
EDUCATION FOR FOSTER YOUTH POLICY

Pathways Academy Adult Education (“Pathways” or the “Charter School”) recognizes that foster 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, the Charter School shall provide them with full access to the Charter School’s educational program and implement strategies identified as required by law.

Definitions

1. **Foster youth:** Foster youth means:
 - a. A child who has been removed from the child’s home pursuant to California Welfare and Institutions Code (“WIC”) section 309;
 - b. A child who is the subject of a petition filed under WIC section 300 or 602, whether or not the child has been removed from their home;
 - c. 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 pursuant to the tribal court's jurisdiction in accordance with the tribe's law;¹ or
 - d. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400(p).
2. **Educational Rights Holder (“ERH”):** means a parent, guardian, responsible adult appointed by a court to make educational decisions for a minor or a person otherwise holding the right to make educational decisions for the pupil.
3. **School of origin:** 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 the foster youth 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 foster youth, shall determine, in the best interests of the foster youth the school that shall be deemed the school of origin.
4. **Best interest:** Best interest means that, in making educational and school placement decisions for foster youth, consideration is given to, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

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¹ Pathways 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. (Ed. Code § 49085(e)(3)(B).)

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In order to help facilitate the enrollment, placement, and transfer of foster youth to the Charter School, the Governing Board shall designate a Charter School Foster Youth liaison. The Board of Directors designates the following position as the Charter School's liaison for Foster and Mobile Youth:

Jarom Luedtke
Executive Director
619-791-1600
jluedtke@pathwayscharterschool.org

The Foster Youth Liaison shall be responsible for the following:

1. Ensure and facilitate the proper educational placement, enrollment in the Charter School, and checkout from the Charter School of foster youth. (Ed. Code § 48853.5(c).)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer to or from the Charter School. Ed. Code § 48853.5(c).)
3. Within two (2) business days of a foster youth's request to enroll at Pathways, and if Pathways is able to enroll the student based on capacity at the time (see Enrollment section for further details), the Foster Youth Liaison shall contact the school last attended by the student 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 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 Pathways. (Ed. Code § 48853.5(f)(8).)

This Policy does not grant the Foster Youth Liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian of a minor student retaining educational rights, a responsible person appointed by the court to represent the child pursuant to Welfare and Institutions Code sections 361 or 726, a surrogate parent of a minor student, or a foster parent of a minor student exercising authority under Education Code section 56055. The role of the Foster Youth Liaison is advisory with respect to placement options and determination of the school of origin. (Ed. Code § 48853.5(e).)

School Stability and Enrollment

1. 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. 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. (Ed. Code § 48850(a).)

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2. If a student at Pathways is a foster youth or becomes a foster youth during the school year, including through the initial detention or placement and any subsequent change in placement, and Pathways is the student's school of origin, Pathways shall allow the student to continue their education for the duration of the court's jurisdiction. If the jurisdiction of the court is terminated before the end of an academic year, the student will be permitted to remain at Pathways through the end of the academic year if in grades K-8, or through graduation if in grades 9-12. (Ed. Code § 48853.5(f).)
3. Pathways shall immediately enroll a foster youth who seeks to enroll in Pathways if the youth would otherwise be eligible to attend, subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and any Board policies.
4. The youth shall be immediately enrolled even if the youth has outstanding fees, fines, textbooks, or other items or monies due to the school last attended, lacks records normally required for enrollment (such as previous academic records, medical records, or other documentation), or does not have clothing normally required for school, as applicable. (Ed. Code § 48853.5(f)(8).)
5. Where Pathways is the student's school of origin, the Foster 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 the foster youth be enrolled in a public school that the students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Ed. Code § 48853.5(f)(6).)
6. Prior to making any recommendation to move a foster youth from the youth's school of origin, the Foster 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. (Ed. Code § 48853.5(f)(6)-(7).)
7. If any dispute arises regarding a foster youth's request to remain in the Charter School as the foster youth's school of origin, the foster youth has the right to remain in the Charter School pending resolution of the dispute. The dispute shall be resolved in accordance with Pathways' Uniform Complaint Policy. (Ed. Code § 48853.5(f)(9).)

Transportation

Since Pathways is a nonclassroom-based program where students primarily engage in their education online, transportation to Pathways' facilities is generally not required in order to maintain a foster youth at their school of origin, where Pathways is the school of origin and in the youth's best interest, pursuant to 20 U.S.C. section 6312(c)(5). In the event that such transportation is required pursuant to federal law, however, Pathways shall ensure that transportation is received promptly in a cost-effective manner. Transportation may include, but is not limited to, bus passes, tokens, other methods of public transportation, or other transportation options for the foster youth.

