



**LOS ANGELES UNIFIED SCHOOL DISTRICT
REFERENCE GUIDE**

TITLE: School Placement for Students with Individualized Education Programs Who Are In Foster Care

NUMBER: REF-6033.0

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ROUTING
All Schools
Instructional Area Superintendents
Instructional Directors
School Site Administrators
Special Education Support Center Administrators
All Staff Working with Students with Disabilities

PURPOSE: The purpose of this Reference Guide is twofold: (a) to inform District staff working with students with disabilities of recent changes to the *California Education Code* as a result of the passage of Senate Bill 121, which addresses school placement for foster youth with an Individualized Education Program (IEP); and (b) to provide District staff working with students with disabilities procedures that conform to legal requirements for working with foster parents who determine that their student should be placed in an educational program other than a program operated by the school district/local educational agency (LEA).

MAJOR CHANGES: Not applicable.

BACKGROUND: California law requires that students placed in foster care or a licensed children’s institution must attend programs operated by the LEA (school district) unless (1) the student is entitled to attend his or her school of origin, (2) has an IEP that requires placement elsewhere, or (3) the student’s parent or guardian, or other person holding educational decision making rights for the student, determines that it is in the best interest of the student to be placed in another educational setting, and that all educational and school placement decisions should be made to ensure that the pupil is placed in the least restrictive environment. These provisions were put in place to afford all foster youth equal educational opportunities.

Senate Bill 121 requires that there is documentation that affirms the decision of the parent, guardian or educational rights holder to place a foster youth in an educational program other than a LEA (District) program.



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PROCEDURES: If the parent, guardian, or other individual holding educational decision making rights wishes to request a specific type of placement, they must submit the following to the school: (A) Proof of assignment of educational decision making rights, if applicable; and (B) Written request for a specific educational placement and the reasons it is in the best interest of the student.

A. Proof of Assignment of Educational Decision Making Rights (Attachment A)

1. In most cases, the court does not limit the educational decision making rights of parents. In those cases where the court has limited the educational decision making rights, the individual who has the rights will provide a copy of court documents indicating the rights have been assigned and the period of time of the assignment.

Parents and/or guardians may assign educational decision making rights to another family member or unrelated adult. Attachment A: "Assignment of Educational Decision Making Rights" can be used by school sites to document this assignment. Once completed, this document should be uploaded and attached to the student's Welligent record.

B. Written Request for a Specific Educational Placement (Attachment B)

If the parent, guardian, or verified holder of the educational decision making rights determines a specific educational placement is needed for the best interests of the student, they must notify the District in writing (Attachment B). To facilitate this process, the parent, guardian or verified holder of educational decision making rights should complete Attachment B: "Written Request for a Specific Educational Placement." The individual completing the form should be provided with a hard copy and an electronic copy should be uploaded and attached to the student's Welligent record.

An IEP team meeting must be convened in order to consider the information provided and to determine the most appropriate placement for the student.

Note: The IEP team is responsible for determining the student's least restrictive environment based on the principles outlined in BUL-5901.2: "Determining the Appropriate Educational Placement for Students with Disabilities in the Least Restrictive Environment."



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RELATED**RESOURCES:**

- *California Education Code*
- BUL 5901.2: “Determining the Appropriate Educational Placement for Students with Disabilities in the Least Restrictive Environment”
- REF 5907.0: “Requesting Information in Preparation of a Discussion Regarding a Free Appropriate Public Education During an IEP Team Meeting”

ATTACHMENTS:

Attachment A: Assignment of Educational Decision Making Rights
Attachment B: Written Request for a Specific Educational Placement

ASSISTANCE:

For assistance or further information please contact Oscar Rodriguez, Coordinating Specialist, Special Education Service Center-Operations, at (213) 241-6701.

Assignment of Educational Decision Making Rights

Parents and/or guardians may assign educational decision making rights to another family member or unrelated adult. This form can be used by school sites to document this assignment. Once completed, this form should be uploaded and attached to the student's Welligent record.

PLEASE PRINT OR TYPE LEGIBLY

SECTION I. STUDENT INFORMATION:

Student Name:		Date of Birth:	
School of Attendance:			

SECTION II. EDUCATIONAL DECISION MAKING RIGHTS HOLDER:

Name:			
Address:			
Relation to Student:			
Location of Evidence of Educational Decision Making Rights Holder:			
Evidence Attached (required):	<input type="checkbox"/> YES <input type="checkbox"/> NO		

SECTION III. EDUCATIONAL DECISION MAKING RIGHTS BEING TRANSFERRED TO:

Name:			
Address:			
Relation to Student:			

SECTION IV. RIGHTS BEING TRANSFERRED:

<input type="checkbox"/> Educational Decision Making Rights	<input type="checkbox"/> Other (describe):		
Beginning Date:		Ending Date:	

SECTION V. REQUIRED SIGNATURES:

Parent/Guardian Signature		Parent/Guardian Name (printed)	
School Principal (or designee) Signature		School Principal (or designee) Name (printed)	

Questions: Oscar Rodriguez, Coordinating Specialist, Special Education Service Center-Operations, (213) 241-6701, or via email at oscar.x.rodriguez@lausd.net.

WRITTEN REQUEST FOR A SPECIFIC SPECIAL EDUCATION PLACEMENT FOR FOSTER YOUTH WITH AN INDIVIDUALIZED EDUCATION PROGRAM

In accordance with California Education Code section 48853 (a)(3), when a parent, guardian or individual holding the educational decision making rights for a foster youth wishes to request a specific special educational placement, the following information must be provided to the school district.

PLEASE PRINT OR TYPE LEGIBLY

SECTION I. STUDENT INFORMATION:

Student Name:		Date of Birth:	
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SECTION II. EDUCATIONAL DECISION MAKING RIGHTS HOLDER:

Name:	
Relation to Student:	<input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Other (describe):

I request the following specific special education placement for the student named above:

Reason:

California Education Code section 48853 (a)(3) requires that the school district inform you of the following:

- (a) The pupil has a right to attend a regular public school in the least restrictive environment.
- (b) The alternate education program is a special education program, if applicable.
- (c) The decision to unilaterally remove the pupil from the regular public school and to place the pupil in an alternate education program may not be financed by the local educational agency.
- (d) Any attempt to seek reimbursement for the alternate program may be at the expense of the parent, guardian, or other person holding the right to make educational decisions for the pupil.

SECTION III. SIGNATURES:

Signature of Requestor:		Requestor Name (printed):	
Date:			