Foster Youth Education Toolkit

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ALLIANCE for CHILDREN'S RIGHTS

ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS

CALIFORNIA DEPARTMENT OF EDUCATION

csba CALIFORNIA SCHOOL BOARD ASSOCIATION

CCSESA CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION

CWDA COUNTY WELFARE DIRECTORS ASSOCIATION

CHILD WELFARE COUNCIL

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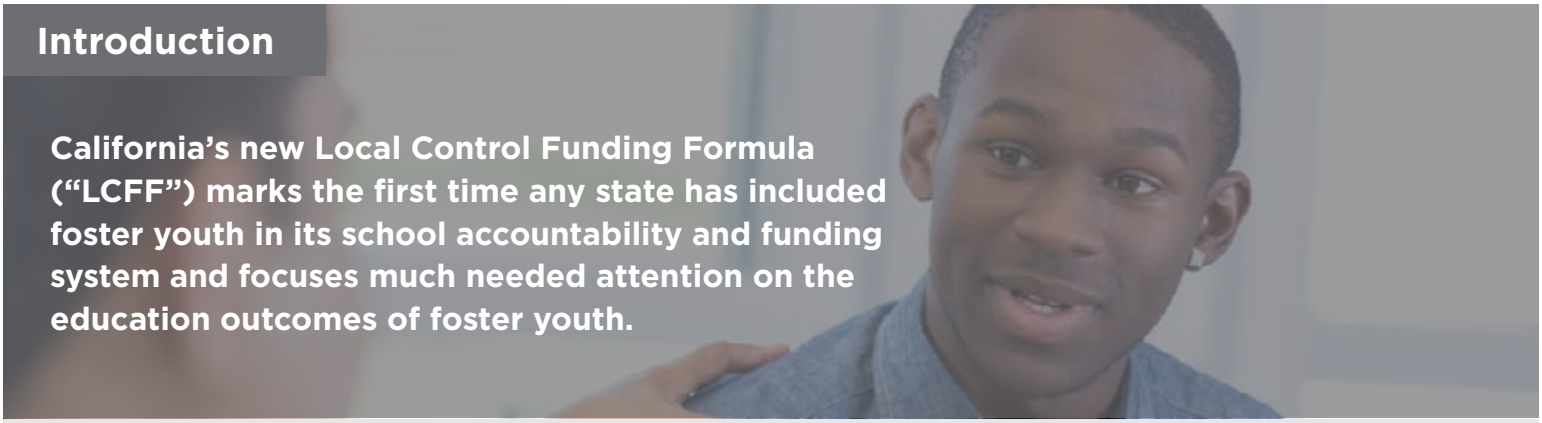
Introduction



California's new Local Control Funding Formula ("LCFF") marks the first time any state has included foster youth in its school accountability and funding system and focuses much needed attention on the education outcomes of foster youth.

Those outcomes are heartbreakingly poor:

High Rates of School Mobility: Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.[1]

Low Test Scores: Just 19% of students in foster care score proficient or above in English language arts on the California Assessment of Student Performance and Progress ("CAASPP"), compared to 44% of students statewide. Similarly, 12% of foster youth score proficient or higher on the math portion of the CAASPP compared with 33% of students statewide.[2]

High Dropout Rates and Low Graduation Rates: Foster youth have the highest dropout rates and the lowest graduation rates. The single year dropout rate for students in foster care is 8%, compared with 3% of students statewide. Likewise, just 58% of students in foster care graduate from high school compared with 84% of students statewide.[3]

LCFF not only reveals the poor education outcomes of foster youth, but also highlights the opportunity for our schools to better serve students in foster care. School districts will maximize their LCFF resources if some portion of them are used to serve infants, toddlers, and preschoolers because the gap in education outcomes starts before school does.

Using The Foster Youth Education Toolkit

This Toolkit is designed to assist school districts in meeting the promise of LCFF for our foster youth. First, the Toolkit lays a foundation for school districts by providing comprehensive information on the education rights of foster youth along with step-by-step procedures to ensure foster youth receive the full benefit of laws designed to protect them. Second, the Toolkit provides easy-to-use implementation tools to help school districts move beyond this foundation of legal compliance to engagement in transformative best practices that will enable foster youth to achieve their college and career dreams.

FORMS & SAMPLES

LETTERS

The tools and best practices provided in the toolkit are designed to be ready-to-use in any school district but can also be adapted to local conditions. For that reason, the tools are intentionally vague in certain respects (e.g., which school district staff should be responsible for addressing each task/step). Most tools can be used as-is in the fillable PDF formats. Tools that are also available as Word Document include a "Download This Tool" link in the footer and can be downloaded for modification (e.g., letters can be placed onto school district letterhead).

[1] Vanessa X. Barrat & Bethann Berliner, The Invisible Achievement Gap: Part 1: Education Outcomes of Students in Foster Care in California's Public Schools (WestEd 2013) (hereinafter The Invisible Achievement Gap, Part 1).
[2] Most recently released test scores are available at: http://caaspp.cde.ca.gov/
[3] The Invisible Achievement Gap, Part 1

Toolkit Section Descriptions

1. FOSTER YOUTH AND THEIR EDUCATION DECISION MAKERS defines foster youth under LCFF, the role of their education rights holders, and provides key strategies for stakeholder engagement in the LCAP process.

2. ENROLLING AND DISENROLLING FOSTER YOUTH covers enrollment and disenrollment, including tools to identify youth, quickly enroll them, ensure youth are afforded the right to remain in their school of origin, and request records from prior schools.

3. DETERMINING THE NEEDS OF FOSTER YOUTH provides a comprehensive education evaluation template to assist schools in determining the education needs of foster youth and provides guidance to help districts track foster youth data and improve their outcomes.

4. SPECIAL NEEDS OF FOSTER YOUTH focuses on best practices for supporting the education needs of foster youth of all ages, including: (1) trauma related needs, (2) special education needs, and (3) disciplinary challenges.

5. EARLY EDUCATION NEEDS OF FOSTER YOUTH focuses on supporting foster youth ages 0-5, including: (1) LCFF and early childhood education; (2) transition from early intervention to special education services at age 3; (3) early care and education options; and (4) mental health needs of infants and toddlers.

6. MEETING THE HIGH SCHOOL NEEDS OF FOSTER YOUTH focuses on: (1) partial credits; (2) AB 167/216 graduation; and (3) voluntary transfer of students out of comprehensive schools.

7. ENFORCEMENT OF FOSTER YOUTH EDUCATION RIGHTS: AB 379 discusses the inclusion of foster youth education rights into the Uniform Complaint Procedures Act and provides a tool to help districts quickly come into compliance.

Sample LCAP Plan for Foster Youth 2.0 Goals

Additionally, the Toolkit serves as a companion to the **Sample Local Control Accountability Plan for Foster Youth 2.0**, developed by the Coalition for Educational Equity for Foster Youth. By utilizing the Toolkit, districts can work to meet the suggested goals of the Sample LCAP 2.0:

Goal 1. The educational outcomes of foster youth will mirror those of the general population. See **High School Graduation for Foster Youth: AB 167/216**.

Goal 2. Decrease the transfer of foster youth to continuation and other alternative schools and decrease the transfer of foster youth after a change in home placement. See **Enrolling Foster Youth**, **School of Origin**, **Disciplinary Challenges of Foster Youth**, **Voluntary Transfer of Students Out of Comprehensive Schools**.

Goal 3. Transferring foster youth will be promptly enrolled in the appropriate school and classes and awarded credit for all work completed, including partial credits. See **Partial Credit Model Policy**.

Goal 4. Foster youth will receive a comprehensive education assessment and will receive any services or supports needed. See **Determining the Needs of Foster Youth**.

The California legislature took a critical first step toward improving the education outcomes of foster youth when it identified students in foster care as an at-risk population in need of additional services and supports to close the achievement gap. Our hope is that the Foster Youth Education Toolkit will further equip school districts throughout the state with the tools they need to take next steps in implementing LCFF for foster youth and improving their education outcomes.

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Foster Youth and Their Education Decision Makers

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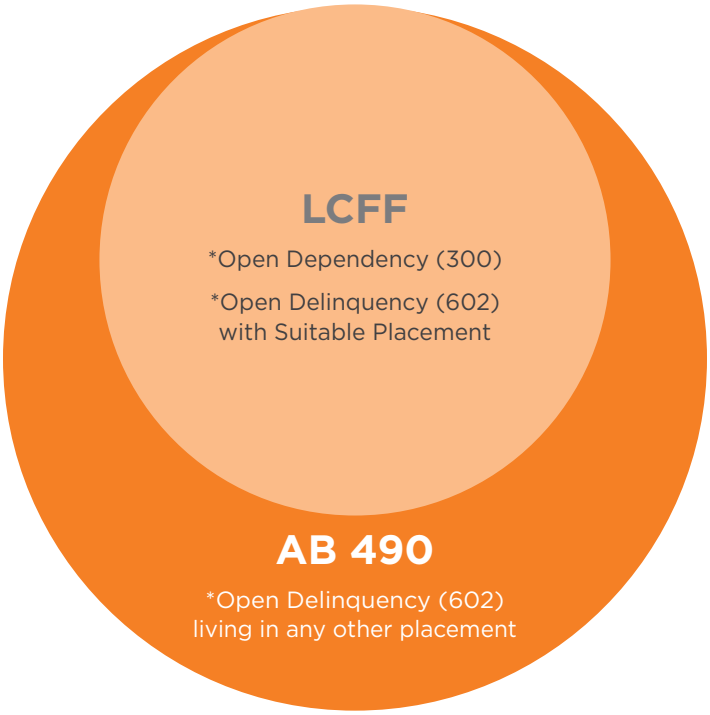
Who is a Foster Youth?

Schools should be aware of two important definitions of "foster youth." The LCFF definition identifies which youth will be counted for purposes of LCFF funding and LCAP goal tracking. The broader definition under Assembly Bill ("AB") 490 and related laws identifies youth who are entitled to all the foster youth education rights described in this toolkit including immediate enrollment, school of origin, partial credits, etc.

Under LCFF, the term foster youth includes:	Under AB 490 and related laws, foster youth includes:
Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.	Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.
Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602) **and who has been removed from his or her home by the court and placed into foster care under a "suitable placement" order. This includes youth who have been placed in a foster home, relative home, or group home. It does not include youth who have been placed in a juvenile detention facility, such as a juvenile hall or camp.**	Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602), **regardless of where the youth lives.**
Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.	Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.



Key Points:

- **Any youth who falls within the narrower LCFF definition also falls within the broader definition entitling them to the protections described in this toolkit.**
- **The difference between the two definitions is that the LCFF definition excludes some probation youth who are protected under AB 490 and related rights.**
- **Any youth who falls within the broad definition under AB 490 and related laws should be served by a district's foster youth programs, regardless of whether they "count" for LCFF.**

This toolkit uses the term "foster youth" to apply to foster and probation youth of any age and the term "foster child" to apply to children ages 0 to 5. For purposes of this toolkit, "foster youth" also includes homeless youth for purposes of immediate enrollment, school of origin, partial credits, and AB 167/216 graduation, although homeless youth have different transportation rights than foster and probation youth.

Education Rights Holder ("ERH") Responsibilities

- 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.
- ERHs have a right to written notice of and to make decisions regarding: (1) school enrollment, including transfers to alternative schools; (2) school of origin; (3) high school graduation, including AB 167/216; (4) special education, including decisions regarding assessments and consenting to an Individualized Education Program ("IEP"); (5) early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan ("IFSP"); and (6) school discipline.
- 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 May Hold Education Rights

- Biological parents retain education rights for their children, unless the court limits or terminates their rights.
- When parental rights are limited/terminated, a court must simultaneously appoint a new ERH. Appropriate ERHs can include: (1) foster parents; (2) relative caregivers; (3) Court Appointed Special Advocates ("CASA"); or (4) community members who have a relationship with the youth.
- Adoptive parents and legal guardians automatically hold education rights.
- Prospective adoptive parents automatically hold education rights once parental rights are terminated.
- Youth automatically hold their own education rights when they turn 18. Youth 16 years or older have a right to access their own education records.
- 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: (1) social workers/probation officers; (2) group home staff; (3) therapists; (4) attorneys receiving attorneys fees; or (5) school/regional center staff.

Appointing an Appropriate ERH

At each court hearing, the judge must assess whether the youth currently has an ERH, and whether that person is an appropriate ERH. The court may consider the following factors in deciding that an ERH is unavailable, unable, or unwilling to exercise education rights:

- Biological parents' whereabouts are unknown or they are unreachable (e.g., they have not provided the social worker with a working phone number or valid address for the past three months);
- Biological parents are deceased or incarcerated; or
- Current ERH is a previous foster parent that no longer wishes to be involved in the youth's life/education.

Proof of Education Rights

If biological parents continue to hold education rights, there will be no documents to prove this. If a court limits or terminates a parent's education rights, then the court will issue one of the following forms, which can be used as proof of who holds education rights: (1) **JV-535**, "Order Designating Education Rights Holder"; (2) Adoption or Guardianship Order; (3) Adoptive Placement Agreement; or (4) Juvenile Court Minute Order.

20 U.S.C. § 1436; Cal. Educ. Code §§ 48432.3, 48432.5, 48853.5, 51225.1, 56028, 56321, 56346; Cal. Gov't Code § 95020; Cal. Welf. & Inst. Code §§ 319(g), 361.

Best Practices for Unavailable, Unable, or Unwilling ERHs

STEP 1

ERHs have notice and decision-making rights in many general and special education situations. If the school is unable to identify the ERH or the ERH is unresponsive after multiple attempts to contact them, immediately contact the youth's child protective services social worker ("social worker"), probation officer, and/or legal representative in order to have an appropriate ERH appointed. Depending on the county, an attorney, Guardian ad Litem, and/or a CASA advocates on behalf of a youth in dependency court. A public defender, panel attorney, or private attorney advocates on behalf of a youth in delinquency court. Throughout this Toolkit, the phrase "legal representative for the youth" refers to the applicable individual.

Schools may send the **ERH Appointment Request Letter to the legal representative for the youth, social worker, and/or probation officer.

STEP 2

If an appropriate ERH is still not identified and appointed, contact the court directly to request assistance. The court must either: (1) locate and appoint an ERH; (2) make necessary education decisions itself; or (3) submit a **JV-535** section 4(a) form to the school district, requesting the appointment of a surrogate parent for youth who are or may be eligible for an IEP/IFSP. *Cal. Rules Ct. 5.650.*

Work diligently with a youth's legal representative, social worker, and/or probation officer to identify an ERH for both general and special education needs. If a school district acts without providing proper written notification or affording decision making rights to an ERH, they open themselves to potential legal liability. For example, an expulsion can be overturned if proper notice and ability to participate is not afforded to an ERH.

Surrogate Parents

- A surrogate parent is an adult appointed by a school district/regional center to represent a youth's special education/early intervention needs when a youth does not otherwise have a parent who holds education rights or a court appointed ERH.
- A school district/regional center has an independent duty to appoint a surrogate parent within 30 days of identifying that one is necessary for a youth who is or may be eligible for an IEP/IFSP.
- When appointing a surrogate parent, preference must be given to a relative caregiver, foster parent, or CASA who is willing to serve as a surrogate parent.
- A surrogate parent may not have a conflict of interest or be employed by the California Department of Education, the school district/regional center, or any other agency involved in the care or education of the youth.
- If the court requests a surrogate parent, appoint an appropriate adult via the **JV-536** form, and provide a copy of this form to the social worker/probation officer, legal representative for the youth, and the court within 30 days.
- Surrogate parents must continue to make education decisions for the youth until: (1) the court appoints a new ERH; (2) parental rights are reinstated; (3) the youth moves into a new school district; or (4) a new surrogate is appointed.

17 C.C.R. § 52175; Cal. Gov't Code § 7579.5.

ERH Appointment Request Letter

Date: _____

To: Legal Representative for the Youth/
Social Worker/Probation Officer: _____

E-mail/Fax Number: _____

Address: _____

Re: Education Rights Holder Appointment Request

Student Name: _____ D.O.B.: _____

Dear _____,

Please be advised that _____, a foster youth that you work with, recently enrolled in _____. Following the youth's enrollment in our school, we determined that we were:

☐ Unable to identify and/or locate the youth's education rights holder. Please provide the name and contact information for the youth's education rights holder at your earliest convenience.

☐ Unable to successfully contact the youth's education rights holder.
(if checked please fill out information below)

We attempted to contact _____, the person we believe is the youth's current education rights holder.

Dates of attempted contact: 1. _____ 2. _____ 3. _____

We therefore request your assistance in working with the juvenile court to appoint a new education rights holder who can make education decisions for the youth, including decisions regarding school enrollment, AB 167/216 graduation, and/or special education.

We would greatly appreciate if you could also forward to our school proof of the appointment of the education rights holder, such as a **JV-535** form, juvenile court minute order, or adoption or guardianship order.

If you have any questions, please contact me at _____. Thank you in advance for your assistance.

Sincerely,

_____

LCFF Requirements for Stakeholder Engagement

Successful implementation of LCFF relies on "stakeholder" engagement. In fact, districts are required to report yearly on how stakeholders have been "engaged and involved" in developing, reviewing, and supporting implementation of their LCAP. LCFF regulations provide examples of who these "stakeholders" might include: "parents, pupils...county child welfare agencies...court appointed special advocates, and other foster youth stakeholders." These stakeholders must be engaged as an "advisory committee" and given an opportunity to provide comments prior to the adoption of each annual LCAP. Districts must also report on how the advisory committee has been engaged on an ongoing basis and must report the results of their training of and involvement of stakeholders. Best practices recommend convening advisory groups quarterly, presenting them with data to review on outcomes for target groups, and seeking their input on how to continue to support these students.

Cal. Educ. Code §§ 47606.5, 52060, 52063, 52066, 52068, 52069; 5 C.C.R. § 15497.5.

Stakeholder Engagement for Foster Youth

Stakeholders for foster youth can present a challenge when attempting to actively engage an advisory committee because they are not always as visible or organized as other stakeholder groups. Further, foster youth often do not have what is typically understood to be 'parents', instead having **Education Rights Holders**, caregivers, and other system personnel (such as CASAs, social workers, and/or probation officers). However, input from people connected to foster youth, particularly education rights holders, and direct input from foster youth themselves, is critical to developing a successful LCAP and ultimately improving foster youth outcomes. We have collected some helpful strategies for engaging these groups, as well as a sample training, available below.

Empower Foster Youth with Knowledge of Their Education Rights

Youth may not have consistent adults in their lives to rely on. With frequent changes in foster care placements, and accompanying school and district changes, these youth may not be able to depend on even the most dedicated and informed caregiver or school district staff members to protect their rights. Often foster youth will need to advocate for themselves. Knowing their rights can give youth a sense of control and motivation to work hard in school. Knowledge can empower youth to exercise vital self-advocacy skills.

Where to Train and Gain Input from Foster Youth

SCHOOL-BASED FOSTER CLUBS

Start a foster club at your school. These clubs can be a great place for youth to find support, and for a school to gain feedback on the challenges these youth are facing. Consider the naming of such clubs closely, to ensure a youth first approach that does not draw undue attention to a youth's foster status (e.g., Young Leaders, Youth Scholars).

NON SCHOOL-BASED FOSTER CLUBS

There are several groups such as the **California Youth Connection** that facilitate regular foster youth clubs. Local child welfare/probation agencies can help you discover these groups in your area. Just like school-based foster clubs, these can be a great place to meet engaged foster youth to gain input.

GROUP HOMES

Presenting information at group homes often ensures participation of youth that might not otherwise attend a community meeting or event offered on a school campus.

INDEPENDENT LIVING PROGRAM ("ILP") CLASSES OR SIMILAR EVENTS HELD FOR OLDER YOUTH

Older youth are often offered classes. You can coordinate with your local child welfare/probation agencies to determine whether it would be appropriate to present at one of these sessions.

Where to Train and Gain Input from Staff, Caregivers, and ERHs, as Well as Youth

EVENTS HELD BY CHILD WELFARE AND PROBATION AGENCIES

Child welfare/probation agencies regularly hold events and trainings for youth, education rights holders, and caregivers. Districts have had great success in coordinating presentations at these events/trainings and some have even secured permission to count district trainings as part of the training hours that caregivers are required to complete for their foster care license. There are also organizations such as Foster Family Agencies and foster parent support groups outside of the child welfare or probation agencies that offer similar opportunities.

DEPENDENCY OR DELINQUENCY COURT PARTNERSHIPS

Some districts have stationed a counselor in the court as a resource. This counselor can learn firsthand the challenges foster and probation youth face, meet with youth and families as problems present themselves, and present trainings and materials to help families navigate the resources in their district.

COURT APPOINTED SPECIAL ADVOCATES

"CASAs" advocate for youth in the child welfare and probation systems, and often hold education rights for foster youth. These volunteers are well-informed and dedicated to supporting foster youth. They hold regular meetings and trainings, and can be a great place to find active education rights holders and/or stakeholders.

Tips for Making a Training Accessible to Foster Youth, ERHs, and Caregivers

- Engage trainees in discussing their own experiences and allow room to vent about frustrations.
- Translate legal and school terms into accessible language.
- Use techniques to encourage audience participation
  Games: Get trainees engaged with challenges and small prizes. For example, have trainees put the pieces of a cut up picture together, and then describe the scenario depicted.
  Role playing: Have trainees act out different situations that might arise and practice self-advocacy. For example, respectfully explaining immediate enrollment rights to a registrar who might not be familiar with them.
  Question and response: Poll the students on their experiences related to each topic. For example, see how many schools each youth has attended.

Access a sample training designed by the Alliance for Children's Rights to train foster youth and caregivers on their education rights.

Enrolling and Disenrolling Foster Youth

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Foster youth have the right to:

- Immediate enrollment in their local comprehensive public school if their ERH decides it is in their best interest, even if they do not have any of the required documents (e.g., transcripts, immunization records, proof of residence). Immediate enrollment rights also apply to charter schools.

  Foster youth have a right to enroll in school, even without proof of Tdap immunization. School nurses should work with the youth's prior school and/or their social worker/ probation officer to gain access to records demonstrating the youth has already been immunized.
- Enrollment in the same or equivalent classes as those they took at their old school, even if they are transferring mid-semester. Youth cannot be enrolled in all or a majority of elective classes. Youth cannot be forced to re-take a class they have already passed unless their education rights holder agrees, in writing, that it is in their best interest.
- Equal participation in extra-curricular activities regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).
- Not be forced to attend a continuation school, adult school, or independent study program, even if they are not on track for high school graduation, have failing grades, or have behavior problems.

  Limited Exceptions: If they have an Individualized Education Program ("IEP") requiring a different placement or have been expelled or transferred to an alternative school after a formal hearing and school board decision.

