



# Education 101

# CALIFORNIA'S FOSTER YOUTH

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*Who They Are & Their Education Outcomes*

# Who are California's Foster Youth?

- Number of Foster Youth in CA: 55,000 (18,500 in Los Angeles)
- Race & Ethnicity: 47% Latino; 25% Caucasian; 24% African American
- Median Number of Months in Foster Care: 14 months
- Foster Care Placements that are 11+ Miles from Parents' Home: 37%

# Education Outcomes of CA's Foster Youth

## Background:

- Foster youth transfer schools an average of 8 times while in care.
- Foster youth lose between 4-6 months of learning for every transfer.

## Short term consequences of education instability:

- 83% are held back by the third grade
- 46% do not complete high school
- Less than 3% earn a college degree

## Within the first 2-4 years of aging out of foster care:

- 51% are unemployed
- 40% are on welfare
- 25% became homeless
- 20% are incarcerated

# EDUCATION RIGHTS HOLDERS

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*Enforcing Foster Youth's Education Rights*

# Overview of Education Rights Holders

- The education rights holder (ERH) is the person in a foster child's life who has the legal authority to make decisions affecting the child's education.
- Generally, a biological parent holds education rights until the court limits or revokes these rights.
- The court can change ERH to any of the following people:
  - Foster Parent
  - Other Relatives
  - CASA

# TYPES OF SCHOOLS IN CA

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# Types of Schools

- General Comprehensive Schools:
  - Local public schools
  - Attendance based on the address of youth's current placement
  - All foster youth have a right to attend their local comprehensive school
  - In most cases, this is the preferred school choice for a foster youth
- Charter Schools:
  - A publicly funded independent school established by teachers, parents or community groups
  - The types of education services offered by the school are determined by the school's specific charter
  - Attendance often based on lottery or first come, first serve basis
  - Often have a specific focus (e.g., science, math, arts)
- Magnet Schools:
  - Uses a specific curriculum theme (Science & Technology) or mode of instruction (project-based assignments)
  - Admissions may be based on testing or grades



- **County Office of Education School:**
  - Juvenile Court Schools: For youth in juvenile halls or camps
  - Community Day Schools: For youth who have been expelled from their local general comprehensive school
  - Special Education Schools: Utilized by smaller school districts to provide specialized instruction (e.g., autism, emotional disturbed classrooms)
  - CalSAFE Schools: For pregnant and parenting teens
- **Continuation School:**
  - Primarily for students who are off track for high school graduation because of credit deficiency
  - Flexible scheduling may allow students to earn credits quicker
  - Foster youth are often pushed into these schools because of credit deficiencies caused by multiple school transfers or failed classes
  - Foster youth are generally not successful because they offer less services and supports than general comprehensive schools
- **Independent Study:**
  - Students complete packets on their own time with little teacher instruction or supervision/support

# EDUCATION RIGHTS OF CA'S FOSTER YOUTH

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*Laws & Tools*

# Key Education Laws

○ **School Stability**

○ **School Discipline**

# School Stability for Foster Youth

- Before changing the placement of a foster youth, California law requires social workers to:
  - Make a diligent effort to avoid, delay, or postpone placement changes that would likely result in the youth transferring schools during the school year
  - Consider school stability and the opportunity to be educated in the least restrictive environment necessary to achieve academic progress

# School of Origin

Foster youth have a right to remain in their “school of origin” if it is in their best interest.

- School of Origin: Foster youth have a right to attend their school of origin. The school of origin can be:
  - *The school youth attended before they were placed in foster care*
  - *The school youth most recently attended*
  - *Any other school a youth attended within the last 15 months that he has a connection to, such as a strong relationship with teachers or participation in after-school activities.*

- Best Interest:

- When deciding what would be best for the youth, the education rights holder may consider:
  - The wishes and needs of the youth
  - The distance between the new foster home and school of origin
  - The quality of education offered at the school of origin and new school of residence
  - The youth's connection to the school of origin
  - The timing of the school transfer (e.g., mid-semester v. end of semester)
- The education rights holder makes the best interest determination, unless the youth is over 18 years old and holds their own education rights.

