



# Closing the Education Achievement Gap for Foster Youth

An overview of AB 490's changes to the law and creation of enhanced education rights for foster children

# Statistics on educational outcomes for foster children



- 30% perform below grade level
- 50% are held back in school
- 46% do not complete high school
- Less than 3% go on to four-year colleges

AB 490 seeks to close this education achievement gap

# Adult outcomes



Not surprisingly, an inadequate educational foundation leads to a less than stable adult future for former foster youth. Within the first 2-4 years after emancipation:

- 51% are unemployed
- 40% are on public assistance
- 25% became homeless; and
- One in five will be incarcerated.

# Barriers to educational success



Constant placement and school changes have a detrimental impact on the ability of foster youth to succeed.

- Education records may not transfer in a complete and timely manner.
- Youth often sit out of school for days/weeks at a time, or are placed in inappropriate classes.
- Records are sometimes lost or misplaced, causing youth to lose credits and/or repeat classes.
- Often no one assumes responsibility for checking the youth out of school, resulting in lowering of youth's grades.



AB 490

Removing the barriers to educational  
success for foster youth

# Guiding principles of AB 490



- Everyone shares the duty to promote the educational progress of children in out of home placements.
- Mandates that educators, school personnel, social workers, probation officers, caregivers, advocates, and juvenile court officers *all* work together to serve the educational needs of children in foster care.

*EC 48850(a)*

# Guiding principles of AB 490



- For foster youth to meet state academic achievement standards;
- For youth to maintain stable school placements;
- Placement of youth in least restrictive educational programs; and
- Access to the academic resources, services and extracurricular and enrichment activities available to all students.

*EC 48850(a); WIC 16000(b)*

# Who is covered?



- AB 490 covers youth who are:
    - Supervised by either the county probation or child welfare agency, *and*
    - In, or have been in, relative, kin, foster family or group home placements.
- \***Note:** Some AB 490 provisions cover a **broader** category of youth; for example, the school credits provision applies to any student transferring schools. In addition, some provisions cover a **narrower** category of foster youth; for example, there is provision specifically for youth placed in emergency shelters who meet additional criteria.

# Key Provisions of AB 490



- Foster youth access to same academic resources, services, and extracurricular activities
- Education and placement decisions dictated by best interests of the child
- “Foster care liaison” on school staff
- School stability in school of origin
- Preference for mainstream school placement
- Immediate enrollment
- Timely transfer of educational information
- Protection of credits, grades, graduation
- Case worker/probation officer access to school records

# School Stability – Placing Agency's Role



Making out of home placements – factors that *placing agency* must consider:

- Proximity to the child's present school
- Impact placement will have on child's educational stability

*WIC 16501.1(c)*

# School Stability – School's Role



Educational placements must be made to ensure:

- Access to same resources available to all pupils
- Least restrictive environment
- Child's best interest

*WIC 361, 726; EC 48853*

# School Stability



## Right to remain in school of origin

If the child's placement changes, the child has the right to remain in his or her school of origin for the duration of the school year, provided it is in the child's best interest to do so.

*EC 48853.5*

# School Stability



- Definition: “School of Origin”
  - School foster child attended when permanently housed, or
  - School in which foster child last enrolled.
  - If different, or if there is another school child attended with which he/she is connected, liaison, child, and person with ed rights shall determine which school is deemed the school of origin.

*EC 48853.5(e)*

# School Stability



## Immediate Enrollment

When a foster child changes schools, the new school must provide for immediate enrollment and attendance even if the child is missing:

- Academic and medical records,
- Immunization records,
- Proof of residency, or
- School uniform
- Or fees or materials are owed to the prior school

*EC 48853.5*

# School district foster care liaison



- Every school district must have an educational liaison for foster children
- Duties
  - Ensure proper school placement, enrollment and checkout from school
  - Assist with transfer of grades, credits, and records when youth transfer schools
  - Complete school transfers within 2 business days

*EC 48853.5*

# School district foster care liaison



Determining whether to continue in school of origin:

- The person holding educational rights *and* the child determine, in consultation with the foster care liaison, whether it is in the child's best interest to remain in school of origin.
- If the liaison wishes to recommend that it is not in child's best interest to remain in the school of origin, the liaison must provide person w/educational rights with a *written explanation*.
- If a dispute arises, the child has the right to remain in school of origin until dispute is resolved.

