
New Legislation Expands “School of Origin” to Include Nonpublic Schools for Foster Students with IEPs

February 7, 2024
Number 9

Written by:

Alyssa R. Bivins
Partner
Sacramento

Stephanie W. Holtz
Associate
Sacramento

On October 13, 2023, Governor Gavin Newsom signed Assembly Bill (AB) 723, which expands the definition of “school of origin” to include nonpublic, nonsectarian schools for foster children with exceptional needs. A “nonpublic, nonsectarian school,” or NPS, means a private, nonsectarian school that is certified by the California Department of Education and enrolls individuals with exceptional needs pursuant to their individualized education programs (IEPs). Beginning with the 2024-2025 school year, each NPS shall agree in writing to be designated as the school of origin for foster children they serve and to allow foster children to continue their education in the NPS.

Background

Children in foster care experience much higher levels of residential and school instability than their peers. As a result of frequent placement changes leading to educational disruptions, both the State and federal governments have enacted laws to increase the educational stability for these youth. Under both the federal Every Student Succeeds Act and the California Education Code, school districts must provide educational stability and transportation to the school of origin for students in the foster care system. The school of origin is the school in which a child is enrolled at the time of placement in foster care, the school they most recently attended, or any school attended in the last 15 months that the student is connected to.

As existing law lacked clarity on whether nonpublic schools could qualify as a school of origin for foster students, some foster students may not have been permitted to continue attendance in an NPS upon a change in foster placement, resulting in harmful educational delays and disruptions. Under AB 723, nonpublic schools qualify as the school of origin for foster children with special needs, and therefore must agree to continue to educate those children in the event of a new foster care placement.

Impact on School Districts

School districts may enter into master contracts with nonpublic schools only if the nonpublic school has been certified by the State. Beginning in the 2024-

2025 school year, any NPS seeking certification by the State must agree to be designated as the school of origin for any foster child it serves and allow foster children to continue their education in the NPS. School districts should therefore review and update any existing board policies, regulations, and master contracts to reflect that nonpublic schools are included in the definition of school of origin for foster students with IEPs.

If you have any questions about AB 723 or need guidance related to foster students with exceptional needs and school of origin, please contact the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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