Promoting Educational Rights and Ensuring School Stability for Youth in Foster Care

ALLIANCE
for **CHILDREN'S RIGHTS**

February 2019

Logistics

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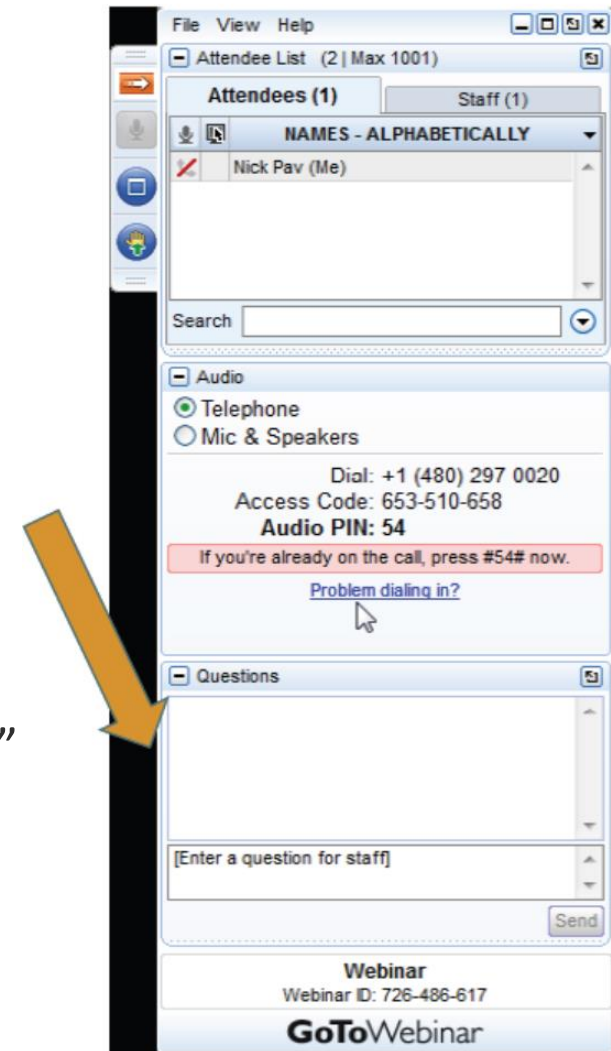
Today's Speakers

- **Alaina Moonves-Leb, Esq.**

  Senior Staff Attorney, Alliance for Children's Rights

- **Deirdre Skelton**

  Council Member, Step Up Caregiver Council

- **Betty Sodir**

  Foster Youth Liaison

- **Jordan Sosa**

  Policy Coordinator, California Youth Connection

Agenda

Education Outcomes of Youth in Foster Care

Challenges Unique to Youth in Foster Care

Education Rights of Youth in Foster Care

Caregiver Perspective

Foster Youth Liaison Role

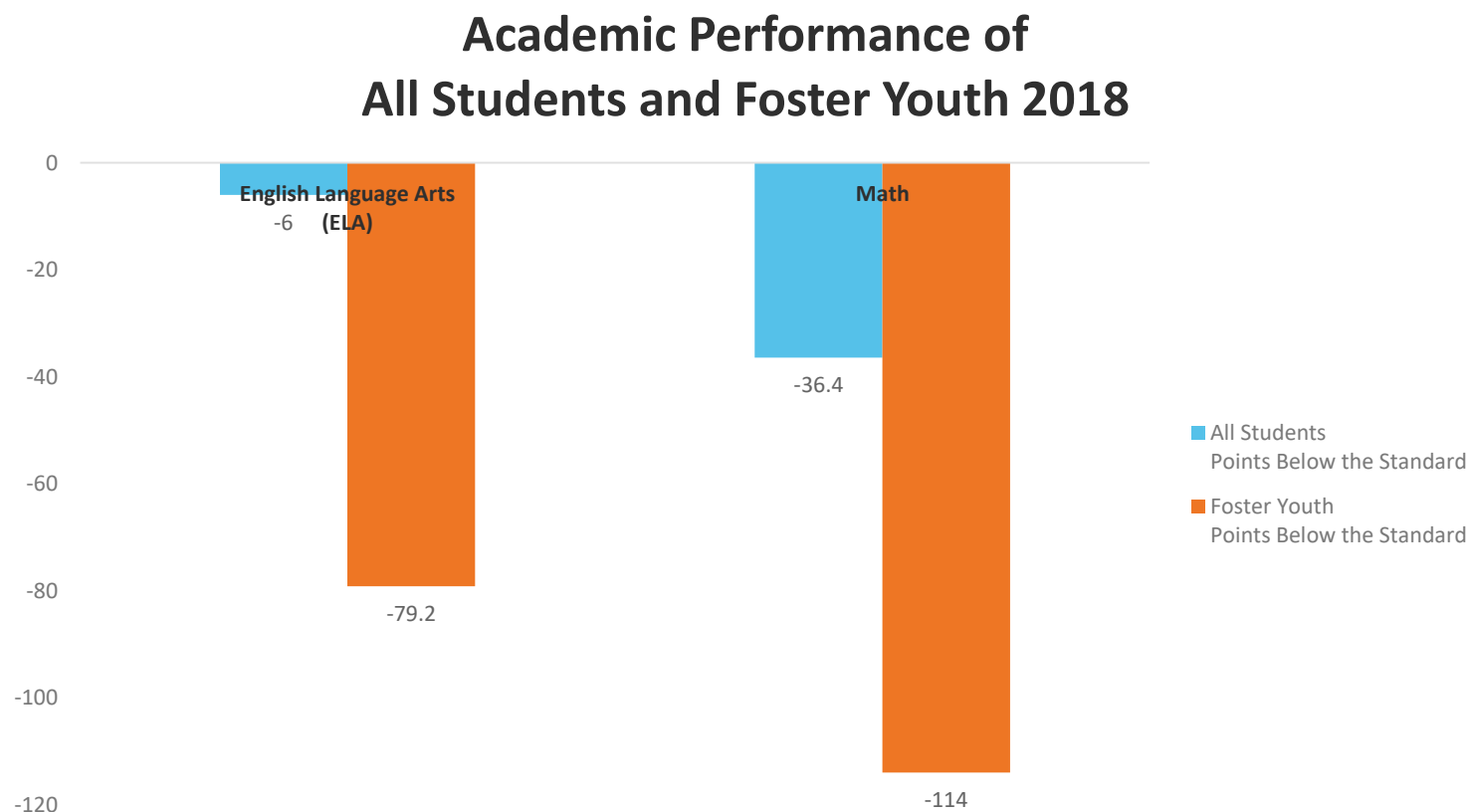*Foster Youth Stability 2.0*

What Can You Do?

