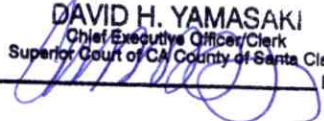


FILED

OCT 27 2010

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
JUVENILE DIVISION

**STANDING ORDER REGARDING
AUTHORIZING THE SANTA CLARA COUNTY OFFICE OF EDUCATION FOSTER
YOUTH SERVICES PROGRAM LIMITED ACCESS TO JUVENILE COURT CASE
FILE AND INFORMATION ABOUT FOSTER YOUTH**

Pursuant to California Education Code section 42920 the Court finds that:

- 1) “A high percentage of foster children are working substantially below grade level, are being retained at least one year in the same grade level, and become school dropouts;”
- 2) “Without programs specifically designed to meet their individual needs, foster children are frequently dysfunctional human beings at great penal and welfare costs;” and
- 3) “Instruction, counseling, tutoring, and related services for foster children that provide program effectiveness and potential cost savings,” shall be a State priority.

The Court also finds pursuant to Education Code section 49069.5 that:

- 1) “The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience. The Legislature also finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings; and
- 2) “The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency.”

The Court further finds that the Santa Clara County Office of Education (SCCOE) operates an education-based foster youth services program (FYS) pursuant to Education Code section 42921. This program provides educational and support services to foster youth who reside in licensed foster homes and group homes.¹ FYS, through its program coordinator, must facilitate the provision of educational services to any foster child in the County who is under the jurisdiction of the Juvenile Court pursuant to Section 300 of the Welfare and Institutions Code

¹ California Education code section 42921(e) defines “licensed foster home” as a licensed foster family home, certified foster family agency home, court-specified home, or licensed care institution (group home).

who is placed in a licensed foster home, group home or county-operated juvenile detention facility. These services include, but are not limited to:

- 1) Work with the Santa Clara County Department of Family and Children's Services (DFCS) to minimize changes in school placement;
- 2) Facilitate the prompt transfer of educational records, including the health and education passport, between educational institutions when placement changes are necessary;
- 3) Provide education-related information to the DFCS to assist service delivery to foster children, including, but not limited to, the educational status and progress information required for inclusion in court reports by Section 16010 of the Welfare and Institutions Code;
- 4) Respond to requests from the Juvenile Court for information and working with the court to ensure the delivery or coordination of necessary educational services;
- 5) Work to link foster children to tutoring, vocational training, and other services designed to enhance the educational prospects of foster children;
- 6) Facilitate communication between the foster care provider, the teacher, and any other school staff or education service providers for the child;
- 7) Share information with the foster care providers regarding available training programs that address education issues for children in foster care; and
- 8) Refer caregivers of foster youth who have special education needs to special education programs and services.

The Court further finds that SCCOE FYS is a collaborative partner within the Santa Clara County Middle School Education Court and that Santa Clara County juvenile court youth who reside in foster homes and group homes are in need of the services provided by the SCCOE FYS and that facilitating service delivery will be in the best interest of these youth. The Court also finds that disclosure of the requested information is not detrimental to the safety, protection or emotional well-being of foster youth. Disclosure of the requested information must occur to ensure prompt service delivery by FYS. Through its supportive services, FYS staff will ensure an appropriate educational program, particularly by the prompt transfer of school records, thus in turn, facilitating stability with foster youth placements.

The Court further finds that, disclosure of the requested information is in accord with the Intent of the Legislature as stated in WIC section 827(b)(1), "to promote more effective communication among juvenile courts...and schools to...lessen the potential for drug use, violence, other forms of delinquency, and child abuse."

BASED UPON THESE FINDINGS, THE COURT HEREBY MAKES THE FOLLOWING STANDING ORDER:

1. SCCOE FYS program staff may have limited access to juvenile court case file and information about foster youth for the purpose of implementing the educational program services outlined above.
2. Santa Clara County DFCS may release information relating to the education of children residing in foster homes or group homes under their supervision to the SCCOE FYS program staff for the purpose of implementing the educational program services outlined above.
3. SCCOE and FYS Staff shall be bound by the confidentiality provisions of Welfare and Institutions Code sections 827 and 10850. Only FYS staff, the SCCOE Alternative Education Director, the SCCOE Chief Schools Officer overseeing the FYS program and the Superintendent of Schools will have access to the information once released. Any information received shall be used exclusively for the provision of FYS program services to Santa Clara County juvenile court youth placed in foster homes or group homes.
4. SCCOE and FYS staff shall either destroy or return any documents obtained pursuant to this court order to DFCS once the youth is not longer receiving the educational program services outlined above.

10/27/10
DATE



THE HONORABLE KATHERINE LUCERO
SUPERVISING JUDGE
JUVENILE DEPENDENCY COURT