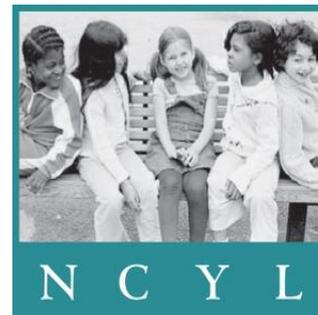
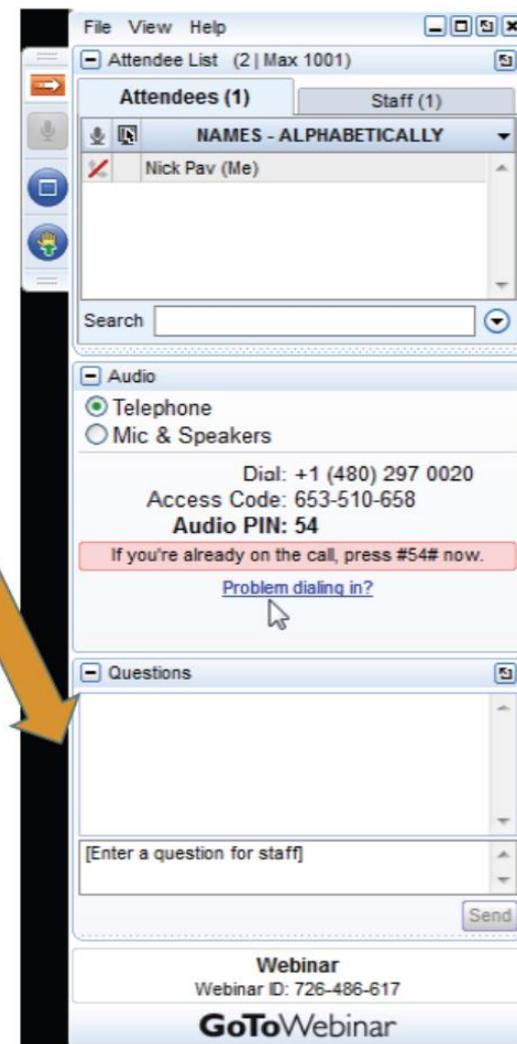


