

Governor Signs Bill Providing Clarity on Foster Youth and Residency Requirements

On July 13, 2012, Governor Jerry Brown signed into law Assembly Bill (AB) 1573, modifying Education Code section 48204. This bill clarifies and affirms that a foster child who remains in his or her school of origin, as defined by the Education Code, is considered to have met the residency requirements for school attendance.

The change resulting from AB 1573 seeks to clarify any confusion caused by the potential inconsistency between Education Code sections 48200 and 48853. Section 48200 establishes that a student must attend a school within a school district in which the student's parent or legal guardian resides, unless exempt under law. Between Education Code sections 48853 and 48853.5, however, foster youths may remain in their "school of origin" for the "duration of the jurisdiction of the court," even if they relocate. "School of origin" refers to the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled, as defined by section 48853.

As amended by AB 1573, section 48204 resolves any confusion that resulted by attempts to harmonize Education Code section 48200 with sections 48853 et seq. Amended section 48204, subdivision (a)(2), establishes that foster youths between the ages of 6 and 18 can remain in their school of origin and still satisfy the residency requirement of Education Code section 48200. This provision expressly confirms that foster youth students who continue their education in their school of origin also continue their residency in the school of origin's school district, even if they no longer reside within the boundaries of that specific school district. This clarification is especially important when foster youth students are eligible for special education or Section 504 services, as it is now clear that responsibility for individualized education program (IEP) and Section 504 programming will remain with the school district in which the school of origin is located.

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If you have any questions regarding AB 1573 or other issues related to foster youth, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or follow Lozano Smith on [Facebook](#).

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