Education Resources

Q&A

EDUCATION OUTCOMES OF YOUTH IN CARE

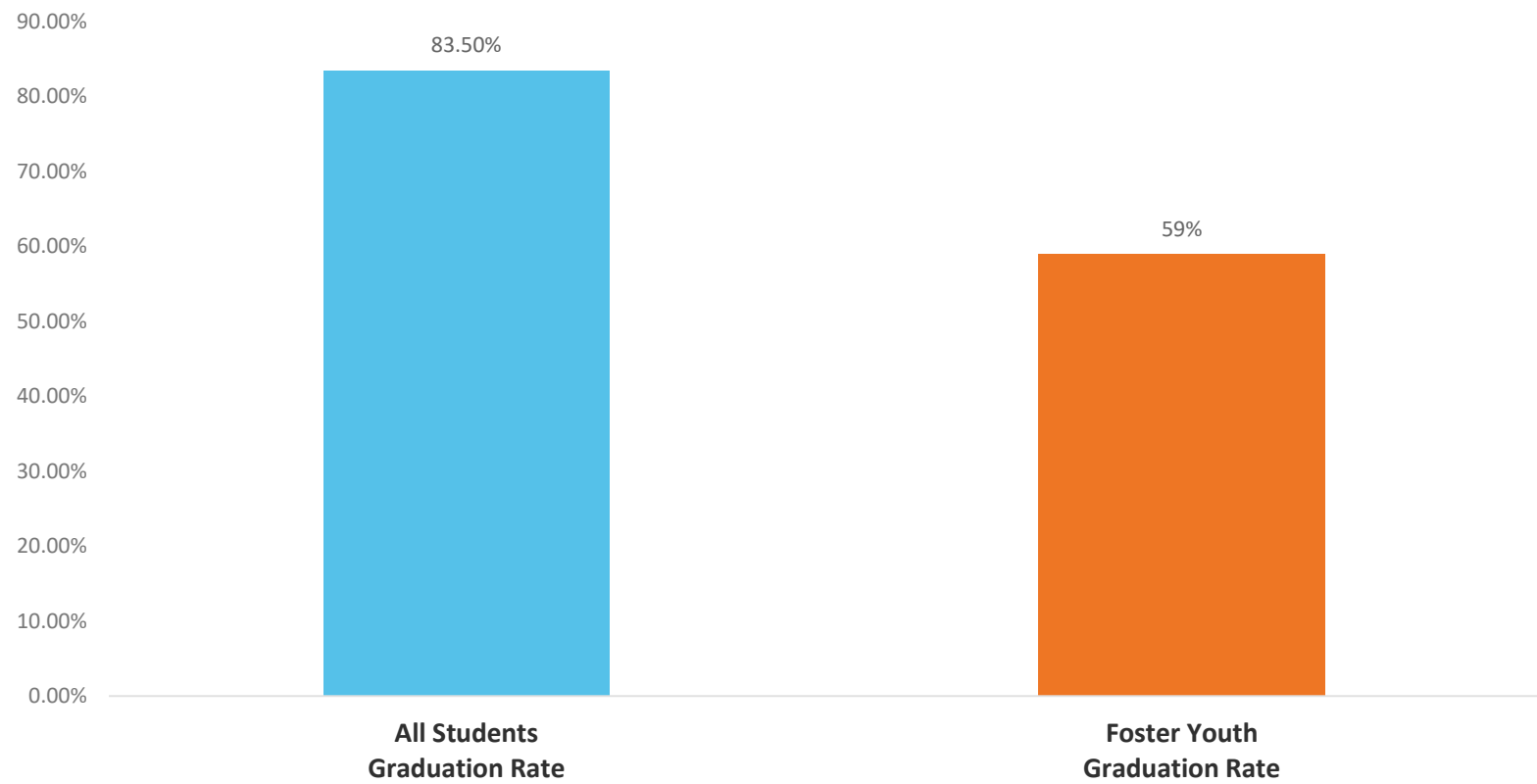How do students in foster care compare?

California Assessment of Student Performance and Progress (CAASPP) 2018 Results

Academic Performance of All Students and Foster Youth 2018

Smarter Balanced Summative Assessment 2018:
See https://www.caschooldashboard.org/reports/

Graduation Rate 2018

Graduation Rate of
All Students and Foster Youth 2018

See dq.cde.ca.gov/Dataquest.

