

**MEMORANDUM OF UNDERSTANDING BETWEEN  
COUNTY OF SAN LUIS OBISPO DEPARTMENT OF SOCIAL SERVICES (DSS)  
AND  
COUNTY OF SAN LUIS OBISPO PROBATION DEPARTMENT  
AND  
COUNTY OF SAN LUIS OBISPO SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)  
AND  
SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION, FOSTER YOUTH SERVICES  
COORDINATING PROGRAM (SLOCOE-FYSCP)**

This Memorandum of Understanding (MOU) is entered into between the County of San Luis Obispo Department of Social Services, hereafter referred to as DSS, the County of San Luis Obispo Probation Department, hereafter referred to as Probation, the San Luis Obispo County Office of Education, Foster Youth Services Coordinating Program, hereafter referred to as SLOCOE FYSCP, and the San Luis Obispo County Special Education Local Plan Area, hereafter referred to as SLO SELPA. This MOU agreement is in support of youth in foster care with an Individual Education Program (IEP), hereafter referred to as “youth.”

**A. PURPOSE**

The purpose of this MOU is to establish collaboration between the DSS, Probation, SLOCOE FYSCP, and SLO SELPA to better serve youth in foster care that have disabilities, and to address the need for increased communication and collaboration to ensure youth in foster care with disabilities have a seamless transition between school placements when a home placement change occurs.

**B. BACKGROUND**

1. Approximately thirty percent (30%) of youth in foster care in San Luis Obispo County receive special education services. A student qualifies for special education when they meet one or more of the eligibility categories as defined by the California Code of Regulations, 5 CCR § 3030.
2. Special Education eligibility categories include: Intellectual Disability (ID), Hearing Impairment (HI), Speech or Language Impairment (SLI), Visual Impairment (VI), Emotional Disturbance (ED), Physical or Orthopedic Impairment (OI), Autism, Traumatic Brain Injury (TBI), Multiple Disabilities (MD), Developmental Delay (DD), Other Health Impairment (OHI), Specific Learning Disability (SLD), and Deaf-blindness (DB). The most prevalent disabilities across the State of California are Specific Learning Disability and Speech and Language Impairment. Youth in foster care with an IEP are five (5) times more likely to be eligible for special education with an ED.

3. To ensure that youth in foster care with disabilities have a seamless transition between school placements when a change in home placements occurs, DSS, Probation, SLOCOE FYSCP and SLO SELPA agree to communicate and collaborate for the best interest of the youth. Education Code section 49076(a)(1)(N)(i) allows child welfare to have access to education records relevant to legitimate educational interests. Education Code section 49076(a)(1)(N)(ii) allows child welfare to authorize the disclosure of those educational records to individuals or entities to address educational needs.
4. An IEP is a legal contract that the Local Education Agency (LEA) must implement. The LEA must implement the last "consented to" and "implemented" IEP in its entirety. Any changes to the IEP must be done through the IEP team process. Changes to services or placement are done in accordance with relevant and current data, generally through the assessment process. Some IEP placements or services are challenging to provide in SLO County, which causes delays in enrollment without sufficient planning prior to returning to the county from an out-of-county placement. Some examples of intensive placements/services include Non-Public School placements and Therapeutic Learning Classrooms.
5. For the purpose of improved education case management and youth wellbeing, DSS authorizes SLOCOE FYSCP and SLO SELPA to receive disclosure of relevant pupil records for youth placed out of county per Education Code section 49076(a)(1)(N)(ii). The primary purpose of this collaboration is to facilitate a smooth education placement transfer when students are returned to home placements within San Luis Obispo County. This agreement does not replace the responsibilities of DSS or the LEA where the youth reside. SLOCOE FYSCP and SLO SELPA bear no responsibility for the implementation of a foster youth's IEP outside the County of San Luis Obispo.