# Back to School: *Preparing Foster Youth for School Year Success*



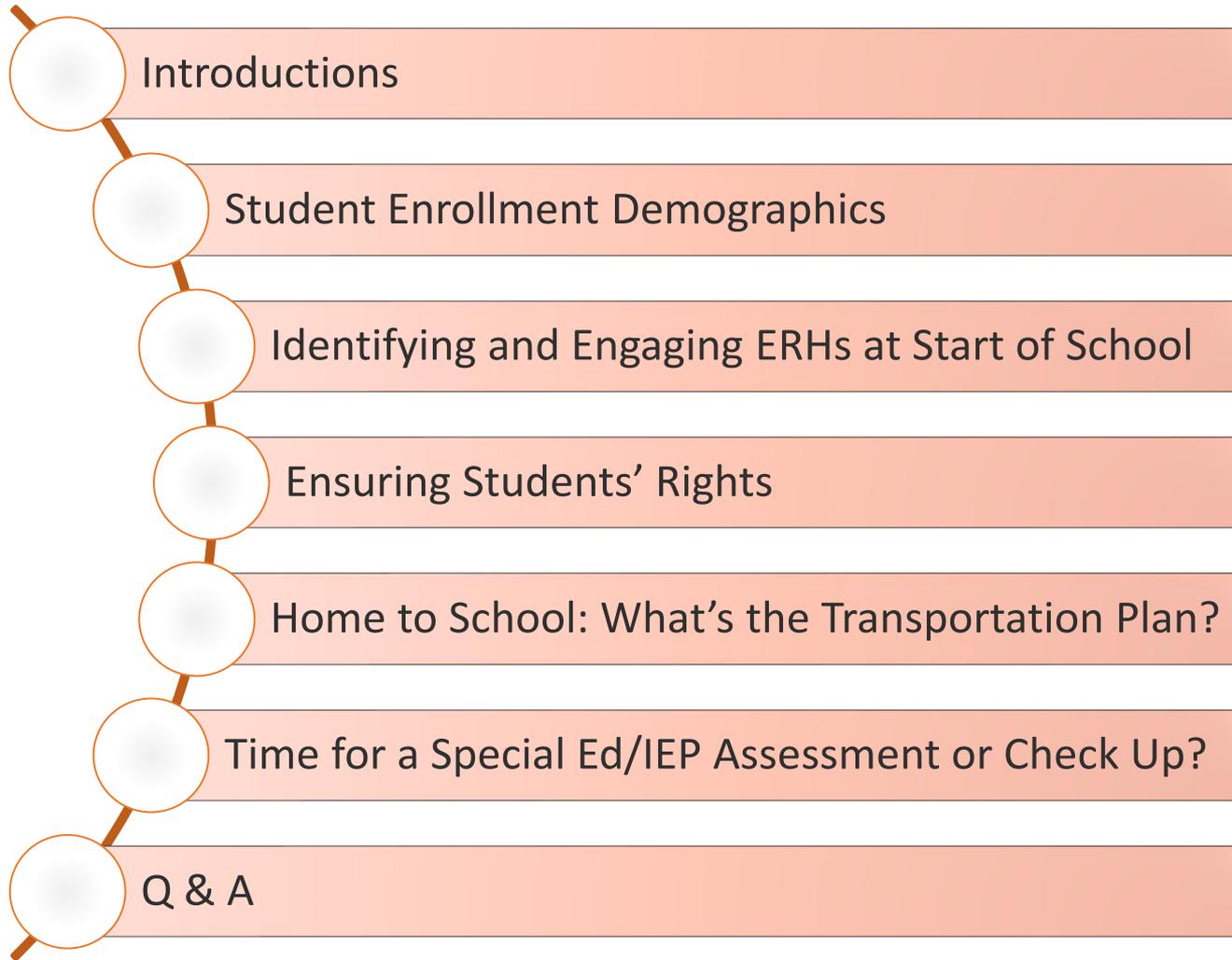
# Logistics

- Webinars are recorded and archived at <http://kids-alliance.org/webinars/>
- If you experience technical difficulties email Shanti Ezrine at [s.ezrine@kids-alliance.org](mailto:s.ezrine@kids-alliance.org)
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- All attendees are muted during webinar
- Please submit questions using the “Questions” function on your GotoWebinar dashboard



# Agenda

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# Presenters

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## *Alaina Moonves-Leb*

Senior Staff Attorney, Statewide Education Rights  
Alliance for Children's Rights

## *Kawena Cole*

Program Manager, Antelope Valley  
FosterEd California  
National Youth Law Center