Chronic Absenteeism 2017-18

**Rate of All Students and Foster Youth
Chronically Absent 2017-18**
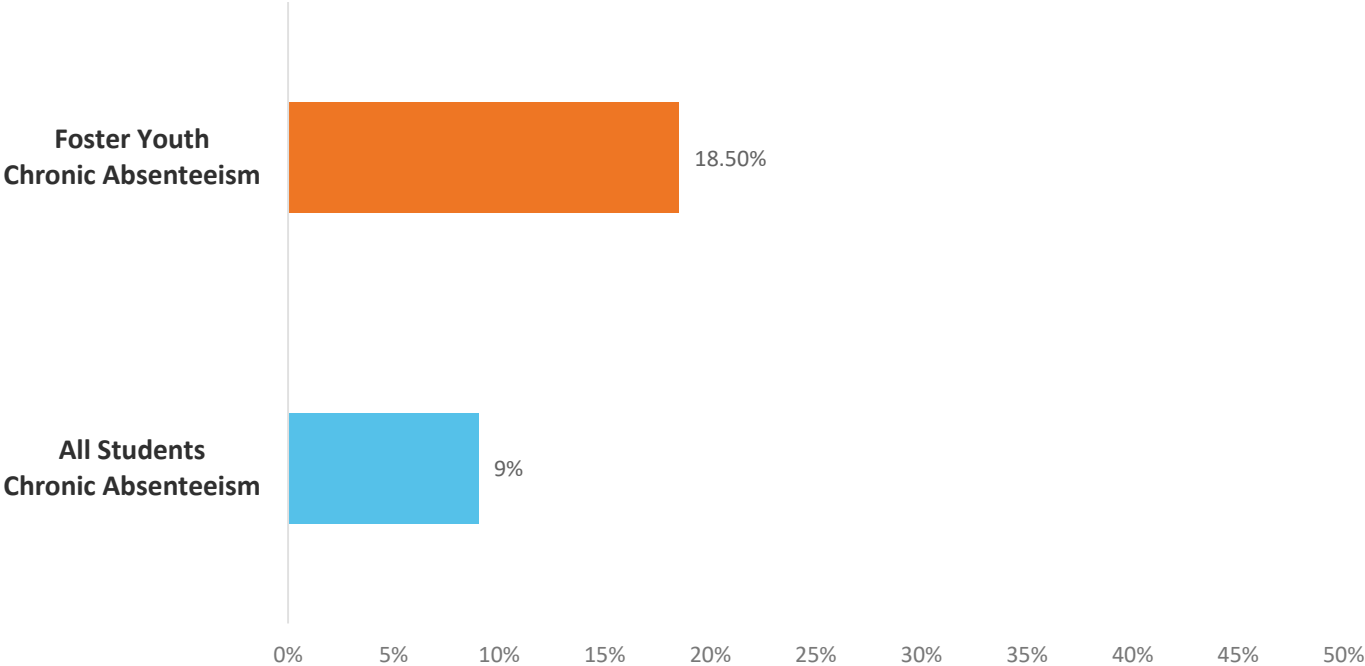
See dq.cde.ca.gov/Dataquest.

Suspensions 2017-18

Rate of All Students and Foster Youth Suspended at Least Once 2017-18

Foster Youth Suspension Rate	15.20%
All Students Suspension Rate	3.50%
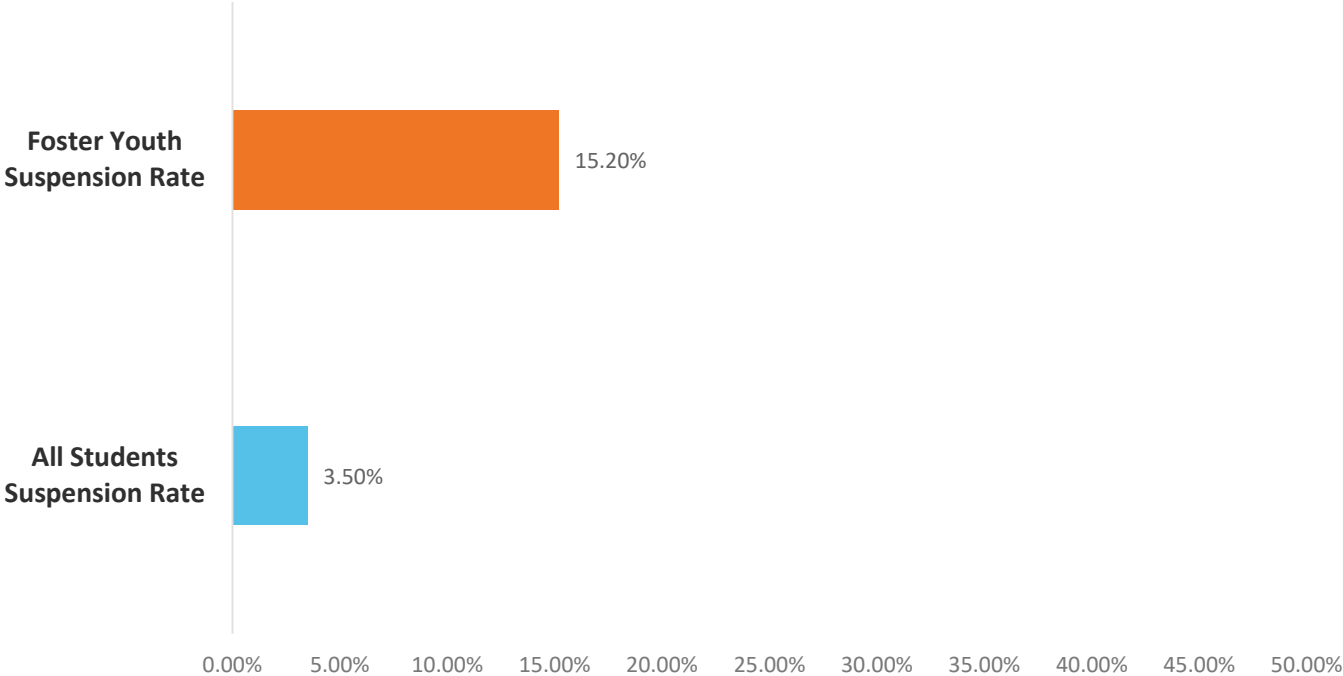
See dq.cde.ca.gov/Dataquest.

Comparing Foster Youth Data to Other "At Risk" Subgroups under LCFF

- Even when you hold constant socio-economic status and English language learner status, **foster youth still perform more poorly than their peers**.

- We have known this since the "Invisible Achievement Gap," and the most recent state data shows the same patterns.