Foster youth can only be placed in emergency shelter schools for short periods of time for either: (1) health and safety emergencies; OR (2) when awaiting an ERH decision regarding whether or not to utilize school of origin ("SOO") if: (a) a SOO decision cannot be made quickly; AND (b) it is not practical to transport the youth to the SOO in the meantime; AND (c) the youth would otherwise not receive educational services; AND (d) temporary, special, and supplementary services are available to meet the youth's unique needs.

AB 1012 (effective 1/1/16), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48432.5, 48853, 48853.5, 48859, 49069.5, 51228.2.

Best Practices for Enrolling Foster Youth

STEP 1

Screen all youth at enrollment for foster/probation status. See **Foster Youth Screening Questions**. After a foster youth is identified, notify the district's Foster Youth Education Liaison.

STEP 2

Have the adult enrolling the youth complete the **Foster Youth Initial Education Intake Form** to identify important individuals such as ERH, caregivers, and social workers/probation officers.

STEP 3

Meet with the ERH to discuss school of origin rights. See **School of Origin**.

STEP 4

Complete enrollment paperwork and collect important documents. This may include: (1) proof of education rights (see **Education Decision Makers for Foster Youth**); (2) immunization records; (3) transcript or report card; and (4) Individualized Education Program ("IEP"), if applicable.

STEP 5

Using the youth's transcripts and information available at the time of enrollment, ensure the youth is enrolled in the same classes/grade level they were enrolled in at their previous school. If the school does not offer the same classes, enroll the youth in equivalent classes, that fulfill the same graduation/promotion requirements. For high school foster youth, enroll the youth in a majority of A-G courses and courses required for high school graduation. Do not enroll the youth in all or a majority of elective courses. See **Partial Credit Model Policy**.

Youth with disabilities must be placed in an appropriate program with services comparable to those in their previous IEP. Notify appropriate special education staff to schedule the youth's 30 day IEP. *Cal. Educ. Code § 56043.*

STEP 6

Collect education records. See **Requesting Education Records**.

School districts have a legal obligation to immediately enroll foster youth, even if any of these steps cannot be completed at the time of enrollment.

Foster Youth Screening Questions

Ask the youth and/or the person enrolling the youth in school to provide the following information. Note that disclosure is not required but may entitle the youth to additional rights and services at school. In order to capture all of your foster and probation youth, make sure to use these screening questions consistently across all district enrollment sites including comprehensive schools, continuation and other alternative sites, and early education programs.

Name of Student: _____ Date of Birth: _____

Name of Person Completing Screening: _____

Date of Screening: _____

Section 1. Youth in Foster Care or on Probation

Is the youth a foster child or on probation? ○ YES ○ NO

Does the youth receive visits from a child protective services social worker or probation officer? ○ YES ○ NO

Does the youth live in a group home? ○ YES ○ NO

Does the youth regularly attend court to discuss who they will live with? ○ YES ○ NO

Does the youth have an attorney or other court representative who helps determine who they will live with? ○ YES ○ NO

Section 2. Youth Potentially in Foster Care or on Probation

Has the youth ever been in foster care or on probation? ○ YES ○ NO

If so, when was the case closed? _____

Does the youth live with someone other than their parents? ○ YES ○ NO

ASSESSING A COMPLETED FORM: DIRECTIONS FOR SCHOOL DISTRICTS

Section 1. Youth in Foster Care or on Probation

If the answer to any of these questions is "YES," there is a high likelihood that the youth is in foster care or on probation and should be treated as a foster/probation youth and afforded all their related education rights until proven otherwise.

Section 2. Youth Potentially in Foster Care or on Probation

If the answer to any of these questions is "YES," there is a possibility the youth is in foster care, on probation, or is entitled to extended foster care services under AB 12 and further investigation should be undertaken to determine their foster care/probation status and/or whether they are entitled to any rights (e.g., partial credits, AB 167/216 graduation) based on their prior status. Further investigation can include verifying with your data match and local child protective services/probation office.

Foster Youth Initial Education Intake Form

Name of Student: _____ Date of Birth: _____

The youth and/or person enrolling the youth in school should fill out this intake form to the best of their ability upon enrollment.

Caregiver and Education Rights Holder

Who does the youth live with?

Name: _____ Phone Number: _____ Relationship: _____

Who has the legal right to make education decisions for the youth? (Leave blank if you are not sure)

Name: _____ Phone Number: _____ Relationship: _____

Other Contacts

Does the youth have a...

Social Worker?	YES	NO	NOT SURE
Probation Officer?	YES	NO	NOT SURE
Legal Representative in Dependency Court?	YES	NO	NOT SURE
Public Defender?	YES	NO	NOT SURE
Court Appointed Special Advocate ("CASA")?	YES	NO	NOT SURE
Mental health provider?	YES	NO	NOT SURE
Group home staff?	YES	NO	NOT SURE
Anyone else important?	YES	NO	NOT SURE

If you answered YES to any of the above please provide the following information:

Name: _____ Organization: _____ Phone Number: _____

Name: _____ Organization: _____ Phone Number: _____

Name: _____ Organization: _____ Phone Number: _____

Name: _____ Organization: _____ Phone Number: _____

Name: _____ Organization: _____ Phone Number: _____

Name: _____ Organization: _____ Phone Number: _____

School History

Name of School(s) Attended and District or City

Preschool

Kindergarten

Grade 1

Grade 2

Grade 3

Grade 4

Grade 5

Grade 6

Grade 7

Grade 8

Grade 9

Grade 10

Grade 11

Grade 12

High School Youth ONLY: List courses the youth was enrolled in at their last school

English: _____

Math: _____

Foreign Language: _____

History/Social Studies: _____

Science: _____

PE: _____

Elective/Other: _____

Elective/Other: _____

Elective/Other: _____

Which, if any, extracurricular activities was the youth involved in at the youth's last school? (e.g., soccer, drama club, debate team, track and field, tutoring)

School of Origin

School Stability Matters

Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time.[1]

As a result of school instability, only 21% of foster youth are proficient in English by 11th grade, and 6% in math.[2]

Fewer than 60% of foster youth graduate from high school.[3]

Overview of the Law

Foster youth have a right to remain in their school of origin if it is in their best interest, as determined by their ERH.

School of origin is the default. Before making any recommendation to move a foster youth from their school of origin, the district's AB 490 Liaison must provide the youth and their ERH with a written explanation of how it is in the youth's best interests not to stay in their school of origin. See **School of Origin Recommendation Letter**. Further, a youth cannot be moved from their school of origin until after a written waiver of this right is obtained by the school district from the ERH.

Definition of School of Origin: A youth's school(s) of origin includes: (1) the school the youth attended at the time they entered the foster care and/or probation system(s); (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which they have a connection (e.g., sports team, relationships with peers or teachers).

Feeder Patterns: If youth are transitioning between elementary and middle or middle and high school, school of origin includes the next school within the school district's feeder pattern.

Scope of School of Origin: School of origin rights apply to all schools, including magnet programs and charter schools.

Duration of School of Origin Rights: If a youth's court case closes while they are in elementary or middle school, they have a right to remain in their school of origin until the end of the current school year. If youth are in high school when their case closes, they have a right to remain in their school of origin until they graduate from high school.

Transportation Funding: Many foster parents, including relatives, are eligible for funding from their local child protective services agency if they transport a youth to their school of origin after a placement change. See **All County Letter 11-51**, page 3 and **All County Letter 13-03**, page 2 for funding rates. Under the Every Student Succeeds Act, school districts must work with child welfare agencies to ensure a youth is transported to their school or origin. Each school district's Title 1 plan must include assurances that the district will collaborate with the state and local child welfare agency to develop and implement clear written procedures for how transportation to school of origin will be provided. These written procedures outlining how transportation costs will be shared between agencies, including how any disputes will be resolved, must be in place as of December 10, 2016.

Dispute Resolution: If at any time, there is a dispute regarding a youth's right to remain in a school of origin, the youth has a right to remain in that school until the dispute is resolved. Disputes should be referred to the school district's dispute resolution process. A complaint can also be filed on the youth's behalf through the Uniform Complaint Procedures Act. See **Enforcement of Foster Youth Education Rights: AB 379**.

20 U.S.C. § 1112(c)(5)(B), 34 C.F.R. § 299.13(C)(1)(ii), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859, Cal. Rule of Court 5.651(c).

Best Practices for School of Origin

STEP 1

Identify that a placement change is occurring: (1) whenever a school becomes aware that a foster youth will be changing placements; (2) before disenrolling a foster youth whose home placement has changed; and/or (3) before enrolling a new foster youth after a change in their home placement. Convene a meeting by contacting the youth's ERH, and if available, the new caregiver, minor's attorney/public defender, and social worker/probation officer to inform them of the youth's right to remain in their school of origin. See **Education Decision Makers for Foster Youth**. If a meeting cannot be arranged quickly, coordinate a phone call with the ERH and, if possible, the rest of the student's education team. If the youth's ERH cannot be immediately reached, send the **School of Origin Recommendation Letter** to the youth's ERH.

STEP 2

Complete the **School of Origin Best Interest Determination Procedures and Worksheet** to: (1) identify all potential schools; (2) discuss pros and cons of each potential school; (3) work with the student's ERH to reach a school placement decision; and (4) develop a transportation plan.

STEP 3

Immediately implement the ERH's decision regarding school enrollment. See **Enrolling Foster Youth**.

[1] Children Now, 2014 California Children's Report Card (2014), *available at* https://www.childrennow.org/files/6114/1762/6161/2014_CA_Childrens_Report_Card.pdf.
[2] Stuart Foundation, Foster Youth Education Outcomes in Four California Counties (2011), *available at* http://stuartfoundation.org/first-look-foster-youth-education-outcomes-four-california-counties/.
[3] The Invisible Achievement Gap, Part 1.

School of Origin Recommendation Letter

Date: _____

TO: Education Rights Holder: _____

Address: _____

RE: Name of Student: _____ Date of Birth: _____

Dear Education Rights Holder,

We recently attempted to contact you regarding _____, because the student moved to a new home placement.

The student no longer lives within the boundaries of _____ which was the school the student was attending prior to moving. However, as a foster/probation youth, the student has a right to continue attending this school if you believe it is in the student's best interest. Cal. Educ. Code §§ 48853, 48853.5.

As the student's education rights holder, you have the responsibility to determine whether it is in the student's best interest to remain in their school of origin or if they should transfer to the new local public school. Factors you may wish to consider include: (1) the distance between the student's new home and the school they were attending; (2) the quality of the previous school and the new local public school; and (3) the timing of the transfer (beginning of the semester or mid-semester).

At this time, this student is currently enrolled in:

☐ The school the student was attending before changing home placements: _____.

☐ The new local public school based on their new home address, pending your decision regarding whether the student should return to their previous school: _____.

The youth's AB 490 Education Liaison: ☐ recommends ☐ does not recommend that the youth remain in their school of origin for the following reasons: _____

_____

_____

Please contact us immediately so we may discuss the pros and cons of transferring schools and whether you think it is in the student's best interest to continue attending the same school they were attending before moving to their current home.

Thank you,

_____

School of Origin Best Interest Determination Procedures and Worksheet

Before recommending that a foster youth move from their school of origin, the district must provide a written explanation of why a school change is in the youth's best interests, and obtain a written waiver from the ERH. The following steps guide a determination of whether a youth should remain in the school of origin or should transfer to a new school, and what plans are needed to ensure continuous school enrollment.

Student Name: _____ Current Grade: _____ Date of Meeting: _____

STEP 1: Meeting Participants

Education Rights Holder(s) ("ERH") **Mandatory Participant**	☐ Present?	Name:
Student	☐ Present?	Name:
Caregiver(s), if different than ERH	☐ Present?	Name:
Social Worker/Probation Officer	☐ Present?	Name:
Minor's Attorney/Public Defender	☐ Present?	Name:
Foster Youth Counselor/Liaison	☐ Present?	Name:
Academic Counselor	☐ Present?	Name:
School Administrator	☐ Present?	Name:
Other	☐ Present?	Name:
Other	☐ Present?	Name:

STEP 2: Identify School Options

Option 1: School student attended before home placement change, or current school if student has not yet moved:

_____

Option 2: School of residence after home placement change: _____

Option 3: School attended when student first entered foster care/probation system: _____

Option 4: Any other school(s) attended within the last 15 months where the student has a connection:

_____

Option 5: Any school(s) to which the student would have matriculated (elementary to middle or middle to high school) from options 1-4 above, using district feeder patterns: _____

STEP 3: Complete Best Interest Analysis By Considering Pros And Cons Of School Of Origin Options

Discuss the pros and cons of each school using the chart below. First, write in the name of each school of origin option (identified in Step 2 above) into the top row. **School Option 1, the student's current school (or the school the student attended before the home placement change), is shaded grey to remind meeting participants that it is strongly favored,** especially if the student has experienced significant school instability in the past and/or has struggled to recover after past school changes. Then, discuss with the team which school or schools best answer each question and place an "X" in the appropriate box(es).

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5
Name of School					
Student Preference					
What school(s) does the student want to attend?					
Length of Attendence					
Which school(s) has the student attended long enough to develop relationships, trust, and a feeling of belonging?					
Which school(s) would the student like more time at to continue their development of positive relationships and/or academic progress?					
Academic Strengths					
Which school(s) has the strongest academic program and/or college going culture to support the needs of the student?					
If the student has academic challenges, which school(s) has a robust intervention program to support the needs of the student?					
Which school(s) has an academic emphasis or program of interest to the student?					
Special Education					
If the student has an IEP, which school(s) can provide the most appropriate program?					
English Learner					
If the student is an English learner, which school(s) can best support the student's language development needs?					

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5
Name of School (cont.)					
Social/Emotional					
At which school(s) has the student developed positive relationships with peers and/or teachers?					
If the student has experienced difficulties with peers or staff, which school(s) is free of those negative experiences?					
Which school(s) has positive behavioral programs, restorative justice, or other schoolwide social-emotional interventions in place?					
If the student would benefit from it, which school(s) provides access to school-based counseling?					
Timing of Transfer					
Which school will prevent a mid-semester school change? (Check only the school where the student is currently attending)					
Consistency of Curriculum					
Which school(s) uses the same curriculum or set of standards as the most recent school?					
Which school(s) follow the same graduation requirements as the most recent school?					
Anticipated Length of Placement					
If the student is in (or about to be placed in) a permanent living situation (e.g., with a relative or someone seeking legal guardianship or adoption of the student), which school(s) would also work for that home placement?					
Extracurricular Activities					
Which school(s) will enable the student to be connected to extracurricular activities?					
School Discipline					
At which school(s) does the student have positive behaviors (free or minimal discipline history)?					
Which school(s) has identified positive ways to address future disciplinary issues?[1]					
Which school(s) are within 15 miles of the new placement?[2]					
What is the school schedule? (Start time / End time)					

[1]Students who have disciplinary challenges may want a "fresh start." Unfortunately, if the underlying issues are not addressed, this may not serve the student in the long term because similar challenges may soon appear in the new setting.
[2]School districts may establish a distance within which transportation to the school of origin is presumptively feasible, such as 15 miles. However, a student who lives further away may not be denied the right to attend the school of origin or denied access to transportation.

Impact of Distance on Education

How long is the student willing to spend in transit each day? _____ minutes

How early is the student willing to leave for school? _____ AM

How late is the student willing to get home from school? _____ PM

STEP 4: Foster Youth Liaison Recommendation

The youth's AB 490 Education Liaison: ☐ recommends or ☐ does not recommend that the youth remain in their school of origin for the following reasons: _____

_____

_____

_____.

STEP 5: ERH Best Interest Determination

ERH Chooses: ☐ to have the youth remain in _____ school of origin (go to Step 6) OR

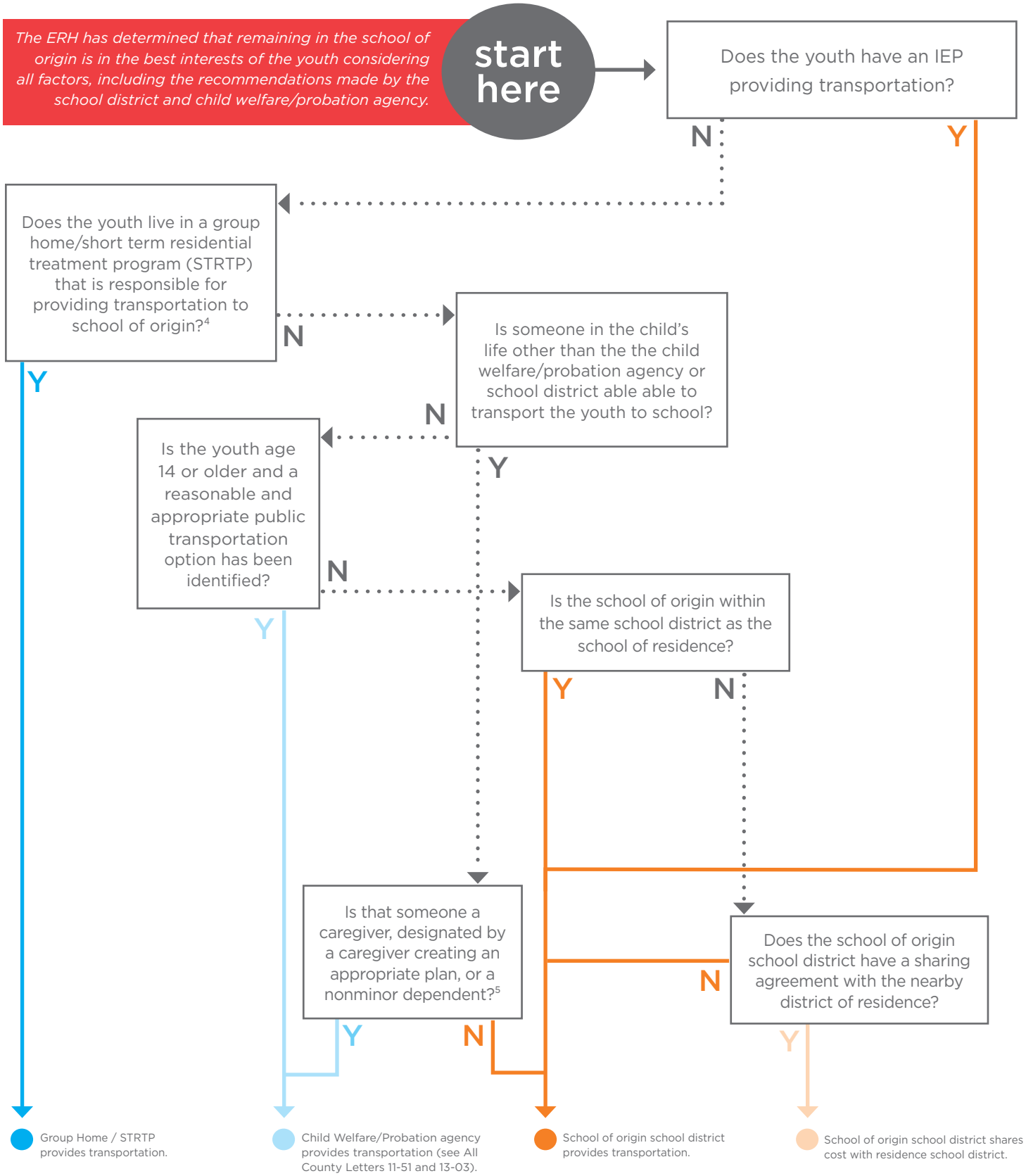
☐ to waive the youth's right to remain in their school of origin and requests immediate enrollment at: _____ school (skip to Step 7 for consent).

STEP 6: Transportation Plan

If the ERH decides that attendance at a school of origin is in the best interests of the student, use the **Transportation to School of Origin Flowchart** on the next page to identify whether the school or child welfare/probation agency will be responsible for providing that transportation and in what form (e.g., reimbursement, bus service, public transit pass, etc.).[3] The child welfare/probation agency and school district may also agree to split certain costs for transportation at the end of each year.

[3]Under the Every Student Succeeds Act, the written procedures describing transportation cost splitting must also describe how disputes regarding school of origin will be addressed and who will pay while the dispute is ongoing. Best practices suggest that for ease of implementation, the school of origin district where the youth already has been attending should pay for transportation in the first instance, seeking reimbursement as appropriate after the dispute is resolved.

Transportation to School of Origin Flowchart



[4]As of January 1, 2017, short term residential treatment programs (STRTPs) must provide core educational services such as transportation to school of origin. WIC § 11463(b). Additionally, current group home contracts for foster and probation youth may include obligations to provide and funding for transportation, including school of origin.

[5] All County Letters 11-51 and 13-03 specify guidelines for reimbursement of caregivers for transportation to school of origin. Although biological parents may not be directly reimbursed, if the court allows unsupervised visits, the caregiver can make an appropriate plan to have the parent transport the youth and be reimbursed by the child welfare/probation agency. Otherwise, the school district should provide reimbursement for biological parents who transport the youth to school.

Summary of Transportation Plan

Transportation to the school of origin will be provided by:

- ☐ Group Home / STRTP.
- ☐ Child Welfare or Probation Agency in the form of:
  - ☐ Reimbursement to an individual
    - Individual's name: _____
    - Relationship to student: _____
    - Agency providing reimbursement: _____
  - ☐ Public transportation to be facilitated by the child welfare or probation agency
    - The route identified is: _____
- ☐ The School of Origin school district in the form of:
  - ☐ Bus or other vehicle
  - ☐ Reimbursement to an individual:
    - Individual's name: _____
    - Relationship to student: _____
  - ☐ Public transportation to be facilitated by the school district:
    - The route identified is: _____
- ☐ Other (including shared responsibility with nearby district). Describe: _____.

STEP 7: Consent

ERH Signature: _____

Student Signature: _____

School Administrator: _____

Requesting Education Records

Overview of the Law

- School districts must request records within two business days of a foster youth's enrollment. School districts must forward education records to a requesting school within two business days of receiving a request. *Cal. Educ. Code § 48853.5(e)(8).*
- School districts and local child welfare/probation agencies may share education records of students in foster care or on probation without consent of a parent or guardian. *Cal. Educ. Code § 49076(i), (n).*
- School districts must give an education rights holder a complete copy of a youth's education record within 5 business days of a request. *Cal. Educ. Code § 49069.*
- School districts cannot withhold transcripts, diplomas, or other records if school fees are owed. *Cal. Educ. Code § 48853.5.*

Reasons to Request Records

- Track education performance over time;
- Understand the youth's history and current needs;
- Determine interventions that have or have not worked in the past; and
- Compare past and current testing to monitor academic progress.

Best Practices for Requesting Education Records

STEP 1

Upon enrollment, have the adult enrolling the youth complete the **Foster Youth Initial Education Intake Form**, including the school history portion. Gather additional school history information from CALPADS and/or any local data/records sharing sources within your county. Contact the youth's social worker or probation officer to fill any gaps in the youth's education history.