# Getting to School

- A youth may still attend their school of origin even if it is not within walking distance or the bus route of the new placement.
- Social workers can provide youth with a bus pass to travel to their school of origin.
- Certain caregivers have a right to transportation funding if they drive foster youth to their school of origin. The amount provided depends on the distance from the home placement to the school of origin.

# How Long Does the Right Last?

- The right to remain in the school of origin lasts while the juvenile court has jurisdiction.
- Youth may matriculate with their peers to the feeder middle and/or high school from their school of origin.
- If a youth's case is closed in the middle of the school year, he has the right to remain in his school of origin, at least until the end of the present school year.
- If the youth is in high school, he can remain in the school of origin through high school graduation.



# School Transfer: *Grades and Credits*

- Foster youths' grades may not be lowered due to absences caused by changing schools or attending court dates or other court-related activities.
- Foster youth in high school have a right to receive full or partial credit(s) for all work completed at their old school, even if it was a continuation school or independent study program.

# Gathering Partial Credits for HS Youth

- Step 1: When a youth is transferring schools, request the check out grades and attendance records from the youth's old school.
- Step 2: Use Partial Credit Calculation Formula to calculate partial credits (see handout).
- Step 3: Fill out Student Withdrawal Report (see handout).
- Step 4: Request official transcript from old school with partial credits and check out grades.

For more information on partial credits, visit [www.kids-alliance.org/partialcredits](http://www.kids-alliance.org/partialcredits).

# School Transfer: *Immediate Enrollment*

If it is in the youth's best interest to transfer schools, the new school must immediately enroll the youth.

- Youth must be immediately enrolled in the new school even if they do not have their records (i.e., immunization records or transcripts).
- The social worker must notify the old school of the youth's last day and help transfer the youth's records to the new school within 4 business days.
- The new school must enroll the youth in the same or similar classes as those the youth was taking at the old school.

# Enrolling a Foster Youth in School

- A caregiver, ERH, social worker, or CASA may enroll a youth in school.
- *How to Enroll a Youth in School*
  - Step 1: For high school youth, collect list of classes enrolled in at old school
  - Step 2: Determine school of residence
    - If a student lives within LAUSD, use <http://rsi.lausd.net/ResidentSchoolIdentifier/> to determine school of residence
    - For all other districts, Google the “(student’s address)” & “school district”
    - Note the school name, address, Principal’s name and contact information
  - Step 3: Make an appointment for enrollment
    - Call school and ask for person in charge of enrolling new students
    - Set up an appointment within 24 hours for CASA or caregiver to bring youth to school to complete enrollment process
    - For high school youth, also set up an appointment with the counselor

# How to Enroll a Foster Youth in School

- Step 3: Enroll youth in school

- Bring youth and any available records to school on day of appointment
  - Useful records for enrollment: proof of open foster care case (i.e., minute order) to establish right to immediate enrollment; transcripts (with partial credits); birth certificate; immunization records; proof of current grade level; current Individualized Education Program (IEP); proof of education rights (i.e., JV 535); CASA appointment
- Complete all enrollment paperwork, including emergency contact cards, health card, home language survey
  - When filling out enrollment forms, be sure to check off foster care box

- Step 4: Enrollment in courses for high school youth

- Meet with counselor to ensure that youth are enrolled in the same/equivalent courses as those attended at previous school.

# Key Education Laws

- **School Stability**

- **School Discipline**

# Foster Youth are Disproportionately Subject to School Discipline

- Foster youth are more likely than their peers to be:
  - Suspended
  - Expelled
  - Asked to leave/pushed out of their general comprehensive schools
- Often, foster youth are disciplined for minor offenses (e.g., writing in a textbook, talking back to a teacher) for which their peers are not.
- School police are called more often for offenses committed by foster youth than their peers.

# Suspensions

- Youth can only be suspended for specific activities, including fighting, drugs/alcohol, and possessing weapons. Students cannot be suspended for tardiness or absences.
- General education youth can only be suspended for up to 5 days in a row (unless recommended for expulsion) and 20 days total for the entire school year, unless they transfer schools. Special Education youth can only be suspended for up to 10 days per school year.
- Before being suspended, youth and their education rights holder have a right to an informal conference with the Principal.



