



## **EDUCATION FOR FOSTER AND MOBILE YOUTH POLICY**

### **Introduction**

The Charter Governance Council of Nevada City School of the Arts (“NCSOTA” or the “Charter School”) recognizes that Foster and Mobile Youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and charter school academic standards, NCSOTA shall provide them with full access to NCSOTA’s educational program and implement strategies identified as required by law and necessary for the improvement of the academic achievement of foster youth in NCSOTA’s local control and accountability plan (“LCAP”).

### **Definitions**

- “*Foster youth*” means a child who has been removed from his/her home pursuant to California Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
- “*Former juvenile court school pupil*” means a pupil who, upon completion of the pupil’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. “*Currently Migratory Child*” 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.
- “*Pupil participating in a newcomer program*” means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils 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 Welfare and Institutions Code sections 319, 361 or 726, or a person holding the right to make educational decisions for the pupil pursuant to Education Code section 56055.
- “*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 he/she was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the Charter School liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, 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 pupils, a child of a military family, a current migratory child, and a pupil participating in the newcomer program will be referred to collectively as “Foster and Mobile Youth.”

### **Foster and Mobile Youth Liaison**

In order to help facilitate the enrollment, placement, and transfer of Foster and Mobile Youth to NCSOTA, the Charter Governance Council shall designate a Foster and Mobile Youth liaison. The Charter Governance Council designates the following position as NCSOTA’s liaison for Foster and Mobile Youth:

Holly Pettitt, School Director  
530-273-7736 x208; [director@ncsota.org](mailto:director@ncsota.org)

The Foster and Mobile Youth Liaison shall be responsible for the following:

1. Ensure and facilitate the proper educational placement, enrollment in NCSOTA, and checkout from NCSOTA of foster youth.
2. Ensure proper transfer of credits, records, and grades when foster youth transfer to or from NCSOTA.

When a foster youth is enrolling in NCSOTA, 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 NCSOTA.

3. When required by law, notify the foster youth’s attorney and the appropriate representative of the county child welfare agency at least ten (10) calendar days preceding the date of the following:
  - a. An expulsion hearing for a discretionary act under NCSOTA’s charter.
  - b. Any meeting to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act under NCSOTA’s charter. The foster youth’s attorney and the agency representative will be invited to participate.
  - c. A manifestation determination meeting prior to a change in the foster youth’s

placement if the change in placement is due to an act for which the recommendation for expulsion is discretionary and the student is a student with a disability under state and federal special education laws. The foster youth's attorney and the agency representative will be invited to participate.

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 after-school services.
6. Develop protocols and procedures for creating awareness for Charter School staff, including but not limited to directors, principals, enrollment coordinators, and attendance coordinators, of the requirements for the proper enrollment, placement, and transfer of foster youth.
7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for NCSOTA's foster youth.
8. Monitor the educational progress of foster youth and provide reports to the Director or designee and the Charter Governance Council based on indicators identified in NCSOTA'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 Welfare and Institutions Code 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.

### **School Stability and Enrollment**

NCSOTA 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 pupils, including, but not limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the best interest of the child 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.

Foster youth and children of military families have the right to remain in their school of origin if it is their best interest. NCSOTA will immediately enroll a foster youth or child of a military family seeking reenrollment in NCSOTA as his/her school of origin.

A foster youth or child of a military family who seeks to transfer to NCSOTA will be immediately enrolled (subject to NCSOTA's capacity and pursuant to the procedures stated in NCSOTA's charter and Board policy) even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school

last attended or is unable to meet normal enrollment documentation or school uniform requirements (e.g. producing medical records or academic records from a previous school).

At the initial detention or placement, or any subsequent change in placement, a foster youth may continue in his/her school of origin for the duration of the court's jurisdiction. A child of a military family may continue in his/her school of origin as long as the student meets the definition of a child of a military family as described above. Foster youth and children of military families have the right to remain in their school of origin following the termination of the court's jurisdiction or termination of the child's status as a child of a military family, as follows:

1. For students in Kindergarten through eighth grade, inclusive, the student will be allowed to continue in the school of origin through the duration of the academic year in which the student's status changed.
2. For students enrolled in high school, the student will be allowed to continue in the school of origin through graduation.

If the foster youth or child of a military family is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her 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.

The Foster and Mobile Youth Liaison may, in consultation with and with the agreement of the foster youth and the ERH for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and he/she be enrolled in any district school that the student would otherwise be eligible to attend as a resident of the school district or in the Charter School consistent with current enrollment procedures. All decisions shall be made in accordance with the foster youth's best interests.

Prior to making any recommendation to move a foster youth from his/her school of origin, the Foster and Mobile Youth Liaison shall provide the foster youth and the foster youth's ERH with a written explanation of the basis for the recommendation and how the recommendation serves the foster youth's best interests.

If any dispute arises regarding a foster youth's request to remain in NCSOTA as the foster youth's school of origin, the foster youth has the right to remain in NCSOTA pending resolution of the dispute. The dispute shall be resolved in accordance with the existing Charter School dispute resolution process.

### **Transportation**

NCSOTA shall not be responsible for providing transportation to allow a foster youth to attend school, unless there is an agreement with a local child welfare agency that NCSOTA assumes part or all of the transportation costs in accordance with Section 6312(c)(5) of Title 20 of the United States Code, or unless required by federal law. NCSOTA is not prohibited from providing transportation, at its discretion, to allow a foster youth to attend school.

In accordance with Section 6312(c)(5) of Title 20 of the United States Code, NCSOTA shall collaborate with local child welfare agencies to develop and implement clear written procedures to address the transportation needs of foster youth to maintain them in their school of origin, when it is in the best

interest of the youth.

For any student who has an individualized education program (“IEP”), the student’s IEP team will determine if the student requires special education transportation as a related service regardless of the student’s status as a foster youth or child of a military family.

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

The grades of a foster youth shall not be lowered for any absence from NCSOTA that is due to either of the following circumstances:

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

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

NCSOTA shall accept coursework satisfactorily completed by a Foster and Mobile Youth while attending another public school<sup>1</sup>, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and shall issue that pupil full or partial credit for the coursework completed.

If the Foster and Mobile Youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course that he/she completed at another school unless NCSOTA, in consultation with the student’s ERH, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a Foster and Mobile Youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course.

In no event shall NCSOTA prevent a Foster and Mobile Youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California.

### **Eligibility for Extracurricular Activities**

A pupil who is in foster care 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.

### **Waiver of Fees for Afterschool Programs**

NCSOTA shall not charge any student who NCSOTA knows is currently in foster care any family fees associated with an After School Education and Safety (“ASES”) Program operated by NCSOTA.

### **Student Records**

When NCSOTA receives a transfer request and/or student records request for the educational information and records of a foster youth from a new LEA, NCSOTA shall provide these student records within two (2) business days. NCSOTA shall compile the complete educational record of the pupil,

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<sup>1</sup> For purposes of coursework completed by a student who is a child of a military family, “public school” includes schools operated by the United States Department of Defense.

including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.

In accordance with NCSOTA's Educational Records and Student Information Policy, under limited circumstances, NCSOTA may disclose student records or personally identifiable information contained in those records to certain requesting parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parental consent.

**Complaints of Noncompliance**

Complaints of noncompliance with this Policy shall be governed by NCSOTA's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office.