EDUCATIONAL CHALLENGES UNIQUE TO YOUTH IN CARE

Importance of school stability to mitigate challenges

Trauma and Youth in Care

- All youth may experience trauma, but **foster youth have a higher likelihood of experiencing**:
  - o Physical, sexual or emotional abuse
  - o Witnessing domestic or other violence in the home, community, or at school
  - o Neglect
  - o Criminalization of 'normal' adolescent behavior
  - o Broken Social Contracts

- Trauma experienced by foster youth before removal is exacerbated by:
  - o Experience of being removed from their biological parents
  - o Additional trauma with each home placement and school change
    - ▪ Foster youth change schools an average of **8 times while in care**
  - o Trauma of building and establishing relationships with each change of school and home

- Foster youth have rates of Post Traumatic Stress Disorder that are more than twice that of U.S. War veterans.

Trauma and Education for Foster Youth

- Over **70%** of foster youth aged 7 and above present with **trauma and/or mental health symptoms.**

- **20-25%** of adolescent foster youth present with significant **externalizing behaviors.**

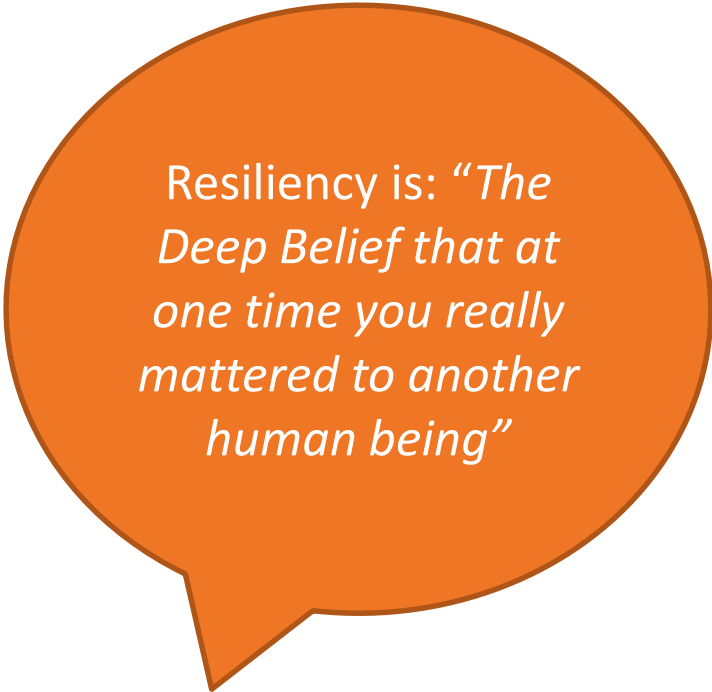- **10-15%** of adolescent foster youth present with significant **internalizing behaviors.**

Jim Casey Youth Opportunities Initiative: Issue Brief #5, *Trauma-Informed Practice with Young People in Foster Care, available at: http://www.aecf.org/resources/trauma-informed-practice-with-young-people-in-foster-care/*

Placement Changes and Inconsistency

- Youth in care change placements an average of **8 times.** Each school change leads to **4-6 months of lost learning.**

- Youth must rebuild relationships at home and at school.

- Youth often must start learning from a new book, and/or at a different place than they were before. Or youth might be in an entirely different class that they must catch up in.

- Each placement may struggle to discover a youth's unique needs and address them before another move is required. This may lead to unaddressed special education needs.

- For youth who are changing placements regularly, there may be no one able to notice gaps in their development or signs of potential learning disabilities.

- If there is no one actively involved with the right to make education decisions, then even identified concerns may not be addressed.

- School may be the only consistent thing in a youth's life.

Rights and Resilience

Resiliency is: *"The Deep Belief that at one time you really mattered to another human being"*

- Vincent Felitti , M.D.

- None of these characteristics are determinative in the lives of youth in care.

- Youth are extremely resilient and there are incredible examples of success for youth who have faced the most extreme challenges.

- However, it is vital that those of us working with youth make sure that we are leading them down the path to success with recognition of the challenges they may face.

How Does School Stability Help?

- One set of connections remain stable

- No lost academic time during transition

- Participation in activities/community

- No need for partial credits, reduced graduation criteria, immediate enrollment, careful tracking of records

EDUCATION RIGHTS OF YOUTH IN CARE

Right to School of Origin and Partial Credits

Education Rights Holders (ERH)

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

- All youth **must** have an ERH, including kids ages 0-5.

- ERHs have a right to written notice of and to make decisions regarding:

  o School enrollment, including transfers to alternative schools

  o School of origin

  o High school graduation, including AB 167/216

  o Special education, including decisions regarding assessments and consenting to an Individualized Education Program ("IEP")

  o Early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan ("IFSP") and

  o School discipline

For more information on ERHs, see Foster Youth Education Toolkit pages 7-9

Education Rights Holders (ERH)

• A biological parent holds education rights until the court limits or revokes these rights.

• A court may limit the education rights of a biological parent if the parent is unwilling or unavailable to make education decisions, or to otherwise protect the child.

Who Can and Can't be the ERH?

- If the biological parents cannot serve as ERHs, the court can appoint **ANY** of the following:
  - o Foster parent
  - o Relative caregiver
  - o Court Appointed Special Advocate (CASA)
  - o Community member with a relationship to the youth

- Following persons can **NEVER** serve as an ERH:
  - o Group home staff
  - o Case-carrying social workers
  - o Probation officers
  - o Other professionals involved with the youth (e.g., education attorneys)

Education Rights Holders

Children must have an education rights holder from birth until their 18th birthday, at which time they hold their own education rights.

Co-ERHs

- **Q:** What happens if a biological parent wants to retain education rights but is not currently available to make decisions or attend meetings?

- **A:** The court may appoint a second person to hold education rights together with the biological parent.

School of Origin Laws

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

Definition of School of Origin: A youth's school of origin may be:

- the school the youth attended at the time they entered the foster care system;
- the school the youth most recently attended; or
- 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, then school of origin includes the next school within the school district's feeder pattern.