*EC 48853.5*

# Preference for Mainstream School



- Foster children must attend a regular, mainstream school *unless*:
  - Child has IEP requiring different educational placement, OR
  - Person with ed. rights determines that it is in child's best interest to attend a different educational program or to remain in school of origin

*EC 48853*

# Preference for Mainstream School



- Person with educational rights must first consider placement in regular, mainstream public school *before* child is placed in:
  - Juvenile court school
  - Continuation school
  - Alternative school
  - Non-public school

*EC 48853*

# Preference for Mainstream School



- **Exception:** preference for regular school does not apply to youth in:
  - Juvenile hall
  - Juvenile ranch
  - Forestry camp
  - Regional facility
  - Emergency shelters (see next slide)

*EC 48853*

# Preference for Mainstream School



Emergency shelter exception applies in two situations:

- Health and safety emergencies
- Or, when:
  - Decision regarding child's best interest and school of origin cannot be made promptly,
  - Not practical to transport child to school of origin,  
AND
  - Child would not otherwise receive education

*EC 48853*

# Timely Transfers



Efficient and timely transfers are the responsibility of *both* the county placing agency and the school district.

*EC 49069.5*

# Timely Transfers – Role of case worker and probation officer



## **Case worker/probation officers**

- As soon as the CW/PO becomes aware of need to transfer a student to a new school, he or she must:
  - Notify school of last day of attendance;
  - Request calculation of student's educational information;
  - Request that student be transferred out.

*EC 49069.5(c)*

# Timely Transfers – School's Role



## Old school

- Within *2 business days*, school must transfer student out, and deliver educational record to next school. Record must include:
  - Determination of seat time
  - Full or partial credits earned
  - Classes
  - Grades
  - Immunizations
  - Special education plan

*EC 49069.5(d), (e)*

# Timely Transfers – School's Role



## **New school**

- Within *2 business days* of request for enrollment, must contact old school to obtain all records.

*EC 49069.5 (d)(4)(C)*

# Protection for grades, credits, graduation



## **GRADES**

School cannot lower a child's grades due to:

- Absences caused by change in placement,
- Attendance at court hearing, or
- Court ordered activity.

*EC 49069.5(g), (h)*

# Protection for grades, credits, graduation



## **SCHOOL CREDITS**

Schools must award credit for:

- Full
- *Or partial* coursework

Satisfactorily completed at:

- Another public school,
- Juvenile court school,
- Or nonpublic, nonsectarian school.

*EC 48645.5*

# Protection for grades, credits, graduation



## **GRADUATION**

If graduation requirements completed while detained, student may be entitled to diploma from:

- School last attended; or
- County Superintendent of Schools

*EC 48465.5*

# Access to school records



Case workers and probation officers may access the child's school records without parental consent or court order, so that they may:

- Compile the child's health & education summary
- Fulfill educational case management duties; or
- Assist with school transfer or enrollment

*EC 49076*

# Holder of Educational Rights



- Parents/guardians hold educational rights for their children
- When parents are unwilling or unable to exercise their educational rights, the court may assign educational rights to someone else.

*WIC 358.1(e)*

# Holder of Educational Rights



## Appointing a **responsible adult**:

- At the time the court limits the parent's educational rights, the judge must appoint a “responsible adult” to hold these rights.
- Responsible adult might be:
  - Foster parent
  - CASA
  - Relative caregiver
  - Other adults in the child's life

*WIC 361(a)*

# Holder of Educational Rights



Responsible adults cannot have a “conflict of interest.”

- A conflict of interest exists where an individual receives compensation or attorneys fees for acting as a responsible adult
- Foster parents do not have a conflict of interest solely because they receive compensation

*WIC 361(a)(5)*

# Holder of Educational Rights



## Appointing a **surrogate parent**:

- If the court is unable to find a responsible adult for a student referred to or receiving special education, the local school district must appoint a “surrogate parent.”
- School must appoint relative caregivers, foster parents, or CASAs; if none available, can appoint surrogate parent of choice.

*GC 7579.5*

# Holder of Educational Rights



Appointment as a responsible adult or surrogate parent lasts until:

- Child reaches 18
- Another adult is appointed
- Educational rights of parent/guardian fully restored
- Child placed in planned permanent living arrangement

*WIC 361, GC 7579.5*

# Holder of Educational Rights



All those holding educational rights have the same rights as a parent to advocate for and monitor the child's education. Most importantly:

- May sign for special education services
- Can make decisions about school placement



Working together, we *can* turn the corner and improve the educational outcomes for *all* youth