## *Camille Bailey*

Program Manager, Contra Costa  
FosterEd California  
National Youth Law Center



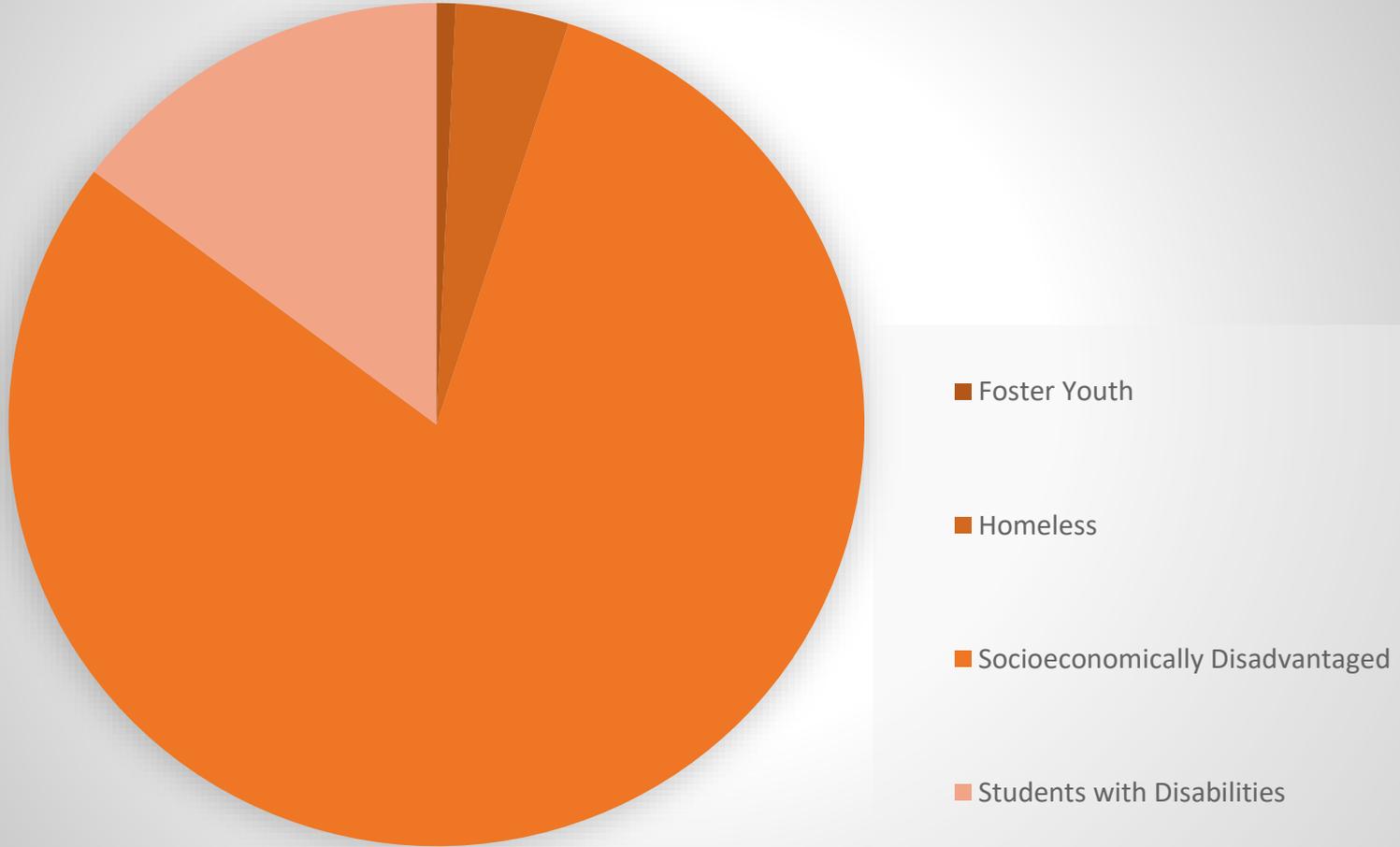
# Foster Youth in Education

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*California School Dashboard Data*

# California School Dashboard

## 2018 Student Enrollment Demographics



# California School Dashboard – *Academic Performance (College/Career)*

---

## Foster Youth



**Orange**

**10.4% prepared**

## Students with Disabilities



**Red**

**9.2% prepared**

# California School Dashboard – *Academic Performance (College/Career)*

---

**Homeless**



**Orange**

**24.3% prepared**

**Socioeconomically  
Disadvantaged**



**Orange**

**33.7% prepared**

# California School Dashboard – *Chronic Absenteeism*

---

## Foster Youth



**Orange**

**18.5%**  
**chronically absent**

## Students with Disabilities



**Orange**

**15.1%**  
**chronically absent**

# California School Dashboard – *Chronic Absenteeism*

---

## Homeless



**Orange**

**19.4%**  
**chronically absent**

## Socioeconomically Disadvantaged



**Orange**

**11.4%**  
**chronically absent**

# California School Dashboard – *Suspension Rate*

---

## Foster Youth



**Red**

**15.2% suspended  
at least once**

## Students with Disabilities



**Yellow**

**6.8% suspended  
at least once**

# California School Dashboard – *Suspension Rate*

---

## Homeless



**Orange**

**5.6% suspended at  
least once**

## Socioeconomically Disadvantaged



**Yellow**

**4.4% suspended at  
least once**

# California School Dashboard – *Graduation Rate*

---

## Foster Youth



**Red**

**59% Graduated**

## Students with Disabilities



**Orange**

**71.4% Graduated**

# California School Dashboard – *Graduation Rate*

---

Homeless



Orange

76% Graduated

Socioeconomically  
Disadvantaged



Yellow

80.8% Graduated

# Identifying and Engaging ERH at Start of School

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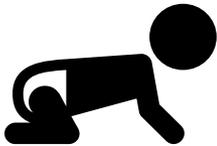
*Preparing Foster Youth for School Year Success*

# What is an Education Rights Holder (ERH)?

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- ERHs are individuals with the legal authority to make education decisions and access education records



- ALL youth must have an ERH, including infants and toddlers

# ERH's Written Notice and Decisions

---



- ERHs also **have a right** to consent to **mental health services** provided through a **youth's IEP**



- ERHs (except for adoptive parents or legal guardians) **cannot** consent to services or release information from an outside mental health provider
  - Contact the legal representative for the youth if access to this information is necessary

# Who Can Hold Education Rights?

---

- Biological parents retain education rights for their children, unless the court limits or terminates their rights
- Adoptive parents and legal guardians automatically hold education rights
- Prospective adoptive parents automatically hold education rights once parental rights are terminated
- Youth hold their own education rights when they turn 18 years old

# Who Can Hold Education Rights?

---

- Foster parents;
- Relative caregivers;
- Court Appointed Special Advocates (“CASA”); or
- Community members who have a relationship with the youth
- Surrogate - adult appointed by a school district/regional center to represent a youth’s special education/early intervention needs

# Who **Cannot** Hold Education Rights?

---

## **Any person who might have a conflict of interest**

*(defined as a person having any interests that might restrict or bias their ability to make education decisions) or receives financial payments for the care of a foster youth (except foster parents/resource families) may not serve as a youth's ERH, including:*

- social workers/probation officers
- group home staff
- therapists
- attorneys receiving attorneys fees
- school/regional center staff

