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# KNOW YOUR EDUCATION RIGHTS

## for California Foster Youth

### If you are in foster care, you have the following rights:

- ⇒ **You have the right to attend** school and participate in extracurricular activities.<sup>1</sup>
- ⇒ **You have a right to participate** in the same academic resources, services, and extracurricular activities as all students.<sup>2</sup> If you move, you are immediately considered to meet all residency requirements for participation in sports and other extracurricular activities.<sup>3</sup>
- ⇒ **You have the right to educational stability:** Whenever you need to move, your social worker should consider how close your new home placement will be to your school.<sup>4</sup>
- ⇒ **You have a right to continue attending** your “school of origin” (usually the last school you attended) if you are moved to a new home for as long as your case is open, unless it is not in your best interest.<sup>5</sup> If there is any disagreement about which school you will attend, you have the right to stay in your old school until it is worked out. You can talk to the judge if there is a disagreement about your school change.<sup>6</sup>
- ⇒ **You have a right to start** right away at a new school if you are moved, even if you don’t have all of the required paperwork to enroll, like your grades, your shot records or needed supplies like a uniform.<sup>7</sup>
- ⇒ **You have a right to keep** your credits when you move.<sup>8</sup> Your new school must take whole or partial credits from your old schools (as long as you were passing your classes), even if you earned those credits in a group home school, a court school, or an alternative school.<sup>9</sup>



- ⇒ **You have a right to enroll** in the same middle school or high school as your classmates when you transition between grade levels, even if you move to a new home.<sup>10</sup>
  
- ⇒ **You have a right to not miss school** because of your case whenever possible, and to not have your grades lowered if you are absent because you move to a new home, go to court, or other court-related activities (like court-ordered visits).<sup>11</sup>
  
- ⇒ **You have a right to have a responsible adult** be in charge of your education. If your parents are not available, then the judge will appoint an “Educational Rights Holder” for you. This person is preferably a relative or someone who knows you, and must talk with you about your education.<sup>12</sup>
  
- ⇒ **You have a right to** a “free and appropriate public education” in the least restrictive environment, if you are a special education student.<sup>13</sup> If you have an IEP, it must be reviewed by your IEP team at least once per year.<sup>14</sup>
  
- ⇒ If you are referred for expulsion, you can be represented by a lawyer or non-attorney advisor.<sup>15</sup> In addition, the school district must tell your social worker and lawyer when your expulsion hearing is.<sup>16</sup>
  
- ⇒ If you switch schools after your second year of high school, and you can’t reasonably meet the local requirements at that school to graduate on time, you can graduate with the reduced state graduation credit requirements instead.<sup>17</sup> (AB 167/216)

<sup>1</sup>Education Code (EC) § 16001.9

<sup>2</sup>EC § 48850

<sup>3</sup>EC § 48850

<sup>4</sup>Welfare & Institutions Code (WIC) § 16010

<sup>5</sup>EC § 48853.5

<sup>6</sup>California Rule of Court 5.651

<sup>7</sup>EC § 48853.5(e)(8)

<sup>8</sup>EC § 49069.5(e)

<sup>9</sup>EC § 49645.5

<sup>10</sup>EC § 48853.5(e)(4)

<sup>11</sup>EC § 16001.9; EC § 49069.5(h)

<sup>12</sup>WIC § 361

<sup>13</sup>EC § 48852.5(a)(3)(A)

<sup>14</sup>EC § 56380

<sup>15</sup>EC § 48918(b)(5)

<sup>16</sup>EC § 48919.1

<sup>17</sup>EC § 51225.1

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FEBRUARY 2015