STEP 2

Obtain a complete set of records for each youth by completing the **Records Request Form** for each school and district the youth has attended. Records must be requested within two days of the youth's enrollment.

STEP 3

Send and retain proof of receipt. This is important in case there are difficulties receiving the records in a timely fashion and can be used to advocate for the quick transfer of records. If sending via fax, keep a copy of the fax transmittal report confirming that the fax was received. If sending via email, keep a copy of the sent email confirming that the email was sent.

STEP 4

If, by the second business day, records are not yet received from each school requested from, contact the school(s) and request that they forward the records immediately. Make repeated efforts to obtain the records if they are not received within a reasonable amount of time. Contact the former district's Foster Youth Liaison, or your own, to seek assistance as necessary. If the sending school informs you that they do not have records for the youth or they sent the cumulative file to another school, ask that they send that information in writing.

STEP 5

Check records for completeness and organize chronologically in preparation for the **Education Evaluation**. Ensure receipt of the following records from each school attended: (1) report cards/transcripts; (2) statewide testing scores; (3) attendance records; (4) discipline files including behavior referrals and suspension notices; and (5) if the youth has an IEP, IEPs for each year they were eligible and an assessment at least every three years.

Records Request Form

Date: _____

TO: School/District: _____

Address: _____

RE: Name of Student: _____ Date of Birth: _____

Dear Records Clerk,

I request a copy of any and all general and special education records for the above mentioned foster and/or probation student. I am requesting all records, including, but not limited to the following:

- All Health Records
- All Cumulative Records (including attendance, progress reports, report cards and transcripts)
- All Discipline Records
- All State and Districtwide Testing, including STAR and SBAC testing, Stanford 9 Scores and CAT – 6 Scores
- All Correspondence (e.g., inter-office notes, memos, letters, etc.)
- All Special Education Assessments (e.g. psychological, educational, speech, OT, PT, etc.)
- All Individualized Education Programs

Please provide a physical copy of all records to the address below within two business days of this request. *Cal. Educ. Code § 48853.5*. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

Signature: _____

Name: _____

Title: _____

School Name: _____

School Address: _____

_____

School Phone Number: _____

Disenrolling Foster Youth and Forwarding Education Records

Overview of the Law

FOSTER YOUTH DISENROLLMENT RIGHTS

- When moving home placements, foster youth have a right to remain in their school of origin, unless their ERH determines that another education setting is in the youth's best interest. See **School of Origin**.
- If the ERH determines that a school transfer is in the youth's best interest, school districts and local child protective services and probation agencies are responsible for ensuring a youth is properly and promptly disenrolled from school.

Cal. Educ. Code §§ 48853, 48853.5, 49069.5.

FORWARDING FOSTER YOUTH RECORDS

School districts must compile a youth's complete education record as of the last day of actual attendance and forward a copy of all records to the new school within two business days of a request. This includes but is not limited to a transcript (including full/partial credits and check out grades), current class schedule, attendance, immunization/health records, and special education/ Section 504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding fines. When requested, school districts must also send a copy of a youth's education records to:

- ERH or any authorized representative within five business days (copying costs must be waived if it would prevent access);
- County child protective services agency or social worker fulfilling case management responsibilities or assisting with enrollment; and
- Probation officer or district attorney investigating: (1) a criminal allegation; (2) whether to declare the youth a ward of the court; or (3) a violation of probation.

Cal. Educ. Code §§ 48853.5, 49076; 5 C.C.R. § 438(c).

Best Practices for Disenrolling Foster Youth

STEP 1

A school can identify that a youth has withdrawn when: (1) a youth tells a teacher or other adult that they are moving; (2) a caregiver, ERH, social worker, probation officer, or legal representative for the youth notifies the school; (3) a youth is absent for 20 consecutive school days without explanation; or (4) a records request is received from a new school.

STEP 2

Meet with the ERH to discuss school of origin rights and options. See **School of Origin**.

STEP 3

When officially disenrolling a youth, use best efforts to hold space in their prior courses in case they exercise their school of origin rights or return to their prior home. Determine check out grades, calculate partial credits, and issue an official transcript. See **Partial Credit Model Policy**.

STEP 4

Update the youth's **Education Evaluation** including all current information as of the last day of actual attendance. Ask the youth or any of the adults working with the youth what their new school is. It can also be determined from the youth's new address. Identifying the youth's new school is important to determine where to send records.

STEP 5

Provide essential records (e.g., transcript) to ERH and youth during the disenrollment process.

STEP 6

Forward a copy of the youth's entire education file (including their **Education Evaluation**) to their new school within two business days. Log the date records were sent and to whom they were sent in the cumulative file.

Determining the Needs of Foster Youth

Education Evaluation Overview 31

Tracking Foster Youth Data to Improve Outcomes 32

Education Evaluation Overview

The Education Evaluation is a case management tool designed to help schools ensure that foster youth receive the supports they need to succeed in school. It allows schools to identify areas of concern based on the youth's education history, identify necessary interventions, and monitor the youth's progress towards high school graduation and higher education.

The Education Evaluation is recommended to be completed for each student in the district from age three to high school graduation. Completing the Education Evaluation can be a complex and involved process but provides a wealth of information essential to identifying and meeting the needs of foster youth.

THERE ARE TWO* EDUCATION EVALUATION TOOLS AVAILABLE:

1

Adaptable Education Evaluation Template

The blank Education Evaluation is meant to be filled in with a student's education records while also being adaptable to individual schools' needs.

Download this tool

2

Sample Education Evaluation

Use this completed sample document to learn how to effectively use the Education Evaluation. It provides examples and instructions to help fully complete an Education Evaluation for a student.

Download this tool

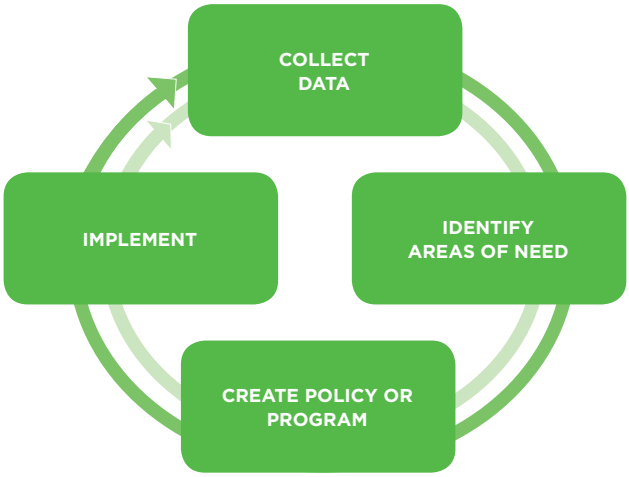
*If you used the Foster Youth Education Toolkit before October 2015 and would like to use the old version of the Education Evaluation with dropdown boxes, **access it here**.

Tracking Foster Youth Data to Improve Outcomes

In this era of accountability, school districts cannot only establish policies and practices to support foster youth. In addition, they must demonstrate that their policies and practices are successfully improving outcomes. Data tracking is the key to doing this.

Best Practices for Data Collection

While crucial data points must be tracked consistently over time (e.g., graduation rates at the end of each LCAP year), data collection is most effective when used continuously to improve programs. A data collection process might include:



STEP 1

Collect Baseline Data: Districts should look at foster youth outcomes prior to the implementation of any policies or programs. This could require pulling data from years past to establish a true baseline. This "baseline" data can be compared to future outcomes to identify areas where improvement has occurred or where further improvements are needed.

STEP 2

Identify Areas of Need: Compare foster youth baseline data with LCAP goals (both those specific to foster youth and those that apply to all students) to identify areas in which foster youth outcomes are worse than the general population (e.g., chronic absenteeism, graduation rates). Also, look at factors not included in your LCAP but which have a significant impact on foster youth (e.g., high rates of school mobility). Finally, examine areas where staff have anecdotally identified challenges.

STEP 3

Create Policy or Program: Design a policy or program to address the identified area(s) of need, including incorporating relevant goal(s) or activity(ies) into your district's LCAP.

STEP 4

Implement: Train staff and implement the new policy or program, making sure that student information systems have the capability to track implementation steps and results. Identify an appropriate implementation period (e.g., one quarter, one semester).

STEP 5

Collect Additional Data: At the end of your implementation period, identify whether or not the policy or program is demonstrating positive improvements in student outcomes by gathering new data and comparing it to your baseline data. Remember that change takes time. Small improvements may indicate success given the low baseline data for foster youth. For example, while your overall three-year goal may be to improve graduation rates of foster youth, looking for improvement in attendance measures or GPA may be early indicators to utilize to gauge progress in years one and two. For large policy or program changes, additional time may be needed before data will reflect progress. On the other hand, if the data quickly indicate that a program is not working, districts should not hesitate to adjust their strategy. Ongoing quarterly or bi-annual data collection will ensure prompt identification of success or needed changes.

STEP 6

Adjust the Policy or Program: If the data show that no progress has been made after a sufficient amount of time, or have revealed specific challenges not previously identified, adjust the policy or program and make any necessary adjustments to your district's LCAP.

STEP 7

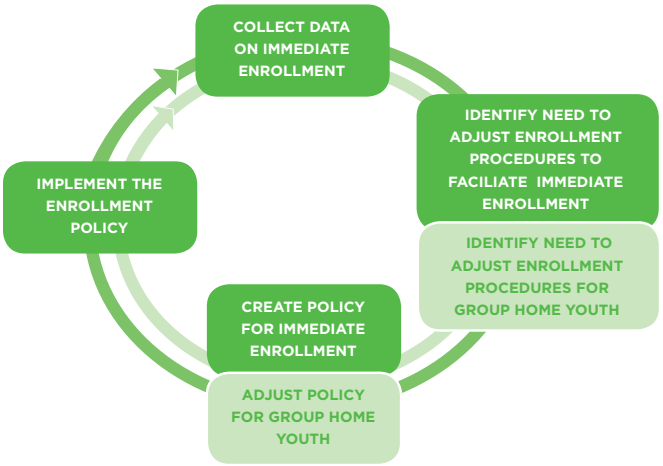
Implement the New Policy or Program: See Step 4.

STEP 8

Repeat: The process should be repeated until the achievement gap between foster youth and the general student population is closed. Remember to celebrate small victories along the way.

Cycle of Data Example: Immediate Enrollment

If a foster youth's ERH decides that remaining in their school is not in the youth's best interest, the youth has a right to immediate enrollment in their local comprehensive school. See **School of Origin** and **Enrolling Foster Youth**. A foster youth liaison for your district, Pine Valley School District, ("District") anecdotally identifies that it takes a long time to enroll foster youth and that youth in the District experience school absences around times of school transfer.



STEP 1

Collect Baseline Data: The District first creates the capacity within its student information system to track the time it takes to enroll foster youth from the moment the school learns of the youth (who is flagged within the information system) to the moment of attendance in courses. The District tracks this data for the school year's first quarter.

STEP 2

Identify Areas of Need: The baseline data collected shows that it takes 8 days, on average, for a youth to begin attending courses. Missing nearly two weeks of instruction after a move is a significant problem from a learning and a compliance standpoint.

STEP 3

Create Policy or Program: Having identified the need to shorten the time period that foster youth are out of school, the District hypothesizes that a new enrollment policy and process will help ensure immediate enrollment. The District creates a policy designating a front office staff member at each school to process foster youth for enrollment without otherwise required paperwork and requiring that certain questions be asked of the youth and person enrolling the youth about prior classes and interventions. The policy also indicates that a counselor with specialized training in meeting the needs of highly mobile populations be designated at each high school to ensure the acceptance of partial credits and immediate enrollment in appropriate classes. The District includes a goal in its LCAP to reduce the lag time in enrollment by a target percentage.

STEP 4

Implement: The District uses a portion of its professional development day prior to the spring semester to train all staff on the policy, with additional training for designated staff who will be implementing the new policy. The District designates its Director of Student Services to monitor the new policy during the implementation period and provide additional training opportunities as necessary. The District chooses one semester as its initial implementation period.

STEP 5

Collect Additional Data: After one semester of implementation, the District collects and re-evaluates the data. This time, foster youth are being enrolled, on average, within 5 days. This represents a critical improvement, but is not enough to meet the immediate enrollment standard. Upon closer examination of the data, the District learns that youth living in group homes are taking longer to enroll than youth living with families.

STEP 6

Adjust the Policy or Program: After identifying this disparity, the District includes an action specific to enrollment of group home youth in its next year LCAP, reaches out to group home leadership in the area, and devises an adjustment to its policy and practice to enhance communication and coordinate with group homes.

STEP 7

Implement the New Policy or Program: The District re-trains necessary staff and implements the newly revised policy with specific focus on group home youth.

STEP 8

Repeat : This cycle of self-reflection is repeated until the District is able to enroll all foster youth within one day.

Data Districts Should Track

Districts and schools need to be able to: (1) accurately and quickly identify who their foster youth are; (2) track outcome data applicable to all youth and disaggregate the data for foster youth; and (3) track foster youth specific data for issues only affecting this population of students.

Data can target: (1) process: did the school follow a policy (e.g., by certifying a youth's eligibility for AB 167/216 graduation within 30 days or informing youth of their school of origin rights), or (2) outcome: did foster youth benefit from a policy (e.g., as seen in improved graduation rates or school stability). Process and outcome data often overlap (e.g., immediate enrollment in school is a procedural victory that also improves learning). Tracking both types of data is essential for tailoring programs and proving success.

1. IDENTIFYING FOSTER YOUTH

Accurately identifying foster (including all probation) youth is a necessary prerequisite for tracking outcomes. Student information systems should identify which students are foster youth according to the LCFF definition, as well as which students qualify for "AB 490" rights. See **Who is a Foster Youth.** Schools should supplement data provided by CALPADS with information gathered at enrollment and through local data matches with child welfare and probation agencies. See **Enrolling Foster Youth**, including **Foster Youth Screening Questions** and **Foster Youth Initial Education Intake Form** for information districts should consider gathering at enrollment. Once all youth are appropriately flagged within a district's system, tracking their outcomes becomes possible.

2. OUTCOME DATA APPLICABLE TO ALL YOUTH

Under LCFF's eight state priorities, schools are accountable for showing foster youth outcomes on general metrics applicable to all youth, including:

- graduation and dropout rates;
- attendance and absenteeism rates;
- suspension and expulsion rates;
- rates of A-G coursework completion; and
- advanced placement completion rates.

The school must be able to disaggregate these outcomes for foster youth specifically, and should build capacity to do so for both the LCFF and the "AB 490" definitions of the population. *Cal. Educ. Code § 52060(d).*

3. DATA SPECIFIC TO FOSTER YOUTH

To capture foster youth specific data, schools may need to add data fields or pages to their existing information systems, such as education rights holder contact information or whether a youth's AB 167/216 certification notice was sent within timelines. Investing in building data capacity to track foster youth measures is crucial to identifying areas of need and to show improvements over time.

A non-exhaustive list of important foster youth-specific data:

Education Rights Holders: ERH information (including whether or not a student has one and all of their contact information) may not currently be tracked by districts or sought by foster youth liaisons or counselors, but having an appropriate person identified to make key decisions about a youth's schooling is critical for success. See **Education Decision Makers for Foster Youth.** Districts can also be held accountable for not communicating effectively with ERHs (e.g., failure to send an expulsion notice to the ERH could result in the expulsion being reversed). Relevant data points that can be tracked over time to demonstrate improvement include:

- percentage of youth who have ERH contact information included in the student information system;
- percentage of ERHs participating in school placement decisions; and
- percentage of ERHs who have received all required notifications within legally mandated timelines (e.g., discipline notices, AB 167/216 graduation certification).

School Stability: Stability is challenging to measure, but may be the most important ingredient for long term foster youth education success. State mandates currently only require that demographic data be collected once per year on "norm day," but norm day information fails to capture the instability faced by foster youth and the efforts made by districts to serve youth coming in and out of their schools. Building the capacity to collect and analyze school stability data is critical for identifying how many youth are being served by a district each year, and for improving outcomes. Relevant data points include:

- number of youth served by the district each year including both students enrolled on norm day and those served during a different point in the school year;
- percentage of youth/ERHs informed about school of origin rights (see **School of Origin)**;
- number of youth who remain in their school of origin after a home placement change (including both youth coming into the district and those leaving it);
- percentage of youth continuously enrolled in the same school for an entire school year or semester;
- percentage of youth whose disenrollment dates align with school breaks (school changes at natural breaks reduces the educational disruption); and
- number of youth with voluntary and involuntary transfers to alternative schools. See **Disciplinary Challenges of Foster Youth** and **Voluntary Transfer of Students Out of Comprehensive Schools**.

Enrollment: Getting foster youth enrolled in appropriate settings and classes without delay is critical for success. See **Enrolling Foster Youth.** In addition to standard attendance metrics, relevant data points include:

- percentage of youth attending classes within 24 hours of being flagged within the student information system;
- percentage of high school youth enrolled in comprehensive schools as well as percentage of those enrolled in alternative sites; and
- percentage of high school youth enrolled in a majority of core academic classes upon enrollment.

Records: See **Requesting Education Records**. Relevant data points include:

- percentage of youth for whom records are requested within 2 days of enrollment; and
- percentage of youth for whom records are forwarded within 2 days of disenrollment or a request.

Partial Credits: See **Partial Credit Model Policy**. Relevant data points include:

- percentage of youth issued partial credits when disenrolling mid-semester;
- percentage of youth issued partial credits at the end of the semester after enrolling mid-semester; and
- number of partial credits received/recovered from out of district schools.

AB 167/216 Graduation: See **High School Graduation for Foster Youth: AB 167/216**. Relevant data points include:

- percentage of youth potentially eligible for AB 167/216 graduation whose eligibility is determined and certification is sent to the youth's ERH within 30 day timeline;
- percentage of eligible youth who graduate under 167/216 graduation;
- percentage of youth graduating with district vs. 167/216 graduation; and
- percentage of eligible youth who choose to remain in high school a 5th year.

Case Management: Many districts are beginning to utilize case management systems to ensure the academic and social-emotional needs of foster youth are being met. Effective case management requires an extensive evaluation of an individual youth's needs, youth engagement and relationship building, and connection of youth to services or interventions provided by the district or community partners. See **Education Evaluation Overview**. Relevant data points include:

- comprehensive Education Evaluation completion rate;
- number of youth receiving tutoring;
- number of youth receiving school based mental health services;
- number of youth participating in a credit recovery program; and
- number of youth participating in extra-curricular activities.

Special Needs of Foster Youth

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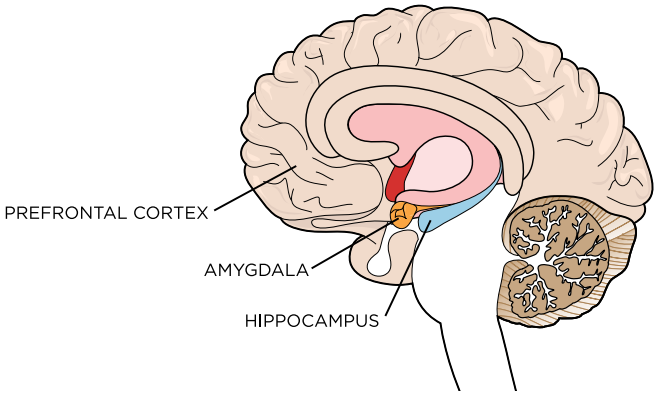
Trauma Related Needs of Foster Youth

Trauma is a response to one or more overwhelmingly stressful events, or "adverse experiences," where one's ability to cope, or "resilience," is dramatically undermined. Adverse childhood experiences can include physical abuse, neglect, prenatal trauma (e.g., prenatal substance exposure, medical neglect), exposure to violence in the family or community, or interrupted attachment such as being separated from a parent or primary caregiver through foster care involvement, death, incarceration, or divorce. Repeated or ongoing childhood trauma, which may occur even before an age when permanent memories are formed, is often referred to as complex or developmental trauma, and is particularly challenging to identify and treat.[1]

Trauma and Its Impact on Development and Learning

Trauma & Foster Youth

While all children may encounter adverse childhood experiences, youth in foster care disproportionately face complex or developmental trauma. Foster youth have endured multiple adverse childhood experiences, including: (1) the abuse, neglect, or abandonment that brought them into the child welfare system; (2) being removed from their families; and (3) repeated home and/or school placement changes while in the system.[2] This increased incidence of trauma among foster youth has developmental repercussions that impact foster youth in school.



Trauma Impacts Brain Development

Exposure to trauma in the developing years changes the chemistry, structure, and functioning of the brain. At birth, the parts of the brain known as the "reptilian brain," governing basic bodily functions, are well developed. However, the "mammalian" or "emotional" brain that regulates emotions, and the "neommalian" or "thinking" brain that controls cognitive processing, decision-making, learning, language, memory and impulse control, develop during the first several years of life.[3] Trauma greatly impacts the development of these structures.

When children experience trauma, portions of the emotional brain including the amygdala, which activates a survival response (fight, flight, or freeze) in emergencies, expand. In a life threatening situation, a survival response is appropriate. However, when the emotional brain is strengthened it becomes constantly activated, and children are more easily triggered, even by events that pose no objective threat. For example, a child who is constantly running away in fear when threatened by an abusive caregiver may be triggered by a teacher who innocently threatens to take privileges away, and will inappropriately respond by running away. On the other hand, the hippocampus, responsible for learning and memory, shrinks. This means there is less brain capacity to focus on learning. The prefrontal cortex of the thinking brain, responsible for behavior, cognition, social and emotional regulation, also shrinks. The prefrontal cortex allows humans to stop and determine whether a survival response is appropriate given the social context. The same child whose fear response is easily triggered, then, also has a diminished capacity to stop and consider whether that response is appropriate.

The chemistry of the brain is also impacted by trauma. Children with trauma experience reduced cortisol levels (responsible for energy levels and socialization) and decreased electrical activity and connections between brain cells.[4] Reduced brain connectivity and energy levels cause children to process incoming information, including social and academic cues, slowly. This slower processing, if not understood, can cause frustration for both the student who is trying to keep up in class, and the teacher who might perceive a slow response time as lack of motivation or even defiance.

Consequences of Trauma

MENTAL HEALTH

The brain changes described above result in mental health challenges for many traumatized children. Changes to the amygdala and hippocampus are associated with depression, anxiety, and other mental health disorders, and research has linked trauma to increased rates of post-traumatic stress disorder ("PTSD"), anxiety, and depression.[5] In fact, as a result of the trauma they endure, foster youth experience PTSD at rates more than double

that of U.S. war veterans.[6] The effects of this trauma are also cumulative and so older foster youth present with higher rates of trauma and mental health symptoms.[7]

LACK OF HEALTHY ATTACHMENT AND DEFICIENT SOCIAL SKILLS

A strong healthy attachment to a primary caregiver allows children to gain the emotional intelligence and self-confidence necessary for them to explore their world. When these attachments are interrupted or severed (e.g., through multiple foster home changes), the parts of the brain responsible for social regulation do not develop normally, and children may develop difficulty managing relationships appropriately.