If additional costs are incurred in providing transportation to Pathways, where Pathways is the foster youth's school of origin, Pathways will work with the local child welfare agency to determine if there are any resources that the agency can provide to the student. Pathways may

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enter into an agreement with the child welfare agency to share or otherwise address the responsibilities of the costs for these services in accordance with 20 U.S.C. section 6312(c)(5)(B).

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.

Transfer of Coursework and Credits

Pathways shall accept coursework satisfactorily completed by a foster youth 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 or agency even if the student did not complete the entire course and shall issue that student full or partial credit for the coursework completed.

Foster students shall not be required to retake a course, unless the student did not complete the entire course and Pathways, in consultation with the student’s ERH, finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster student in any particular course, the youth shall be enrolled in the same or equivalent course, if applicable, so that the youth may continue and complete the entire course.

In no event shall the Charter School prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Ed. Code § 51225.2.)

High School Graduation Requirements:

To obtain a high school diploma from the Charter School, a student must complete all courses required by the Charter School and fulfill any additional graduation requirements prescribed by the Board.

However, foster youth who transfer to the Charter School any time after the completion of their second year of high school and who are in their third or fourth year of high school shall be exempt from any of the Charter School’s graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 (“additional graduation requirements”) unless the Charter School makes a finding that the student is reasonably able to complete the Charter School’s graduation requirements by the end of the student’s fourth year of high school.

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To determine whether a foster youth is in their third or fourth year of high school, the number of credits the student has earned to the date of transfer, the length of the student's school enrollment, or, for students with significant gaps in attendance, the student's age compared to the average age of students in the third or fourth year may be used—whichever will qualify the student for the exemption. For a pupil participating in a newcomer program, enrollment in grade 11 or 12 may be used to determine whether the student is in his or her third or fourth year of high school.

Within 30 calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the ERH, and the student's social worker or probation officer of the availability of the exemption and whether the foster youth qualifies for the exemption. If the Charter School fails to provide timely notice of the availability of the exemption, the foster youth shall be eligible for the exemption from the additional graduation requirements once notified, even if that notification occurs after the termination of the court's jurisdiction over the student, if the foster youth otherwise qualifies for the exemption.

If a foster youth is exempted from the Charter School's additional graduation requirements pursuant to this Policy 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 Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

The Executive Director or designee shall notify a foster youth and their ERH if the Charter School grants an exemption from the additional graduation requirements, how many requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

A foster youth who would otherwise be entitled to remain in attendance at the Charter School shall not be required to accept the exemption from additional graduation requirements or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

If a foster youth is not exempted from additional graduation requirements or has previously declined the exemption pursuant to this policy, the Charter School shall exempt the student at any time if an exemption is requested by the foster youth and the foster youth qualifies for the exemption. Likewise, if the foster youth is exempted, the Charter School may not revoke the exemption.

If a foster youth is exempted from additional graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the

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student while the student is enrolled in school or if the student transfers to another school, including a charter school, or school district.

The Charter School shall not require or request a foster youth to transfer schools in order to qualify for an exemption from additional graduation requirements, and no foster youth or any person acting on behalf of a foster youth may request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

Upon making a finding that a foster youth is reasonably able to complete the Charter School's graduation requirements within the student's fifth year of high school, the Executive Director or designee shall:

1. Inform the foster youth and the student's ERH of the foster youth's option to remain in school for a fifth year to complete the Charter School's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19.
2. Inform the foster youth and the student's ERH how remaining in school for a fifth year will affect the foster youth's ability to gain admission to a postsecondary educational institution.
3. Provide information to the foster youth about transfer opportunities available through the California Community Colleges.
4. Upon agreement with the foster youth or, if the foster youth is under 18 years of age, the ERH permits the foster youth to stay in school for a fifth year to complete the Charter School's graduation requirements.
5. Inform the student and the student's ERH regarding the student's right to remain in their school of origin. (Ed. Code § 51225.1.)

Eligibility For Extracurricular Activities

A student 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, as applicable. (Ed. Code § 48850(a)(1)-(2).)

Complaints of Noncompliance

Complaints of noncompliance with this Policy may be filed with the Charter School pursuant to the Charter School's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office. (Ed. Code § 48853(i).)