AB 337 (Quirk-Silva): Funding School of Origin Transportation at Time of Placement

Will enhance educational outcomes and promote school stability by:

- Ensuring that children in foster care who can qualify for education transportation reimbursement receive that support at the time of placement, even if the caregiver has not completed resource family approval, and

- Requires counties to provide a notice of action to inform a caregiver whether the child or youth in their home is eligible for the education travel reimbursement to remain in their school of origin.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB337

Partial Credits

- Right to partial credits when transferring high schools mid-semester.

- Sending school duties:

  o Award partial credits based on check-out grades determined as of last day of actual in-seat attendance

- Receiving school duties:

  o Accept partial credits and apply them to same/equivalent graduation requirement

  o Student cannot be required to retake a course if it would throw them off-track for high school graduation

  o Right to enroll in same/equivalent courses

  o Right to take/retake A-G courses or any other courses that other students are eligible to take

  For more information, see Partial Credit Model Policy in Foster Youth Education Toolkit page 56

AB 150 (Cooper): Partial Credits

Will remove barriers for foster youth and other highly mobile youth in graduating from high school and achieving post-secondary success by:

- Clarifying that all credits earned in a given subject area, including partial credits, must be combined to establish a "one year course" to meet state minimum graduation requirements.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB150

Records

Main Purpose/Intent: Clarified the education records a caregiver, FFA, or STRTP can access when they are not the education rights holder in order to promote more support of a child's educational needs and goals.

Notable Provisions:

- Expands access to educational records by a FFA, STRTP, and caregivers who are not the education rights holder for the purposes of monitoring the educational progress of the child and ensuring the child has access to proper educational services.

- Expands foster child's case plan to include the contact information of the person holding the educational decision rights of the child.

- Updates training requirements to highlight the importance of caregivers to have access to educational records of the foster child.

See California Education Code Sections 49069.3, 49076; WIC Code Sections 361, 361.5, 366, 16010, 16501.16, 16519.7.

Enrollment Rights

Right to:

- **attend the local comprehensive school** (foster youth have a right to be educated in the least restrictive environment, similar to special education students) **unless**:
  - They are attending their school of origin
  - Their IEP requires a different placement
  - Their ERH determines in writing that the child's best interests requires a different educational placement
- **immediate enrollment, even without normally required documents**
- **enrollment in same/equivalent classes, even if student is transferring mid-semester**

- Cannot be forced to attend a continuation, independent, or other alternative educational setting, even if they have failing grades, are credit deficient, or have behavioral problems

For more information, see Foster Youth Education Toolkit *pages 11-15*

Enrollment Rights

- **Equal access** to all the supports and services on school campus available to other students.

- Including (regardless of try out or sign up deadlines) :

  o **Academic Resources** (e.g., tutoring, A-G/Honors courses)

  o **Services** (e.g., mental health)

  o **Extracurricular activities** (e.g., sports, arts/drama/music)

  o **Enrichment activities** (e.g., field trips, college fairs)

For more information, see Foster Youth Education Toolkit page 11

Graduation Rights

- Why do different options exist?

- Special concerns to consider when considering this option:

  o Which schools are included?

  o Which youth are eligible?

  o Which youth are appropriate?

  o Who decides?

Graduation Rights

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.

For more information, see Foster Youth Education Toolkit page 49

Graduation Rights

- **Who Qualifies:** Minimum state graduation requirements applies to any youth in foster care or on probation who is either removed from their home under **WIC § 309** or subject to a petition under **WIC § 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

- Accept the exemption and graduate using **minimum state requirements**;

- Reject the exemption and graduate using school district requirements;

- 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**; or

- Acknowledge eligibility but defer decision until a later date.

- Regardless, youth graduate receiving a normal high school diploma.

Graduation Rights

- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.

- **Reconsideration:** If a youth is found ineligible for state minimum graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

Graduation Rights

Notification Requirements:

- The new school district must determine whether a foster youth is eligible to graduate under the state minimum requirements within **30 days** of the youth's transfer into a new school.

- This determination, as well as the impact of state minimum 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 the enrollment.

- 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.

Graduation Rights

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) available at KnowB4UGo.org

Graduation from Juvenile Court Schools

- Allows youth attending juvenile court schools, or former juvenile court pupils to graduate by utilizing state minimum criteria.

- Youth may defer issuance of a diploma to participate in ongoing educational pursuits.

Modified by AB 1124 (Statutes of 2017 - See California Education Code Sections 48645-48645.7)

Complaint Process/Enforcement of Rights

- Complaints (students/ERHs) **must first file** their complaint **with LEA.**

- Investigation must include an **opportunity for complainant or their representative to present evidence** to support allegation.

- LEA has **60 days to complete investigation** and prepare a written decision.