This can develop to either extreme: (1) being unable to connect with or trust any adult; or (2) trusting adults who haven't earned it, potentially putting the child into unsafe situations (i.e., a lack of stranger danger). Lack of stable attachments lead to oversensitive emotional responsiveness, whereby children have strong reactions to the objectively neutral behavior of others. If a child is unable to build healthy attachments to adults, they will also struggle when attempting to connect with their peers.

Attachment trauma makes it more difficult to navigate social situations or adapt to changing social contexts, like those that might be experienced in school.[8] Children with attachment related trauma may often appear defiant to adults as they are always pushing boundaries and limits, or they can be withdrawn, without the skills to successfully connect with others.

CLASSROOM BEHAVIOR

Persistent trauma (e.g., being exposed to domestic violence on a regular basis) causes persistent activation of fear responses in the amygdala and hyperarousal in the brain that remains even when trauma or danger is not present. Children may constantly view the world as a dangerous place, which impacts their ability to regulate their behavior and social responses.[9] In order to feel safe and in control, many trauma-exposed children develop behavioral coping mechanisms that can frustrate teachers and evoke reactions that both strengthen the child's expectations of confrontation and danger and reinforce a negative self-image.

For example, a child may have been conditioned through abusive relationships to fear asking questions. When that child faces an academic task that they do not understand, they may shut down and refuse to complete work. This refusal gives them a sense of control over what they perceive to be a scary situation. This will inevitably lead to a confrontation with the teacher, which can easily trigger a traumatized child's overactive and hard-wired fighting response. The child's hyperarousal and weakened prefrontal cortex make it difficult to calm down, and the child could then face exclusionary school discipline. While the child is being excluded from class, he or she is not receiving the extra academic support needed to be successful academically, and their perception of being unable to succeed in school is reinforced. Different children use different coping mechanisms in response to fear-inducing events. School staff who are not equipped to look carefully may misunderstand the purposes of a child's coping behavior and, as a result, attempt to correct for those behaviors in ways that exacerbate the problem.

LEARNING & MEMORY

Brain changes resulting from trauma can cause deficits in executive functioning, including in memory, impulse control, and cognition.[10]

First, children learn through a combination of implicit and explicit memory. Through implicit memory, formulated in the reptilian brain, children learn and remember unconscious skills and associate experiences with sensory input (e.g., sounds, smells), such as walking, speaking, or responding to the sound of a parent's voice. These unconscious skills and associations remain in children who have experienced trauma, and sometimes raises unconscious but painful emotional responses to stimuli in school (for example, to the sound of a loud bell or a stern tone of voice), that the child may not be able to explain. Explicit memory, thought to be formulated in the hippocampus, allows children to talk about past, present, or future events. Explicit memory is crucial for school, for example, to remember story time from yesterday or a history lesson learned this morning, but is often impaired in children who have experienced trauma.

Additionally, the ability to control impulses, also crucial for success in school, is undermined in children who have experienced trauma. The overactive emotional brain, with diminished reasoning capability, creates reactive impulses that cannot be controlled.

Finally, the prefrontal cortex and the connections between various parts of the brain are crucial for problem solving and other elements of cognition, which studies show are impaired in children with trauma.[11]

SUCCESS IN SCHOOL

The deficits in mental health, social skills, behavior, learning and memory created by trauma unsurprisingly lead to poor outcomes for students in schools that do not specifically address the impact of trauma. In some cases, one impacted domain, such as social skills or mental health, may be preventing the child from making progress. In many cases, the global impact of complex trauma experienced by foster youth makes it difficult to tease out precisely which results or effects are creating obstacles to education achievement. Overall, studies have associated trauma with: (1) decreased reading ability; (2) lower grade-point average; (3) increased school absences; and (4) decreased rates of high school graduation.[12]

RESILIENCE AND SELF-REGULATION

The good news is children are resilient. Resilience is the capacity to exhibit a positive, adaptive response in the face of significant adversity.[13] Interventions can help children rebuild trust and acquire developmental skills and the capability to learn.

Resilience is not something that you are either born with or not. It develops as children grow and learn better thinking and self-management skills. For example, children exposed to trauma often lack self-regulation skills because an adult never taught those skills to them. Self-regulation skills are learned as early as rocking or singing to an upset baby or teaching skills to teenagers such as taking deep breadths and checking in with their body's state of arousal when they become upset. Self-regulation skills and resilience can be taught to children through supportive relationships with parents and caretakers, teachers and other important adults, and peers. Schools can play an important role in helping children who have experienced trauma develop the resilience that will help them develop, learn, and grow into healthy adults.

What Can Schools Do?

Look for Signs of Trauma[14]

YOUNG CHILDREN (0-5)	ELEMENTARY SCHOOL CHILDREN (6-12)	ADOLESCENT CHILDREN (13-18)
Activity levels that are much higher or lower than peers	Frequent headaches or stomachaches with no apparent cause	Talking about trauma incidents constantly, or denying that it happened
Startling easily or being difficult to calm	Behaviors common to younger children (e.g., thumb sucking, bed wetting)	Refusal to follow rules, or talking back frequently
Repeating traumatic events over and over in dramatic play or conversation	Difficulty transitioning from one activity to the next	Risky behaviors (e.g., using drugs or alcohol, running away from home, or getting into trouble with the law)
Clinginess, reluctance to explore the world	Talking often about scary feelings, ideas	Being tired all the time, sleeping much more (or less) than peers, nightmares
Frequent tantrums	Frequent tears or sadness	Not wanting to spend time with friends
Irritability, "fussiness"	Fighting with peers/adults	Fighting
	Being quiet or withdrawn	
	Wanting to be left alone	
	Eating much more or less than peers	
	Getting into trouble at home or school	
	Difficulty paying attention	
	Changes in school performance	

Implement Whole School Trauma Sensitivity

The Trauma and Learning Policy Institute, a collaboration of Massachusetts Advocates for Children and Harvard Law School, has developed a framework for creating trauma-sensitive practices at the school-wide level.[15] School districts and schools that invest in the following critical areas can begin to address the needs of *all* students who have experienced trauma, including foster youth.

LEADERSHIP INVESTMENT

Administrators at a school must support and promote trauma-sensitivity through strategic planning, assessing staff needs, revising policy, providing appropriate professional development opportunities, and investing time and resources into creating trauma-sensitive school cultures.

TRAUMA-SENSITIVE POLICIES, INCLUDING DISCIPLINARY PRACTICES

New policies developed by leadership should balance accountability with an understanding of trauma triggered behaviors. They should seek to minimize exclusion from social and academic environments and to actively teach students how to regulate their own behavior.

COLLABORATION WITH STAKEHOLDERS

Schools should not feel alone in meeting the needs of children who have experienced trauma. They should work to support and collaborate with the adults already present, such as social workers, probation officers, caregivers, ERHs, or mental health providers. Additionally, schools should reach out to community agencies for assistance in supporting the needs of students. Promising practices include building

a support team for each youth combining their network of caring adults with their school team. See **Youth and Community Engagement**.

ACCESS TO RESOURCES AND SERVICES

Schools should develop connections to services, including mental health services, available within the school district and from external community partners. For foster youth, this includes building a strong relationship with child welfare and probation agencies to identify available supports.

PROFESSIONAL DEVELOPMENT

All staff, from teachers to custodians, must be trained to understand how trauma affects children, and equipped with tools for building trauma-informed relationships and implementing trauma-sensitive instructional strategies.

TRAUMA-INFORMED NONACADEMIC STRATEGIES

School personnel should be familiar with ways that the school can support the non-academic needs of youth through, for example, mentoring relationships or extracurricular activities.

TRAUMA-SENSITIVE INSTRUCTIONAL STRATEGIES

Perhaps the most crucial element, teachers must be trained to implement instructional strategies that are effective for children who have experienced trauma. While this requires teachers to modify current practices, the strategies that work for traumatized children are successful with all children. These strategies: (1) ensure that students are not punished for the symptoms of their trauma; and (2) actively build factors shown to improve resilience.[16]

Create a Sense of Safety: Students who have experienced complex trauma do not routinely feel safe. Providing a safe environment can help reduce a child's overstimulated fear responses and make way for learning. To create a safe environment, teachers can:

- build predictable structure with consistent routines;
- implement a school-wide positive behavior intervention program;
- create clear expectations during unstructured times (e.g., passing periods, lunch);
- provide transition opportunities (e.g., 5 minutes to read a book or a warm up question); and
- provide clear pathways to emotional support for students who elect to utilize it.

Provide a Sense of Control: Helping children build a sense of mastery over their own life is critical for developing appropriate responses to stressful situations.[17] Teachers can:

- give youth choices and not ultimatums;
- engage youth in a semi-private conversation, instead of in front of classmates;
- limit the number of adults involved to avoid confusion or mixed-messages;
- provide adequate personal space;
- not block escape routes (when individuals are agitated, they are more likely to experience fight or flight response);
- keep verbal interactions calm and use simple, direct language;
- build self esteem by providing opportunities for students to be successful such as inviting a student to participate in an activity they excel at, giving a student a question they will be asked the night before so they can prepare, or relating lessons to known areas of interest; and
- celebrate even the smallest successes, for example, by thanking a student for showing up on time, or writing a post-it note praising them for turning in their homework.

Foster Connections: Having at least one stable, caring relationship with an adult is crucial for developing resilience and a sense of self.[18] Intentional development of relationships with teachers, aides, or other staff is crucial for meeting the needs of foster youth. In addition, relationships with students can be built by:

- creating opportunities to develop meaningful relationships between peers including through classroom group work activities or encouraging club/sport participation;
- empathizing with a student who is struggling;
- allowing a student to share their experiences on their own timeline; and
- not isolating students who needs to be removed from a situation. An adult should always be nearby to provide support when the student is ready to talk or to help them self-regulate.

Teach Self-Regulation: Strong self-regulation skills enable individuals to manage their own behavior and emotions.[19] Some common self-regulation techniques include:

- teacher modeling of self regulation with opportunities for students to practice;
- breathing;
- taking breaks;
- writing down feelings; and
- doing an internal check in to monitor signs of stress in the student's body.

Use Culturally Responsive Strategies: Children who are solidly grounded in cultural traditions show more effective responses to stress.[20] Teachers and schools should seek to understand and value cultural traditions, including faith-based traditions, that are important to youth.

Additional Trauma Resources

The National Child Traumatic Stress Network

Started by Congress in 2000, this network brings together the nation's top experts in childhood trauma and has an entire section of the website dedicated to resources for school personnel. **Visit the network here.**

Aces Too High News

News site that contains the latest research about adverse childhood experiences, including abuse, neglect, and toxic stress. Reports on research based practices being implemented in schools, cities, and community agencies around the country. **See the latest news here.**

The Trauma and Learning Policy Initiative

Initiative dedicated to ensuring that children traumatized by exposure to family violence and other adverse childhood experiences succeed in school. The publications Helping Traumatized Children Learn Volume 1: A Report and Policy Agenda and Volume 2: Creating and Advocating for Trauma-Sensitive Schools are available for download from the website. **Find the publications here.**

The Heart of Learning: Compassion, Resiliency, and Academic Success

A handbook containing valuable information that will be helpful to teachers on a daily basis as they work with students whose learning has been adversely impacted by trauma in their lives. **Find the handbook here.**

Calmer Classrooms: A Guide to Working with Traumatized Children

Assists kindergarten, primary, and secondary teachers and other school staff in understanding and working with children and youth who have experienced trauma. **Find the guide here.**

Center for Social and Emotional Foundations for Early Learning

Teaching tools for child care professionals and early childhood teachers. **Visit the center here.**

Section Endnotes

[1] Bessel A. van der Kolk, *Developmental Trauma Disorder*, 35:5 Psychiatric Annals 390, 406 (2005).
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[3] Cathy A. Malchiodi, Creative Interventions with Traumatized Children 7-8 (The Guilford Press 2008); Child Welfare Information Gateway and Children's Bureau, Issue Brief: Understanding The Effects of Maltreatment On Brain Development 2 (2015).
[4] Id. at 6-7.
[5] J. Douglas Bremner, *Traumatic Stress: Effects on the Brain*, 8 Dialogues in Clinical Neuroscience, No. 4, 2006, at 445.
[6] Jim Casey Youth Opportunities Initiative, supra note 2, at 4.
[7] Id.
[8] Child Welfare Information Gateway and Children's Bureau, supra note 3, at 9.
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[10] Id.
[11] Id.
[12] Maura McInerney & Amy McKlindon, Education Law Center, Unlocking the Door to Learning: Trauma-Informed Classrooms & Transformational Schools (2014), *available at* http://www.elc-pa.org/resource/unlocking-the-door-to-learning-trauma-informed-classrooms-and-transformational-schools/.
[13] National Scientific Council on the Developing Child, *Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience*, (Harvard University Center on the Developing Child Working Paper No. 13, 2015), *available at* http://developingchild.harvard.edu/resources/supportive-relationships-and-active-skill-building-strengthen-the-foundations-of-resilience/.
[14] Safe Start Center, Tips for Staff and Advocates Working with Children: Polyvictimization, Office of Juvenile Justice and Delinquency Prevention, *available at* http://ojjdp.gov/programs/safestart/TipSheetFor_Polyvictimization.pdf.
[15] Susan F. Cole, et al., Trauma and Learning Policy Institute, Helping Traumatized Children Learn: Supportive School Environments for Children Traumatized by Family Violence (2013).
[16] National Scientific Council on the Developing Child, supra note 13.
[17] Id. at 5.
[18] Id.
[19] Id.
[20] Id.

Special Education and Foster Youth

Foster youth qualify for special education services at least twice as often as other student populations.[1] They change schools more frequently, are placed in more restrictive education settings, and have poorer quality Individualized Education Programs ("IEP") than their non-foster care peers.[2] Because foster youth may not have stable advocates at home, schools must be sensitive to their distinct needs in order to provide them with a free and appropriate public education ("FAPE").

CHILD FIND/ASSESSMENTS

Schools have an independent duty to identify students who may be eligible for special education services. Because foster youth experience instability at home, caregivers or ERHs may miss signs that a youth is struggling with a disability. Best practice is to train teachers, counselors, and other personnel to look for warning signs that a foster youth has a suspected disability and could benefit from special education services. Warning signs include: (1) poor grades; (2) withdrawal or depression; (3) acting out or disciplinary problems; (4) poor attendance; (5) inattention or failure to complete work; or (6) social skills deficits or failure to make friends. In addition, adults in a foster youth's life can make a referral for special education services (e.g., caregivers, ERHs, social workers, mental health providers). After an assessment is requested, school districts must either provide an assessment plan or a written refusal to assess within 15 calendar days. *Cal. Educ. Code §§ 56300-56330.*

CONSENT AND PARTICIPATION

For all foster youth with disabilities (or those suspected of having a disability), it is crucial to identify an appropriate ERH. ERHs must: (1) consent to assessments, (2) attend/meaningfully participate in all IEP meetings, and (3) consent to the IEP document.

Determining ERHs: If you do not know who holds education rights or are unable to reach the ERH after multiple attempts, call the youth's social worker/probation officer. Under limited circumstances, a school may appoint a "surrogate parent" to participate/consent. See **Education Decision Makers for Foster Youth**.

IEP Meeting Participants: Foster youth have other people serving them who may contribute to an IEP meeting including a non-ERH caregiver, social worker, or outside mental health professional.

Cal. Educ. Code §§ 56021.1, 56043, 56055, 56341, 56342.5.

IEPS AND SCHOOL TRANSFERS

Foster youth instability contributes to a high number of school transfers.

Upon Enrollment: Screen foster youth for prior special education services. If anyone in the youth's life (including the youth) reports that there is an IEP, immediately locate the most recent special education records and provide comparable services to those received in the prior IEP. Schedule an IEP meeting within 30 days to discuss the youth's education program and make any needed modifications. See **Requesting Education Records**.

Upon Disenrollment: When a youth leaves the school, collect feedback from teachers and other service providers about current progress towards IEP goals. Within two days of disenrollment, forward all special education records, including all IEPs and assessments, to the new school. See **Disenrolling Foster Youth and Forwarding Education Records**.

IEPS AND SCHOOL DISCIPLINE

Foster youth have high rates of mental health and behavioral disabilities caused by the abuse and neglect they suffer. See **Trauma Related Needs of Foster Youth**. This often leads to both special education eligibility and disciplinary measures being taken against them. If a youth with an IEP is suspended for ten days in a school year or a pattern of suspensions that exceeds ten days, the youth is entitled to a "manifestation determination" IEP meeting to determine whether the behavior leading to the suspension was related to the student's disability or the school's failure to implement the IEP. If the behavior was substantially related to the youth's disability, or caused by the school's failure to implement the IEP, the student cannot be further disciplined. Best practice includes determining whether further assessments and/or a modification in the youth's services are necessary to address the unmet need. A representative from the local child protective services agency must be invited to the manifestation determination meeting. *Cal. Educ. Code § 48915.5*. See **Disciplinary Challenges of Foster Youth**.

[2] The Invisible Achievement Gap, Part 1
[3] Sarah Geenen & Laurie Powers, Fostering Futures Project, *Are We Ignoring Foster Youth with Disabilities?* 51 Social Work, No. 3, 2006.

Disciplinary Challenges of Foster Youth

While schools often need to take formal disciplinary action to protect the safety of everyone on campus, foster youth are subject to disproportionate levels of school discipline due to unmet mental health needs caused by the trauma and abuse they experience. See **Trauma Related Needs of Foster Youth**. Law and best practice require schools to attempt to modify behavior through other interventions before more formal disciplinary actions or involuntary school transfers are made.

Indicators of Need

Poor Grades and/or Standardized Test Scores: Foster youth change placements regularly and often lack a consistent adult identifying their education deficits, including undiagnosed disabilities.[1] Youth may act out in frustration or to hide their academic deficits.

Defiance of Authority and Extreme Emotional Reactions: Foster youth are twice as likely as war veterans to suffer from post-traumatic stress disorder or other mental health conditions that cause anxiety, irrationality, irritability, and aggression.[2]

Inappropriate Peer Interactions: Foster youth often struggle to establish appropriate social boundaries and may be negatively influenced by peers due to abuse/neglect and a lack of long-term healthy relationships.

Best Practices for Addressing Disciplinary Challenges

STEP 1

Enroll in Comprehensive School: Foster youth with disciplinary challenges, including those with prior or current delinquency involvement, have a right to attend their local comprehensive school. *Cal. Educ. Code §§ 48645.5, 48853.5(d)(4)(B).* See **Enrolling Foster Youth**. Among other advantages, these schools provide crucial opportunities to enhance positive student engagement (e.g., sports, clubs, tutoring). This is particularly important for foster youth who lack outside opportunities to participate in these activities. Placement in alternative school settings often leads to reduced participation in school, access to supports needed to improve problem behaviors, and likelihood of successful high school graduation. If suggesting a voluntary change to an alternative school, see **Voluntary Transfer of Students out of Comprehensive Schools**.

STEP 2

Identify Needs and Gather Information Early: Disciplinary challenges may be obvious at enrollment or may reveal themselves later. Early and consistent communication with the youth and the adults in their life (e.g., ERH, caregiver, social worker, youth's legal representative) will ensure a quick response when reaching out for assistance. Gathering necessary education records will help identify the youth's triggers and both successful and unsuccessful interventions attempted in the past. See **Requesting Education Records**.

STEP 3

Meet and Create an Intervention Plan: When youth first begin to demonstrate disciplinary challenges, quickly bring together a team of all key individuals (e.g., youth, ERH, caregiver, social worker/probation officer, legal representative for the youth, mental health providers, relevant school personnel). Encourage the youth to share their struggles and solutions or supports they feel would help them. Other participants should discuss their experiences working with the youth with a focus on meeting the youth's needs moving forward. For example, identifying triggers for poor behavior and prior successful interventions is more productive than lecturing the youth about each of their past suspensions. Identify available school and outside resources and interventions and determine who will be responsible for implementing them. See **Discipline Intervention Idea Bank**. If participants are unable to attend in person or by phone, encourage them to submit input in writing. Complete the **Discipline Intervention Plan**.

STEP 4

Track Intervention Effectiveness and Regularly Check In: Use the **Discipline Intervention Plan** to track the provision and success of interventions. If services become unavailable, or prove ineffective in meeting the needs of the youth, reconvene the team to discuss new interventions and update the **Discipline Intervention Plan** as necessary. Document ineffective interventions to demonstrate when more intensive services or alternative disciplinary actions are warranted. *Cal. Educ. Code § 48900.5.*

[1] In one study, 65% of foster children experience seven or more school changes (K-12). Peter J. Pecora et al., Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, Casey Family Programs 35 (2005), *available at* http://www.casey.org/northwest-alumni-study/.
[2] Id.; Melinda Smith & Jeanne Segal, Post Traumatic Stress Disorder: Symptoms, Treatment and Self-Help for PTSD (helpGuide.org 2014), *available at* http://www.helpguide.org/mental/post_traumatic_stress_disorder_symptoms_treatment.htm (last visited Oct. 9, 2014).

STEP 5

Special Education (If Needed): If interventions fail to bring about positive change, consider whether special education assessment, placement, and/or services may be appropriate. See **Special Education and Foster Youth**.

STEP 6

Hold Meeting to Consider Potential Voluntary Change to Alternative School Program (If Needed): In rare instances, a youth may be better served at an alternative school site (e.g., continuation school, independent study program, community day school). Continuation school transfers may only be used to promote the educational interests of the youth (e.g., cannot be used to address truancy or required as a form of discipline). If suggesting a voluntary change to an alternative school, inform the ERH of their right to a meeting to weigh their options. The transfer may only occur with the informed, written permission of the ERH. See **Voluntary Transfer of Students out of Comprehensive Schools**.

STEP 7

Formal Discipline and Involuntary Transfers (If Needed): Foster youth are disproportionately impacted by all forms of school discipline and are disproportionately represented in alternative school settings. If a youth has not responded to positive interventions or other alternatives, and has committed an act that is subject to formal discipline under the law, there are some key ideas to keep in mind when applying formal disciplinary procedures to them:

ERH: Most formal disciplinary actions require notification of an ERH. Unless you have received formal notification from the court about who the ERH is, do not assume that it is the caregiver. If notification is provided to the wrong person, discipline proceedings may be improper and overturned. See **Education Decision Makers for Foster Youth**.