# Proof of Education Rights

---

- Biological parents do not have or need to show documents to hold education rights
- The court will issue one of the following forms if a court limits or terminates a parent's education rights:
  - JV-535 - "Order Designating Education Rights Holder"
  - Adoption or Guardianship Order
  - Adoptive Placement Agreement
  - Juvenile Court Minute Order

# Engaging Education Rights Holders

---

*To actively support student in achieving academic progress and attaining education goals . . .*



- Obtain ERH **contact information** at enrollment
- **Inform ERH's of their rights** to make decisions
- Provide **positive school updates**
- Provide **homework tips** and best practices for supporting their student
- Ensure all **appropriate notices** are sent to the ERH
- **Maintain lines of communication**

# Students' Rights

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*Preparing Foster Youth for School Year Success*

---



# Partial Credits & State Graduation Requirements

Ensuring your student knows their  
options for graduation and beyond

Quick Recap of

## AB 490: Supports for Students in Foster Care

- ❖ **Immediate** enrollment and **expedient** transfer of records (*2 business days*)
- ❖ Ensure adequate **transportation** to and from school site
- ❖ Coordinate efforts to keep the child enrolled at the **school of origin** unless ERH determines it is in the child's best interest to change schools
- ❖ Encourage **Parent/ERH/Caregiver** involvement
- ❖ Support for participation in **extra-curricular** and enrichment activities (sports, clubs and social events)
- ❖ Assistance with **acclimation** to school sites through an easily identified school staff person (mentor/peer/advocate/liaison)

**AB 490** offers a wider scope definition of foster youth to be defined as any child with an **OPEN** dependency/delinquency court petition **REGARDLESS** of where they live in/out of their home.

For more on **School of Origin and Best Interest Determinations** see the Alliance's June 2019 Webinar (posted online)



## Impact of School Changes: *Why It Matters*

On average, students in foster care change schools up to 8 times, losing **4-6 months** of learning after each transfer

- Class time isn't counted resulting in inaccurate credit deficiencies and repeated coursework
- Delays in re-enrollment result in even more lost learning time
- Overuse of electives leaves many students with excessive credits that don't count towards graduation

# CA Law: Partial Credits

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- If a student in foster care changes schools during the school year, they have a right to **partial credits in all classes that they are passing** when they leave their old school, even if they do not complete the entire class based on seat time according to each district's own partial credit policy.
- They **cannot be forced to retake a class** or part of a class that they have already completed with a passing grade, if it would make them off-track for high school graduation.
- Their **grade cannot be lowered** because they were absent from school for a court hearing, placement change, or a court-related activity.



[Partial Credit Model Policy: http://kids-alliance.org/wp-content/uploads/2013/12/PCM WEB April2014.pdf](http://kids-alliance.org/wp-content/uploads/2013/12/PCM_WEB_April2014.pdf)



Schools must award students in foster care with credit for full or partial coursework satisfactorily completed at another public school, court or community school, or non-public school.

## The OLD School

- ✓ Within **two business days** of receiving a request for records, the old school must transfer the student out and deliver the student's educational record to the next school.
- ✓ What Student Records Should Be Included:
  - Total Amount of Seat Time
  - Full/Partial Credits Earned
  - Summary of Classes
  - Transcript of Grades and Absences
  - Immunization Records
  - Special Education or 504 Plan (If Applicable)

## The NEW School

- ✓ When a student in foster care arrives as a transfer, the new school **must request and accept all check out grades and partial credits** awarded by the old school within two business days of the youth's enrollment.
- ✓ The new school is to **apply all grades and partial credits to the same/equivalent courses** on the school district's official transcript.
- ✓ Immediately **enroll youth in same/equivalent courses** so they can complete a full grading period of credits

# Partial Credit Calculation

Schools should use *either* the Calculation Formula or [Calculation/Conversion Table](#) below to determine how many partial credits should be awarded based on seat time.

## Calculation/Conversion Table

# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS EARNED	
	.5 CREDIT/GRADING PERIOD	1 CREDIT/GRADING PERIOD
7-13	.5 Credits	0.1 Credits
14-20	1.0 Credit	0.2 Credits
21-27	1.5 Credits	0.3 Credits
28-34	2.0 Credits	0.4 Credits
35-41	2.5 Credits	0.5 Credits
42-48	3.0 Credits	0.6 Credits
49-55	3.5 Credits	0.7 Credits
56-62	4.0 Credits	0.8 Credits
63-69	4.5 Credits	0.9 Credits
70+	5.0 Credits	1.0 Credit

Learn more  
on page 56  
of the ACR  
Foster Youth  
Education  
Toolkit

Partial credit model policy is a product of cross-agency collaboration between the California Department of Education (CDE), California Department of Social Services (CDSS), California School Boards Association (CSBA), the Child Welfare Council, several school districts, child welfare agencies and foster youth advocates. *School districts may have their own policy.*

“But my school doesn’t offer partial credits”

They do now!

