

Educating Foster Youth: Best Practices and Board Considerations

California has the largest number of youth in foster care of any state in the nation. Between July 2006 and June 2007 nearly 83,000 children in foster care and 487,154 incidents of child abuse and neglect were reported to Child Welfare Services. That means that approximately five percent of the state's youth have some contact with the system each year, in many cases necessitating removal from the home.

Youth who are exposed to abuse, neglect and instability in their home life have a greater risk for physical and mental health problems, academic failure and incarceration. In addition, many youth in foster care have historically experienced frequent school changes. The California Department of Education has reported that youth in foster care lose six months of academic achievement with each school move. With the continued emphasis on student achievement, boards are focusing on the performance of various subgroups of students who are at additional risk and may benefit from extra support and services. The passage of Assembly Bill 490 in 2003, combined with various local efforts, are now providing increased school stability and better support for youth and families in the foster care system in an effort to mitigate the negative consequences associated with abuse and neglect and lead to improved student outcomes.

Educational Rights and Stability for Foster Youth Act (AB 490)

AB 490 created the Educational Rights and Stability for Foster Youth Act. This legislation created a number of educational rights for foster youth. Its provisions charge school districts, county social service agencies and other professionals with additional responsibilities to enhance educational quality for foster youth.

Unfortunately, the implementation of AB 490 is uneven across California. School board members need to be familiar with the law and must act as community leaders and set direction for the district to ensure foster youth have access to the same resources, services and activities available to all students. Please refer to the section on "Considerations for Board Members" at the end of this policy brief.

The major provisions of AB 490 include the following:

Educational equity: Educational placements for foster youth must ensure that they have access to academic resources, services, enrichment and extracurricular activities available to all students. (Education Code 48850)

Basis for placement: In all instances, educational placement decisions for foster youth must be based on the best interests of the student and must ensure that the student is placed in the least restrictive educational program that can serve his or her needs. (Education Code 48853)

School of origin: If a foster youth's placement changes, the student has the right to remain in his or her school of origin for the duration of the school year. (Education Code 48853.5)

Preference for mainstream school: Foster youth must attend a regular education program unless: 1) the student has an individualized education program (IEP) requiring a different educational placement, or 2) the person with educational rights determines that it is in the student's best interest to attend a different educational program or to remain in the school of origin. (Education Code 48853)

Immediate enrollment: The student has the right to be immediately enrolled in the new school, even if the student is missing things that are usually required for enrollment (e.g., academic and medical records, immunization records, proof of residency, school uniform) or if he or she owes fees or materials to the prior school. (Education Code 48853.5)

Best practice

Immediate enrollment

The flier "School Enrollment Procedures for Foster Youth" is available for school registrars, administrators and school staff to guide them through the registration process. This enrollment tool was developed by the California Foster Youth Education Task Force at the request of the Poway Unified School District and is available at <http://www.csba.org/EducationIssues/EducationIssues/FosterYouth.aspx>

Timely transfer of records: County social service agencies and school districts must work together to transfer records in a timely manner. The enrolling district should request records from the student’s previous school and/or school district immediately or within two business days of enrollment. The former district must transfer the student out and deliver the student’s education record to the next school, also within two business days. The record must include a determination of seat time, full or partial credits earned, classes, grades, immunizations and, if applicable, IEPs or Section 504 accommodation plans for students identified as disabled. (Education Code 48853.5)

Best practice

Timely transfer of records

Individual school districts and county offices of education (COEs) have created forms that help create a smooth transition for foster students transferring to a new school. Full of indispensable information, these forms typically list the student’s previous school and home placements; a description of student needs, concerns and strengths; identification of the person(s) who hold educational rights; and if applicable, the court-appointed educational surrogate. Also included may be a request for additional forms and records necessary for student enrollment. Forms like those developed in Mt. Diablo USD, <http://www.mdusd.k12.ca.us/fosteryouth/> (contact James Wogan, FYS Coordinator, (925) 458-6858, woganj@mdusd.k12.ca.us) and San Diego COE (contact Michelle Lustig, Coordinator Foster Youth Services, San Diego COE, mlustig@sdcoe.net) are examples to consider.