Notification of Legal Representative for the Youth and Social Worker/Probation Officer: If a foster youth is being considered for expulsion or suspension for the remainder of the semester, inform the legal representative for the youth and social worker/probation officer.

Involuntarily Enrolling Any Youth in an Alternative School Setting: Foster/probation youth can only be forced to attend a continuation school, adult school, or independent study program in the following circumstances:

1. **Continuation Schools:** All three conditions must be met: (1) they have committed an act enumerated in California Education Code Section 48900 or have been habitually truant or irregular in attendance; (2) other means have failed to bring about student improvement; and (3) a formal hearing has occurred. The final decision to impose the involuntary assignment cannot be made by or involve any staff from the current school.
2. **Community Day Schools:** Any of the three conditions must be met: the youth has been (1) formally expelled and provided with all due process rights; or (2) referred by probation pursuant to Sections 300 and 602 of the California Welfare and Institutions Code; or (3) referred by a school attendance review board.
3. **Independent Study Programs:** Prior to starting an independent study program, the youth's ERH must sign an agreement that describes the school and/or district's independent study policies, outlines the duration and scope of the proposed independent study program, including its learning objectives, and explicitly states that independent study is strictly voluntary.

Cal. Educ. Code §§ 48432.5, 48662, 48853.5(g), 48900, 51747, 51749.5, 51749.6.

Discipline Intervention Idea Bank

Student's Name: _____ D.O.B.: _____

If Student Exhibits:

Defiance and Extreme Emotional Reactions

Example: Talks back to teachers, has angry outbursts.

Try This Intervention:

- [ ] Behavior Support Plan. Approach youth in a calm manner, present options when possible.
- [ ] Allow for a "cooling off" period when a student becomes upset. Allow them to do a lap around the building with a teacher.
- [ ] Teach specific coping methods for dealing with anger (deep breathing, counting to 10, walking away).
- [ ] School-based counseling. Give the youth a weekly, daily, or "as-needed" opportunity to speak with a trusted adult on campus.
- [ ] Develop a signal with the student to alert teachers and administrators when they are having a bad day.
- [ ] _____
- [ ] _____

If Student Exhibits:

Inappropriate Peer Interactions

Example: Regularly participates in off-task behavior with a group of peers.

Try This Intervention:

- [ ] Group-based counseling. Support youth to develop positive social relationships and social skills.
- [ ] Participation in group extracurricular activities. This will give the youth an opportunity to interact with peers in the pursuit of a positive goal.
- [ ] Teach social scripts. Have a counselor meet with the youth to role play different scenarios with peers and to plan pro-social ways to respond to them.
- [ ] _____
- [ ] _____

If Student Exhibits:

Poor Grades and/or Standardized Test Scores

Example: Not passing a class, or scoring "below basic" on the state standardized test.

Try This Intervention:

- [ ] School-based tutoring
- [ ] Assistance with organization skills from a peer or counselor
- [ ] Remedial classes
- [ ] _____
- [ ] _____

Additional Notes:

_____

Consider a special education assessment to determine if additional services and supports are appropriate. Consult a school psychologist or see **Special Education and Foster Youth** for more information.

Discipline Intervention Plan

Student's Name: _____ D.O.B.: _____

EXAMPLE	BEHAVIOR 1	BEHAVIOR 2	BEHAVIOR 3
Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency
Physical and verbal conflict with peers during passing periods 3-4 times per week including shoving, name calling, using profanity			
Interventions	Interventions	Interventions	Interventions
School counselor will meet with student to: (1) discuss appropriate behavior in the halls; (2) practice social scripts of appropriate peer interactions			
Start Date/Frequency of Service	Start Date/Frequency of Service	Start Date/Frequency of Service	Start Date/Frequency of Service
9/15/14, 2 times per week for 30 min. each session for 3 months			
Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person
Mrs. Sanchez, School Psychologist			
Outcome	Outcome	Outcome	Outcome
Counselor met with student 22 times over 12 weeks. Student was responsive to intervention. Student reduced number of peer conflicts during passing periods to 1 per week. It is recommended that this service continue until youth has no conflicts with peers over a 1 month period.			

Download this tool

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Effects of Child Abuse and Neglect on Young Children

In California, children between the ages of 0-5 made up 46% of substantiated cases of abuse and neglect in 2013. The most rapid development of children's brains occurs during these years.[1]

Adverse experiences, such as child abuse and neglect, can interfere with normal brain development. See **Trauma Related Needs of Foster Youth**. Over half of 1-5 year olds in foster care are identified as having developmental concerns.[2] If left untreated, these developmental delays can become learning disabilities, disruptive behaviors, attention deficits, depression/anxiety disorders, and attachment disorders.[3] Early intervention and education can remediate developmental delays and help prepare children to enter kindergarten ready to learn.

The Benefits of Investing LCFF Efforts on Preschool Aged Foster Children

Although LCFF applies to K-12 youth, an investment of district LCFF dollars in early education programing and services for foster youth ages 3-5 will ensure that children entering kindergarten will have the pre-academic and social/emotional/behavioral skills to be successful.

Of the eight state priorities that school districts must address in their LCAP, four are particularly relevant for preschool aged children.

STUDENT ACHIEVEMENT

Students who attend a quality preschool program are 40% less likely to repeat a grade or require special education services.[4] In addition, children who attend preschool score, on average, higher on cognitive measures.[5] In addition, research has shown high quality preschools can significantly narrow or even close the achievement gap between English language learners and their English speaking peers by the start of kindergarten.[6]

STUDENT ENGAGEMENT

Children who participate in early education are more socially and emotionally prepared when entering kindergarten.[7] They demonstrate increased motivation and interest in their education and are less likely to fall behind by the time they reach 3rd grade.[8] Early education also increases student attendance rates and decreases chronic absenteeism and dropout rates.[9] High school graduation rates for students who participated in a quality preschool program are over 10% higher compared to students who began their education in kindergarten.[10]

PARENTAL INVOLVEMENT

The earlier parents are involved in their child's education, the likelier they are to stay involve in the long run.[11] Further, studies demonstrate that parental involvement and positive student achievement reinforce each other. For example, early involvement by a parent or caregiver has been found to positively influence achievement of kindergarten students, which in turn increases motivation rates of first grade students.[12] Parents of highly motivated and high achieving children are more likely to continue their involvement in their child's education.

SCHOOL CLIMATE

Start Early: Students in positive school climates feel safe at school, connected to peers, and supported by teachers and staff. This is especially important for foster children who have experienced trauma and who may not have a nurturing support system outside of school. See **Trauma Related Needs of Foster Youth**. Creating this climate early in the preschool setting will ensure children feel highly connected to their schools as they enter elementary school.[13]

School Discipline and Preschool: Preschool children experience formal and informal school discipline at higher rates than their K-12 counterparts.[14] When a preschool-aged child is suspended or expelled, they are excluded from receiving the behavioral and social-emotional supports necessary to help them prepare for kindergarten. In addition, pushing a young child out of their preschool can cause disabilities to go unaddressed at a critical time for early interventions. Further, research has shown a decades-long trend of disproportionally suspending and expelling young boys of color.[15]

Young students who are suspended or expelled experience higher levels of grade retention, have negative attitudes toward school, higher rates of dropping out, and even face higher rates of incarceration.[16] Schools can improve their school climate by developing policies that eliminate or severely limit exclusionary disciplinary practices for young students. They can also invest in teacher training and support around social-emotional development, positive behavior interventions, and access to early childhood mental health and behavioral specialists.

Sample LCAP Goal and Activities for Preschool Aged Children

GOAL: Ensure incoming kindergarten students in foster care (including students with disabilities) have access to high quality and developmentally appropriate pre-school programs.

Related State and/or Local Priorities: Student Achievement, Student Engagement, Parental Involvement, School Climate

Identified Need: Foster children experience high rates of disruption and trauma in their early lives which prevents them from developing the foundational pre-academic and social-emotional skills necessary to be successful in kindergarten and beyond. Ensuring foster children have access to high quality early education programs helps them be better prepared academically and socially for kindergarten.

LCAP YEAR 1: EXPECTED ANNUAL MEASURABLE OUTCOME

District will have policies and systems in place to identify preschool aged foster children living within their district boundaries and increase their enrollment in early education setting settings by 25%.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Establish policy and data infrastructure necessary to identify and increase enrollment of foster children in early education programs: (a) collaborate with and enter into MOUs with county child welfare agency to share information to identify preschool aged foster children living within district boundaries; (b) collaborate with and enter into MOUs with geographically close early education programs not run by the district, to ensure foster children are provided with priority enrollment, as required by state law, into their available spots and develop a plan to increase the number of spots available for foster children; (c) develop policies to ensure priority enrollment of foster children in district run early education programs, as required by state law; (d) develop a data system to track the type of education programs foster children enroll in and at what frequency; and (e) develop policies/practices to ensure foster children attending early education programs receive the academic and socio-emotional supports necessary to be successful.	District-level liaison and oversight staff
Increase identification and enrollment of foster children in early education programs by ensuring they have access to necessary education and counseling services. Ensure that at least 25% of foster children have access to necessary education and counseling services, including: (a) pre-academic support services including tutoring, academic enrichment programs, and summer/intersession programs; and (b) socio-emotional and behavioral support services including trauma-informed mental health services.	District-level liaison and oversight staff; sufficient counselors to serve at least 25% of foster youth at ratio no higher than 1:25

LCAP YEAR 2: EXPECTED ANNUAL MEASURABLE OUTCOME

50% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Increase identification and enrollment of foster children in early education programs by: (a) filling all available early education slots; and (b) ensure at least 50% of foster children have access to necessary education and counseling services as described in Year 1.	District-level liaison and oversight staff; sufficient counselors to serve at least 50% of foster youth at ratio no higher than 1:25
Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.	District-level liaison and oversight staff

LCAP YEAR 3: EXPECTED ANNUAL MEASURABLE OUTCOME

75% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Increase identification and enrollment of foster children in early education programs by: (a) filling all available early education slots; (b) identify funding and other advocacy methods to increase the number of early education spots by 25% for foster children in district run programs; and (c) ensure at least 75% of foster children have access to necessary education and counseling services as described in Year 1.	District-level liaison and oversight staff; sufficient counselors to serve at least 75% of foster youth at ratio no higher than 1:25
Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.	District-level liaison and oversight staff

Transition from Early Intervention to Special Education Services at Age 3

Early Intervention Services

Part C of the Individuals with Disabilities Education Improvement Act ("IDEIA") and California Early Intervention Services Act govern early intervention services for infants and toddlers zero through three years old. Under the Child Abuse Prevention and Treatment Act ("CAPTA"), infants and toddlers with substantiated cases of abuse and neglect must be screened for Part C services. In California, regional centers provide early intervention services under the supervision of the Department of Developmental Services. These services include infant development, center based services, speech and language services, physical or occupational therapy, and other services designed to help children meet their developmental milestones. Milestones are skills that children typically develop by a certain age (e.g., sitting up by six months, talking by age two).

20 U.S.C. §1433 et seq.; 42 U.S.C. § 5106(a); Cal. Gov't Code § 95000 et seq

Overview of the Transition

Before age three, children who are receiving early intervention services through the regional center and who may be eligible for special education services must be transitioned to their school district. See **Special Education and Foster Youth**. Regional centers and school districts must coordinate and hold a transition Individualized Family Service Plan ("IFSP") meeting at least three to six months before the child's third birthday to ensure there is no gap between early intervention services that end on the day before the child's third birthday and special education services that start on the third birthday.

Cal. Educ. Code § 56426.9; 17. C.C.R. § 52112.

Best Practices for Ensuring a Smooth Transition

STEP 1

Coordinate with local regional centers: The regional center must notify the school district of potentially eligible preschool-aged children. Identify the regional center staff who make referrals, connect them to school district staff who will process these referrals, and ensure they maintain regular communication. This is especially important for children whose third birthday falls during a scheduled school break (e.g., summer).

STEP 2

Gather all early intervention records: Records must be reviewed to identify all areas of suspected disability and determine which assessments are necessary. Assessors should also review relevant records as part of the assessment process. Relevant records will include: (1) evaluations/assessments that review the child's developmental needs; (2) IFSPs that outline services provided to the child; and (3) interdisciplinary notes that show what actions the service coordinator has taken on the child's case. Requested records must be received within five business days of a request.

STEP 3

Schedule and attend the transition IFSP: A school district representative must attend each transition IFSP to discuss the special education process with the education rights holder. During the meeting, gather input from the regional center and education rights holder regarding the child's development.

STEP 4

Develop assessment plan and conduct assessments: An assessment plan may be developed at the transition IFSP meeting. If not developed at that time, send an assessment plan to the education rights holder with enough time to ensure assessors conduct their assessments and hold an Individualized Education Program ("IEP") by the child's third birthday.

STEP 5

Develop the IEP: An IEP must be developed at a meeting with the entire IEP team by the child's third birthday, even if the birthday falls during a scheduled school break. Plan ahead to ensure the IEP is created on time by ensuring staff are available to complete assessments and hold the meeting prior to the school break.

STEP 6

Implement the IEP: If the child is eligible, all placements, services, and supports under the IEP must begin on the child's third birthday, unless the birthday falls during a scheduled school break. In that case, the IEP must be implemented on the first day of school following the break.

Early Care and Education Options for Young Children in Foster Care

The Importance of Preschool

All children benefit from attending a high-quality early care and education program to develop skills that contribute to school success, regardless of whether they have a developmental delay. Both federal and state subsidized early care and education programs are available to foster children.

Federal Early Head Start and Head Start Programs

Head Start programs are free programs that provide comprehensive early education and development classes. Early Head Start programs serve children ages 0-3. Head Start programs provide part-day or full-day programs for children ages 3-5. To find an Early/Head Start program near you, call 1-877-773-5543 or visit the **Head Start Directory**.

Enrolling: Children in foster care are eligible for Head Start regardless of their caregiver's income and get priority enrollment points. Make sure to identify the child as in foster care and ensure they are given priority enrollment.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).

State Child Care Programs

The California Department of Education ("CDE") offers subsidized child care to families using two different methods: vouchers and slots.

Vouchers: The Alternative Payment Program provides families with vouchers that can be used at a variety of settings including licensed child care centers, licensed family child care homes, and with license-exempt child care providers.

Slots: Families may also obtain a child care slot directly in a child care program administered by the CDE, including Child Care and Development Centers, General Child Care Programs, and State Preschool Programs.

Enrolling: Children in foster care are always eligible for child care programs administered by the CDE, regardless of their caregiver's income, and get first priority for enrollment. Make sure to identify the child as a foster child during enrollment and ensure they are given the first available opening.

For information about state child care programs contact 1-800-KIDS-793 or visit California Child Care Resource and Referral Network. To find out who provides these programs in your area visit the **Resource and Referral County Listing**.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).

State Preschool Programs

State Preschool Programs are free part-day and full-day child development programs for low-income children ages 3-4. The program is administered through local educational agencies, colleges, community-action agencies, and private nonprofit agencies. To find out who provides these programs in your area visit the **Resource and Referral County Listing**.

Enrolling: Children in foster care are automatically eligible for state preschool programs regardless of their caregiver's income and get first priority for enrollment. Make sure to identify the child as in foster care and ensure they are given the first available opening.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a)

Transitional Kindergarten ("T-K")

Transitional kindergarten programs are run by local educational agencies and are available for all children, including children in foster care. T-K is a two year program. The first year provides students with extra time to develop foundational skills needed for success in school within an age- and developmentally-appropriate setting. It is designed for students who turn 5 years old between September 2 and December 2. Districts and charter schools also have the option of allowing a child who will turn 5 at any time during the school year to attend transitional kindergarten from the beginning of the school year, even if their birthday is after December 2.

Cal. Educ. Code § 48000(c)(3)(B).

Mental Health Needs of Infants and Toddlers in Foster Care

Young children in the foster care system are repeatedly traumatized. They suffer abuse and neglect that brings them into contact with the system, are removed from their biological homes, and sometimes change placements several times. See **Trauma Related Needs of Foster Youth.** These traumas have a lasting impact on their lives. Mental health services improve outcomes and minimize the impact of trauma. Primary caregivers teach young children to regulate their emotions and cope with stress. Healthy attachment is often disrupted for foster children. Mental health therapies teach children coping skills and help them attach to a caregiver, allowing them to form close and secure interpersonal relationships throughout their lives. Attachment provides a sense of security that allows the child to be in the optimal state for exploration and learning.

Signs that Zero to Five Year Olds Need Mental Health Services

INFANTS AND TODDLERS

- Physical symptoms (e.g., poor weight gain, slow growth)
- Delayed development (e.g., speech delay)
- Inconsolable crying
- Sleep problems
- Aggressive or impulsive behavior
- Paralyzing fears

PRESCHOOLERS

- Withdrawn and/or isolated from peers
- Aggressive behaviors
- Self-destructive behaviors
- Developmental delays

Best Practices for Early Education/ Preschool Suspensions and Expulsions

Aggressive or inappropriate classroom behaviors are often a sign that the child needs behavioral or mental health services. Pushing children to another program or expelling them will delay their ability to access necessary interventions. Instead, work with a child's social worker to explore community and school-based mental health services, including considering a referral for special education services.

Evidence-Based Programs for Zero to Five Year Olds[17]

The list below is not exhaustive. Local county offices of mental health or social services will likely have a list of available services for children zero to five years old in your geographic area. Contact your child's social worker to request a referral for these services.

CHILD PARENT PSYCHOTHERAPY ("CPP")

Treatment where parent and child (0-5) work to restore the relationship that has been damaged by trauma.

TRAUMA FOCUSED COGNITIVE BEHAVIORAL THERAPY

Addresses symptoms of depression, anxiety or other significant emotional/behavioral disturbance caused by a traumatic event (3+).

POSITIVE PARENTING PROGRAM ("TRIPLE P")

Parent/caregiver sessions to increase knowledge and skills in addressing social, emotional, behavioral and developmental problems of children (0-5).

PARENT CHILD INTERACTION THERAPY ("PCIT")

Therapist observes through a one-way mirror and coaches parent (using a "bug in the ear") during play with child in order to change negative parent/caregiver-child patterns (2-8).

Intensive Treatment Programs

WRAPAROUND

A specially trained team provides interventions that are family-driven and family-strengths focused. The goal is to wrap supportive services around the child and family in order to return and maintain the child with their family in the community.

FULL SERVICE PARTNERSHIP ("FSP")

Program designed to address the needs of a family whose child is experiencing significant emotional, psychological or behavioral problems which negatively impact their well-being. A team approach provides a comprehensive package of tools and solutions that allow children and their families to succeed on their own.

Section Endnotes

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[17] Working list of the Los Angeles Dep't of Mental Health, Birth to Five Collaborative, Serv. Area 7 (December 2012) (on file with the Alliance for Children's Rights).

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Partial Credit Model Policy

Foster youth who transfer schools mid-semester have a right to receive full or partial credits, based on seat-time, for all work satisfactorily completed before transferring schools. Upon receiving notification that a foster youth is transferring schools, a sending school must issue check out grades and full or partial credits on an official transcript. The receiving school must accept all check out grades and credits, apply them to the same or equivalent courses, and immediately enroll foster youth in the same or equivalent classes as they were enrolled in at the sending school. In order to comply with the law, school districts must issue partial credits pursuant to their own calculation method or use the Partial Credit Model Policy. *Cal. Educ. Code §§ 49069.5, 51225.2.*

Calculation Table for Districts with Semesters of Equal Length

# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS EARNED 5 CREDITS/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

Calculation Table for Districts with Semesters of Unequal Length

The above Calculation Table was designed for districts who have semesters of equal length. If your district coordinates it's semester break with the winter vacation, it is very likely that your semesters are different length (e.g., Semester 1 is 75 days and Semester 2 is 105 days). Please use the **Calculation Table for Districts with Semesters of Unequal Length** which will automatically calculate partial credits based on the length of your semesters. Please input the number of days in each semester, the tool will do the rest. Download this tool

Partial Credit Calculation Guidelines

LENGTH OF CLASS PERIOD

Class periods lasting 89 minutes or less count as 1 class period for purposes of calculating partial credits. Class periods lasting 90 minutes or more count as 2 class periods.

CREDITS PER GRADING PERIOD

The calculation formula provides for the awarding of either 1 or 5 credits per course for each grading period because most school districts statewide utilize these credit scales. The Calculation Tables can be used when youth transfer between school districts using different scales. The receiving school should convert the number of credits earned to match their own system and update the youth's official transcript accordingly.

ALTERNATIVE SCHOOLS

If a foster youth is enrolled in an alternative school setting (e.g., continuation school, independent study program, or adult school), that school must issue credits according to this partial credit model policy or its approved credit plan adopted pursuant to California Education Code Section 51225.3(b), if such plan provides for the awarding of partial credits.

For the full Partial Credit Model Policy Implementation Manual and more information visit **kids-alliance.org/partialcredits**. Created by CDE, CWC, CSBA, CWDA, County of Los Angeles Department of Children and Family Services, Sacramento County Office of Education, Seneca Family of Agencies, and ACR.

Sending School Procedures

STEP 1

Gather a list of all classes the youth is currently enrolled in and the corresponding graduation requirements. Inform each teacher of youth's impending transfer and anticipated last day of attendance.

STEP 2

Ensure teachers issue final grades based on all work completed as of the youth's last day of actual attendance.

A foster youth's grades may not be lowered because of absences caused by placement changes. If a youth was not properly disenrolled on their last day of actual attendance, the registrar/counselor should ensure that teachers do not penalize them for these additional absences.

STEP 3

Gather the youth's daily attendance record for each class and total the number of periods attended per class.

STEP 4

For each class in which the youth was receiving a passing grade, use the Calculation/Conversion Table to determine how many credits were earned based on the number of class periods attended and the length of each class period.

If a class period is longer than 90 minutes, each period attended equals two periods for purposes of calculating partial credits.

STEP 5

Complete the **Student Withdrawal Report**, including the partial credit log, and add all grades and credits earned to the youth's official transcript within two business days of transfer.

STEP 6

Complete and forward the **Student Withdrawal Report** and official transcript to receiving school within two business days of receiving school's request for records.

Receiving School Procedures

STEP 1

Request all records from sending school within two business days of a foster youth's enrollment.

STEP 2

Review **Student Withdrawal Report** and official transcript to determine whether sending school issued partial credits and check out grades for all classes in which the youth was enrolled.

STEP 3

If missing any check out grades or partial credits from any high school attended by the youth, send the **Receiving School Partial Credit Request Letter** to that school.

STEP 4

If partial credits were issued by a sending school using a different credit scale (e.g., 1 credit per grading period, rather than 5 credits), use the Calculation/Conversion Table to convert those credits to align with the receiving school's credit scale.