- Districts must **notify complainant of right to appeal** LEA's decision to CDE and that appeal to CDE must occur within 15 days of receipt of written LEA decision.
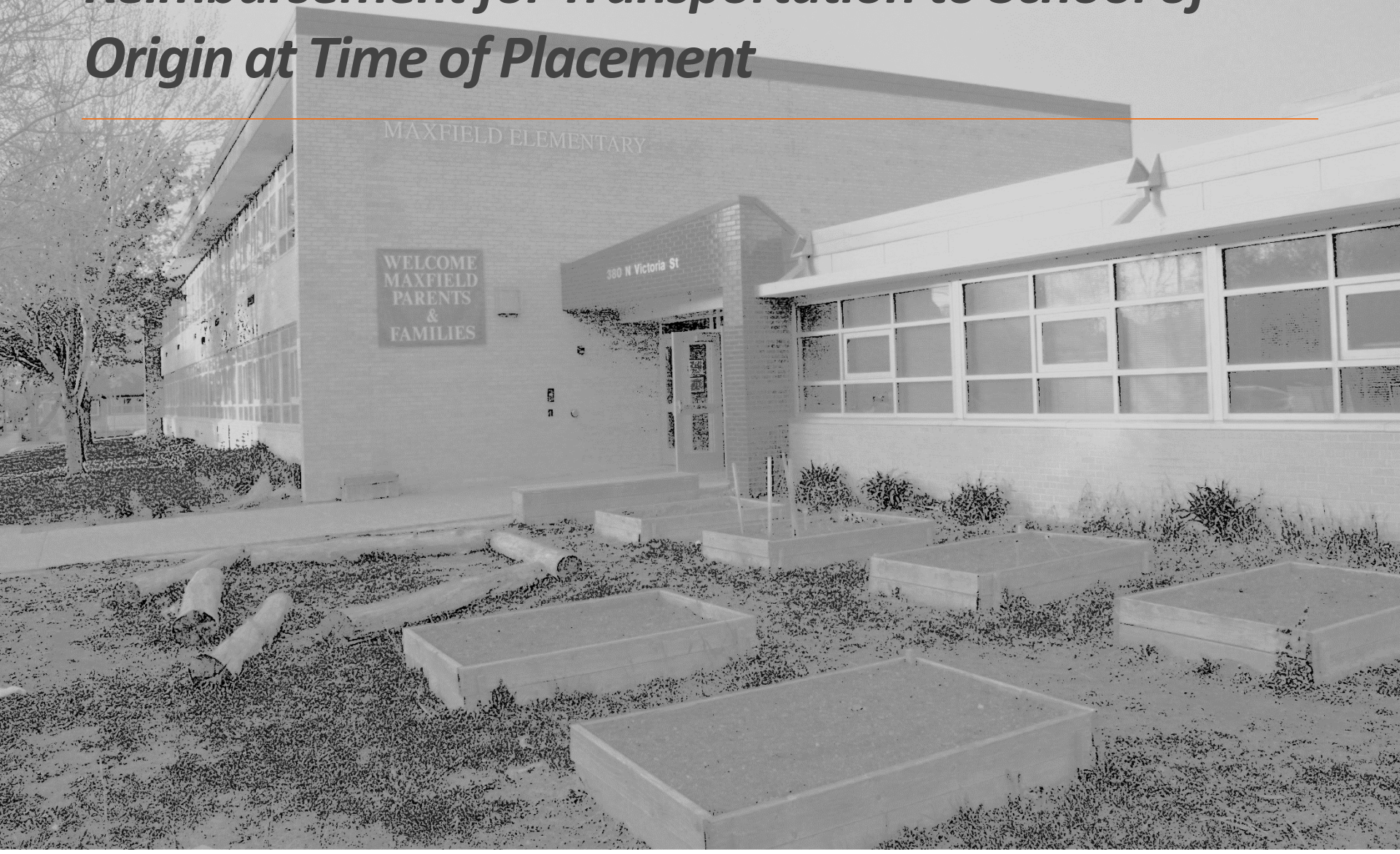
A CAREGIVER'S PERSPECTIVE

Helping a child in foster care remain connected to school

Importance of Attending SOO for Youth in Care

- Lifelong friends

- Connections with faculty

- Extracurricular groups and activities

Supporting School Stability:
Reimbursement for Transportation to School of Origin at Time of Placement

My Suggestions

- Create **written notice** informing caregivers about available benefits and supports like SOO transportation funding

- Make sure **transportation reimbursement is available at the time of placement**

- **Explore other options** for SOO transportation, if appropriate

FOSTER YOUTH LIAISON PERSPECTIVE

Facilitating educational equity for foster youth

Educational Liaisons for Foster Youth

Each local educational agency shall designate a staff person as the educational liaison for foster children.

Role as Foster Youth Liaison

- Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.

- Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades.

See California Education Code Section 48853.5
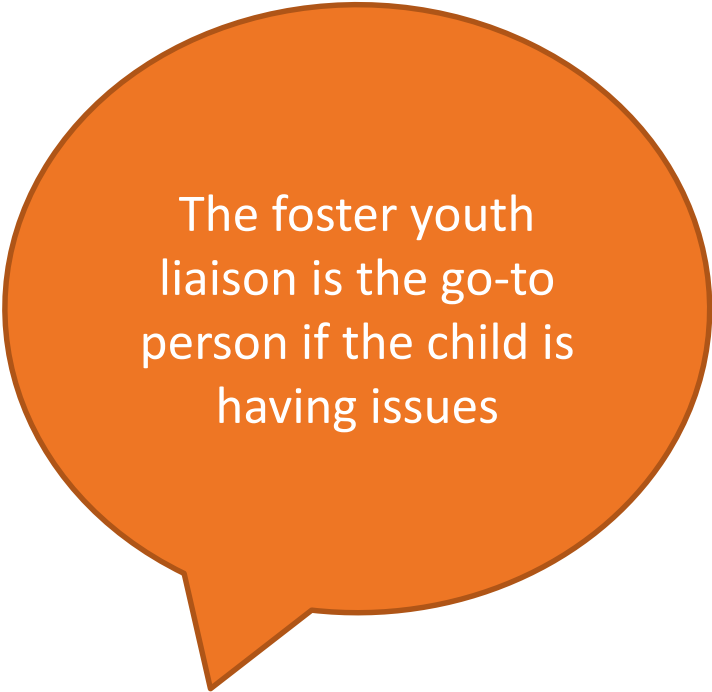
Challenges to Serving Youth

- No ERH

- Constant school changes

- Students and caregivers not notified about school of origin

- Foster youth liaison not notified of school changes

Key Tips and Practices

- Utilize all **student information systems** to discover and collect student educational history