- Cal. Educ. Code §§ 49069.5, 51225.2

ACR’s Foster Youth Education Toolkit provides sample tools:

- Student Withdrawal Reports (captures credits and enrollment) p. 58
- Receiving School Partial Credit Request Letter p. 59
- Uniform Complaint Procedure form p. 88

# High School Graduation Options

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AB 167 (2009)/ AB 216 (2013) allows **SOME** students in foster care to graduate high school by only completing state graduation requirements **if they meet certain eligibility**.



(Also applies to **SOME** students on probation, experiencing homelessness, considered migrant/newcomer or impacted by military involvement.)

# CA State Graduation Requirements

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- **English:** 30 Credits
- **Math:** 20 Credits (*including 10 Algebra*)
- **Social Sciences:** 30 Credits
- **Science:** 20 Credits
- **Visual/Performing Arts** or **Foreign Language:** 10 Credits
- **Physical Education:** 20 Credits

Total credits for graduation: **130**

# Who is eligible for state graduation?

---



## IF:

- Student is in foster care (or another qualifying population)
- Transferred schools **after** the second year of high school
- Are behind on credits or off track for graduation

## THEN:

- Confirm approval with your school staff
- Student must remain in high school for 4 years
- Complete the state requirements (130 credits)

- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
- **Reconsideration:** If a youth is found ineligible for state minimum graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

**LOCAL DECISION:** Students may also use their right to stay in their current high school for a 5<sup>th</sup> year to complete their graduation requirements

# Important things to know:

---

## Pros for Foster Youth:

- Receive a **regular** high school diploma
- Graduate **on time** with classmates
- May be eligible to attend community college for **free**



## Cons for Foster Youth:

- Usually **not eligible** to apply directly to a four-year university
- May not** be academically prepared for some post-secondary opportunities
- May not** participate in certain extra-curricular activities

## Who Decides:

- Only the ERH can decide which option is in the youth's best interest
- An ERH can change their decision at any time prior to the youth's graduation
- Keep all eligibility letters as they can be used at future schools if needed

# AB 167/AB 216 Notification Requirements

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Learn more  
on page 60  
of the ACR  
Foster Youth  
Education  
Toolkit

- New school district must determine whether a foster youth is eligible to graduate under the state minimum requirements **within 30 days of the youth's transfer** into a new school.
  - Who does this process “live with” in your district?
- This determination of eligibility, and the potential impact on admissions to a four-year university, must be **provided in writing** to the youth, their ERH, and social worker/probation officer **within 30 days of the enrollment**.
  - Sample letter on p. 64 of the ACR Foster Youth Education Toolkit
- The legal duty to determine eligibility and provide **notification still exists**, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
- School district must give caregivers access to all current records of students, including access to online homework portals.

# How many eligible students are out there?

- AB 167 passed in 2009
  - Anyone in foster care who attended high school since 2009 could be eligible
  - Returning to Adult School now counts as a transfer after grade 10
  - Not graduating on time counts as being “off-track” for graduation
- 10 academic classes of potentially eligible students
  - If your district has a good process for your current students, consider being a model for serving our historical students



# What Else Can Schools Do?

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- ✓ Make sure each school or district has a staff person designated as the **educational liaison** for foster students, that other staff are aware of this person, and that this person has the training and resources they need to be effective
- ✓ **Be aware** of federal, state and local policies and sources of supports to meet the needs of foster students
- ✓ **Enhance collaboration** between the school, child welfare, and other partners and providers
- ✓ Utilize all **student information systems** to appropriately discover and collect student educational history
- ✓ Meet with the **Educational Rights Holder** and other important individuals
- ✓ Make sure you have contact with **who the student is living with**
- ✓ Meet with the **student** as soon as they enroll!

# Foster Youth Education Toolkit

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## *School District Guide for Addressing Foster Youth Education Needs*

Each section includes:

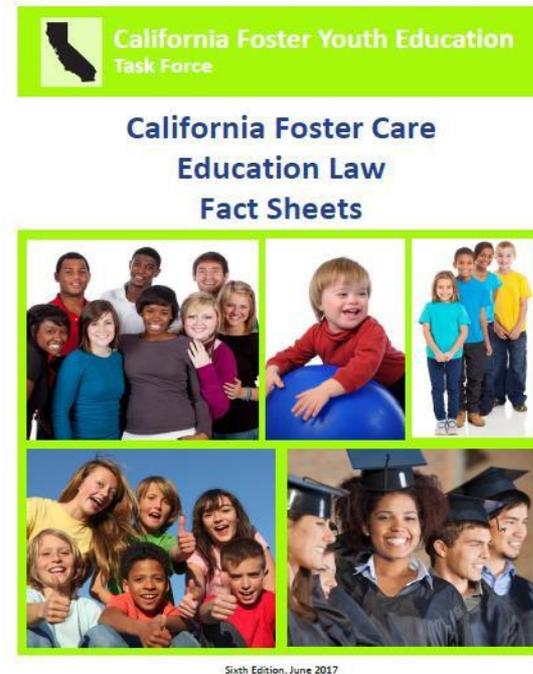
- basics of the law;
- best practice steps to implement the law; and
- tools to make implementation easier