#### C. ROLES AND RESPONSIBILITIES

1. DSS and Probation shall work together to accomplish the following:
  - a. If a youth has an IEP, communicate any potential changes in placement with SLOCOE FYSCP and SLO SELPA on an on-going basis at monthly scheduled meetings and as the need arises.
  - b. Upon learning of a placement change for a youth with an IEP returning to San Luis Obispo County, placing agency shall send the SELPA Notification of Placement form to SLO SELPA and SLOCOE FYSCP, along with the physical address of the new placement and a copy of the court issued JV-535, if applicable, at least 10 days prior to the move.

- c. Ensure all youth with an IEP have an educational rights holder (ERH) or surrogate parent.
2. SLOCOE FYSCP shall:
- a. Create a list of youth in foster care with IEPs and share the list with the DSS Placement Social Worker Supervisor (SWS), Probation, and SLO SELPA Program Coordinator.
  - b. Maintain a list of youth in foster care with intensive services identified on their IEPs.
  - c. Grant Foster Focus system access to all social workers and probation officers that would like to become Foster Focus users.
  - d. Keep IEPs at a glance in the Foster Focus system.
  - e. Request current IEPs from the school of attendance, along with any supporting amendments and assessment reports for youth that are not placed in SLO County.
  - f. Share IEPs and supporting amendments and assessments with SLO SELPA, DSS and Probation.
  - g. Host monthly meetings with DSS and SLO SELPA to review student's placement stability and any upcoming needs for those youth with intensive services identified on their IEP.
  - h. Share educational information with SLO SELPA and DSS.
  - i. Communicate with FYSCP in other counties when a SLO County youth enters another county or leaves another county.
  - j. Communicate with LEA foster liaisons, SLO SELPA, and LEA Special Education Directors in each LEA when there is a potential move or move that has already happened for a student with an IEP.
3. SLO SELPA shall:
- a. Review IEPs to determine the type of services and placement on the IEP (i.e. a non-public school is identified as the school placement or an intensive special day class (SDC) program) and assist SLOCOE FYSCP in maintaining an updated list of youth in foster care with intensive services identified on their IEPs.

- b. Communicate with DSS/Probation and SLOCOE FYSCP at monthly meetings to ensure all parties understand the scope of services on the IEP.
- c. Communicate with receiving/sending SELPAs and Special Education Directors when a SLO County youth may be placed out of county and when a SLO County youth may be returning to SLO County.
- d. Communicate with LEA Special Education Directors within each LEA when a youth may be moving from one LEA to another LEA within SLO County.

D. GENERAL TERMS

- 1. This MOU shall take effect on July 1, 2021, upon the execution of the MOU by all parties and shall remain in effect until June 30, 2024. Thereafter, this MOU may be renewed automatically for no more than two (2) one (1) year terms.
- 2. This MOU may be amended by written consent of all parties.
- 3. This MOU may be terminated by any party with 30 days' written notice.
- 4. This MOU shall not take effect or be enforceable until signed by all parties.
- 5. This MOU may be executed in any number of counterparts, and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute one and the same agreement. Delivery of an executed counterpart of this MOU by facsimile or other electronic transmission (including PDF) shall have the same force and effect as delivery of a manually executed counterpart of this MOU, provided the original signatures will follow in the mail.

(Signatures on next page)

IN WITNESS WHEREOF, the parties have caused their duly authorized representative to execute this MOU.

  
Devin Drake, Director  
County of San Luis Obispo Department of Social Services

8/30/2021  
Date

  
James Brescia, Ed.D., County Superintendent of Schools  
San Luis Obispo County Office of Education

8/11/21  
Date

  
Amber Gallagher, Director  
San Luis Obispo County Special Education Local Plan Area

8/19/2021  
Date

  
Robert Reyes, Chief Probation Officer  
County of San Luis Obispo Probation

7/22/2021  
Date

APPROVED AS TO FORM AND LEGAL EFFECT.

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

9/9/21  
Date