

District Obligations Broadened For Foster Children Facing Extension of Suspension, Expulsion, and Manifestation Determinations

Governor Brown recently signed into law Assembly Bill (AB) 1909, which expands school districts' obligations and notice requirements with respect to meetings to determine if a foster child's suspension should be extended pending expulsion proceedings, expulsion hearings for foster children, and meetings to conduct manifestation determinations of foster children prior to imposition of discipline. In adding these additional duties, AB 1909 amends relevant portions of the Education Code and Welfare and Institutions Code regarding discipline of foster children. Such changes will take effect on January 1, 2013.

Current law requires school districts to designate an "educational liaison" for foster children, a person affiliated with a school district's local foster children services program, to oversee foster children within the district and facilitate placement, credit transfers, enrollment, and the foster child's checkout from school. AB 1909 further broadens the scope of the educational liaison's duties by requiring the liaison to notify a foster child's attorney as well as the county child welfare agency of pending disciplinary proceedings regarding the child.

Previously, such notification was only required to be given to a foster child's parent or guardian; however, the legislature determined that notice to additional parties is necessary to ensure foster children have persons present to advocate for them before a decision on expulsion or an extension of suspension is made. In this sense, AB 1909 requires school districts to invite a foster child's attorney and an appropriate representative of the county child welfare agency to participate in (1) meetings to determine if a foster child's suspension should be extended pending expulsion proceedings where the decision to recommend expulsion is discretionary, (2) expulsion hearings where the decision to expel a foster child is discretionary, and (3) meetings regarding manifestation determinations of foster youth with special needs conducted prior to imposition of discipline.

With respect to any proceeding to determine if a foster child should be expelled, AB 1909 now requires school districts to provide a foster child's attorney and an appropriate representative of the county child welfare agency with written notice of the proceedings no later than ten (10) days prior to the hearing, rather than only providing written notice to the foster child's parent or guardian as required by existing law.

Indeed, the scope of a school district's responsibilities have broadened by the enactment of AB 1909; however, school districts can also take solace in the fact that foster children will now be adequately represented at early proceedings to reduce the need for subsequent hearings and appeals based on a lack of notice or factual misunderstandings.

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If you have any questions regarding AB 1909, or other issues related to educational placement of foster children, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

Note: Based upon the deluge of student-related legislation passed this year, school districts should consider updates to their affected policies and regulations. New laws potentially impacting districts' policies and regulations have been covered in this Client News Brief (CNB) and Lozano Smith [CNB No. 22](#), [CNB No. 42](#), [CNB No. 45](#), [CNB No. 52](#), [CNB No. 53](#), [CNB No. 57](#), [CNB No. 58](#) and [CNB No. 68](#). Such policies and regulations may include those related to student discipline, student admissions and residency requirements, student fees and charges, GATE, independent study, curriculum and instruction, and others. If you have any question regarding potential policy changes necessitated by these new laws, please feel free to contact one of our eight offices located statewide.

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