# Foster Care Education Law Fact Sheets

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- Summarizes key education laws impacting youth in care
- First created by the Foster Youth Education Task Force in 2007, recently updated in June 2017



[http://www.cfyetf.org/publications\\_19\\_421458854.pdf](http://www.cfyetf.org/publications_19_421458854.pdf)

# Student Disciplinary Rights

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*Preparing Foster Youth for School Year Success*

# School Discipline

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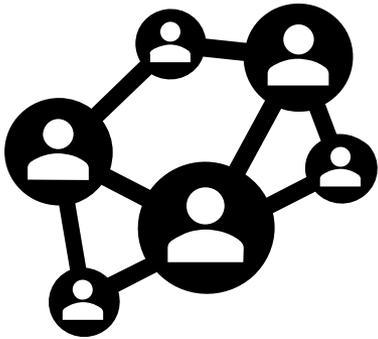
In 2012, **AB 1909** created new procedures for when foster youth are involved with **school discipline**, to ensure the youth's **attorney and social worker have the information needed** to support and advocate for the youth.

*“This bill will benefit foster youth by not only ensuring that they have an adult advocate on their side during the disciplinary process, but that the social worker or attorney can connect the youth with appropriate behavioral and mental health resources that will help the child cope and get back on track in their education.”*

<http://www.fixschooldiscipline.org/wp-content/uploads/2014/10/AB-1909-Fact-Sheet-implementation.pdf>

# School Discipline – AB 1909

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- Foster youth's **education rights holder** should be notified of and invited to **all discipline-related meetings**.
- Attorneys for foster youth must provide their contact information to the school district/LEA educational liaisons.



# School Discipline – AB 1909

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When a foster youth faces **removal from school**, the district **must** notify the child's attorney and child welfare agency representative:

- 10 day notice of expulsion hearing for discretionary expulsion recommendation
- Notice of suspension, if school, in its discretion, wants to extend suspension while awaiting expulsion hearing and school board decision
  - Youth and ERH must be invited to meet prior to extension of suspension

# School Discipline – AB 1909

## *For Students with Special Needs*

---

Before changing the student's placement, school district **must invite the attorney and child welfare worker to a meeting** to determine if the **behavior was a manifestation of the child's exceptional needs**

Notice is required when:

- Recommendation for expulsion is discretionary
- Recommendation to change school placement because of the child's behavior is made

When expulsion is required:

- Best practice is to invite the attorney and child welfare worker

# Home to School: What's the Transportation Plan?

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*Preparing Foster Youth for School Year Success*

# Education Travel Reimbursement

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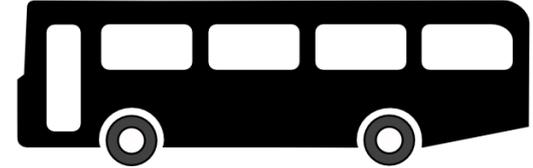
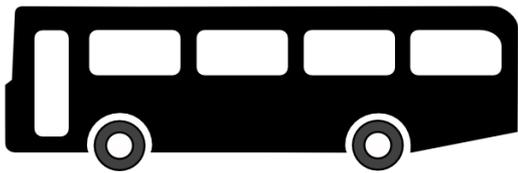
*Reimbursement for the “cost of reasonable travel” for the child to their school of origin*



- K-12th grade
- Based on mileage over 4 miles one way
- Public transportation passes
  - \$25, \$50 or \$75

# Other Transportation Options

---



## *School district transportation*

- The governing board of any school district may provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or may contract with and pay responsible private parties for the transportation. These contracts may be made with the parent or guardian of the pupil being transported. A governing board may allow the transportation of preschool or nursery school pupils in school buses owned or operated by the district.