STEP 5

When transferring all grades and credits earned from previous high schools to the receiving school district's official transcript, include all check out grades and partial credits issued by the sending school, applying them to the same/equivalent courses.

If the sending school considered a class as satisfying a state graduation requirement, the receiving school must apply the partial credits to the same/equivalent course.

STEP 6

Enroll youth in the same/equivalent classes as those attended at the sending school. Same class means the exact same class (e.g., Chemistry for Chemistry). Equivalent class means a class meeting the same graduation requirement (e.g., if the receiving school does not offer Chemistry, a student can be enrolled in Earth Science which meets the same graduation requirement of physical science). If unclear as to which class is equivalent, contact sending school's registrar and ask for clarification. The receiving school may request a syllabus for any such class.

STEP 7

At the end of the current grading period, once final grades are posted, calculate the remaining partial credits owed based on the number of periods attended per class after the youth's enrollment in the receiving school. Add all grades and credits earned to the youth's official transcript.

Check out grades and partial credits previously awarded by the sending school for the current grading period should not be removed or averaged with the youth's grades and credits at the receiving school. Youth should be awarded credits and grades for all courses passed at the receiving school, even if the youth did not earn a passing grade or any partial credits at the sending school.

Student Withdrawal Report

School Name: _____ School District: _____

Registrar/Counselor Name: _____ Phone Number: _____

Student Name: _____ Date of Birth: _____ Age: _____ Gender: _____ Grade: _____

Student State ID #: _____ Permanent ID #: _____

Enrollment Date: _____ Withdrawal Date: _____ Last Day Attended: _____

Reason for Withdrawing: _____

Next School/District: _____

Partial Credit Log

Type of Grading Period: ◯ Semester ◯ Trimester Total # of Credits Available/Grading Period: ◯ 1 ◯ 5

Course Name	Corresponding Graduation Requirement	Check Out Grade*	# of Periods Attended	Length of Each Period	# of Credits Earned**

*If your district has semesters of equal length, use the **Calculation Table for Districts with Semesters of Equal Length**. If your district has semester of unequal length, use the **Calculation Table for Districts with Semesters of Unequal Length**.

** A check out grade is the final grade issued by an individual teacher based on youth's cumulative work over the entire grading period up until the last day of actual attendance, including exam scores, home and class work, participation, and attendance. Foster youths' grades may not be lowered for absences caused by placement changes, court appearances, or participation in court-ordered activities. Teachers should be informed of the last day of actual attendance so that they may issue proper check out grades.

Teacher Comments

Teachers can provide additional information that may be useful for the youth's teachers at the new school, including information on the strengths and weaknesses of the youth.

Course	Teacher Name	Comments

Signature of School Registrar/Counselor: _____ Date Official Transcript Issued: _____

Receiving School Partial Credit Request Letter

Date: _____

TO: Registrar/Counselor: _____ School: _____

Address: _____

Re: Check Out Grades and Partial Credits Request

Student Name: _____ D.O.B.: _____

Dear Registrar/Counselor: _____,

Please be advised that _____, a foster/probation youth, recently enrolled in _____. Following the student's enrollment, we sent a records request to _____ on _____. After reviewing the student's records, it appears that your school did not include check out grades and partial credits on the official transcript provided to our school.

Pursuant to Education Code Sections 48853.5 and 49069.5, sending school districts have a responsibility to award partial or full credit to foster youth for all work satisfactorily completed while in attendance, enter them onto an official transcript, and forward the updated transcript to the student's new school within 2 business days. In order to ensure that we enroll the student in the appropriate courses, we request that you work with the student's previous teachers and your school's registrar to determine the appropriate check out grades and partial credits.

Please compile, complete and forward to our school an updated transcript for the student, which includes all check out grades and partial credits. We look forward to working with you to ensure that the student receives the support he/she needs to succeed in school.

If you have any questions, please contact me at _____ or your district's AB 490 Education Liaison. Thank you in advance for your assistance.

Sincerely,

_____

School Registrar/Counselor

High School Graduation for Foster Youth: AB 167/216

Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.*

WHO QUALIFIES

AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.

TRANSFER SCHOOLS AFTER SECOND YEAR

To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.

GRADUATION OPTIONS

(1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless of the graduation option chosen, youth graduate receiving a normal high school diploma.

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 AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

NOTIFICATION REQUIREMENTS

The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation 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 enrollment. See **AB 167/216 Graduation Eligibility Notification Letter**. 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. Eligibility must be determined retroactively in these cases.

WHO DECIDES

Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.

MILITARY SERVICE

AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: KnowB4UGo.org.

***AB 167/216 graduation applies to any school operated by a school district, including adult schools.**

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

Best Practices for Determining AB 167/216 Eligibility

STEP 1

Upon receiving notification of a foster youth's enrollment in your school, gather complete transcripts, including partial credits, from all high schools the youth has attended.

If it appears that a student was not properly awarded partial credits by a previous school based on enrollment dates, attendance records, and check-out grades, send the Receiving School Partial Credit Request Letter. If you have any difficulties obtaining partial credits for the youth, contact your school district's AB 490 Liaison for assistance.

STEP 2

Determine whether a youth completed the second year of high school, based on length of enrollment or credits earned, whichever makes a youth more likely to qualify for AB 167/216 graduation. *Cal. Educ. Code § 51225.1(c).*

STEP 3

Conduct a graduation analysis according to your school district's graduation requirements to determine whether the youth can reasonably complete additional local graduation requirements within four years of high school. See **Eligibility & Credit Checklist** and **Eligibility Calculation Formula**.

STEP 4

If the youth cannot reasonably complete additional local graduation requirements, conduct a second credit analysis using state graduation requirements to determine which AB 167/216 classes the youth must complete.

STEP 5

Within 30 days of the youth's enrollment, provide written notification of the youth's eligibility for AB 167/216 graduation to the youth, their ERH, and social worker/probation officer. See **AB 167/216 Graduation Eligibility Notification Letter**.

Notification must outline: (1) the youth's right to remain in high school for a 5th year, depending on the ERH's decision; and (2) the potential impact of AB 167/216 graduation on college admissions.

STEP 6

If a youth's ERH or a youth over 18 decides it is in the youth's best interest to graduate under AB 167/216, ensure the youth is enrolled in the appropriate courses to complete state graduation requirements.
Review the **AB 167/216 Graduation: Eligibility & Credit Checklist** to determine which classes the youth needs to complete to graduate under AB 167/216.

AB 167/216 Graduation Requirements

AB 167/216 STATE GRADUATION REQUIREMENTS	EXAMPLE OF LOCAL SCHOOL DISTRICT GRADUATION REQUIREMENTS
English (30 credits)*	English (40 credits) • English 9 (10 credits) • English 10 (10 credits) • American Literature (10 credits) • Contemporary Composition (10 credits)
Math (20 credits) • Algebra 1 / Mathematics 1 (10 credits) • Other Math (10 credits)	Math (30 credits) • Algebra 1 (10 credits) • Geometry (10 credits) • Algebra 2 (10 credits)
Science (20 credits) • Biological Science (10 credits) • Physical Science (10 credits)	Science (30 credits) • Biological Science (10 credits) • Physical Science (10 credits) • Lab Science (10 credits)
Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • American Government/Civics (5 credits) • Economics (5 credits)	Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • Principles of American Democracy (5 credits) • Economics (5 credits)
Visual or Performing Arts, Foreign Language, or Career Technical Education (10 credits)	Foreign Language (20 credits) Visual & Performing Arts (10 credits)
Physical Education (20 credits)	Physical Education (20 credits)
Electives (0 credits)	Electives (50 credits)
TOTAL: 130 Credits	**TOTAL: 230 credits**

*Although the law references year long courses, we have included the number of credits required to complete the necessary number of year long courses here in acknowledgment that foster youth often must piece together partial credits from multiple courses to meet these requirements.

AB 167/216 Graduation: Eligibilty & Credit Checklist

Student Name: _____ DOB: _____ Current Grade: _____ Current Semester: _____ Current School/District: _____

SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits)			
Math (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits)			
Science (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits)			
Social Studies (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits) • _____ (_____ credits)			
Visual & Performing Arts (_____ credits)			
Physical Education (_____ credits)			
Applied Technology (_____ credits)			
Foreign Language (_____ credits)			
Electives (_____ credits)			
Total Credits:	**Credits Completed:**	**Credits Remaining:**	**AB 167/216 Credits Remaining:**

Eligibility Calculation

Total # of required school district credits remaining ÷ **Maximum # of credits earned by students each semester** = **# of semesters the student must complete to satisfy all local school district graduation requirements** IF > **# of semesters left before the student completes 4 years of high school** THEN → **Student is eligible for AB 167/216 graduation**

AB 167/216 Graduation: Eligibilty & Credit Checklist Sample

Student Name: Melissa Jones DOB: 3/1/96 Current Grade: 11 Current Semester: Spring Current School/District: Palm HS / Albany United

SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English (40 credits) • English 9 (10 credits) • English 10 (10 credits) • Contemporary Composition (10 credits) • English elective (10 credits)	English 9A: 5 credits English 10B: 5 credits Contemporary Composition: 5 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits English Elective: 10 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits
Math (30 credits) • Algebra 1 (10 credits) • Geometry (10 credits) • Algebra 2 (10 credits)	Algebra 1B: 5 credits Geometry: 10 credits	Algebra 1A: 5 credits Algebra 2: 10 credits	Algebra 1A: 5 credits
Science (30 credits) • Biological Science (10 credits) • Physical Science (10 credits) • Lab Science (10 credits)	Biology: 10 credits	Physical Science: 10 credits Lab Science: 10 credits	Physical Science: 10 credits
Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • Principles of American Democracy (5 credits) • Economics (5 credits)	World History B: 5 credits US History A: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits
Visual & Performing Arts (10 credits)	None	Visual & Performing Arts: 10 credits	Visual & Performing Arts: 10 credits
Physical Education (20 credits)	PE: 10 credits	PE: 10 credits	PE: 10 credits
Applied Technology (10 credits)	Applied Technology: 5 credits	Applied Technology: 5 credits	
Foreign Language (20 credits)	None	Foreign Language: 20 credits	
Electives (50 credits)	Electives: 20 credits	Electives: 30 credits	
Total Credits: 240	**Credits Completed:** 85	**Credits Remaining:** 155	**AB 167/216 Credits Remaining:** 70

Eligibility Calculation

Total # of required school district credits remaining	÷	Maximum # of credits earned by students each semester	=	# of semesters the student must complete to satisfy all local school district graduation requirements	IF >	# of semesters left before the student completes 4 years of high school	THEN →	Student is eligible for AB 167/216 graduation
155		30		5.2		3		

AB 167/216 Graduation Eligibility Notification Letter

Date: _____

TO: Education Rights Holder ("ERH"): _____ Probation Officer/ Social Worker: _____

Address: _____ Address: _____

_____ _____

RE: Name of Student: _____ Date of Birth: _____

Current High School: _____ Date of Enrollment: _____

Foster and probation youth in California have special rights to help them remain on track for high school graduation. Under Assembly Bills 167/216 ("AB 216"), foster/probation youth who are off track for high school graduation, and transfer after their second year of high school, may be eligible to graduate by completing the minimum state requirements if they are not reasonably able to complete all school district requirements by the end of their fourth year of high school. This includes completing 13 year-long courses. Students who graduate under AB 216 do not have to complete additional school district requirements, which generally range from 80-120 credits.

We have determined, and hereby certify, that the above named student ☐ **does** / ☐ **does not** / ☐ **has already been certified to** meet all requirements for AB 216 graduation.

The above named student has the following graduation options:

☐ Graduate by completing state requirements and accept AB 216 eligibility. Please note that there are advantages and disadvantages to graduating under AB 216. While a student may graduate with classmates and receive a regular high school diploma, they may sacrifice important learning opportunities that are necessary to succeed in higher education and employment. Students who graduate under AB 216 may not be eligible to apply directly to a California State University (CSU) or University of California (UC) school.

☐ Attempt to graduate high school at the end of the 4th year by completing all school district graduation requirements. Students may attempt to accomplish this by concurrently enrolling in a community college, continuation school, or independent study program.

☐ Remain in high school for a 5th year, and complete all additional school district graduation requirements. The right to a 5th year of high school applies even if the student will be 19 years old during that additional school year. The student will be allowed to remain at the local high school and will not be required to transfer to a continuation school, independent study program, or adult school to complete the 5th year.

☐ Remain in high school for more than 4 years pursuant to their IEP.

School Official: _____ Signature: _____ Date: _____

Please make sure to keep a copy of this certification letter for your records. If the student was not found eligible for AB 216 graduation, you or the student may request reconsideration of eligibility at any time. If the student was found eligible, this letter can be used at any future school to verify that the student is already certified as AB 216 eligible. The above named student retains the right to graduate under AB 216 even if they transfer schools again or their foster care/probation case closes before they receive their high school diploma.

Once the student's ERH has determined which graduation path to take, please notify us by checking the appropriate box below and returning this form. Please note that the school district cannot allow a student to graduate under AB 216 without receiving this document. An 18 year old student or their ERH can change their decision regarding graduating under AB 216 at any time until the student receives their high school diploma. Please note that regardless of whether or not a student elects to graduate under AB 216, a student has the right and obligation to attend school until age 18, with limited exceptions.

If you have any questions or concerns about AB 216 graduation, please contact the student's counselor. As the student's ERH, I choose to have the student:

☐ Graduate under AB 216 in 4 years

☐ Graduate under school district requirements in 4 years

☐ Graduate under school district requirements in 5 years

☐ Acknowledge eligibility but defer decision until a later date

Education Rights Holder: _____ Signature: _____ Date: _____
(or 18 year old Student)

Voluntary Transfer of Students Out of Comprehensive Schools

The majority of students who are voluntarily transferred by school districts out of their "regular" comprehensive high schools are sent to continuation schools. Continuation schools were created to serve as a safety net for students at-risk of dropping out by providing effective and individualized instructional programs with a wide variety of options to meet student needs. Today, there are approximately 460 continuation schools in operation across the state of California. Some of these programs meet the original intent for these schools, and are an effective avenue for high school completion for the youth who attend them. Each year the California Department of Education highlights several "model" schools that exemplify these values.[1]

Common Reasons Students are Transferred

Comprehensive schools seek to voluntarily transfer students to continuation schools for a variety of reasons, including credit deficiency, attendance problems, and behavioral issues.

Problematic Transfers

Voluntary transfers are problematic when they occur without meaningful participation of education rights holders ("ERHs") or continuation school staff, and without an informed, individualized determination of whether the transfer is in the student's best education interests. Without continuation school input into the best interests discussion, it is very difficult for many continuation schools to meet their original purpose of providing critical academic and support services that students need to succeed.[2]

Voluntary transfers are different from involuntary transfers in that ERHs choose a voluntary transfer after making a well informed decision about what is in the student's best interests. Involuntary transfers can occur, assuming other legal requirements are met, without an ERH's agreement. To learn more about involuntary transfers, see **Disciplinary Challenges of Foster Youth**.

Reversing the Tide

A recent study on continuation schools concluded that "careful identification and placement practices allow district offices and receiving schools to develop support services targeted to students' specific needs,"[3] which in turn lead to more positive student outcomes. Districts with the most successful outcomes for students utilize these practices. Assembly Bill 570 was enacted to spread these proven practices across the state. It mandates that districts create and utilize clear policies for the transfer of youth to continuation schools, including only allowing for a transfer when it is in the student's best education interests. The following pages provide districts with tools to help carefully develop and implement such policies that will, in turn, allow continuation schools to effectively serve these students once they arrive.

Overview of the Law

- Foster and probation youth have the right to immediately enroll in their local comprehensive school.
- Students cannot be voluntarily transferred to a continuation school unless their ERH determines that the transfer is in their best education interests. For more information on ERHs, see **Education Decision Makers for Foster Youth**.
- ERHs have the right to meet with both the transferring school and the continuation school before a voluntary transfer takes place to determine if transferring is in the student's best education interests.
- School districts must develop and consistently implement clear policies to determine which students to recommend for voluntary enrollment in a continuation school.
- Voluntary transfer policies must ensure that no group of students, including foster or probation youth, students of color, English language learners, or special education students, are disproportionately enrolled in continuation schools.
- Students who voluntarily transfer to a continuation school have the right to return to their comprehensive high school at the beginning of the following school year.

Cal. Educ. Code §§ 48432.3, 48432.5, 48850, 48852.7, 48853.

Disproportionality

Research demonstrates that several at-risk student populations are overrepresented in continuation schools in California,[4] in violation of the law:

- Continuation school students are three times more likely than students in comprehensive high schools to be in foster care or living with a relative other than a parent.
- Boys are disproportionately overrepresented in continuation schools. They represent 50% of statewide eleventh grade enrollment but 58% of continuation school enrollment.
- African-American and Latino students are also disproportionately overrepresented in continuation schools. They constitute approximately 50% of statewide eleventh grade enrollment but 66% of continuation school enrollment.
- Finally, English Language Learners are also disproportionately overrepresented in continuation schools. Only 14% of eleventh graders statewide are English Language Learners compared to 21% in continuation schools.

Foster and Probation Youth Disproportionality

School Instability and Mid-Semester Enrollment: When foster and probation youth move homes and schools in the middle of a semester, school districts often automatically enroll them in continuation schools, in violation of their rights. Foster and probation youth have the highest rates of school mobility, changing schools an average of eight times while in care.[5] As a result, they are disproportionately overrepresented in continuation schools: 17% of alternative school students move homes two or more times a year, compared with only 7% of students in comprehensive high schools.[6] For more information, see **Enrolling Foster Youth**.

High Needs: Foster and probation youth also have the highest education needs of all at-risk student populations. Only 58% of foster and probation youth graduate high school, compared with 84% of students statewide.[7] This discrepancy is due to the many unique challenges foster youth face. For example, foster youth experience high levels of school instability: only 68% of students in foster care attended the same school for the full school year compared to 90% of students statewide.[8] Foster and probation youth also present behavioral issues based on the trauma they have experienced: they are classified as "emotionally disturbed" at a rate five times higher than other students statewide.[9]

All of these challenges often lead to high rates of poor attendance and credit deficiencies.[10] Although foster and probation youth have a clear legal right to attend their local comprehensive school, these students are often pushed out to continuation schools due to these challenges. This push out can occur either when a student is enrolling mid-semester or at any other time throughout the school year. This further contributes to foster and probation youth disproportionality in continuation schools, in violation of the law.

Prior Interventions

Voluntary enrollment in a continuation school must be based on a determination that the continuation school can best serve the education needs of the student. Additionally, foster and probation youth have a clear legal right to attend their local comprehensive school unless their ERH agrees that attending another school is in their best interests.Before recommending a student transfer to a continuation school, best practices require that appropriate interventions first be implemented to address the student's needs. Interventions should be implemented for a sufficient amount of time to determine their effectiveness. If positive progress is not demonstrated, consider implementing new interventions. Only consider recommending a student for a voluntary transfer to a continuation school at the conclusion of this process.

Cal. Educ. Code §§ 48432.3(a),(b)(1).

Best Practices

STEP 1

Identify why the student is being recommended for transfer to a continuation school (e.g., credit deficiency, poor attendance). This information will be used to develop the **Prior Intervention Plan** in Steps 2 and 3 below.

Researchers discourage transfers to continuation schools to address behavioral challenges because the primary purpose of continuation schools is to serve credit deficient students with academic needs.[11]

STEP 2

Schedule a meeting with student's ERH and other key stakeholders to discuss what has been attempted in the past to assist the student and current options for intervention. See **Intervention Meeting Notification**.

STEP 3

At the meeting with the student's ERH, identify appropriate interventions using the **Prior Intervention Idea Bank** and the **Discipline Intervention Idea Bank**. Complete the **Prior Intervention Plan**.

STEP 4

Implement at least one appropriate intervention to address each reason the student is being recommended for a transfer using the **Prior Intervention Plan**.

STEP 5

Monitor interventions at regular intervals via the **Prior Intervention Plan** and record whether each intervention was successful or not. In order to be effective, interventions must be implemented consistently over a period of time (e.g., one to two months) and monitored frequently (e.g., once a week) to ensure that modifications can be made as soon as they are necessary.

Eligibility Criteria and Transfer Meeting

If interventions (as detailed in the previous steps) have been attempted for the recommended time period to address each area of concern for the student, but have not produced the desired improvements, consider whether transfer to a continuation school might be appropriate.

Best Practices

STEP 1

Establish clear criteria for when students will be recommended for transfer to a continuation school. These criteria must be based on: (1) the best education interests of the student; and (2) whether the options and opportunities offered at the continuation school will meet the student's needs.

These criteria must be applied uniformly and must be designed to ensure that no group of students is disproportionately enrolled in continuation schools.

Key considerations include:

Academics: How well can the continuation school support a student who is struggling with basic reading, writing and math skills or who is failing multiple classes? What about a student who is on an Honors or A-G college track?

Special Education: Does the continuation school offer the services required by the student's Individualized Education Program?

Behavior: How well can the continuation school support the behavioral and/or mental health needs of the student? What services are available and would they meet the student's needs?

Future Plans: What does the student want to do after graduation? Will a school transfer impact those plans? How well can the continuation school support the student in preparing for their post high school goals?

EXAMPLE OF CLEAR CRITERIA

If a continuation school is solely designed to help students who are credit deficient and thus off-track for high school graduation, transfer criteria could include that the student: (1) must be 20 or more credits off-track for graduation; (2) must have a minimum of 8th grade reading, writing and math skills; and (3) cannot have more than 2 entries in their discipline log in the past year.

EXAMPLE OF SERVICES TO MEET A STUDENTS NEEDS

For students fitting the above criteria, the continuation school could meet their needs by offering students: (1) an extended school day so that they can take a higher than average course load; (2) the option to take a normal course load plus online courses to recoup credits; (3) more individualized adult instruction in the form of small student to teacher ratio (15:1); and (4) teacher assistance afterschool to make up missing work.

STEP 2

If the student's school team feels like the student is not making enough progress on his/her **Prior Intervention Plan**, schedule a meeting by sending the ERH the **Transfer Notification**.

The Prior Intervention Plan team (which includes the ERH, student, and an administrator from the comprehensive school) and an administrator from the continuation school should meet and review interventions previously attempted and recorded using the **Prior Intervention Plan**. For each planned intervention, determine whether it was attempted and if it was successful.

If the interventions were not appropriately attempted, new interventions are needed, and/or enough time has not yet passed, the Prior Intervention Plan team should revise the plan. If the entire team, including the ERH and student, agree that appropriate prior interventions were attempted with fidelity and for an appropriate amount of time and the student continues to struggle on a comprehensive campus, it is time to consider a transfer to the continuation school.

Using the **Transfer Meeting Worksheet**, the team should review each criterion for transfer and determine if the student meets it. If the student meets all criteria, the team should then consider whether the student's best education interests can be met at the continuation school.

