaison for foster children and youth of the availability of the exemption and whether the Student qualifies for an exemption. If the School fails to provide timely notice, the Student shall be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the Student is no longer in foster care, if the Student otherwise qualifies for the exemption.

A foster student that has been exempted from local graduation requirements in accordance with Education Code section 51225.1 and completes the statewide coursework requirements specified in Education Code section 51225.3 before the end of the Student's fourth year of high school and that Student would otherwise be entitled to remain in attendance at the school, the School shall not require or request that the pupil graduate before the end of the Student's fourth year of high school.

If a foster or mobile Student is exempted from local graduation requirements pursuant to Education Code section 51225.1, the School shall notify the Student and the person holding the right to make educational decisions for the Student how any of the requirements that are waived will affect the Student's ability to gain admission to a postsecondary educational institution and shall provide

information about transfer opportunities available through the California Community Colleges.

If a foster or mobile student who is eligible for the exemption from local graduation requirements and would otherwise be entitled to remain in attendance at the School shall not be required to accept the exemption or be denied admission in, or the ability to complete, courses for which the Student is otherwise eligible, including courses necessary to attend an institution of high

education, regardless of whether those courses are required for statewide graduation requirements.

If a foster or mobile student is not exempted from local graduation requirements or has previously declined the exemption, the School shall exempt the Student at any time if an exemption is required by the Student and the Student qualifies for the exemption. If a foster student is exempted from local graduation requirements, the School shall not revoke the exemption.

If a foster student is exempted from local graduation requirements, the exemption shall continue to apply after the Student is no longer a foster student while the Student is admitted in the School or if a foster student who is exempt from local graduation requirements transfers to the School from another school.

The School shall not require or request a foster student to transfer schools in order to qualify the Student for an exemption.

If a juvenile court youth satisfies the requirements for high school graduation while enrolled at a juvenile court school but has elected to decline the issuance of the diploma for the purpose of taking additional coursework, the Charter School will not prevent the juvenile court youth from enrolling in the Charter School and pursuing additional coursework if requested by the youth or by the youth's ERH.

- 6. Records:** A foster family agency with jurisdiction over a currently admitted or former pupil, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver who has direct responsibility for the care of the Student, including a certified or licensed foster parent, an approved relative or non-related extended family member, or a resource family (as defined below), may access the current or most recent records of grades, transcripts, attendance, discipline and online communication on platforms established by schools for pupils and parents, and any individualized education programs (IEPs) that may have been developed, or any plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 of a currently admitted or former foster pupil.

A foster family agency, short-term residential treatment program, or caregiver may review and receive pupil records pursuant to subdivision (a) for purposes of monitoring the pupil's educational progress, updating and maintaining the pupil's education records as required by Section 16010 of the Welfare and Institutions Code, and ensuring the pupil has access to educational services, supports, and activities. These purposes include, but are not limited to, admitting the pupil in school, assisting the pupil with homework, class assignments, and college and scholarship applications, and admitting the pupil in extracurricular activities, tutoring, and other afterschool and summer enrichment programs.

A "resource family" means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria necessary for providing care for a child placed by a public or private placement agency by court order or voluntarily placed by a

parent or guardian.

- 7. Complaints of Noncompliance:** Complaints of noncompliance with this Policy shall be governed by the Charter School's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office.