



Education Rights of Special Youth Populations

EDUCATION DEFENSE AND
JUSTICE FOR YOUTH PROGRAM

Who are we talking about?

- Youth who are unhoused
 - Broad definition, included but not limited to youth who lacks a fixed, regular, and adequate nighttime residence, youth sharing housing due to economic hardship, youth sleeping in cars, motels or hotels, etc.
- Youth in foster care
 - Any youth with an open child welfare or delinquency petition (**does not have to be placed out of home**)
 - Youth subject to a tribal court child welfare case
 - Youth in a voluntary placement agreement

Credits and Courses

- These students should get full or partial credits for coursework completed in other schools, including court schools
- Students can't be forced by their new school to retake a course or part of a course they completed

Absences Due to Court Involvement

- Grades can't be lowered due to absences resulting from court dates or changes in placement
- *Only applies to youth in foster care*



Immediate Enrollment

- Youth have a right to immediate enrollment even if they have had juvenile legal system involvement, are missing records, or have outstanding school fees



School of Origin

- Youth can stay in their “school of origin” throughout their court matter/period of homelessness, and sometimes afterward, even if their placement/housing status changes
 - This doesn’t apply to youth who are incarcerated (you couldn’t argue they should be bussed to their original school instead of enrolling in the court school) or to youth who have been formally expelled
- If there’s a dispute, the youth can stay in their school of origin until the dispute is resolved

School Stability

- School stability is a priority under law
- School placement decisions should be made in the student's best interest
- Regular public schools > alternative schools, court schools or other more restrictive schools
- Case plans for youth with court involvement should include planning for educational stability



School Transfers

- Timely communication about transfers between districts/child welfare agencies/etc.
 - Specific process for students leaving court schools!
- Timely records transfer within two days of school transfer
- *Only applies to youth in foster care*

School Discipline

- District must let youth's attorney and the placement agency (Probation/child welfare) if they have a pending expulsion or extended suspension
- In the case of an unhoused youth, the district must let its "liaison for homeless children and youth" know



Graduation Requirements

- These students can graduate under state requirements, instead of school district requirements, which are usually harder
 - State requires 130 credits (certain coursework)
- Students have right to remain for a fifth year in high school if desired

Advocacy Tips

- With the youth's consent, notify "need to know" district staff about their status
 - Counsel the youth about pros/cons
 - Identify school district liaisons
 - Ask for meetings/dispute resolution to address potential legal violations
 - File a formal complaint through the Uniform Complaint Procedure, if needed
 - Call EBCLC for help!
- Oakland Unified Liaisons
 - Foster Youth Services: Jennifer Tam, jennifer.tam@ousd.org
 - Homeless Youth Services: Trish Anderson, trish.anderson@ousd.org
 - Liaisons for all Alameda County districts are listed here:
<https://www.acoe.org/site/handlers/filedownload.ashx?moduleinstanceid=1506&dataid=10762&FileName=Alameda.FYS.MKV.JJC.Liaisons%202022-23.xls>