STEP 3

If the team (including the ERH) agree that the student's education interests are best served in a continuation school, establish clear criteria under which a student will become eligible to transfer back to a comprehensive school in the middle of the school year, and how often the student's eligibility will be reviewed. For more information, see **Right to Return to Local Comprehensive School**. Examples of such criteria include: (1) student is able to get within 10 credits of being on track for graduation; and (2) all grades are a C or above. Eligibility to return to the comprehensive school should be rechecked at each progress report/grading period.

Set a date (e.g., end of the semester, end of the school year) to reconvene and discuss whether the continuation school continues to serve the best education interests of the student, or if the ERH wants to send the student back to the comprehensive campus.

STEP 4

Given all factors discussed at the meeting, and as much time as needed to make a best interests decision, the ERH will then decide whether or not to agree to (and sign) the **Transfer Meeting Worksheet** changing the student's placement to a continuation school.

Best Practices

STEP 1

If the ERH consents to a voluntary transfer, the comprehensive school administrator must ensure the student has been accepted at the continuation school. The continuation school administrator must ensure the student will have access to all classes or programs at the continuation school that the transfer meeting participants determined the student would benefit from. These should have been identified on the Transfer Meeting Worksheet in **Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School**.

STEP 2

The district should work with the student's ERH to disenroll the student from the comprehensive high school, and ensure the student is awarded all full and partial credits earned. See **Partial Credit Model Policy**.

STEP 3

The continuation school administrator should help the ERH enroll the student at the continuation school. The district must ensure that the continuation school has an updated copy of the student's transcript and that the student is enrolled in the same/equivalent classes as at the comprehensive school (unless the student's ERH has determined that enrolling in different classes is in the student's best education interests).

The continuation school administrator should ensure that the student is enrolled in all the classes or programs that the transfer meeting participants determined the student would benefit from on the Transfer Meeting Worksheet in **Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School**. The district must ensure the continuation school has a copy of the student's complete education records within 1-2 business days of enrollment.

STEP 4

Continuation school staff working with the student should review the **Step 6: Return Plan** from the Transfer Meeting Worksheet, including the district criteria for moving the student back to the comprehensive campus, and the date chosen for the readmission discussion.

Right to Return to Local Comprehensive School

Students who are voluntarily enrolled in continuation schools have the right to return to their comprehensive school at the beginning of each school year. In addition, these students may return to their comprehensive school at any time during the school year if their ERH determines it is in their best interest and with the district's agreement.

Districts should develop criteria for mid-year return to the comprehensive school and notify students and ERHs of these criteria. For example criteria for mid-year return to the comprehensive school, see Transfer Meeting Worksheet, **Step 6: Return Plan** and **Right to Return Notification**. Continued enrollment in a continuation school past the original school year or semester it was intended for must be based on a determination by the ERH that the ongoing placement will promote the education interests of the student.

Best Practices

STEP 1

The continuation school should conduct a graduation check for the student at the end of each reporting period in which final grades are issued (e.g., semester or trimester grades) to determine the student's progress towards graduation using the **End of Term Graduation Check**.

If the continuation school does rolling credit accumulation, with a student earning grades at their own pace, decide how frequently an **End of Term Graduation Check** will be completed, ensuring it is done at least twice per school year.

STEP 2

The continuation school should document the student's compliance with their Return Plan and its recommendation of whether it is in the student's education interest to remain at the continuation school using the **End of Term Graduation Check**.

STEP 3

At the end of each reporting period in which final grades are issued (or however often the **End of Term Graduation Check** is completed), the continuation school must notify the ERH of the student's right to return to the comprehensive school using the **Right to Return Notification**.

STEP 4

A representative from the continuation school and the comprehensive school must meet with the student and ERH at the end of each reporting period in which grades and credits are issued (or however often the **End of Term Graduation Check** is completed) to discuss the student's **End of Term Graduation Check**, review the student's compliance with their Return Plan, and add any additional interventions into their **End of Term Graduation Check** that are necessary for the student to be successful and/or transfer back to the comprehensive high school. If there is agreement to return the student back to the comprehensive campus, follow the steps (in reverse) laid out in the Intake/Enrollment section above.

Section Endnotes

[1] News Release, California Department of Education, State Schools Chief Tom Torlakson Announces 2016 Model Continuation Schools (March 28, 2016), *available at* http://www.cde.ca.gov/nr/ne/yr16/yr16rel23.asp.
[2] Jorge Ruiz de Velasco & Milbrey McLaughlin, Raising the Bar, Building Capacity: Driving Improvement in California's Continuation High Schools. (Stanford University 2012), *available at* http://files.eric.ed.gov/fulltext/ED537702.pdf
[3] Jorge Ruiz de Velasco & Milbrey McLaughlin, *Alternative schools in California, in* Changing Places: How Communities Will Improve the Health of Boys of Color 140-155 (Christopher Edley Jr. and Jorge Ruiz de Velasco eds. 2010).
[4] Id.
[5] California Healthy Kids Survey 2006-2008, *available at* http://surveydata.wested.org/resources/CA_Agg_Upper_0608.pdf.
[6] The Invisible Achievement Gap, Part 1. Data from the Invisible Achievement Gap includes all foster youth but only suitably placed probation youth. There is currently no mechanism to collect data on all other probation youth. These statistics would likely be even worse if that additional data was available.
[7] Id.
[8] Id.
[9] Id.
[10] Ruiz de Velasco, *supra* note 2.
[11] Id.

Intervention Meeting Notification

Date: _____

TO: Education Rights Holder: _____

Address: _____

_____

RE: Name of Student: _____ Date of Birth: _____

Dear Education Rights Holder,

The above named student is demonstrating the following area(s) of concern in school:

☐ Credit Deficiency: student has completed _____ credits and needs _____ credits to graduate

☐ Poor Attendance: student has missed: _____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year

☐ Behavioral Challenges: Student is demonstrating the following behavioral challenges: _____

_____

☐ Other (specify): _____

_____

Due to these areas of concern, the school is considering recommending that your student attend _____, a continuation school. **Such placement would be voluntary and only after you have agreed it would be in the student's best interest.**

However, it is always our goal to serve students in their local, comprehensive school. We would like to hold a meeting to discuss what interventions we can implement, both at home and at school, to avoid a school transfer. As the student's education rights holder, your input is essential to this process.

We have scheduled a meeting for _____. Please contact _____ at: _____ to let us know if you can attend this meeting, or if you would like to reschedule the meeting at a time that is convenient to you. You may also invite anyone else you feel would have information relevant to this conversation (e.g., the youth's social worker, probation officer, therapist, clergy, caregiver, etc.).

We look forward to working with you.

Thank you,

_____

Prior Intervention Idea Bank

Student's Name: _____ D.O.B.: _____

Area of Concern:
Credit Deficiency

Example: Has failed 3 courses needed for graduation; is off-track 15 credits for graduation.

Try These Interventions:

- ☐ School based tutoring
- ☐ Assistance with organizational skills from peer and/or staff
- ☐ **Partial credit retrieval**
- ☐ Summer school enrollment
- ☐ Dual enrollment in continuation school (with ERH approval)
- ☐ Concurrent enrollment at a local community college
- ☐ **Consideration of AB 167/216 graduation option, if eligible**
- ☐ Remedial classes which teach fundamental English and/or Math skills to prepare students to complete high-school level coursework
- ☐ Special education assessment referral
- ☐ Enrollment in after-school online program

List other possible interventions regularly used in your district:

- ☐ _____
- ☐ _____
- ☐ _____

Area of Concern:
Poor Attendance

Example: Regularly misses whole school days (12 in the last semester) and individual class periods (32 periods in the last semester).

Try These Interventions:

- ☐ Identify reason(s) for student's attendance problem (e.g., lack of reliable transportation, social/peer problems at school, etc.) and connect student and their caregiver(s) with community partners to address these reasons
- ☐ School-based tutoring
- ☐ Mentorship with peers and/or staff
- ☐ Participation in group activities (e.g., extracurricular activities, clubs, sports, art/drama/music or other courses in areas of interest)
- ☐ Opportunities to make up missed work
- ☐ Tiered system of intervention[1]

List other possible interventions regularly used in your district:

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Area of Concern:
Behavioral Challenges

Example: Talks back to teachers on average 1 time/day; has angry outbursts on average 3 times/week; daily participates in off-task behavior with group of peers.

Try Interventions Listed in the Discipline Intervention Idea Bank:

List other possible interventions regularly used in your district:

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

[1] For more information and resources on implementing a tiered system of attendance interventions, please see http://www.attendanceworks.org/tools/schools/3-tiers-of-intervention/.

Prior Intervention Plan

Student Name: _____ Current Grade: _____ Date of Meeting: _____

STEP 1: Meeting Participants

Education Rights Holder(s) ("ERH") **Mandatory Participant**	☐ Present?	Name: _____
Student	☐ Present?	Name: _____
Caregiver(s), if different than ERH	☐ Present?	Name: _____
Social Worker/Probation Officer	☐ Present?	Name: _____
Foster Youth Counselor/Liaison	☐ Present?	Name: _____
Academic Counselor	☐ Present?	Name: _____
School Administrator	☐ Present?	Name: _____
Other	☐ Present?	Name: _____
Other	☐ Present?	Name: _____
Other	☐ Present?	Name: _____

STEP 2: Identify Issue(s) to be Addressed

☐ Credit Deficiency: student has completed _____ credits and needs _____ credits to graduate

☐ Poor Attendance: student has missed: _____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year

☐ Behavioral Challenges: Student is demonstrating the following behavioral challenges: _____

☐ Other (specify): _____

STEP 3: Identify Past Interventions Attempted by School or Others

Past Interventions Attempted: _____

Start/End Dates, Frequency, and Duration of Service: _____

Name/Position of Responsible Person: _____

Outcome: _____

Example Past Intervention: Summer school from 7/1/15-8/15/15; 60 minutes/day, 4x/week for 6 weeks; Mr. Smith (teacher); passed course with a D

STEP 4: Identify Interventions to Implement and Monitor

EXAMPLE	AREA OF CONCERN 1	AREA OF CONCERN 2	AREA OF CONCERN 3
Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency
Student is in danger of failing three classes			
Interventions	Interventions	Interventions	Interventions
Counselor will enroll student in after-school peer tutoring			
Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration
2/15/16, 2 times per week for 30 minutes each session for 2 months			
Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person
Mrs. Sanchez, School Counselor			
Outcome	Outcome	Outcome	Outcome
Peer tutor met with student 14 times over 8 weeks. Student was responsive to intervention. Student improved grades in two classes from F to C. It is recommended that this service continue until student is receiving passing grades in all courses.			

ERH Consent (please initial the appropriate option):

_____ I agree with the proposed plan.

_____ I agree with the proposed plan with the exception of: _____

_____ I disagree with the proposed plan.

ERH Signature: _____

Student Signature: _____

Comprehensive School Administrator: _____

Transfer Notification

Date: _____

TO: Education Rights Holder: _____

Address: _____

_____

RE: Name of Student: _____ Date of Birth: _____

Dear Education Rights Holder,

We are contacting you about the above named student because the student has been recommended for voluntary transfer to a continuation school. The above named student is experiencing the following areas of concern in school:

- ☐ Credit Deficiency: student has completed _____ credits and needs _____ credits to graduate
- ☐ Poor Attendance: student has missed: _____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year
- ☐ Behavioral Challenges: Student is demonstrating the following behavioral challenges: _____
- ☐ Other (specify): _____

Due to these areas of concern, the student is being recommended for voluntary placement at _____, a continuation school. It is your right under the law to receive a copy of the district's policy for voluntary transfers to continuation schools. Cal. Educ. Code § 48432.3(b)(3). The district's policy for voluntary transfers to continuation schools is enclosed here for your reference.

As the student's education rights holder, you have the responsibility to determine whether it is in the student's best education interests to remain in his/her current school or transfer to a continuation school. You have the right to discuss whether a voluntary transfer to a continuation school is appropriate for the student with school officials from _____ [Name of current school], and with officials from _____ [Name of continuation school], the continuation school being recommended for the student. Cal. Educ. Code § 48432.3(b)(5).

We have scheduled a meeting for _____. Please contact _____ at: _____ to let us know if you can attend this meeting, or if you would like to reschedule the meeting at a time that is convenient to you. You may also invite anyone else you feel would have information relevant to this conversation (e.g., the child's social worker, probation officer, therapist, clergy, caregiver, etc.) to discuss the recommended voluntary transfer and whether you think it is in the student's best interest to continue attending their current school or transfer to a continuation school.

We look forward to working with you.

Thank you,

_____

Transfer Meeting Worksheet

Student Name: _____ Current Grade: _____ Date of Meeting: _____

Area(s) of concern:

- ☐ Credit Deficiency: student has completed ____ credits and needs ____ credits to graduate
- ☐ Poor Attendance: student has missed: ____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year
- ☐ Behavioral Challenges: Student is demonstrating the following behavioral challenges: _____
- ☐ Other (specify): _____

STEP 1: Meeting Participants

Education Rights Holder(s) ("ERH") **Mandatory Participant**	☐ Present?	Name:
Student **Mandatory Participant**	☐ Present?	Name:
Counselor/principal/administrator (transferring school) **Mandatory Participant**	☐ Present?	Name:
Counselor/principal/administrator (continuation school) **Mandatory Participant**	☐ Present?	Name:
Caregiver(s), if different than ERH	☐ Present?	Name:
Social Worker/Probation Officer	☐ Present?	Name:
Foster Youth Counselor/Liaison	☐ Present?	Name:
Academic Counselor	☐ Present?	Name:
Other	☐ Present?	Name:
Other	☐ Present?	Name:
Other	☐ Present?	Name:

STEP 2: Eligibility Criteria (required to recommend voluntary transfer to continuation school)

☐ At least 1 intervention per area of concern has been attempted and failed for duration agreed upon in plan (Must review and attach previously created Prior Intervention Plan)

☐ Student is at least 16 years old AND

☐ Student meets the district criteria for transfer to the continuation school, including:[1]

Criterion 1: _____

Met ☐ /Not Met ☐ Explanation of how it was met, or why it is not met: _____

Criterion 2: _____

Met ☐ /Not Met ☐ Explanation of how it was met, or why it is not met: _____

Criterion 3: _____

Met ☐ /Not Met ☐ Explanation of how it was met, or why it is not met: _____

[1] When completing this form, fill in the criteria your district has chosen to determine whether a student is an appropriate candidate for a continuation school. Then, at the meeting, work with the team to review and "check off" whether the student in question has met those criteria or not. Then, explain how they met it, or why they did not. For example, if you have criterion that the student needs to have an 8th grade reading level, you would check off if they have met this or not, and then fill in the test that you used, and what their reading level was.

STEP 3: Best Interest Determination (required to recommend voluntary transfer to continuation school)

☐ The team has determined it is in the student's best education interest to attend a continuation school by considering the following:

BEST EDUCATIONAL INTEREST CONSIDERATIONS*

*This chart is filled in as an example. It does not represent any particular comprehensive school(s) or continuation school(s) in California. **Download the word version of this chart** and modify it to reflect the specific characteristics of the comprehensive and continuation school options available in your school district prior to your meeting. It should then be augmented at the meeting on the blank lines in each section if there are specific needs or interests of the youth that are relevant. For example, if a student is particularly focused on a career in engineering, you should specify the options related to that field in the "Career Readiness" and "Course Offerings" rows for that youth. The chart should then be used to facilitate a discussion around the student's individual needs and goals and a decision should be made based on an overall consideration of each row about which school would best meet the student's education interests.

COMPREHENSIVE SCHOOL	CONTINUATION SCHOOL
CLASS SIZE	
☐ Larger class sizes- 35:1 ratio	☐ Smaller class sizes- 20:1 ratio
CREDITS	
☐ Students can earn up to 30 credits per semester	☐ Students can earn up to 40 credits per semester
SCHOOL SIZE AND LAYOUT	
☐ 2,000 students, 70 classrooms, open campus, where students can enter and exit without close supervision	☐ 100 students, 4 classrooms, 1 gated entrance, monitored by security
SUPERVISION	
☐ Teachers and 5 security staff monitor the school site	☐ Teachers and 3 security staff monitor the school site plus extra adult supervision is provided in the form of adult case managers with a ratio of 30:1
TRAUMA INFORMED STAFF	
☐ Part time school psychologist and 1 of 3 academic counselors have received trauma informed training	☐ Entire school staff receives annual trauma informed trainings
COURSE OFFERINGS	
☐ A-G, honors, Advanced Placement, electives, English Language Development	☐ Limited to courses required for graduation; no A-G; very limited electives (no drama or music)
CAREER READINESS	
☐ Career center, Career Technical Education courses, co-enrollment options at community college	☐ Co-enrollment options at community college
EXTRACURRICULAR ACTIVITIES	
☐ Sports, drama, art, newspaper, coding club, community service, student council	☐ Continuation school sports league
SCHEDULE	
☐ 7 classes per day including a study hall	☐ 5 classes per day plus one period offered for credit recovery, shortened school day
HOMEWORK	
☐ Yes	☐ No
IEP SERVICES	
☐ All services and classroom placements available if required by IEP	☐ No SDC or RSP services offered; limited counseling services offered
OTHER CONSIDERATIONS	
☐ Very close to student's home; student will be able to walk	☐ Farther away from student's home; student will need to take a public bus for 45 minutes each way

STEP 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School

Recommended Class/Program 1: _____

_____

Recommended Class/Program 2: _____

_____

Recommended Class/Program 3: _____

_____

STEP 5: School Placement Decision

District Placement Recommendation: _____

ERH School Choice: _____

STEP 6: Return Plan (required prior to voluntary transfer to continuation school)

Earliest student can return to comprehensive campus (e.g., the first day of the following semester):

DATE: _____

Student must meet the following criteria for readmission (e.g., earn 50% of credits off-track for graduation, improve attendance by 5%, etc.):

Criteria 1: _____

_____

Criteria 2: _____

_____

Criteria 3: _____

_____

Meeting for readmission discussion (e.g., the end of the next grading period): DATE: _____

ERH Consent (please initial the appropriate option):

_____ I agree with the proposed plan to move my student to a continuation school and acknowledge that my student has a right to return to their comprehensive school at the beginning of the next school year or at any other time if the district is in agreement.

_____ I agree with the proposed plan with the exception of _____

_____

_____ I disagree with the proposed plan.

ERH Signature: _____

Student Signature: _____

Comprehensive School Administrator: _____

Continuation School Administrator: _____

Right to Return Notification

Date: _____

TO: Education Rights Holder: _____

Address: _____

_____

RE: Name of Student: _____ Date of Birth: _____

Dear Education Rights Holder,

Delete and replace with: The above named student voluntarily enrolled in _____ (name of continuation school) on _____ (date) to address the following areas of concern in school:

- ☐ Credit Deficiency: student had completed ____ credits and needs ____ credits to graduate
- ☐ Poor Attendance: student had missed: ____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year
- ☐ Behavioral Challenges: Student was demonstrating the following behavioral challenges: _____
- ☐ Other (specify): _____

Students who voluntarily enroll in continuation schools have the right to return to their local, comprehensive or "regular" high school at the start of the upcoming school year. Students also may return to their comprehensive school during the school year with the consent of the school district. Please note that students who wish to return to their comprehensive high school at the start of the school year do not need permission from the school district to do so. **The above-named student is eligible to return to his/her comprehensive high school at the start of the upcoming school year.**

As the student's education rights holder, you decide whether the student should remain in his/her continuation school or return to the comprehensive high school at the start of the upcoming school year. Ongoing voluntary enrollment at a continuation school should be based on the student's best education interests.

If you would like the above named student to return to his/her comprehensive high school for the upcoming school year, you may enroll the student at his/her comprehensive high school at the start of the school year.

You also may request a return to the comprehensive high school at any time during the school year. In order to return to their comprehensive high school during the school year, students must satisfy either all of their Return Plan Criteria or one of the following Other Criteria:

Return Plan Criteria 1: _____

Return Plan Criteria 2: _____

Return Plan Criteria 3: _____

Other Criteria 1: _____

Other Criteria 2: _____

Other Criteria 3: _____

EXAMPLE Other Criteria: Student earned at least 50% of missing/off-track credits

EXAMPLE Other Criteria: Student improved attendance by 10% since transferring to the continuation school or maintained 90% attendance (excluding excused absences) for a complete semester

We have completed an **End of Term Graduation Check** to help you determine if it is in the student's best education interest to remain at the continuation school or return to the comprehensive high school. The graduation check is attached. **This information is advisory only. It is your decision to enroll the student in his/her comprehensive high school at the start of upcoming school year or request a return to the comprehensive school during the school year.**

Based on this graduation check:

- The student ☐ is ☐ is not on track to graduate high school. The above named student has earned _____ credits since enrolling at the continuation school and needs _____ more credits to graduate.
- The student has attended _____ % of class periods since _____ [DATE].
- The student has had _____ behavioral incidents at school since _____ [DATE].

For additional questions or to schedule a meeting to discuss the above named student's eligibility to return to the regular high school, please contact:

Name/Title/Contact Information for Continuation School Representative:

_____

Name/Title/Contact Information for Comprehensive School Representative:

_____

Thank you,

_____

End of Term Graduation Check

Student Name: _____ DOB: _____ Date: _____

Current Grade: _____ Semester: _____ Date Enrolled at Continuation School: _____

Education Rights Holder Name: _____

Address: _____ Phone Number: _____

Reason for Enrollment at Continuation School:

- ☐ Credit Deficiency: student had completed ____ credits and needs ____ credits to graduate
- ☐ Poor Attendance: student had missed: ____ ☐ school days/ ☐ periods this: ☐ semester/ ☐ school year
- ☐ Behavioral Challenges: Student was demonstrating the following behavioral challenges: _____
- ☐ Other (specify): _____

HIGH SCHOOL GRADUATION PLANNING		
GRADUATION CHECK*		
GRADUATION REQUIREMENTS *COURSE NAME: CREDITS REQUIRED*	**COURSES COMPLETED** *COURSE NAME: CREDITS EARNED (SCHOOL, SEMESTER SCHOOL YR.)*	**COURSES REMAINING** *COURSE NAME: CREDITS REMAINING*
Social Studies:		
English:		
Math:		
Science:		
Foreign Language:		
Visual/Performing Arts:		
PE:		
Health:		
Other Electives:		
Required:	**Completed:**	**Remaining:**
CURRENT STATUS		
Number of Credits Completed Since Enrollment in Continuation School on (date) _____ : _____ Attendence Percentage: _____		Cumulative High School GPA: _____

*Schools may substitute an attachment of their own graduation check.

COURSE SCHEDULING

Create a tentative course schedule for each remaining school term, ensuring that required courses for graduation are completed first. Include the number of credits remaining for each course.