- Meet with the **ERH and other appropriate individuals**

- Make sure you have a **contact with who the student is living with**

- Meet with the **student** as soon as they enroll

- **Break the ice** with the student

The foster youth liaison is the go-to person if the child is having issues
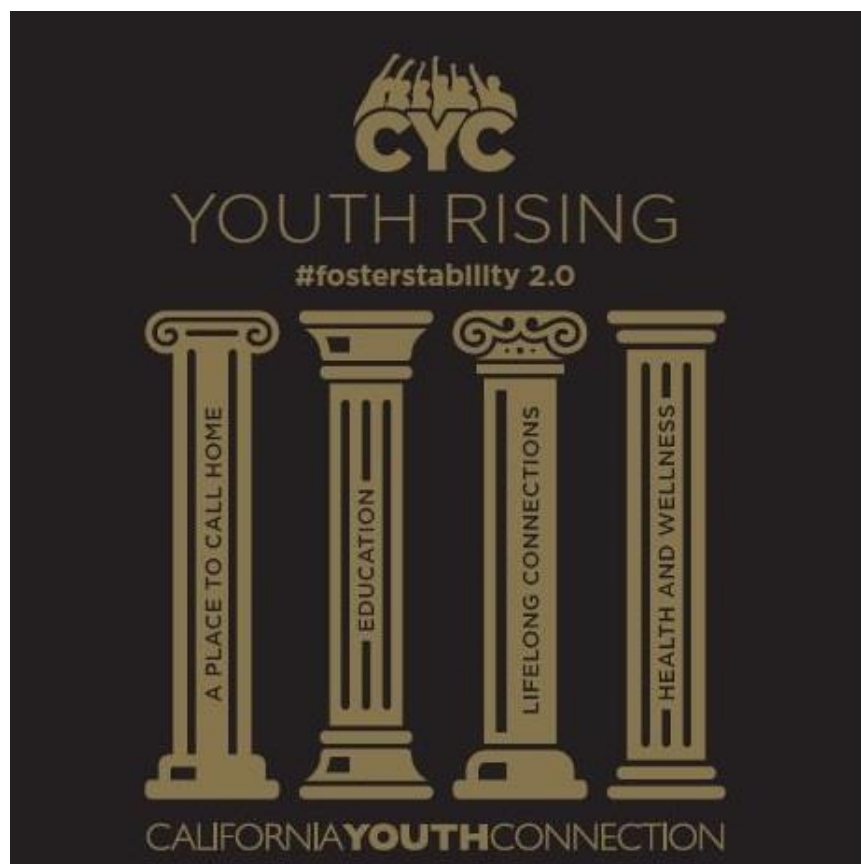
Positive Outcomes are Possible

#FOSTERSTABILITY 2.0

School as a pillar of stability

Foster Stability Campaign

- Creating systems that honors and nourishes the mind, body, and soul of every young person impacted by California's foster care system.

- Four pillars of stability:

  ➤A Place to Call Home

  ➤Health & Wellness

  ➤Lifelong Connections

  ➤**Education**

Youth Voice for School of Origin

- Inform what qualifies to be a school of origin

- Connect available resources for travel reimbursement

- Knowing the educational rights holder

- Invite individuals that youth want in educational meetings, not just IEPs

- Support and advocate for youth's educational stability

Shaping Foster Care

- Placement changes and education inconsistencies

- 50% youth complete high school, while 84% youth want to pursue higher education

- Setting a foundation for youth aging out of foster care

Foster Youth Voice Representatives

- Being involve in county/community meetings

- Participate in foster care liaison trainings

- Incentivize youths participation

Liaisons Addressing the Unique Needs of Foster Youth

- Advocate for youths educational stability:

  ➢ Supporting a CYC chapter

  ➢ Access to extracurricular activities

  ➢ Connect with available resources for higher education

- Be informed on youth's placement and/or school change.

https://calyouthconn.org/

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WHAT CAN YOU DO?

How to help youth achieve stability and success in school

What Can Attorneys, Judges and CSW/POs Do?

- Ensure that every youth has an actively engaged ERH at every hearing—even when there are no immediate school-related issues

- Ensure that the ERH is included in key decision-making, including changes of placement

- If the ERH is not actively engaged, appoint a new ERH with the consultation of the youth

- Look at updated records regularly and question whether education rights have been followed—was the youth allowed the opportunity to stay in their school of origin? Does the youth need support around immediate enrollment? Have they been awarded partial credits? Are there issues with implementation of the IEP?

What Can FFAs and STRTPs Do?

- Establish and facilitate communication with school contacts

- Share education information and records with school districts as soon as it is available, as appropriate

- Monitor homework, graduation status, IEP implementation, and communicate with the ERH, youth and school as needed to address any concerns

- Provide or arrange for transportation for youth to school, including afterschool activities, sports, tutoring, clubs, etc.

- Provide appropriate time, space and materials for completing homework and remedial academic practice as needed

What Can Schools Do?

- Make sure each local educational agency has a staff person designated as the educational liaison for foster students, that other staff are aware of this person, and that this person has the training and resources they need to be effective

- Make sure the contact list for educational liaisons are up-to-date

- Be aware of federal, state and local policies and sources of supports to meet the needs of foster students

- Enhance collaboration between the school, CWS and other partners and providers

What Can Caregivers Do?

- Introduce yourself at the school and make sure that they have your contact information

- Collect the most recent education records from the social worker/probation officer and the school—including monitoring online homework portals and IEP services

- Unless barred by the court, communicate with the ERH about the youth's education related needs

- Unless the youth and/or the ERH does not allow it, participate in school-related meetings such as student study team and IEPs

- Communicate with the youth's social worker/probation officer and attorney if the ERH is not available to support the youth

- Be aware of education rights, and support the youth to advocate for them

What Can Youth Do?

