

**EDUCATION RELATED DUTIES IN
CALIFORNIA JUVENILE DEPENDENCY CASES
(WELFARE & INSTITUTIONS CODE 300)**

Note that A.B. 490 (Steinberg), effective January 2004, imposes new responsibilities for children placed in foster care. Those changes are too extensive to present in this abbreviated format, but are addressed in a separate analysis.

| RESPONSIBILITY | DUTY | AUTHORITY |
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| Juvenile Court System | Minors in need of protective services shall receive care, treatment and guidance consistent with their best interest and the interest of the public. | Welf. & Inst. Code 202(b) |
| Child Welfare Services | Legislative intent includes fostering the educational progress of children in out-of-home care. | Welf. & Inst. Code 16500.1(a) |
| Juvenile Court | The court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child. Upon notification by the child's attorney that the child has interests that may need to be protected by the institution of other administrative or judicial proceedings, the court must take whatever appropriate action is necessary to fully protect the interests of the child. | Welf. & Inst. Code 362(a), 317(e) |
| Juvenile Court | The court may join in the proceedings any agency the court determines has failed to meet a legal obligation to provide services to the minor. | Welf. & Inst. Code 362(a) |
| Juvenile Court | The court may direct any and all reasonable orders to the parents or guardians to ensure child's regular school attendance and to make reasonable efforts to obtain educational services necessary to meet the specific needs of the child. | Welf. & Inst. Code 362(d) |
| Child Welfare Agency Child Advocate | If a parent or guardian is unwilling or unable to participate in making educational decisions for the child or if other circumstances compromise the ability to do so, the social study or evaluation must include a factual discussion of whether the right of the parent or guardian to make those decisions should be limited, and if so, must identify whether there is a responsible adult available to make those decisions. | Welf. & Inst. Code 358.1(e) |

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| Juvenile Court | Any limitations on the right of the parent or guardian to make educational decisions for the child must be clearly and specifically set forth in court order. The limitations may not exceed those necessary to protect the child. When the court limits those rights, it must at the same time appoint a responsible adult to make those decisions. | Welf. & Inst. Code 361 |
| Child's Attorney | The attorney for the child must investigate and report to the court the interests of the child beyond the scope of the juvenile proceeding that may need to be protected by the institution of other administrative or judicial proceedings. | Welf. & Inst. Code 317(e) |
| Foster Parent | When a child has been placed in long term foster care, the foster parent may serve as the surrogate parent for special education purposes, provided that the foster parent does not have a conflict of interest. | Welf. & Inst. Code 361(a)(5), Education Code 56055 |
| Child Welfare Agency | The child's placement must be a safe setting that is the least restrictive (most family-like) and most appropriate setting available and in close proximity to the parent's home, consistent with the best interest and special needs of the child. | Welf. & Inst. Code 16501.1(c), 42 U.S.C. 675(5)(A) |
| Child Welfare Agency | The child's case plan must contain assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement. | Welf. & Inst. Code 16010(a), CDSS Manual of Policies and Procedures (hereinafter MPP) 31 - 206.351(d) |
| Child Welfare Agency | If the placement is a substantial distance from the home of the parents or in a different state, the case plan must set forth the reasons why the placement is in the best interest of the child. | 42 USC 675(5)(A)(i), Welf. & Inst. Code 16501.1(f) (7) |
| Juvenile Court and Child Welfare Agency | The court may not order placement in, and the county may not expend funds on, an out-of-state group home unless in state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the child and the out-of-state meets specified minimum requirements. The court record must include the reasons why out-of-state placement is in the best interest of the child and reflect that in-state alternatives have been explored and cannot meet the child's needs. The placement must be reviewed every six months. | Welf. & Inst. Code 361.21, Family Code 7911.1 |