FALL SCHOOL YEAR:	SPRING SCHOOL YEAR:	SUMMER SCHOOL YEAR:	FALL SCHOOL YEAR:	SPRING SCHOOL YEAR:

Is the student on track to graduate? Yes ☐ No ☐ Expected Graduation Date: _____

If the student is on track to graduate, do you believe it is in the student's education interest to remain at the continuation school?

Yes ☐ No ☐

If yes, please explain why:

- ☐ Smaller learning environment
- ☐ Flexible schedule
- ☐ Can earn ____ credits per semester (vs. ____ credits per semester at the comprehensive campus)
- ☐ Other (specify): _____

If the student is not on track to graduate, do you believe it is in the student's education interest to remain at the continuation school?

Yes ☐ No ☐

If yes, please list the additional interventions needed to support the student:

- ☐ School-based tutoring will be provided at the following frequency: _____
- ☐ Assistance with organization from counselor will be provided at the following frequency: _____
- ☐ Partial credits
  - ☐ Earned at past schools, but not awarded; will be gathered from the following school(s) by a school counselor: _____
  - ☐ Course(s) needed to complete partial credits previously earned will be arranged by school counselor. List course names and numbers of partial credits needed: _____
  - ☐ Summer school enrollment
  - ☐ Dual-enrollment at a college campus (with ERH approval) in _____ class(es) for the purpose of: _____ (e.g., credit recovery)
  - ☐ Consider student for AB 167/216 graduation eligibility. If eligible, counselor has certified them and informed the ERH
  - ☐ Other (specify): _____

Intervention Plan (Use **Prior Intervention Plan** to record this information)

Intervention to be implemented: _____

StartDate/Frequency: _____

Name/Position of Responsible Person: _____

Intervention to be implemented: _____

StartDate/Frequency: _____

Name/Position of Responsible Person: _____

Intervention to be implemented: _____

StartDate/Frequency: _____

Name/Position of Responsible Person: _____

Name/Title/Contact Information of Person Who Completed Graduation Check:

_____

Sample UCP Complaint Form 88

Assembly Bill ("AB") 379

For over a decade, foster youth whose education rights were violated had no reasonable way to protect their rights. For example, if a youth was denied partial credits from their high school, their only fix was to sue the school district in court. Such lawsuits are impracticable.

AB 379 created an enforcement mechanism by which foster youth can now enforce their rights. The law, effective as of January 1, 2016, incorporates foster youth education rights into California's Uniform Complaint Procedure ("UCP") process.

The Uniform Complaint Procedure Process

The UCP process provides parents, students, and other interested parties a streamlined way to resolve disputes regarding certain education laws by filing a complaint with the school district or the California Department of Education ("CDE"). In addition to foster youth education rights, the UCP process is used for violations of laws related to, among other things, special education, textbook availability, pupil fees, and teacher placement.

When a complaint is filed with the school district, the school district must investigate and provide a written response including a proposed resolution within 60 days. If a complainant (the person who filed the complaint) is not satisfied with the school district's response, he or she may file an appeal with the CDE, who must also investigate and respond in writing within 60 days. In some circumstances (e.g., an entire group of students is having their rights violated), a complaint may be filed directly with the CDE for immediate resolution, skipping the normally required step of first filing with the school district. If it is determined that a school district has failed to uphold its responsibility to the student, then the school district may owe, and/or the CDE may order, remedies such as compensatory education services or re-training of staff. See **Sample District and CDE Remedies**.

5 C.C.R. §§ 4600-4687.

Filing a Complaint

The protections of AB 379 apply to "foster youth," broadly defined to include all youth removed from their homes or subject to a petition under Cal. Welf. & Inst. Code §§ 300, 309, or 602. This includes youth with open dependency and delinquency cases. See **Who is a Foster Youth**?

As with most complaints under the UCP, any individual (e.g., the youth, their education rights holder, caregiver, social worker/probation officer, legal representative in court), public agency, or organization may file a written complaint with the school district or charter school for a violation of foster youth education laws.

Appropriate Topics to File a Complaint On

Complaints may be filed with the school district or charter school or, under some circumstances, directly with the CDE, for failure to comply with any component of the relevant education code sections.[1] Complaints can be filed for:

SCHOOL PLACEMENT

- School placement decisions being made by someone other than an ERH.

See **Education Decision Makers for Foster Youth.**

Cal. Educ. Code § 48853.

ENROLLMENT IN REGULAR PUBLIC SCHOOL

- Denial of the right to attend a regular public school;
- forcing a youth to attend a continuation school, independent study program, or other alternative educational setting, without ERH agreement that that is in the youth's best interests;
- denial of the right to be educated in the least restrictive environment; or
- failure of a foster youth liaison to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

See **Enrolling Foster Youth**.

Cal. Educ. Code §§ 48853, 48853.5.

IMMEDIATE ENROLLMENT

- Denial of the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records;
- denial of the right to immediately enroll in the school of residence once it is determined by the ERH that enrollment is in the foster youth's best interest;
- denial the right to immediate enrollment at a charter school; or
- denial of the right to immediate enrollment in the same or equivalent classes as those the foster youth was taking at their prior school.

See **Enrolling Foster Youth**.

Cal. Educ. Code § 48853.5.

[1]The laws incorporated into the UCP by AB 379 define the responsible entity in slightly different ways. All charter schools must ensure foster youth their rights to immediate enrollment, school of origin, equal access to services, records, and discipline notification. *Cal. Educ. Code §§ 48850-48859.* The laws regarding partial credits and AB 167/216 do not apply to most charters, unless the charter school is participating as a member of a special education local plan area, although charter schools are encouraged to afford students these opportunities for success. *Cal. Educ. Code §§ 49069.5, 51225.1-3*. This section of the toolkit refers to "school district" for ease of understanding, but that term should be read to apply to charter schools where the underlying law also applies.

ENROLLMENT IN SCHOOL OF ORIGIN

- Denial of the right to remain in the school of origin while the court case is open;
- denial of the right to remain in a charter school as school of origin;
- denial of a K-8 foster youth's right to remain in their school of origin through the end of the academic school year after their court case is closed;
- denial of a high school foster youth's right to remain in their school of origin through graduation, even if their court case closes while they are still in high school;
- denial of a foster youth's right to matriculate with his or her peers from elementary to middle school or from middle to high school in accordance with established feeder patterns within the district of origin;
- failure of the foster youth liaison to provide a written explanation stating the basis for a recommendation to move a foster youth out of their school of origin; or
- denial of the right to remain in the school of origin pending resolution of a dispute regarding a request to remain in the school of origin.

See **School of Origin**.

Cal. Educ. Code § 48853.5.

EQUAL ACCESS TO SCHOOL SERVICES

- Denial of equal access to academic resources (e.g., tutoring, A-G/Honors courses);
- denial of equal access to other school services (e.g., school based mental health services);
- denial of equal access to extracurricular activities (e.g., sports, art, drama, music);
- denial of equal access to enrichment activities (e.g., field trips, college fairs); or
- denial of equal access to any support or service due to missing a sign-up or try-out deadline.

See **Enrolling Foster Youth**.

Cal. Educ. Code § 48853.

EMERGENCY SHELTER SCHOOLS[2]

- Educating a foster youth in an emergency shelter for a long period of time;
- educating a foster youth in an emergency shelter even though they are not experiencing a health or safety emergency; or
- educating a foster youth in an emergency shelter even though all four of the following conditions have not been met: (1) a school of origin decision cannot be made quickly; (2) it is not practical to transport the youth to the school of origin in the meantime; (3) the youth would otherwise not receive educational services; and (4) temporary, special, and supplementary services are available to meet the youth's unique needs.

Cal. Educ. Code § 48853(g).

RECORDS

- Failure to ensure the proper transfer of records from one school to another within 2 business days upon a foster youth's transfer; or
- failure to ensure that the duty to request and transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific education recordkeeping needs of foster youth.

See **Requesting Education Records**.

Cal. Educ. Code § 48853.5; 49069.5.

PARTIAL CREDITS AND CHECKOUT GRADES

- Denial of the right to credits, including partial credits, and/or check out grades upon transfer into or out of the school/district;
- denial of the right to credits based on a determination of seat time;
- denial of the right to have grades and credits calculated as of the date the youth left school without lowering their grades due to absences resulting from a decision to change their home placement;
- denial of the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities;
- failure to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific partial credit needs of foster youth who transfer between schools;
- denial of the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school;
- denial of the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school; or
- denial of the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

See **Partial Credit Model Policy** and **Enrolling Foster Youth**.

Cal. Educ. Code §§ 48853.5; 49069.5; 51225.2.

GRADUATION UNDER AB 167/216

- Denial of the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the youth: (1) transferred schools after the completion of their second year of high school; and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school;
- denial of the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible;

[2]California law allows foster youth living in emergency shelters to receive schooling at those shelters for short periods of time for either: (1) health and safety reasons; or (2) to provide temporary, special, and supplementary services to meet the youth's unique needs if: (a) a decision regarding whether to attend the school of origin cannot be made promptly; (b) it is not practical to transport the youth to the school of origin; (c) the youth would otherwise not receive educational services; and (d) temporary, special, and supplementary services are available to meet the youth's unique needs. *Cal. Educ. Code § 48853(g)*. This law attempts to strike a balance between ensuring that all youth are receiving education services at all times and the fact that emergency shelters are not set up to provide education services in the way that a local or alternative school site is. Emergency shelter schools should never be long-term education placements.

- denial of the right to remain in their local high school for a fifth year to complete school district graduation requirements if the youth is reasonably able to do so;
- denial of the right to remain in attendance at school through the end of the fourth year, even if the youth has already completed all statewide coursework requirements prior to the end of the fourth year;
- revocation of the foster youth's right to graduate under AB 167/216 at any time after certifying them as eligible;
- requiring or requesting that a foster youth transfer schools solely to qualify for AB 167/216 graduation;
- refusal to reconsider the foster youth's eligibility for AB 167/216 graduation after a request by the foster youth and/or their ERH;
- failure to inform a foster youth, their ERH, and/or social worker/probation officer of a youth's eligibility or ineligibility for AB 167/216 graduation within 30 days of transferring into the school/district;
- failure to inform a foster youth and their ERH of: (1) the effect of graduating under AB 167/216 on admission to postsecondary education institutions; (2) the youth's option to remain in school for a fifth year to complete district requirements if he or she is reasonably able to do so; and/or (3) transfer opportunities available through the California Community Colleges; or
- failure to issue a normal high school diploma for the foster youth upon their completion of all required state coursework.

See **High School Graduation for Foster Youth: AB 167/216**.

Cal. Educ. Code §§ 51225.1, 51225.3

DISCIPLINE

- Failure of the foster youth liaison to notify the foster youth's attorney and/or appropriate representative of the county child welfare or probation agencies of pending expulsion proceedings, proceedings to extend a suspension, or a pending manifestation determination Individualized Education Program ("IEP") meeting.

See **Disciplinary Challenges of Foster Youth**.

Cal. Educ. Code § 48853.5.

Sample District and CDE Remedies

SAMPLE VIOLATION	SUGGESTED REMEDIES
Violation of right to remain in school of origin	• Immediate enrollment in school of origin • Transportation services to school of origin • Compensatory education for lost instructional days • Re-training of staff involved in enrollment
Violation of right to immediate enrollment in school	• Immediate enrollment in school • Compensatory education for lost instructional days • Re-training of staff involved with enrollment
Violation of right to enrollment in same or equivalent courses	• Immediate enrollment in same or equivalent courses • Tutoring services to assist youth in catching up with coursework • Re-training of school counselors on enrollment of foster youth in same/equivalent courses
Violation of right to partial credits for work satisfactorily completed	• Immediate issuance of appropriate credits • Re-training of counselors and registrars regarding partial credits
Violation of right to certification for AB 167/216 graduation	• Immediate issuance of certification of eligibility • Compensatory education for days enrolled in inappropriate courses • Re-training of counselors, enrollment staff, and registrars regarding AB 167/216 graduation

Best Practices for Receiving and Investigating Complaints

STEP 1

Ensure Appropriate Staff Training: If all relevant staff, including school counselors, administrators, teachers, front desk clerks, registrars, and foster youth liaisons, are well trained on enforcing the rights of foster youth, a school district can avoid complaints.

STEP 2

Adopt Policies and Procedures for the Investigation and Resolution of Complaints: School districts are required to have procedures in place to implement the UCP. Ensure that these policies and procedures specifically acknowledge the incorporation of foster youth rights.

Policies and procedures should also be reviewed to determine whether their application is appropriate for foster youth. For example, waiting the entire legally allowed 60 day timeline to decide an enrollment complaint would mean the youth is excluded from school for that entire time period. This would seriously harm the student and open the school district up to unnecessary liability to provide compensatory services for that entire time period.

STEP 3

Designate an Employee to Receive and Investigate Complaints: The employee responsible for investigating complaints must be knowledgeable about all foster youth education rights.

STEP 4

Provide Appropriate Notice: Information about the requirements of foster youth education laws and of the right to file a complaint for violation of these laws must be incorporated into the school district's required annual UCP notification. The notification must be distributed broadly, including to youth, parents or guardians of pupils (education rights holders for foster youth), employees, and other "interested parties." Such interested parties should include social workers, probation officers, and legal representatives for youth, as well as caregivers. The notice must also identify the person responsible for investigating such complaints and notification of the right to appeal. See **California Department of Education's Sample UCP Annual Notice**.

STEP 5

Provide Appropriate Complaint Form: School districts should provide a sample complaint form that can be used to submit a complaint that complies with state requirements. See **Sample UCP Complaint Form**.

Complaints not using the sample form must also be accepted. Best practice also includes providing assistance to families in filling out complaints.

STEP 6

Investigate and Respond to Complaints in a Timely Manner: Complaints filed with the school district must be investigated and a written response provided to the youth's ERH and the complainant within 60 days. To avoid harm to youth and potentially owing additional compensatory education remedies, shorter timelines should be adopted. Given the limited facts upon which most foster youth education complaints will likely be based, school districts should be able to address most complaints in less than one week.

The investigation must provide the complainant an opportunity to provide information to support the complaint. This information may include related paperwork that the complainant may attach to the complaint or an opportunity to provide information through an in-person or telephonic interview.

The school district must provide a written response within the 60 day timeline, including information about the right to appeal and the 15 day appeal timeline. If the school district decides that they did violate the youth's rights, they should provide an appropriate remedy.

STEP 7

Comply with CDE Orders: If an appeal is filed with the CDE, school districts must cooperate with the CDE's investigation. If the school district is found in violation of the youth's education rights, they must comply with any remedies ordered by the CDE. Such remedies may include the enrollment of youth in a particular school or course(s), compensatory education services, or mandatory re-training of staff.

Sample UCP Complaint Form

_____ School District
Uniform Complaint Procedure Form for AB 379 Complaints

Student Name _____ Grade _____ Date of Birth _____

Date of Alleged Violation _____ School of Alleged Violation _____

Do you want to receive a copy of the written response to your complaint?

☐ Yes, I request a copy of the written response to my complaint be sent to me at:

Name: _____ Address: _____

City & Zip Code: _____ Phone Number (optional): _____

☐ No, I do not request a copy of the written response. I am filing this complaint anonymously.

The following issues may be the subject of this complaint process. If you wish to complain about an issue not specified, please contact the district for the appropriate complaint procedure. Specific issue(s) of the complaint:
(Check all that apply. A complaint may contain more than one allegation.)

1. School Placement Decisions *(Education Code § 48853)*

☐ A foster youth's[1] school placement decision has been made by the school/district, group home, social worker, or other non-education rights holder.

2. Enrollment in regular public school *(Education Code § 48853, 48853.5)*

☐ A foster youth has been denied the right to attend the youth's regular public school.
☐ A foster youth has been denied the right to immediate enrollment in a charter school.
☐ A foster youth has been forced to attend a continuation school, independent study program, or other alternative educational setting, without the education rights holder's agreement that that is in the youth's best interests.
☐ A foster youth is not being educated in the least restrictive environment.
☐ A foster youth liaison has failed to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

3. Immediate Enrollment *(Education Code § 48853.5)*

☐ A foster youth has been denied the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records.
☐ A foster youth has been denied the right to immediately enroll in the school of residence once it is determined by the education rights holder that enrollment is in the foster youth's best interest.
☐ A foster youth has been denied the right to immediate enrollment in the same or equivalent classes as those they were taking at their prior school.

4. Enrollment In School Of Origin *(Education Code § 48853.5)*

☐ A foster youth has been denied the right to remain in their school of origin during jurisdiction of the court.
☐ A foster youth has been denied the right to remain in their school of origin, a charter school.
☐ A foster youth in kindergarten or grades 1-8 has been denied the right to remain in their school of origin through the end of the academic school year after jurisdiction of the court is terminated.
☐ A foster youth in high school has been denied the right to remain in their school of origin through graduation after jurisdiction of the court is terminated.
☐ A foster youth has been denied the right to matriculate with his or her peers in accordance with established feeder patterns within the district of origin.
☐ A foster youth liaison has failed to provide a written explanation stating the basis for a recommendation to move a foster youth from their school of origin.
☐ A foster youth has been denied the right to remain in their school of origin pending resolution of a dispute regarding a request to remain in a school of origin.

5. Equal Access to School Services *(Education Code § 48853)*

☐ A foster youth has been denied equal access to academic resources (e.g., tutoring, A-G/Honors courses).
☐ A foster youth has been denied equal access to school services (e.g., school based mental health services).
☐ A foster youth has been denied equal access to extracurricular activities (e.g., sports, art, drama, music).
☐ A foster youth has been denied equal access to enrichment activities (e.g., field trips, college fairs).
☐ A foster youth has been denied equal access to any support or service due to missing a sign-up or try-out deadline.

[1] "Foster youth" includes any youth (foster and probation) removed from his or her home or subject to a petition under Welfare and Institutions Code Sections 300, 309, or 602. *(Education Code §§ 48853.5, 51225.2).*

6. Emergency Shelter Schools *(Education Code § 48853(g)).*

- ☐ A foster youth has been educated in an emergency shelter for a long period of time.
- ☐ A foster youth is being educated in an emergency shelter even though they are not experiencing a health or safety emergency.
- ☐ A foster youth is being educated in an emergency shelter even though all four of the following conditions have not been met: 1) a school of origin decision cannot be made quickly; 2) it is not practical to transport the child to the school of origin in the meantime; 3) the child would otherwise not receive educational services; and 4) temporary, special, and supplementary services are available to meet the youth's unique needs.

7. Records *(Education Code § 48853.5; 49069.5)*

- ☐ The district failed to ensure the proper transfer of records from one school to another within 2 business days from a foster youth's transfer.
- ☐ The district failed to ensure that the duty to transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific educational recordkeeping needs of foster youth.

8. Partial Credits and Checkout Grades *(Education Code § 48853.5; 49069.5; 51225.2)*

- ☐ A foster youth has been denied the right to credits, including partial credits, and/or check out grades upon transfer into or out of the school/district.
- ☐ A foster youth has been denied the right to credits based on a determination of seat time.
- ☐ A foster youth has been denied the right to have grades and credits calculated as of the date the student left school without lowering their grades due to absences resulting from a decision to change their home placement.
- ☐ A foster youth has been denied the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities.
- ☐ The district failed to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific educational recordkeeping needs of foster youthren who transfer between schools.
- ☐ A foster youth has been denied the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school.
- ☐ A foster youth has been denied the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school.
- ☐ A foster youth has been denied the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

9. Graduation Under AB 167/216 or the "Foster Youth Graduation Exemption" *(Education Code § 51225.1, 51225.3)*

- ☐ A foster youth has been denied the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the pupil (1) transferred schools after the completion of their second year of high school, and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school.
- ☐ The district has denied a foster youth the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible.
- ☐ A foster youth has been denied the right to remain in their local high school for a fifth year to complete school district graduation requirements if he or she is reasonably able to do so.
- ☐ A foster youth has been denied the right to remain in attendance at school through the end of the fourth year of school, even if they have already completed all statewide coursework requirements prior to the end of the fourth year.
- ☐ The district has revoked the foster youth's right to graduate under the foster youth graduation exemption at any time after certifying them as eligible.
- ☐ The district has required or requested that a foster youth transfer schools solely to qualify the pupil for the foster youth graduation exemption.
- ☐ The district has refused to reconsider the foster youth's eligibility for the foster youth graduation exemption after being requested to do so by the foster youth and/or their education rights holder.
- ☐ The district has failed to inform a foster youth, their education rights holders, and/or their social worker/probation officer of their eligibility or ineligibility for the graduation exemption within thirty (30) days of transferring into the school/district.
- ☐ The district has failed to inform a foster youth and/or their education rights holder of: (1) the effect of graduating under the foster youth graduation exemption on admission to postsecondary educational institutions; (2) the pupil's option to remain in school for a fifth year to complete district's requirements if he or she is reasonably able to do so; and/or (3) transfer opportunities available through the California Community Colleges.
- ☐ The district has failed to issue a 'normal high school diploma' for the foster youth upon their completion of all required state coursework.

10. Discipline *(Education Code § 48853.5)*

- ☐ The foster youth liaison failed to notify the foster youth's attorney and/or appropriate representative of the county child welfare agency of pending expulsion proceedings, proceedings to extend a suspension, or pending manifestation determination for a student with an Individualized Education Program ("IEP").

11. Other: _____

A. Please give the facts about your complaint. Provide details such as the names of those involve, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. You may attach additional pages and include as much text as necessary to fully describe the situation. _____

B. With whom have you spoken regarding this complaint? Please include that person's title and the result of the discussion.

_____

C. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

Yes ☐ No ☐

D. Is there a specific remedy you action you would like the District to take?

☐ No. I do not have a specific remedy in mind, but would like the district to resolve this complaint.

☐ Yes. I am seeking the specific remedy below:

- ☐ Immediate enrollment in school. Name of school: _____
- ☐ Issuance of credits or partial credits.
- ☐ Graduation under the foster youth graduation exemption or eligibility certification for graduation under the foster youth graduation exemption.
- ☐ Other (Please Specify): _____

IMPORTANT: I am ☐ mailing ☐ hand-delivering ☐ faxing this form on _____ (date) to:

Compliance Office
Compliance Officer Name: _____

By: (Check One)

☐ MAIL: _____

☐ IN PERSON: _____

☐ FAX: _____

Note: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. See 5 CCR § 4652.

For more information on the Foster Youth Education Toolkit, visit **kids-alliance.org/edtoolkit** or contact:

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CHILD WELFARE COUNCIL

Sponsor of the Partial Credit Model Policy Workgroup and the Foster Youth Education Toolkit
www.chhs.ca.gov/Pages/CAChildWelfareCouncil.aspx

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