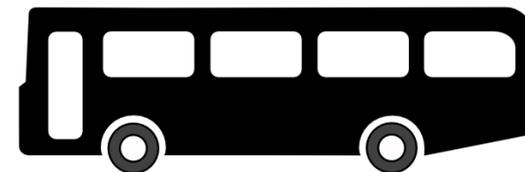
## *Public transportation*

# Special Education Transportation

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- "Every individual with exceptional needs who is eligible to receive special education instruction and related services under this part shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her." Cal. Educ. Code § 56040
  - Special education transportation is defined in federal regulation [34 *CFR* Section 300.34(c)(16 )] as a related service.
- Transportation is required to be provided as a related service if it is required to assist a child with a disability to benefit from special education. In addition, as required for any special education program, the service must be provided to meet the criteria for a free, appropriate public education as defined in federal regulation 34 *CFR* Section 300.17.

*For more information see the CDE Special Education Transportation Guidelines website at <https://www.cde.ca.gov/sp/se/lr/trnsprtgdlns.asp>*



# Time for a Special Ed/IEP Assessment or Check Up?

---

*Preparing Foster Youth for School Year Success*

# Potential Disability Indicators

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- **Academic delays** in reading, writing or math; poor grades; retention/being kept back a year
- **Behavior problems** at school including not following the rules or teacher directions, fighting, being disrespectful, being sent home from school early, being suspended
- **Social emotional problems** including depression, anxiety, post traumatic stress disorder (note that youth sometimes self-medicate with drugs for these disorders)

# Potential Disability Indicators

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- **Inattention**, disorganization, impulse control problems, ADHD



- **Poor attendance**: specifically for older youth, if they have had an undiagnosed learning disability, they may tune out and stop attending school



- **Speech and language deficits**



- **Problems with handwriting**

# How to Get Help: *Requesting An Assessment*

---



## What is the standard for assessing a child for special education?

- A suspected area of disability.
  - This is a very low standard, requiring only a suspicion that a disability may be preventing the child from accessing his or her education. *Cal. Educ. Code § § 56301, 56320*



## Who can refer a child for a special education assessment?

- Anyone. *Cal Educ. Code § 56029*

# *Requesting an Assessment*

---

## How do you make the request?

Submit the request in writing

Identify the suspected disability ( i.e., areas of educational concern)

Identify assessments needed

ERH contact information

## What should the assessment request include?

# Types of Assessments

---

- **Psycho-Educational, including:**
  - Cognitive/IQ
  - Academic
  - Psychological processing including visual, auditory, sensory motor and attention processing
  - Social, emotional, behavioral
  - Health and physical development including hearing and vision
  
- **Speech and language by a speech and language pathologist**
  
- **Fine motor and/or sensory processing by an occupational therapist**
  
- **Functional Behavior Assessment**
  
- **Educationally Related Mental Health Services (ERMHS) Assessment**

# Assessment Timeline

---

**From the date the school receives the written assessment request, it has 15 calendar days respond in writing.**

*Cal. Educ. Code §§ 56043(a), 56321.*

## Assessment Plan:

- Assessment Plan must include all assessments requested. *Cal. Educ. Code § 56321*
- Only the ERH can consent to the special education assessments.
- ERH has 15 calendar days to review, sign and return the Assessment Plan to the school. *Cal. Educ. Code § 56043(b)*
- School has 60 calendar days from the date the signed assessment plan was received to complete the assessments and hold an IEP meeting. *Cal. Educ. Code § 56043(c)*

## Written Refusal Letter:

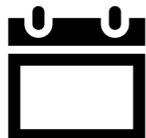
- If the school refuses to assess, it must identify in writing:
  - Which assessment(s) are being denied
  - Why the assessment(s) are being denied
  - What interventions will be used in lieu of conducting the assessments

# Timelines for Those Who Already Have IEPs

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- Annual Review, every year



- Triennial Assessment, every 3 years



- Following a district/school change, within 30 days



- Can request an IEP anytime, must be held within 30 days

# Before the IEP Meeting

---



- **Request a copy of the assessment reports** 5 business days before the scheduled meeting



- **Review** assessment reports



- **Discuss the education concerns**, as well as what works best for the youth with the caregiver, ERH, mental health professionals and others working with the child, and youth themselves



- **Bring a list of questions** and concerns to the IEP meeting

# IEP Annual Goals Review

---

*How is the student progressing in meeting the IEP goals?*

- ? • Student's **involvement and progress** in the general education curriculum
- ? • **Positive behavioral supports**, if needed
- ? • **Progress measurement** and progress update
- ? • **Expectations**, including how student will keep up with or catch up to non-disabled peers
- ? • **Measurable objectives** or benchmarks (required for students taking alternate assessments aligned to alternate achievement standards)
- ? • **Prioritized** in terms of the student's age and time left for schooling
- ? • **Skills** to help the student live as independently as possible

# IEP Annual Goals Review

---

*Questions to consider about whether the student progressing in meeting the IEP goals*

- Are annual goals being achieved?
- Is there lack of expected progress in annual goals and general education curriculum?
- What are the results of any reevaluation?
- Was information about child provided to or by parents/caregivers related to reevaluations?
- What are the child's anticipated needs?
- Are there other matters related to education to discuss?
- **Should there be revisions to the annual goals?**



# IEP Annual Goals Review

---

*Questions to consider about whether the student progressing in meeting the IEP goals*

Are there other services that the child needs?