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| Child Welfare Agency | The child's case plan must include specified education information about the child, including names and addresses if the child's education providers, grade level performance, school record, and any other relevant education information. If any required information is not in the case plan, the case plan must document where the information is located. | Welf. & Inst. Code 16010 (a) MPP 31-206.351 (a)-(c) |
| Foster Parent, Group Home Child Welfare Agency | The child's caregiver is responsible for obtaining and maintaining accurate and thorough information from educators. The agency must take all necessary steps to assist the caregiver in obtaining relevant education information. | Welf. & Inst. Code 16010(e) |
| Child Welfare Agency | The education information must be provided to the child's caregiver as soon as possible, but no later than 30 days after initial placement and within 48 hours after subsequent placements. | Welf. & Inst. Code 16010(c), MPP 31-405.1(s) |
| Child Welfare Agency | The social worker must take necessary action to safeguard the child's growth and development while in placement. | MPP 31-405.1(l) |
| Child Welfare Agency | The social worker must make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken. | MPP 31-405.1 (o) |
| Child Welfare Agency | The social worker must have regular contact with the child in order to assess the child's well being, monitor the child's progress, assess the effectiveness of services to meet the child's needs, and discuss plans and progress with the child. | MPP 31-320.11 |
| Child Welfare Agency | The social worker must have regular contact with the child's care provider in order to monitor the quality of care and ability of the care provider to meet the child's basic and special needs, including educational needs. At each required visit, the agency must ask the caregiver whether there is new information that should be added to the child's summary and must update the information in the child's case plan. The agency must take all necessary steps to assist the caregiver in obtaining relevant education information. | Welf. & Inst. Code 16010(e), MPP 31-330.11 |
| Child Welfare Agency Juvenile Court | Every agency and court that refers or places children in licensed facilities must report to the administrator of special education of the school district, the special education local plan area (SELPA), or the county office of education in | Education Code 56156(a). |

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| | which a child is placed any referral or placement of a child who is potentially eligible for special education. | |
| Child Welfare Agency Juvenile Court | At the time of placement, the court or agency must identify whether the rights of the parents to make educational decisions have been limited, the location of the parents if they retain education rights, and whether the parent's whereabouts are unknown. | Education Code 56156(b) |
| Foster Parent, Group Home, Facility Administrator | Every person licensed to operate a facility must notify the administrator of special education of the school district, the SELPA, or the county office of education in which the facility is located of any child who resides at the facility who is potentially eligible for special education. | Education Code 56156(c) |
| Child Welfare Agency | The agency must notify the local education agency at the time a child is placed in a licensed placement and must provide any available information on the immediate past education placements to facilitate prompt transfer of records and appropriate educational placement. | Education Code 48852 |
| Child Welfare Agency | Prior to placing a child suspected of having a disability the agency must notify SELPA in which the child will be placed. | Government Code 7579(a) |
| SELPA | (See above item.) The administrator of the SELPA must provide the court or placing agency with information about the availability of an appropriate special education program where the facility is located. | Government Code 7579(a) |
| Child Welfare Agency | When a child with an Individual Education Plan (IEP) is discharged from a group home or foster family placement, or another licensed facility, the agency must notify both the local education agency in which special education is being provided and the receiving SELPA at least ten (10) days prior to discharge. The agency must provide the child's IEP, the identity of the person responsible for representing the interest of the child, and any other information that may be useful in implementing the child's IEP. | Government Code 7579.1(a) |
| Local Education Agency | Upon receiving the information described above, the local education agency must ensure that the child receives an appropriate educational placement upon discharge. | Government Code 7579.1(b) |

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| Foster Parent | The foster parent must provide an opportunity for, and encourage participation in, specified activities, including education through enrollment in public, private or special schools and assistance with schoolwork. | 22 California Code of Regulations (hereinafter CCR) 89379(a) |
| Group Home | The child must have a needs and services plan that identifies the child's educational needs and information about services to meet those needs, and the group home must provide those services. | 22 CCR 84068.2(b)(2) |
| Group Home | The group home must ensure each child's attendance at an educational program in accordance with state law. | 22 CCR 84078(d) |
| Group Home | The group home must develop, maintain, and implement a written plan to ensure that children participate in an educational program, including supervision of after school study. | 22 CCR 84079(a)(4) |
| SELPA School District County Office of Education | SELPA, school district, or county office of education is responsible for providing appropriate education to eligible children residing in licensed children's institutions and foster family homes located in its geographical area. The district, SELPA, or county office of education must first consider services in publicly operated programs. | Education Code 56156.4, 56157 |
| County Office of Education | Every county office of education must make information on educational options available to agencies that place children. | Education Code 48850(a) |
| County Office of Education | The county office of education must maintain a current list of licensed children's institutions in the county (provided biannually by the superintendent) and must notify each district and SELPA of those institutions. The county office of education must also notify the director of each licensed children's institution of the appropriate person to contact regarding special education. | Education Code 56156(d) |