**AB 1909 Template Letters for Foster Children’s Counsel**

This packet has been created to assist attorneys in communicating with foster children’s local educational agencies (LEAs) about their legal representation and requesting the school discipline-related notices required under California law.

AB 1909, which was passed in 2012 and became effective on January 1, 2013, imposed new requirements on LEAs and on foster children’s attorneys related to the use of school discipline against foster children. LEAs now are required to provide notice of and invitations to attend certain school discipline-related proceedings affecting foster children to foster children’s attorneys and representatives of the appropriate county child welfare agency.

In order to facilitate these communications from LEAs, foster children’s attorneys must provide their own contact information to the LEAs, as follows:

At least once every year, if the list of educational liaisons is available on the Internet Web site for the State Department of Education, both of the following shall apply:

(i) Counsel shall provide his or her contact information to the educational liaison, as described in subdivision (b) of Section 48853.5 of the Education Code, of each local educational agency serving counsel’s foster child clients in the county of jurisdiction.

(ii) If counsel is part of a firm or organization representing foster children, the firm or organization may provide its contact information in lieu of contact information for the individual counsel. The firm or organization may designate a person or persons within the firm or organization to receive communications from educational liaisons.

Cal. Welf. & Inst. Code § 317(e)(4)(A).

As a best practice, attorneys also are encouraged to provide their contact information to the LEAs serving their foster child clients who are placed out of county. Moreover, attorneys can assist LEAs in communicating with the county child welfare agency by simultaneously providing that contact information.

As of the time of publication, the list of educational liaisons was available online at <http://www.cde.ca.gov/ls/pf/fy/ab490contacts.asp>.

This packet contains four template letters, intended to cover the four most common scenarios:

1. An attorney or law office represents *all or most* foster children in a county and also knows which staff at the county child welfare agency has been designated to receive the notices required by AB 1909
2. An attorney or law office represents *specific* foster children for whom notice is sought and also knows which staff at the county child welfare agency has been designated to receive the notices required by AB 1909
3. An attorney or law office represents *all or most* foster children in a county but does *not* know which staff at the county child welfare agency has been designated to receive the notices required by AB 1909 or, for some other reason, is not providing contact information for the child welfare agency
4. An attorney or law office represents *specific* foster children for whom notice is sought but does *not* know which staff at the county child welfare agency has been designated to receive the notices required by AB 1909 or, for some other reason, is not providing contact information for the child welfare agency

Similar template letters also have been created to help other stakeholders, such as the adults with the authority to make educational decisions for foster children, request these notices and communicate the appropriate contact information.

**SCENARIO #1**

An attorney or law office represents *all or most* foster children in a county

and also knows which staff at the county child welfare agency has been designated

to receive the notices required by AB 1909

DATE

EDUCATIONAL LIAISON'S NAME

Educational Liaison for Foster Children

ADDRESS OF SCHOOL DISTRICT

Re: Request for Notices of Expulsion-Related Proceedings for COUNTY NAME Foster Children

As a member of the law office that is court-appointed to represent foster children in COUNTY NAME, I request that you provide notice of and an invitation to attend all of the following expulsion-related proceedings affecting any foster child who is a dependent of COUNTY NAME to my office and to the county child welfare agency:

1. Any meeting to determine whether a suspension will be extended until the district’s governing board has made a decision on an expulsion recommendation (as required by section 48911(g) of the California Education Code).
2. Any expulsion hearing (as required by section 48918.1 of the California Education Code). Notice should be provided at least 10 calendar days before the date of the hearing.
3. Any meeting of an Individualized Education Program team to make a manifestation determination (as required by section 48915.5(d) of the California Education Code).

For purposes of making the requested notifications and invitations, please use the following contact information.

My office:

NAME OF ATTORNEY OR OTHER DESIGNEE WITHIN LAW OFFICE

NAME OF LAW OFFICE

ATTORNEY’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

Social worker:

SOCIAL WORKER DESIGNEE'S NAME

SOCIAL WORKER’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

I am making this request pursuant to the requirements under AB 1909 (2012), which became effective on January 1, 2013. A major purpose of AB 1909 is to reduce inappropriate and disproportionate use of school discipline against foster children by making sure key adults in their life are involved in important education matters.

If you have any questions or concerns, please do not hesitate to contact me. The best way to reach me is as follows: INCLUDE PHONE NUMBER AND/OR E-MAIL ADDRESS, AS APPROPRIATE.

Sincerely,

ATTORNEY'S NAME

**SCENARIO #2**

An attorney or law office represents *specific* foster children for whom notice is sought

and also knows which staff at the county child welfare agency has been designated

to receive the notices required by AB 1909

DATE

EDUCATIONAL LIAISON'S NAME

Educational Liaison for Foster Children

ADDRESS OF SCHOOL DISTRICT

Re: Request for Notices of Expulsion-Related Proceedings for CHILD'S NAME

As the attorney for CHILD'S NAME, a foster child being served by your district, I request that you provide notice of and an invitation to attend all of the following expulsion-related proceedings affecting CHILD'S NAME to my office and to the county child welfare agency:

1. Any meeting to determine whether a suspension will be extended until the district’s governing board has made a decision on an expulsion recommendation (as required by section 48911(g) of the California Education Code).
2. Any expulsion hearing (as required by section 48918.1 of the California Education Code). Notice should be provided at least 10 calendar days before the date of the hearing.
3. Any meeting of an Individualized Education Program team to make a manifestation determination (as required by section 48915.5(d) of the California Education Code).

