

Foster Care Policy

Federal and state law support the need for school stability for children in foster care, and state and local child welfare agencies, education agencies, and the courts must work together to implement these laws. Strong Start Academy is committed to supporting the school stability and success of students in foster care. To foster collaboration among agencies and the school and to ensure provisions of laws are implemented effectively, Strong Start Academy has designated the school's Safe School Professional as the "Point of Contact" (POC) for foster care and education.

THE RIGHTS OF STUDENTS IN FOSTER CARE UNDER AB491

AB 491 requires:

BEST INTEREST DECISION WHEN LIVING PLACEMENT CHANGES

When a child enters foster care, or changes living placements while in foster care, the child welfare agency must make a determination about whether it is in the child's best interest to remain in the same school. The presumption is that the child should stay in the same school. In determining if it is in the best interest of the child to change schools, the child welfare agency must consult with the school and consider: the wishes of the child, the educational success, stability and achievement of the child; an individualized education program (IEP) or 504; whether the child has been identified as an English learner; the health and safety of the child; the availability of necessary services for the child at the school of origin; and whether the child has a sibling enrolled in the school of origin. The costs of transportation for the child to remain in the same school must not be considered when making the best interest decision. If the child welfare agency determines that it is in the best interest of the child to change schools, then it must provide written notice of the decision to all interested parties as soon as practicable. The juvenile or family court judge has ultimate oversight of the child's case plan; therefore, the court can make a determination related to school of origin best interest decisions.

RIGHT TO REMAIN IN THE SAME SCHOOL

Students in foster care are able to attend a public school outside the zone of attendance where the child is living. Specifically, they have the right to attend their "school of origin," which means the school they were enrolled in when they were first placed into foster care, or the school they are enrolled in when their foster care living placement changes.

RIGHT TO TRANSPORTATION TO SUPPORT SCHOOL STABILITY

For the entire time a child is in foster care, and until the end of the school year when a child leaves foster care, the child is entitled to transportation to ensure school stability. The child welfare agency and education agency are jointly responsible for the costs of school transportation unless these agencies agree otherwise. The intent of the law is that the agencies are jointly responsible for the time a child is in foster care, and that the education agency will provide transportation for the remainder of the school year if the child exits foster care. If a dispute arises related to transportation that is not resolved within five business days, the juvenile or family court must resolve the dispute by court order within five business days.

Pending any dispute, the child is still entitled to transportation and the child welfare agency and education agency are jointly responsible for providing it.

RIGHT TO IMMEDIATE ENROLLMENT IN A NEW SCHOOL

If the child welfare agency, in consultation with the school of origin, makes a determination that it is in the best interest of the child to attend a new school, the child welfare agency must collaborate with the new school to ensure that the child is immediately enrolled in the new school, even if the child lacks any typically required documentation such as a birth certificate, school records or immunization information.