- Know your education rights and graduation requirements and advocate for yourself in school and in court

- Expect your ERH to be actively involved in working with you to support your education needs, if they are not, consider alerting your social worker/probation officer and attorney that you may need someone new appointed (suggest a trusted adult to take on the role)

- Make sure that your ERH is included in meetings, such as CFTs, where big decisions are being made so that they can help you ensure that your educational needs are being taken into account

EDUCATION RESOURCES

Foster Care Education Law Fact Sheets

- First created by the Foster Youth Education Task Force in 2007

- Most recently updated in June 2017

- Summarizes key education laws impacting youth in care

California Foster Youth Education
Task Force

California Foster Care Education Law Fact Sheets

Sixth Edition, June 2017

http://www.cfyetf.org/publications_19_421458854.pdf

California Department of Education Resources

Foster Youth Services Program Resources

• Variety of resources from elementary through college

   ✓ AB 490 Foster Youth Education Liaisons list

https://www.cde.ca.gov/ls/pf/fy/resources.asp
https://www.cde.ca.gov/ls/pf/fy/ab490contacts.asp

CDSS California Foster Youth Education Resource Hub

- Created by CCR Education Workgroup

- Designed to provide **useful technical assistance to county agencies and provider partners in development of Cross System practices specific to foster and probation youth in schools/educational settings**, and to provide general information regarding the CCR Education collaborative work and available resources.

http://www.cdss.ca.gov/inforesources/California-Foster-Youth-Education-Resource-Hub
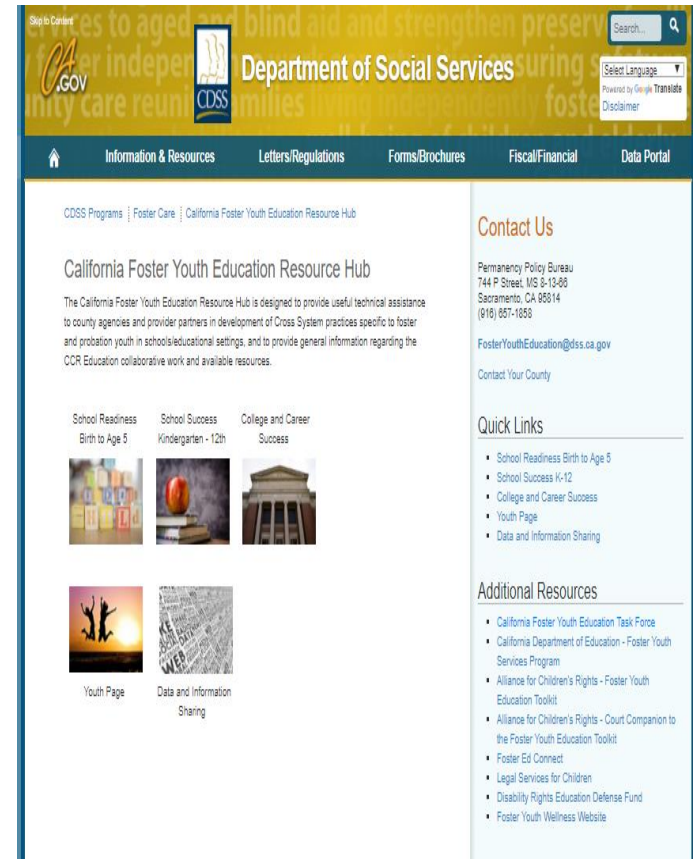
Foster Youth Education Toolkit

*School District Guide for Addressing Foster Youth Education Needs*

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

- Tools are downloadable in fillable PDFs or Word format so districts can modify as appropriate

- Toolkit is designed to give you local control required by LCFF

- Toolkit is a blueprint that can be used to start a conversation

www.kids-alliance.org/edtoolkit

Foster Youth Education Court Companion

- Intended for those who support the education of youth in care outside of schools

- Each section includes:
  - **basics of the law**;
  - **best practice steps to implement the law**; and
  - **tools to make implementation easier**

- Role-specific tools such as checklists and report/order language

- Toolkit is a blueprint that can be used to encourage collaborations and start a conversation

www.kids-alliance.org/edtoolkit
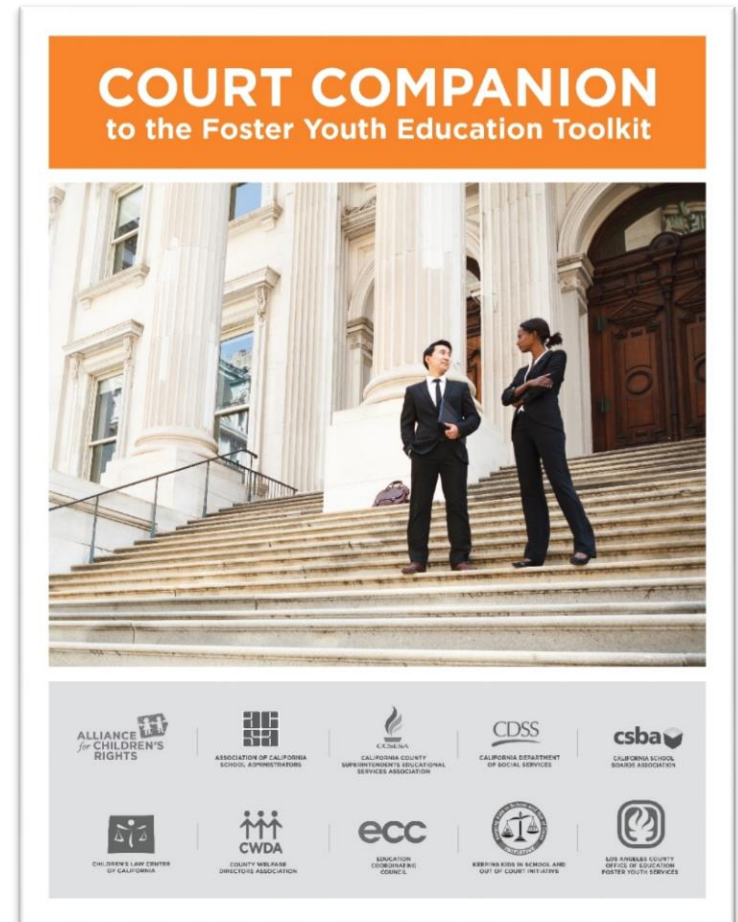
Questions?

- PowerPoint slides, webinar recording, and a certification of participation will be posted at www.kids-alliance.org/webinars

- Contact Alaina Moonves-Leb at **A.Moonves@kids-alliance.org** if you have specific questions.