For purposes of making the requested notifications and invitations, please use the following contact information.

My office:

NAME OF ATTORNEY OR OTHER DESIGNEE WITHIN LAW OFFICE

NAME OF LAW OFFICE

ATTORNEY’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

Social worker:

SOCIAL WORKER DESIGNEE'S NAME

SOCIAL WORKER’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

I am making this request pursuant to the requirements under AB 1909 (2012), which became effective on January 1, 2013. A major purpose of AB 1909 is to reduce inappropriate and disproportionate use of school discipline against foster children by making sure key adults in their life are involved in important education matters.

If you have any questions or concerns, please do not hesitate to contact me. The best way to reach me is as follows: INCLUDE PHONE NUMBER AND/OR E-MAIL ADDRESS, AS APPROPRIATE.

Sincerely,

ATTORNEY'S NAME

**SCENARIO #3**

An attorney or law office represents *all or most* foster children in a county

but does *not* know which staff at the county child welfare agency has been designated

to receive the notices required by AB 1909 or, for some other reason,

is not providing contact information for the child welfare agency

DATE

EDUCATIONAL LIAISON'S NAME

Educational Liaison for Foster Children

ADDRESS OF SCHOOL DISTRICT

Re: Request for Notices of Expulsion-Related Proceedings for COUNTY NAME Foster Children

As a member of the law office that is court-appointed to represent foster children in COUNTY NAME, I request that you provide notice of and an invitation to attend all of the following expulsion-related proceedings affecting any foster child who is a dependent of COUNTY NAME to my office:

1. Any meeting to determine whether a suspension will be extended until the district’s governing board has made a decision on an expulsion recommendation (as required by section 48911(g) of the California Education Code).
2. Any expulsion hearing (as required by section 48918.1 of the California Education Code). Notice should be provided at least 10 calendar days before the date of the hearing.
3. Any meeting of an Individualized Education Program team to make a manifestation determination (as required by section 48915.5(d) of the California Education Code).

For purposes of making the requested notifications and invitations, please use the following contact information.

NAME OF ATTORNEY OR OTHER DESIGNEE WITHIN LAW OFFICE

NAME OF LAW OFFICE

ATTORNEY’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

I am making this request pursuant to the requirements under AB 1909 (2012), which became effective on January 1, 2013. A major purpose of AB 1909 is to reduce inappropriate and disproportionate use of school discipline against foster children by making sure key adults in their life are involved in important education matters.

If you have any questions or concerns, please do not hesitate to contact me. The best way to reach me is as follows: INCLUDE PHONE NUMBER AND/OR E-MAIL ADDRESS, AS APPROPRIATE.

Sincerely,

ATTORNEY'S NAME

**SCENARIO #4**

An attorney or law office represents *specific* foster children for whom notice is sought

but does *not* know which staff at the county child welfare agency has been designated

to receive the notices required by AB 1909 or, for some other reason,

is not providing contact information for the child welfare agency

DATE

EDUCATIONAL LIAISON'S NAME

Educational Liaison for Foster Children

ADDRESS OF SCHOOL DISTRICT

Re: Request for Notices of Expulsion-Related Proceedings for CHILD'S NAME

As the attorney for CHILD'S NAME, a foster child being served by your district, I request that you provide notice of and an invitation to attend all of the following expulsion-related proceedings affecting CHILD'S NAME to my office:

1. Any meeting to determine whether a suspension will be extended until the district’s governing board has made a decision on an expulsion recommendation (as required by section 48911(g) of the California Education Code).
2. Any expulsion hearing (as required by section 48918.1 of the California Education Code). Notice should be provided at least 10 calendar days before the date of the hearing.
3. Any meeting of an Individualized Education Program team to make a manifestation determination (as required by section 48915.5(d) of the California Education Code).

For purposes of making the requested notifications and invitations, please use the following contact information.

NAME OF ATTORNEY OR OTHER DESIGNEE WITHIN LAW OFFICE

NAME OF LAW OFFICE

ATTORNEY’S CONTACT INFORMATION (IDEALLY INCLUDING MAILING ADDRESS, E-MAIL ADDRESS, PHONE NUMBER, AND FAX NUMBER)

I am making this request pursuant to the requirements under AB 1909 (2012), which became effective on January 1, 2013. A major purpose of AB 1909 is to reduce inappropriate and disproportionate use of school discipline against foster children by making sure key adults in their life are involved in important education matters.

If you have any questions or concerns, please do not hesitate to contact me. The best way to reach me is as follows: INCLUDE PHONE NUMBER AND/OR E-MAIL ADDRESS, AS APPROPRIATE.

Sincerely,

ATTORNEY'S NAME