# Expulsions

- Youth do not have to discuss an incident with school officials/police or write a formal statement. Any information youth share can be used against them in an expulsion hearing or criminal court.
- A youth is not “expelled” when their dean or principal tells them they cannot return to the school.
- Youth have a right to a hearing before they are expelled, where they can present witnesses/evidence and be represented by an attorney.
- Schools cannot recommend a youth for an expulsion hearing without first showing that: (1) they tried to improve the youth’s behavior; (2) the youth’s attendance at the school is dangerous; or (3) the youth had a gun, knife, drugs, or explosives or committed a sexual assault.
- Youth continue to have the right to an education, but typically must attend a community day school or juvenile court school.

# DETERMINING THE EDUCATION NEEDS OF FOSTER YOUTH

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*Collecting and Analyzing School Records*

# Quick Guide to Determining Education Needs

Step 1: Determine School History

Step 2: Collect Education Records from Each School Attended

Step 3: Organize Education Records

Step 4: Review Education Records

# Step 1: Determine School History

- Before collecting the education records of a youth, it is necessary to determine which schools the youth attended.
- The following sources may be useful in determining school history:
  - Social Worker (including social worker court reports)
  - Minor's Attorney
  - Caregiver
  - Youth
  - Student's Cumulative Education File (should include records from previous schools)

# Step 2: Collect Education Records

## Education Rights Holders/CASAs:

- Have a right to access and review all education records of the youth
- Should submit all requests in writing (see Sample Records Request handouts)
- Schools must provide copies of education records within 5 business days
  - Copying costs should be waived because of youth's foster care status
- Can use Sample Records Checklist to keep track of records requests sent and records received (see handout)

## Step 3: Organize Education Records

- In order to gain a full picture of the youth's education history, it is suggested that the CASA organize all records chronologically by school year.
- We suggest that the CASA use a three-ringed binder with dividers for each academic year in order to make it easier to review education records and keep track of the youth's progress.

## Step 4: Review Education Records

- CASAs should comprehensively read through the education records and make notes of education progress and/or struggles.
  - CASAs may use the Education Evaluation to help complete this task.  
(see handout or find it online at [www.kids-alliance.org/edtoolkit](http://www.kids-alliance.org/edtoolkit))

## • **Key Issues to Look For:**

- Grades: pattern of poor performance (Ds/Fs or 1s/2s) in Math and English
- CAASPP (California Assessment of Student Performance and Progress): Did Not Meet Standard or Nearly Met Standard scores on English Language Arts and Math portions
- Attendance issues, not related to school transfers
- Behavioral issues
  - Suspensions: for long periods of time, multiple times in a school year, for minor offenses, repeatedly for the same issue without providing services to address it
  - Peer issues: social skills delays, inability to make lasting friendships, fighting
  - Poor teacher interactions: defiance, refusing to complete work
  - Attention problems: off task, unable to complete work, disorganization
- Expulsion(s): for minor offenses or without appropriate procedural protections
- School Push Out: asked/forced to leave or not allowed to enroll at their local comprehensive school without proper procedural protections
- Mental health diagnoses (i.e., ADHD, PTSD, Depression, Oppositional Defiance)

# Services for Foster Youth with Education Problems

- Tutoring resources
  - LACOE FYS in home tutoring
  - Teacher-based tutoring (youth should ask teachers for after school support)
  - Title I tutoring (available at certain low performing schools)
  - Community-based tutoring (free and low cost)
    - United Friends of the Children
    - Local libraries
    - Boys & Girls Club
- Special Education
  - If the youth is having significant problems in school, consider requesting a special education assessment
  - To learn more about special education, attend CASA training on special education (9/28/16)





**ALLIANCE**  
*for* **CHILDREN'S**  
**RIGHTS**

**For more information contact us at 213.368.6010**

**You can also find additional resources at:**

**[www.kids-alliance.org/edtoolkit](http://www.kids-alliance.org/edtoolkit)**