

Westlaw Delivery Summary Report for CENTER ON CHILDR

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Effective: January 1, 2006

West's Annotated California Codes [Currentness](#)

Education Code ([Refs & Annos](#))

Title 2. Elementary and Secondary Education ([Refs & Annos](#))

Division 4. Instruction and Services ([Refs & Annos](#))

Part 27. Pupils ([Refs & Annos](#))

▣ Chapter 6.5. Pupil Records ([Refs & Annos](#))

▣ Article 4. Rights of Parents ([Refs & Annos](#))

→ **§ 49069.5. Foster care pupils; transfers of pupils and records; effect of absences due to change of placement or court-ordered activity on grades**

(a) The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.

(b) The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency.

(c) As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall contact the appropriate person at the local educational agency of the pupil. The county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.

(d) Upon receiving a transfer request from a county placing agency, the local educational agency shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.

(e) As part of the transfer process described under subdivisions (c) and (d), the local educational agency shall compile the complete educational record of the pupil including 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 plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 ([29 U.S.C. Sec. 794 et seq.](#)) or individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act ([20 U.S.C. Sec. 1400 et seq.](#)).

(f) The local educational agency shall assign the duties listed in this section to a person competent to handle the

transfer procedure and aware of the specific educational recordkeeping needs of homeless, foster, and other transient children who transfer between schools.

(g) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or placing agency, the grades and credits of the pupil will be calculated as of the date the pupil left school, and no lowering of grades will occur as a result of the absence of the pupil under these circumstances.

(h) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

(i) For the purposes of this section, "pupil in foster care" means any child who has been removed from his or her home pursuant to [Section 309 of the Welfare and Institutions Code](#), is the subject of a petition filed under [Section 300 or 602 of the Welfare and Institutions Code](#), or has been removed from his or her home and is the subject of a petition filed under [Section 300 or 602 of the Welfare and Institutions Code](#).

CREDIT(S)

(Added by [Stats.1998, c. 311 \(S.B.933\), § 2, eff. Aug. 19, 1998](#). Amended by [Stats.2003, c. 862 \(A.B.490\), § 7](#); [Stats.2005, c. 639 \(A.B.1261\), § 4](#).)

OFFICIAL FORMS

2009 Electronic Update

<Mandatory and optional Forms adopted and approved by the Judicial Council are set out in West's California Judicial Council Forms Pamphlet.>

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

Provisions of [Stats.1998, c. 311 \(S.B.933\)](#), relating to development of protocols for placement of foster children in group homes, emergency regulations, creation of a community care facility law enforcement task force, and providing for a reexamination of the role of out-of-home placements, see Historical and Statutory Notes under [Welfare and Institutions Code § 18987.6](#).

Local agency and school district cost reimbursement provisions relating to [Stats.2003, c. 862 \(A.B.490\)](#), see

Historical and Statutory Notes under [Education Code § 48645.5](#).

Local agency and school district cost reimbursement provisions relating to Stats.2005, c. 639 (A.B.1261), see Historical and Statutory Notes under [Education Code § 48853](#).

CROSS REFERENCES

“Pupil record” defined for purposes of this Chapter, see [Education Code § 49061](#).

LAW REVIEW AND JOURNAL COMMENTARIES

Falling between the cracks: Why foster children are not receiving appropriate special education services. Brandy Miller, 5 Whittier J. Child & Fam. Advoc. 547 (2006).

LIBRARY REFERENCES

2006 Main Volume

[Records](#)  55.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 101.

RESEARCH REFERENCES

Encyclopedias

[CA Jur. 3d Schools § 322](#), Pupil Records--Rights of Parents.

Forms

[West's California Judicial Council Forms JV-538](#), (08) Findings and Orders Regarding Transfer from School of Origin.

[West's California Judicial Council Forms JV-539](#), (08) Request for Hearing Regarding Child's Education.

West's Ann. Cal. Educ. Code § 49069.5, CA EDUC § 49069.5

Current with urgency legislation through Ch. 9, 11-17 of the 2009 Reg.Sess., Ch. 12 of the 2009-2010 2nd Ex.Sess., and Ch. 26 of the 2009-2010 3rd Ex.Sess., Governor's Reorganization Plan No. 1 of 2009, Prop. 1F, approved at the 5/19/2009 election, and propositions on the 6/8/2010 ballot received as of 7/1/2009

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