

<b>TULARE COUNTY/DISTRICT SELPA</b>	<b>POLICY #</b>	<b>9300</b>
<b>SPECIAL EDUCATION – SERVICES – MISC.</b>	<b>Adopted:</b>	<b>12/3/03</b>
	<b>Revised:</b>	<b>April 2020</b>

***Licensed Children’s Institutions  
and Foster Homes***

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The Tulare County/District Special Education Local Plan Area (SELPA) shall provide appropriate education services to individuals with exceptional needs residing in licensed children’s institutions and foster family homes located within the boundaries of Tulare County.

***Definitions***

A “licensed children’s institution” means a residential facility that is licensed by the state, or other public agency having delegated authority to contract with the state of California to license, to provide non-medical care to children, including, but not limited to, individuals with exceptional needs. This includes a group home or short-term therapeutic program as defined by Section 1502 of the Health and Safety Code, but does not include:

- A juvenile court school, juvenile hall, juvenile home, day center, juvenile ranch, or juvenile camp.
- A county community school program.
- Any special education programs provided pursuant to EC 56150.
- Charter schools.
- Any other public agency.

A “foster family home” means a family residence that is licensed by the state of California, or other public agency having delegated authority by contract with the state of California to license, to provide 24-hour nonmedical care and supervision for not more than six foster children, including, but not limited to, individuals with exceptional needs. This includes small family homes.

***Responsible Agency***

The SELPA shall maintain a current list of licensed children's institutes and foster family homes located within the County and shall notify each member district as to the

licensed children's institutes and foster family homes in the member district's geographical boundaries.

The SELPA shall notify the director of each licensed children's institute and foster family home of the appropriate person to contact regarding individuals with exceptional needs.

The SELPA shall develop a local plan, to be approved by the member districts, that identifies the public entities responsible for providing special education and related services to individuals with exceptional needs residing in licensed children's institutes or foster family homes.

If no local plan exists, special education and related services for Individuals with exceptional needs residing in licensed child's institutes shall be the responsibility of the County office of education.

If no local plan exists special education and related services for students with exceptional needs residing in foster family homes shall be the responsibility to the school district where the foster family home is located.

If the student is placed in a licensed children's institute or foster family home by an agency other than a member school district or the SELPA, the regional center for the developmentally disabled or another agency shall be responsible for the residential costs and all other noneducational services of the student.

Students placed in either a licensed children's institute or foster family home is located by the court or regional center for the developmentally disabled. or another public agency, other than the District, shall be considered residents of the geographical areas of the local plan in which the licensed children's institute or foster family home is located, for special education and related services.

### ***Referral***

Each court, regional center for the developmentally disabled or public agency that refers or places children in licensed children's institutions located within the SELPA shall report to the Tulare County/District SELPA Administrator any referral or admission of a child who is potentially eligible for special education.

At the time of placement in an licensed children's institute or foster family home, each court, regional center or other public agency shall identify all of the following:

- 1) Whether the courts have specifically limited the rights of the parent/guardian to make educational decisions for a child who is a ward of the court;
- 2) the location of the parent/guardian, in the event that parent

Special education services for individuals with exceptional needs residing in licensed children's institutions and foster family homes shall be the responsibility of the district in which the licensed children's institution or foster family home is located.

A licensed children's institute shall not require that a child be identified as an individual with exceptional needs as a condition of his or her admission or residency.

### ***Program Placement***

In providing appropriate programs to individuals with exceptional needs residing in licensed children's institutions within the SELPA, the District in which the licensed children's institution is located shall first consider services in programs operated within the District or SELPA.

If there are no appropriate programs available within the district or SELPA, special education and related services shall be provided by contract with a nonpublic, nonsectarian school in accordance to SELPA Policy # 9350 and EC 56366.

An individual with exceptional needs residing in a licensed children's institute or foster family home shall not be referred to, or placed in, a nonpublic, nonsectarian school program unless his or her IEP specifies the placement is appropriate.

If an individual with exceptional needs residing in a licensed children's institute or foster family home is placed in a nonpublic, nonsectarian school, the District that made the placement shall conduct an annual review, in accordance with federal law as part of the regular annual review process, to determine whether the placement is the least restrictive environment appropriate for the student. The nonpublic, nonsectarian school shall report to the District that made the placement, on a quarterly or trimester basis, as appropriate, the educational progress demonstrated by the student toward attainment of goals and objectives as specified in the student's IEP.

No individual with exceptional needs residing in a licensed children's institute or foster family home shall be referred to a nonpublic, nonsectarian school unless the District can ensure that the services required by the student's IEP can be provided.

The SELPA shall ensure that all licensed children's institutes located within the geographical boundaries of the SELPA, that provide nonpublic, nonsectarian educational programs for individuals with exceptional needs within their care, are certified with State.

#### **References:**

EC 48204  
EC 56155.5  
EC 56155.7  
EC 56156  
EC 56156.4  
EC 56157  
EC 56159  
EC 56162  
EC 56163

EC 56365  
EC 56366

GC 7579

H&SC 1502  
H&SC 1506

W&IC 16519.5