- Transportation
- Occupational therapy
- Speech language pathology services
- Parent counseling and training



- Psychological services
- Transition services
- Special considerations needed in the regular classroom and for homework

# IEP Transition Plans

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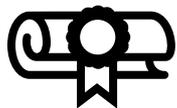
*How is the student progressing toward the next transition?*

- 
- **Plans for a smooth transition to a new setting**
    - Moving from early intervention to preschool
    - Moving from preschool to kindergarten
    - Moving from kindergarten to elementary school
    - Moving from elementary school to middle school/junior high
    - Moving from middle school/junior high or high school
  - **Includes input from service providers in current school and future school**

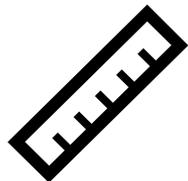
# IEP Secondary Transition Plans

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*By age 15, or before as appropriate, student takes active role in planning and attending IEP meetings*



- **Types of classes needed** and type of diploma planned for student
- Includes **postsecondary goals** based on student needs, strengths, preferences and interests
- Specific **transition services**, related services needs and other agencies to be included
- Activities needed to assist student in reaching postsecondary goals
- At least one year before age 18, information about what **rights** will transfer to student at age 18
- **Summary of Performance** for students who are graduating or who will exceed the age of eligibility for special education



# Resources

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*Preparing Foster Youth for School Year Success*

# Resources

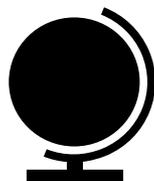
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**Foster Youth Education Toolkit** - [https://kids-alliance.org/wp-content/uploads/2016/09/FosterYouthEducationToolkit\\_v3.pdf](https://kids-alliance.org/wp-content/uploads/2016/09/FosterYouthEducationToolkit_v3.pdf)

**Special Education Eligibility Toolkit** - [https://kids-alliance.org/wp-content/uploads/2018/02/SpecialEducationEligibilityChecklist\\_Feb\\_2018.pdf](https://kids-alliance.org/wp-content/uploads/2018/02/SpecialEducationEligibilityChecklist_Feb_2018.pdf)

**CDE California Special Education Local Plan Areas** - <https://www.cde.ca.gov/sp/se/as/caselpas.asp>



**CDSS Education Travel Reimbursement** - <http://www.cdss.ca.gov/cdssweb/entres/forms/English/PUB463.pdf>

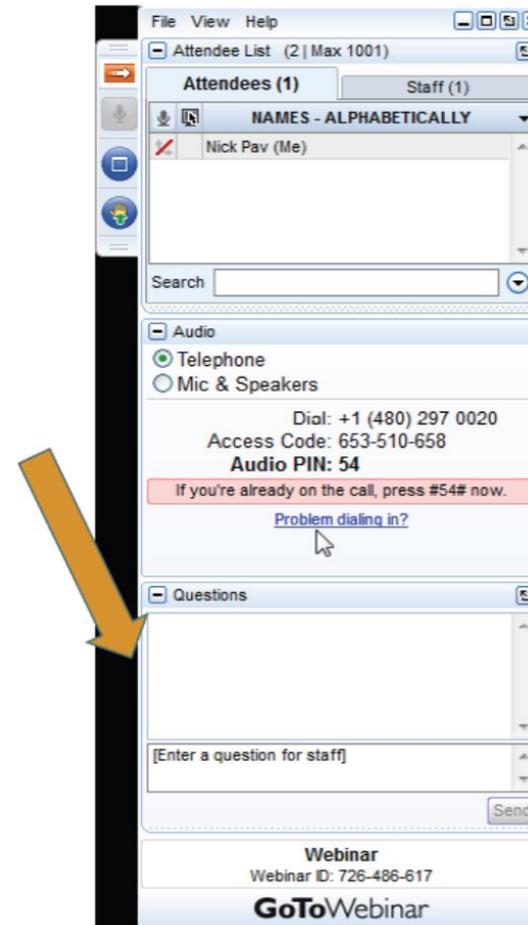
**CDSS California Foster Youth Education Resource Hub** - <http://www.cdss.ca.gov/inforesources/California-Foster-Youth-Education-Resource-Hub>



**California Foster Youth Education Task Force Resources** - <http://cfyETF.org/publications.html>

# Questions

- To submit questions, click on the “Questions” panel, type your question, and click “Send”
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# Back to School: *Preparing Foster Youth for School Year Success*