School district educational liaison: Every school district must appoint an educational liaison for foster youth. The duties of a liaison are to ensure the proper school placement, enrollment and checkout from school including grades, credits and other records. The liaison, in many districts, may have additional responsibilities beyond his or her foster care caseload (homeless student liaison, special education director, etc.). Districts may consider periodically evaluating the amount of time and resources needed for the educational liaison to adequately monitor foster students and adjust accordingly. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin. (Education Code 48853.5)

Protection for grades and credits: A foster youth’s grades cannot be lowered due to absences caused by a change in placement, attendance at a court hearing or a court-ordered activity. Schools must award students with credit for full or partial coursework satisfactorily completed at another public school, a juvenile court school or a nonpublic, nonsectarian school. (Education Code 48645.5, 49069.5)

Best practice

Protection for partial credits

Many school districts have implemented policies or administrative regulations for calculating partial credits. Hemet USD has developed and implemented a board policy on protection for partial credits (BP 6146.3) which provides that the district will accept full or partial credit upon enrollment and award credit to foster youth who exit the school district prior to the end of a grading period, based on the number of days enrolled, as follows:

1-9 days	No credit/no grade
10-16 days	* credit per subject
17-23 days	1 credit per subject
24-30 days	1.5 credits per subject
31-37 days	2 credits per subject
38-44 days	2.5 credits per subject
45-51 days	3 credits per subject
52-58 days	3.5 credits per subject
59-65 days	4 credits per subject
66-72 days	4.5 credits per subject
73+ days	5 credits per subject

A copy of the complete policy is available at <http://www.hemetusd.k12.ca.us/board/brdplcy/index.html>. For additional information, please contact: Richard Husband, Director of Pupil Services and Safety, Hemet USD, (951) 765-5100 ext. 3500, rhusband@hemet.usd.k12.ca.us

** Less than one credit, determined on a case-by-case basis*

Right to Make Educational Decisions

Parents/legal guardians usually have the right to make education-related decisions for their child. However, for foster youth, the judge may decide to take away the right of the parent/guardian(s) to make these decisions and instead give that right to another adult, known as the “educational representative,” on a temporary or longer term basis. If the child has an IEP or Section 504 plan, the court may appoint an “educational surrogate.” This information is contained in a court order and is usually listed on the student’s education passport/cumulative file and case plan.

The educational liaisons at the district and COE are charged with ensuring and facilitating the proper educational placement, enrollment in school and transfer from school of foster youth. Boards should direct district/COE staff to develop a protocol and procedure to ensure that appropriate staff, such as the principal, attendance clerk and school registrar, are aware of who holds the right to make educational decisions for each foster care youth enrolled in the district.

Best practice

Educational surrogacy program

In coordination with the Alameda COE, attorneys from Alameda County Public Defender’s Office and the National Center for Youth Law train law students at the UC Berkeley Boalt Hall School of Law to become educational surrogates for youth in foster care. This volunteer, public-private partnership pairs law students with foster youth within Alameda County and provides on-demand technical assistance and support. Please contact Leecia Welch, Senior Attorney, National Center for Youth Law, (510) 835-8098 ext. 3023, lwelch@youthlaw.org

Partnerships to Support Foster Youth

School districts, COEs, social workers, probation officers, caregivers, nonprofit organizations, advocates and juvenile court officers are all focused on supporting the educational needs of foster youth. There are several models across the state of these various entities coming together to coordinate services for the benefit of foster youth. These partnerships can lead to increased stability, coordination of services and improved student outcomes.

Best practice

Partnerships

In 2006, the county of San Diego implemented an interagency agreement between the Probation Department, Health and Human Services, Public and Alternate Public Defender, Superior Court, Voices for Children (court-appointed special advocates), school districts and the COE. The purpose of the agreement is to clarify the roles and responsibilities of the agreement participants and to establish procedures for the implementation of laws protecting the rights of foster youth at the local level. The document also serves as a reference guide including sample forms, program descriptions and fact sheets. To access further information about the agreement, please visit www.sdcoe.net/student/ss/fys.asp.

Considerations for Board Members

Districts and COEs will vary in the types of services and partnerships they employ to support foster youth. Boards can help ensure that foster youth achieve to their highest potential by becoming knowledgeable about their district’s existing systems of support and by taking action to provide a high-quality and legally compliant education program and support services.

Setting direction for the community’s schools

The board is responsible for adopting a long-range direction and goals for the district based on an assessment of student needs. To understand the needs of foster youth in the district, the board might request the following information:

- How many foster children and youth reside in the district/county? Which schools have the largest concentration of this subgroup of students?
- What types of out-of-home arrangements are common in the district/county (e.g., foster homes, kinship care or group homes)?
- On average, how often do foster children and youth transfer between schools within the district/county and between neighboring districts/counties?
- What school-based services are in place to serve the needs of foster youth (e.g., after-school programs, supplemental instruction, counseling, college preparation, case management teams, resources coordinating team, etc.)?

The board might then examine its existing vision and goals statements and make changes as needed to set an expectation that the district will strive to boost the achievement of all students, including foster youth and other at-risk students.

Establishing an effective and efficient structure for the school district/COE

As it adopts policies and the budget, the board has opportunities to establish and maintain an organizational structure that supports the district's goals for the education of foster youth.

CSBA has developed a sample board policy and administrative regulation BP/AR 6173.1 – Education for Foster Youth which can serve as a starting point for districts to develop policy that complies with the legal requirements and meets their unique circumstances. Other policies that may be relevant are listed in the Resources section below. In reviewing and developing policy, the board might consider:

- Has the district/COE adopted a board policy on the education rights of foster youth? Does it reflect all current legal requirements?
- What transportation policy or procedure does the district have to ensure all students in foster care may remain in their school of origin?
- Has the superintendent designated a liaison for foster youth as required by law?
- What procedures are established for the enrollment of foster youth? How are school registrars, educational liaisons, administrators and other staff notified and trained regarding these procedures?
- What policies and procedures are in place to ensure the educational liaison makes appropriate referrals for special education or Section 504 and coordinates efforts with the educational surrogate?

In order to support the implementation of the board's policies and priorities, it is necessary that the district's budget provide the needed resources. The board might consider:

- What resources are necessary to provide the educational and support services needed by foster youth in the district/COE?
- Are these needs accounted for in the current budget?

- What sources of funding are available to support these needs?
- Are resources available in the community that would provide services at no cost or at a reduced cost to the district?

Providing support

Although the board does not implement policies or programs, it can support the staff's effective implementation by being knowledgeable about district efforts and making decisions that are aligned with agreed upon policies and priorities. For example, the board might consider:

- Are all board members familiar with the services provided by the district and community to support foster youth?
- Are all related board policies aligned?
- Does the board present a unified message that upholds the adopted policy(ies) and communicates the importance of serving all student populations in the district?

Ensuring accountability to the public

As community representatives, boards are accountable to the public for the performance of the community's schools. The board should work with the superintendent to identify indicators that can be used to assess the effectiveness of policies and programs that serve foster youth and to establish a schedule for reporting this information to the board. Such information might include:

- What are the educational outcomes for these students in the district/county as a whole and by school site (e.g., Academic Performance Index and other test scores, special education placements, grade retention, Gifted and Talented Education Program placements, Accelerated Program coursework, graduation rates, etc.)?
- What is the effect of district/COE programs on student achievement?
- What are the alternative accountability systems for district students enrolled in nonpublic, nonsecretarian schools? What are the educational outcomes?

Acting as community leaders

Board members have a responsibility to communicate with and involve the community in the schools in meaningful ways and to serve as advocates for students and the district's educational programs. Because foster youth are connected with many different systems and services, it is especially important the board play a leadership role in ensuring collaboration among agencies and organizations. The board might consider:

- What partnerships has the district/COE developed to support foster children and youth (e.g., formal or informal partnerships with county Child Welfare Services, referral systems to health and mental health organizations, community based youth development programs, etc.)?
- Are there other agencies or organizations that should be invited to participate in collaborations on behalf of foster youth?
- Are there gaps or duplication of services for foster youth?
- What is the appropriate role that each agency or organization can best fulfill?

Contact Information

For further information, please contact:
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Resources

CSBA Foster Youth Web site: <http://www.csba.org/EducationIssues/EducationIssues/FosterYouth.aspx>

CSBA Sample Policies and Administrative Regulations

For subscribers of one of CSBA's Policy Services, CSBA provides the following sample policies. See GAMUT Online: <http://www.gamutonline.net>

- AR 5121 Grades/Evaluation of Student Achievement
- AR 5125 Student Records
- BP 6146.3 Reciprocity of Academic Credit
- BP/AR 6159.3 Appointment of Surrogate Parent for Special Education Students
- BP/AR 6173.1 Education for Foster Youth

California Department of Education, Foster Youth:
www.cde.ca.gov/lsp/fy

California Youth Connection: a nonprofit, foster youth advocacy organization, led by current and former foster youth.
www.calyouthconn.org/site/cyc

Casey Family Program: This national operating foundation works to provide and improve—and ultimately to prevent the need for—foster care. Casey Family Program provides direct services, and promotes advances in child-welfare practice and policy.
www.casey.org/Home

Frequently Asked Questions and Answers about AB 490: Developed by the California Foster Youth Education Task Force to clarify foster youth's educational rights pursuant to Assembly Bill (AB) 490.
http://www.csba.org/EducationIssues/EducationIssues/~media/Files/EducationIssues/ConditionsOfChildren/AB490_Questions%20Answers.ashx.